

**Minutes of a meeting of the Nelson City Council - Infrastructure
Held in the Council Chamber, Civic House, Trafalgar Street, Nelson
On Thursday 11 October 2012, commencing at 9.02am**

Present: Councillors A Boswijk (Deputy Mayor), I Barker, G Collingwood (Co-portfolio Holder), R Copeland, E Davy (Co-portfolio Holder), P Matheson, P Rainey, R Reese, and M Ward

In Attendance: Acting Chief Executive (R Johnson), Executive Manager Network Services (A Louverdis), Executive Manager Support Services (H Kettlewell), Executive Manager Strategy and Planning (M Schruer), Acting Executive Manager Regulatory (M Bishop), Chief Financial Officer (N Harrison), Manager Quality Management (A Akhlaq), Manager Libraries (I Littleworth), Principal Adviser Transport and Roading (A James) and Administration Adviser (E-J Ryan)

Apologies: His Worship the Mayor, Councillors K Fulton, J Rackley and D Shaw

Opening Prayer

Councillor Davy gave the opening prayer.

The Deputy Mayor explained that there were two late items to the agenda that had been circulated along with an accompanying memorandum. In response to a question, the Acting Chief Executive explained that the late item: Statement of Proposal – Gambling Policy related to legal advice that Council had received regarding the Statement of Proposal. He said that the legal advice was intertwined with the content of the staff report, and it would be artificial to attempt to discuss the staff report in public and the legal advice separately in a public excluded session.

1. Conflicts of Interest

There were no updates to the Interests Register noted.

Councillors Matheson and Rainey declared a conflict of interest in relation to the public excluded late item: Statement of Proposal – Gambling Policy, referred to in the additional memorandum circulated prior to the meeting.

2. Confirmation of Minutes

- 2.1 Extraordinary Meeting – Council Owned Earthquake Prone Buildings – 4 September 2012

Document number 1365117, agenda pages 1-2 refer.

Resolved

THAT the minutes of the extraordinary meeting of the Nelson City Council – Council Owned Earthquake Prone Buildings, held on 4 September 2012, be confirmed as a true and correct record.

Boswijk/Copeland

Carried

- 2.2 Extraordinary Meeting – Council Owned Earthquake Prone Buildings – 21 August 2012

Document number 1359923, agenda pages 3-5 refer.

Resolved

THAT the minutes of the extraordinary meeting of the Nelson City Council – Council Owned Earthquake Prone Buildings, held on 21 August 2012, be confirmed as a true and correct record.

Boswijk/Davy

Carried

3. Mayor's Report

Councillor Boswijk reminded Councillors that the Nelson Arts Festival would be starting this week, and in particular, encouraged all Councillors to attend the Masked Parade on Friday 19 October.

4. Status Report – 11 October 2012

Document number 1034781 v4, agenda page 6 refers.

Councillors discussed the update relating to item 2 on the Status Report. In response to a question, the Executive Manager Network Services, Mr Louverdis, explained that he had completed consultation with residents adjacent to the four reserves previously proposed as being potential areas in which Mr Stanton may be able to camp. He said that work on the Camping Bylaw was currently underway, which would clarify where members of the public could camp, and that it was appropriate to wait for this work to be carried out prior to addressing whether a special permit was required for Mr Stanton.

Councillors discussed whether a special permit for Mr Stanton should be dealt with separately, prior to the Camping Bylaw review being clarified.

There was general agreement that it was appropriate to await the outcome of the Camping Bylaw review first.

Resolved

THAT the Status Report – Infrastructure (1034781 v4) be received.

Boswijk/Collingwood

Carried

5. Portfolio Holder's Report

Councillor Collingwood spoke about her recent travels in Romania. She explained that there were a large number of roading developments underway in Romania, but that she was otherwise generally impressed with the standard of infrastructure there.

6. The Cliffs – Battery Observation Post

Document number 1363000, agenda pages 7-9 refer.

Mr Louverdis presented the report and provided an update. He said that the New Zealand Transport Agency had now indicated that it may be possible to stabilise the structure, but added that stabilisation would not necessarily preclude the need to remove the structure if it continued to move. He added that a resource consent would be required either way.

In response to a question, Mr Louverdis explained that consultation, particularly with the New Zealand Historic Places Trust, would be carried out during the resource consent process, and that such consultation could include the possibility of reinstating the structure elsewhere. He added that, should removal be required, it may be possible to commemorate the site of the structure in some way.

In response to a further question, Mr Louverdis indicated that the estimated cost of removal would be around \$100,000 and that the cost to stabilise the structure, if this was feasible, would likely be a lesser amount.

Councillors discussed the recommendation, with several Councillors indicating a preference for stabilisation work should this be possible. There was general recognition of the potential danger to the public, and agreement that the structure should be removed if necessary. It was also agreed that the first paragraph of the recommendation should be amended to include the possibility of a resource consent for stabilisation work.

Resolved

THAT Council give approval for staff to initiate resource consent proceedings to either remove or stabilise the Battery Observation Post from

Council Road Reserve in the vicinity of No. 36 the Cliffs as a matter of urgency;

AND THAT should the New Zealand Transport Agency deem that removal of the Battery Observation Post is the only option, that staff proceed with the removal of the structure;

AND THAT all costs incurred in this matter be funded from provision set aside for the 2011 December Rainfall Event Recovery budget in the current financial year.

Matheson/Barker

Carried

7. Walk/Cycle/Schools Package Delivery Process

Document number 1371969, agenda pages 10-19 refer.

Principal Adviser Transport and Roading, Mr James, joined the meeting and spoke to the report. He explained that some minor amendments had been made to the Terms of Reference for the Walk/Cycle/Schools Package Strategic Group, namely:

- Purpose Statement 1 amended to read "To help guide the Council's project delivery team to identify, select and prioritise individual projects that form part of walk/cycle/schools package";
- Purpose Statement 2 amended to read "To assist the project delivery team in liaising and engaging with the community on the individual projects by liaising with members' respective organisations";
- Moving the clause "membership is not exclusive and is open to others as the need arises and by agreement by the project delivery team" from the Meeting Protocol section and placing it in the Principles section; and
- Adding an additional clause to the Principles section: "That the Council's project delivery team holds ultimate responsibility for all decision making".

In response to a question, Mr James explained that integration activities referred to a large number of very small, currently undefined projects that would be required to deliver the entire project, and he gave examples of the type of projects that would be included in this category.

Councillors discussed the proposed membership of the Strategic Group. In response to a question, Mr James explained that a Ministry of Education representative had been considered for the group, however as schools were already involved as key stakeholders, and as there would be a prioritisation exercise relating to the various projects related to

different schools, it was decided that it was better not to have a standing Ministry of Education representative. Mr James added that the group membership was not exclusive and other group members could be brought in if the need arose.

Councillors discussed the proposed payment of \$25 per hour for members of the Walk/Cycle/Schools Package Strategic Group who were not otherwise in paid employment. On a show of hands it was agreed that the payment of \$25 per hour should be removed, but that any agreed out of pocket expenses incurred by members whilst attending meetings should be covered.

Resolved

THAT Council confirm the delivery process proposed in this report as amended (1371969) to select, design and implement the following aspects of the Walk/Cycle/Schools package:-

- ***Integration activities,***
- ***Other walk/cycle projects,***
- ***School approach and frontage treatments, and***
- ***School variable speed signs;***

AND THAT the co-portfolio holders of Infrastructure be the spokespersons and advocates for the Walk/Cycle/Schools package.

Collingwood/Davy

Carried

Attendance: The meeting adjourned for morning tea from 10.30am to 10.46am.

8. Scoping of Speed Limits Bylaw Review

Document number 1370495, agenda pages 20-28 refer.

Mr James spoke to the report. He explained that the report was to determine the scope of the Bylaw review, and that the bullet points contained within the recommendation were aspects that staff considered should form a part of the review.

In response to questions regarding the proposed speed limit reduction on Waimea Road at Bishopdale Hill, Mr James explained that the potential change in speed limit was related to the safety of the Princes Drive extension intersection which was likely to be built in the future. He said that the conditions of the resource consent were fairly broad, and as a result it was important for Council to consider the safety of this part of Waimea Road. He clarified that the developer had not yet provided any detailed design of the proposed intersection.

In response to questions regarding Cable Bay Road, Mr James explained that consultation with residents had not yet occurred, as the focus to date had been on the safety of the road and how it would be affected by the remediation works following the December 2011 rainfall event. He explained that there was currently a temporary 50km/h limit on Cable Bay Road, and that consultation would occur through the bylaw review process.

Resolved

THAT Council confirm the following forms part of the Speed Limits Bylaw review:

- ***additional schools variable speed signs, and***
- ***the speed reduction of Cable Bay Rd from 100km/hr to 50km/hr from the existing 50km/hr limit to the State Highway 6 intersection, and***
- ***the speed reduction of Waimea Road from 70km/hr to 50km/hr from the existing 50km/hr limit to the top of the Bishopdale Hill.***

Collingwood/Copeland

Carried

REPORTS FROM COMMITTEES

9. Nelson Regional Sewerage Business Unit – 22 June 2012

Document number 1317954, agenda pages 29-35 refer.

Resolved

THAT the minutes of the meeting of the Nelson Regional Sewerage Business Unit, held on 22 June 2012, be received.

Matheson/Rainey

Carried

10. Nelson Regional Transport Committee to Hear and Consider Submissions to the Draft Regional Land Transport Programme 2012/13-2014/15 – 25 May 2012

Document number 1302444, agenda pages 36-46 refer.

Resolved

THAT the minutes of the meeting of the Nelson Regional Transport Committee to hear and consider submissions to the Draft Regional Land Transport Programme 2012/13-2014/15, held on 25 May 2012, be received.

Collingwood/Copeland

Carried

CROSS COUNCIL ITEMS

11. Status Report – Community Services – 9 October 2012

Document number 1034860 v6, agenda page 47 refers.

Resolved

THAT the Status report – Community Services (1034860 v6) be received.

Davy/Rainey

Carried

12. Resource Management Act Procedures Committee – 10 September 2012

Document number 1370244, agenda pages 48-50 refer.

Resolved

THAT the minutes of the Resource Management Act Procedures Committee, held on 10 September 2012, be received.

Reese/Davy

Carried

13. Late Items

The Chair explained that there were two late items to be considered. She said that an administrative error had resulted in the minutes of the Joint shareholder Committee meeting of 27 July 2012, rather than 14 September 2012, being included on the agenda; and that information relating to the Statement of Proposal – Gambling Policy had come to light after the agenda had been distributed. She explained that, in accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987, a procedural resolution was required before any item that was not on the agenda for the meeting could be dealt with.

13.1 Public Excluded Nelson City Council/Tasman District Council Joint Shareholders Committee meeting minutes – 14 September 2012

It was noted that, in accordance with section 46A(7)(b)(i), the reason why the item was not on the agenda was due to an administrative error.

It was also noted that, in accordance with section 46A(7)(b)(ii) the reason why discussion of this item could not be delayed until a subsequent meeting was because a recommendation to Council contained within the Joint Shareholder Committee meeting

minutes of 14 September 2012 was required before the next scheduled meeting of Council.

Resolved

THAT the item regarding the minutes of the part of the meeting of the Nelson City Council/Tasman District Council Joint Shareholders Committee meeting minutes – 14 September 2012, held with the public excluded, be considered at this meeting, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987.

Boswijk/Collingwood

Carried

13.2 Statement of Proposal – Gambling Policy

It was noted that, in accordance with section 46A(7)(b)(i), the reason why the item was not on the agenda was because information relating to the Statement of Proposal – Gambling Policy had come to light after the agenda had been distributed.

It was also noted that, in accordance with section 46A(7)(b)(ii) the reason why discussion of this item could not be delayed until a subsequent meeting was because an urgent decision of Council was required.

Resolved

THAT the item regarding Statement of Proposal – Gambling Policy, be considered at this meeting, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987.

Boswijk/Collingwood

Carried

14. Nelson City Council/Tasman District Council Joint Shareholders Committee – 14 September 2012

Document number 1373616, additional memorandum refers.

Resolved

THAT the minutes of a meeting of the Nelson City Council/Tasman District Council Joint Shareholders Committee, held on 14 September 2012, be received.

Boswijk/Collingwood

Carried

Executive Manager Support Services, Mr Kettlewell, joined the meeting and explained the recommendation to Council contained within the minutes. He said that the Joint Shareholders Committee had no decision-making powers other than referring matters back to each Council for resolution, and that if either Council declined to support a recommendation then the matter would return to the Joint Shareholders Committee.

Mr Kettlewell said that it was the practice of Nelson City Council not to discuss Joint Shareholder Committee matters at the full Council table prior to such matters being considered at the Joint Shareholder Committee meeting. He added that if any Nelson City Council members of the Committee had concerns about any matters discussed at a Committee meeting, then a full report would come to Council alongside the Joint Shareholder Committee meeting minutes to ensure that the issues and options available were clearly set out.

Resolved

THAT the Port Nelson Limited draft Statement of Corporate Intent for 2012/13 be approved for signing.

Boswijk/Collingwood

Carried

Attendance: Councillor Reese abstained from this decision.

15. Exclusion of the Public

Recommendation

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	Public Excluded Extraordinary Meeting – Council Owned Earthquake Prone Buildings – 4 September 2012	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(g) To maintain legal professional

	These minutes contain information regarding negotiations with commercial tenants.	which good reason exists under section 7	<ul style="list-style-type: none"> privilege • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
2	<p>Public Excluded Extraordinary Meeting – Council Owned Earthquake Prone Buildings minutes – 21 August 2012</p> <p>These minutes contain information regarding negotiations with commercial tenants.</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)(g) To maintain legal professional privilege • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
3	<p>Public Excluded Infrastructure Status Report – 11 October 2012</p> <p>This report contains a brief update regarding progress on the following:</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>
	Review of Boulder Bank Culvert Agreement		<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
	Airlie Street Slip Repairs		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations
	Proposed Purchase of Land – 1 St Vincent Street		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities
4	<p>Boulder Bank Culvert Agreement</p> <p>This report contains information regarding the</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i)

	negotiation of a Heads of Agreement regarding the use of a Council owned asset	disclosure of information for which good reason exists under section 7	To carry out negotiations
5	Earthquake Prone Buildings This report recommends the release of information from public excluded minutes regarding the process that Council has decided to follow for Council owned earthquake prone buildings	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">• Section 7(2)(h) To carry out commercial activities• Section 7(2)(i) To carry out negotiations
6	Public Excluded Nelson Regional Sewerage Business Unit meeting – 22 June 2011 These minutes confirm the minutes of the public excluded Nelson Regional Sewerage Business Unit meeting held on 22 June 2012 and contain information on the following:	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:
	Autothermal Thermophilic Aerobic Digestion literature review		<ul style="list-style-type: none">• Section 7(2)(a) To protect the privacy of natural persons
	Purchase of Land		<ul style="list-style-type: none">• Section 7(2)(i) To carry out negotiations
	Proposal for the Bell Island Interruptible Load Programme		<ul style="list-style-type: none">• Section 7(2)(h) To carry out commercial activities
	Disposal of Trade Waste Agreements		<ul style="list-style-type: none">• Section 7(2)(h) To carry out commercial activities
7	Marina Hardstand	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">• Section 7(2)(i) To carry out negotiations

8	<p>Public Excluded Resource Management Act Procedures Committee meeting – 10 September 2012</p> <p>These minutes confirm the minutes of the public excluded Resource Management Act Procedures Committee held on 1 September 2011 and contain information on the following:</p> <p>Plan Change 14, 17 and 18 References</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
9	<p>Public Excluded Nelson City Council/Tasman District Council Joint Shareholders Committee – 14 September 2012</p> <p>These minutes contain recommendations to Council on Directors' rotation and fees for Council Controlled Organisations and Council Controlled Trading Organisations. They include a recommendation to release the decisions to the public once the individuals and organisations involved have been advised.</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)(a) To protect the privacy of natural persons • Section 7(2)(h) To carry out commercial activities
10	<p>Statement of Proposal – Gambling Policy</p> <p>This report contains legal advice regarding the Statement of Proposal Draft Class 4 Gaming Venue Policy 2012, Draft New Zealand Racing Board Venue Policy 2012</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)(g) To maintain legal professional privilege

Boswijk/Collingwood

Carried

The meeting went into public excluded session at 11.49am and resumed in public session at 1.20pm.

16. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Boswijk/Collingwood

Carried

There being no further business the meeting ended at 1.20pm.

Confirmed as a correct record of proceedings:

Chairperson _____ Date