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**Minutes of a meeting of the Nelson City Council - Infrastructure**  
**Held in the Council Chamber, Civic House, Trafalgar Street, Nelson**  
**On Thursday 7 June 2012, commencing at 9.04am**

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

In Attendance: Acting Chief Executive (R Johnson), Acting Executive Manager Community Services (R Ball), Acting Executive Manager Regulatory (M Bishop), Executive Manager Network Services (A Louverdis), Executive Manager Strategy and Planning Michael Schruer, Chief Financial Officer (N Harrison), Executive Manager Community Relations/Kaihautū (G Mullen), Manager Human Resources (S Gully) and Administration Adviser (A Rose)

Apologies: An apology was received and accepted from Councillor P Rainey

## **Opening Prayer**

The opening prayer was given by Councillor Davy.

### **1. Conflicts of Interest**

There were no updates to the Conflicts of Interest register indicated or any conflicts of interest with items in the agenda identified.

### **2. Public Forum**

#### **2.1 Occupation of Trafalgar Street Footpath by Mr Lewis Stanton**

Mr Bob Toepfer of Hanafins, Mr Glen James, Jeweller and Mr Gaire Thompson, Central City Property Owner, addressed Council expressing the concerns of the business community along Trafalgar Street with Mr Lewis Stanton's continued occupation of the Trafalgar Street footpath.

Mr Toepfer said that he thought that the situation had a strong potential for violence. He said he had called the police several times and had seen Mr Stanton attacking and shouting at pedestrians. Mr Toepfer said

pedestrians usually pass quickly by Mr Stanton with their heads down not wanting to make eye contact. He said that Mr Stanton claims he is a protestor but if so he has been protesting for 17 months. Mr Toepfer believed that Mr Stanton was engaged in a 'self employment exercise' and was concerned that Mr Stanton was becoming the 'face' of Nelson.

Mr James said that he worked opposite to where Mr Stanton occupies the footpath and he explained that Mr Stanton was there every day from 9am to 5pm and could be very abusive. Mr James said that businesses in Trafalgar Street want to know why Mr Stanton is still there occupying prime space.

Mr Thompson said it seemed to be a case of Council double standards and there was no excuse for begging in New Zealand. He said Council should be able to enforce a rule or bylaw and sort the matter out. It is very bad for the image of Nelson he said.

The delegation then answered Councillors' questions.

Attendance: Councillor Reese joined the Council table at 9.25am.

His Worship the Mayor thanked Mr Toepfer, Mr James and Mr Thompson for their presentation and said that the Council would be considering police advice on this issue during the public excluded session of the meeting.

### **3. Confirmation of Minutes**

Document No. 1280987, agenda pages 1-11 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council - Infrastructure, held on 26 April 2012, be confirmed as a true and correct record subject to Councillor Rackley being recorded as present.***

Collingwood/Barker

Carried

### **4. Mayor's Report**

There was no Mayor's report.

### **5. Portfolio Holder's Report**

There was no Portfolio Holder's report.

### **6. Chief Executive Report - Infrastructure**

Document No. 1274988, agenda pages 12-33 refer.

The meeting went through the report page by page.

## 6.1 NBus

Comment was made that the usage of the new NBus service appeared very disappointing notwithstanding the two months data on patronage. Council had put lots of money into this service as well as cycleways and it appeared that the community is not using these facilities as much as Council had hoped.

In answer to a question the Executive Manager Network Services said that with regard to the uptake of the new NBus services, there would be a report back to Council to review the situation in six months time. He stressed that before any formal review could be undertaken, it was important to gather some long term data that will enable trends to be properly ascertained.

## 6.2 Earthquake Prone Building Update

The Council expressed concern in particular regarding Attachment 3 to the report which showed the current status of all Council-owned buildings.

It was felt that this was a very important report and the Acting Chief Executive and Executive Manager Network Services were thanked for getting the report to Council as it brought transparency to the whole issue of the seismic assessment of Council buildings.

The meeting felt that Council should make it clear to the public which Council buildings met less than 33% of the National Building Standard.

Resolved

***THAT all Council buildings listed on Attachment 3 to report 1274988 with an initial seismic evaluation, or confirmed assessment, of 33% or less of the New National Building Standard have a notice affixed to them to advise the public that the building poses a potential risk in the event of an earthquake. These buildings are:-***

- ***The Hub (Bata Building), New Street***
- ***State Advances Building***
- ***Refinery Gallery, Halifax Street***
- ***Trafalgar Stadium***
- ***Mediterranean Foods, Halifax Street***
- ***Riverside Pool (frontage only)***

***AND THAT Council advise all tenants that occupy Council buildings immediately.***

His Worship the Mayor/Reese

Carried

Councillors asked staff to ensure that all other Council buildings on Attachment 3 to the report were assessed and this to include public toilets, changing rooms etc.

6.3 Alcohol Law Reform Bill

There was some discussion, that in the light of the imminent Alcohol Law Reform Bill, whether Council should delay its review of its Gambling Policy until after the Alcohol Law Reform changes had been implemented. It was agreed that this would be investigated.

6.4 Parking and Vehicle Control Bylaw 2011, No 207 Amendments to Schedules

Resolved

***THAT the following alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (2011) be approved:***

- ***Schedule 4: Special Parking Areas (Bus Stops)***
- ***Schedule 13: Stop Signs***
- ***Schedule 14: Give Way Signs***

Collingwood/Davy

Carried

Resolved

***THAT the Chief Executive Report – Infrastructure (1274988) be received.***

Collingwood/Davy

Carried

Attendance: The meeting adjourned for morning tea from 10.30am until 10.45am.

**7. Proposal to Improve the Flow of Fresh Water from the Maitai into the Marina**

Document No. 1276522, agenda pages 34-44 refer.

The Manager Parks and Facilities, Paul McArthur, joined the meeting and presented the report.

Mr McArthur said there should be a correction to the report in 5.6. The report should have said “that Mr Neal said he believed that any costs should be borne by the Marina Account”.

Mr McArthur said that the report was to consider a suggestion by Mr Kerry Neal and Mr Jim Williamson that the current culverts that provide water flow from the Maitai River into the Marina be improved by

Council to reduce the build up of saltwater weed and shellfish that currently foul the hulls of boats. This action, it had been suggested, would consequently dramatically reduce the need for anti-fouling to be carried out.

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

Councillor Ward seconded by Councillor Copeland moved an amendment changing the second paragraph of the recommendation by changing the word "either" to "any" and stopping it at the word "work" and including the extra clause "

AND THAT *Council funds any work necessary from the Marina Account.*

The recommendation was put and lost.

Following discussion it was agreed that the recommendation should be stopped in the second paragraph at the words "not a priority at this time" and a further paragraph inserted to the effect that "the parties referred to in the recommendation are welcome to monitor the effect of the maintenance and clearance of the culvert and discuss future functioning of it with Council and that Mr Neal and Mr Williamson be thanked for their suggestions.

Councillor Reese seconded by Councillor Barker moved an amendment to incorporate those changes.

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

Resolved

**THAT staff undertake small scale maintenance clearance of the existing culverts connecting the lower Maitai River with the old marina, if this is able to be accommodated within existing budgets;**

**AND THAT Mr Kerry Neal and Mr Jim Williamson and the Nelson Marina Berth Holders Association be advised that the installation of a deflection structure at the culvert entry point in the lower Maitai River is not a priority at this time;**

**AND THAT the above parties are welcome to monitor the effect of the maintenance and clearance of the culvert and to discuss the future functioning of the culverts with the Council;**

**AND THAT Mr Neal and Mr Williamson be thanked for their suggestion.**

Reese/Barker

Carried

Attendance; Councillor Barker left the meeting at 12.30pm

## 8. 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	<p>Nelson City Council – Infrastructure Public Excluded Minutes – 26 April 2012</p> <p>These minutes contain information regarding:</p> <ul style="list-style-type: none"> <li>• Legal issues with regard to Nelson Wastewater Treatment Plant.</li> </ul>	<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"> <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	<p>Public Excluded Chief Executive Report – Infrastructure</p> <p>This report contains information regarding:</p> <ul style="list-style-type: none"> <li>• Legal issues with regard to Nelson Wastewater Treatment Plant.</li> <li>• Legal issues with regard to the occupation of a public footpath.</li> <li>• Options for Council</li> </ul>	<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"> <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>

	<p>owned heritage buildings.</p> <ul style="list-style-type: none"> <li>The proposed purchase of land for a footpath.</li> </ul>		
<b>3</b>	<p>Review of Boulder Bank Culvert Agreement</p> <p>This report contains information regarding:</p> <ul style="list-style-type: none"> <li>Issues arising from the review of the culvert legal agreement.</li> </ul>	<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"> <li>Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>4</b>	<p>Airlie Street Slip Repairs</p> <p>This report contains information regarding:</p> <ul style="list-style-type: none"> <li>Negotiations with residents for remedial works.</li> </ul>	<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"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>

Collingwood/Davy

Carried

The meeting went into public excluded session at 12.38pm.

The meeting adjourned for lunch from 12.49pm to 1.20pm and resumed again in public session at 2.51pm.

Attendance: During the luncheon adjournment, Councillors Davy, Matheson and Rackley left the meeting, and Councillor Reese left the meeting in public excluded session at 1.55pm.

## **9. Re-admittance of the Public**

Resolved

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

Boswijk/Collingwood

Carried

## 10. Occupation of Trafalgar Street Footpath by Mr Lewis Stanton

The meeting discussed the public forum presentation and it had been decided in public excluded session to have the discussion about how to address the issue held in public, because of the public interest in this matter.

It had been noted that the Police had advised that there was insufficient evidence to establish Mr Stanton was impeding normal passage along the footpath and Section 22 of the Summary Offences Act could not be invoked. Consequently there was no action open to the police in relation to Mr Stanton's occupation of Trafalgar Street this time. Council continued to explore ways whereby the issues raised by Mr Stanton's occupation on the footpath could be addressed.

There was some support for an initiative whereby Mr Stanton be issued with a permit that will allow him to camp within the City subject to certain conditions.

Councillor Copeland moved and His Worship the Mayor seconded *pro forma*

*THAT Mr Lewis Stanton be issued with a permit under the Camping Bylaw to regularise this situation subject to the following conditions and any other appropriate conditions:*

- *Collection and disposal of horse manure;*
- *Any fire to be contained within a brazier;*
- *A limit of 3 days occupation at any one site;*
- *A review of the permit 12 months from its issue and acceptance;*
- *On acceptance of the permit that Mr Stanton takes back his horse and cart.*

The motion was put and lost.

A new motion was moved by His Worship the Mayor seconded by Councillor Fulton

*THAT Mr Lewis Stanton be invited to apply for a permit under the Camping Bylaw to regularise this situation subject to the following conditions and any other appropriate conditions:*

- *Collection and disposal of horse manure;*
- *Any fire to be contained within a brazier;*
- *A limit of 3 days occupation at any one site;*



- *A review of the permit 12 months from its issue and acceptance;*
- *On acceptance of the permit that Mr Stanton takes back his horse and cart.*

Before this motion could be fully debated and put, Councillor Ward left the meeting, but not before Council had directed staff to bring back a report to consider the option of a permit with conditions for Mr Stanton.

The meeting ended at 3.22pm because there was no longer a quorum.

Confirmed as a correct record of proceedings:

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