
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 24 November 2011, commencing at 9.00am

Present: His Worship the Mayor A Miccio (Chairperson), Councillors I Barker, A Boswijk (Deputy Mayor), G Collingwood, R Copeland, E Davy, K Fulton, 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), Executive Manager Regulatory (R Johnson), Executive Manager Strategy and Planning (M Schruer), Executive Manager Support Services (H Kettlewell), Executive Manager Kaihoutu/Community Relations (G Mullen), Chief Financial Officer (N Harrison), Manager Community Relations (A Ricker), Youth Councillors Scott Malpas and Maddy Pears and Administration Adviser (A Rose)

Apologies: Apologies were received and accepted from Councillors P Matheson and J Rackley

Opening Prayer

Councillor Davy gave the opening prayer.

1. Conflicts of Interest

- 1.1 No updates to the Conflicts of Interest Register were noted. Councillor Copeland indicated a potential conflict of interest to Agenda item 7.1 Nelson Arts Festival & Summer Programme Event Funding but no other conflicts of interest with any agenda items were declared.

2. Hearings – Speed Limits Bylaw 2004 (No. 210)

- 2.1 Nelson Marlborough District Health Board

Submission No. 4, agenda pages 171-172 refer.

Mr Richard Butler presented the submission on behalf of the Nelson Marlborough District Health Board and highlighted the points made with a PowerPoint presentation (document number 1198209). The submission encouraged the Council to consider lowering speed limits on the roads in

the area covered broadly by the Heart of Nelson Project. On behalf of the District Health Board, Mr Butler offered to facilitate the Health Impact Assessment on the advantages and disadvantages of lowering the speed limit for the Heart of Nelson area in collaboration with Nelson City Council staff.

The Mayor thanked Mr Butler for the presentation and said Council would be considering all the submissions later in the meeting.

3. Annual Biosecurity Report

Document number 1184319, agenda pages 114-153 refer.

Mr Lindsay Vaughan (Tasman District Council) joined the meeting and gave a PowerPoint presentation to Council (document number 1198212) which reviewed the Tasman-Nelson Regional Pest Management Strategy Operations Plan for 2010-2011 and presented the Tasman-Nelson Regional Pest Management Strategy Operations Plan for 2011-2012.

The Mayor thanked Mr Vaughan for his report.

Resolved

THAT the Tasman-Nelson Regional Pest Management Strategy Operations Plan for 2011-2012 be approved;

AND THAT the Review of the Tasman-Nelson Regional Pest Management Strategy Operations Plan for 2010-2011 be received.

Collingwood/Shaw

Carried

4. Public Forum

4.1 Proposed Maori Ward

Mr Ken Beckett addressed the Council saying he was not here to express an opinion whether or not there should be a Maori Ward in Nelson. Instead he expressed concern at the implications of the decision made by Council at its meeting on 3 November 2011. He said that he was surprised that Council's attention had not been drawn to a Local Government Commission document entitled Guidelines to Assist Local Authorities to Undertake Representation Reviews.

Mr Beckett described the document and its contents. He said that it was quite likely as a matter of law that Council was obliged to consider this guideline or the matters in the guideline and by not doing so it could leave Council susceptible to having its decision made on 3 November 2011 challenged.

He said that information Council received at that meeting that it did not need to consult with the community over the decision to set up a Maori

Ward was incorrect and he again referred to the document he had previously described. He said it would be prudent for Council to consider revoking the 3 November 2011 decision about a proposed Maori Ward and put it back to the 2016 elections for a future decision to be made.

Mr Beckett then answered questions from Council and, at the request of the Chief Executive, undertook to supply Council with a written copy of the matters he had raised.

The Chief Executive said that it was important for Council to understand in what capacity Mr Beckett was offering his views and whether these constituted a formal legal opinion from him. Mr Beckett confirmed that this was his legal opinion. In response to a question from the Chief Executive Mr Beckett said that it was his legal opinion the Council had breached both the Local Electoral Act 2001 and the Local Government Act 2002 in respect to the decision Council had made.

The Chief Executive suggested that, in light of the serious nature of Mr Beckett's legal opinion that Council had breached the two Acts, Council should seek independent legal advice and that advice should be tabled at a future Council meeting.

Resolved

THAT the Chief Executive be asked to obtain independent legal advice on the matters raised by Mr Beckett and provide a report on any consequential actions that may result from that advice.

His Worship the Mayor/Barker

Carried

5. Confirmation of Minutes

Document number 1184894, agenda pages 1-18 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Policy and Planning and Governance, held on Tuesday 3 November 2011, be confirmed as a true and correct record subject to it being noted that Councillor Reese left the room before the vote was taken on the resolution on the notice of motion regarding the Montgomery Square Upgrade Project and only returned after the resolution had been passed.

Reese/Davy

Carried

6. Mayors Report

Document No. 1184934, agenda pages 19-20 refer.

His Worship the Mayor reported on discussions at the recent Local Government Metro Meeting he had attended.

He then advised Council that he intended to review and improve ways Council goes about its business and carries out its governance function. He said there were five areas that would be considered:

1. To better empower portfolio holders in how they work with senior management and the future work programme.
2. To look at the process as to how Council obtains and uses its legal advice.
3. Delegation issue. Ensure that Council is briefed before any decision is made that Council takes High Court action.
4. Consultation process and procedure. Overview the current process on consultation and who gets consulted. He said a working party has been set up comprising Councillors Boswijk, Shaw and the Chief Executive to consider this issue and report back to Council.
5. Look at the advantages and disadvantages of bringing back Standing Committees. He said that Councillors had expressed the view that the Standing Committee framework gave Council the ability for a second look at important issues.

He emphasised that this review in no way undermined the full confidence this Council had in its Chief Executive and staff to undertake the important work of Council.

6.1 Mayor and Councillor Training and Travel Arrangements

Resolved

THAT Council retrospectively approves travel and registration costs of \$4,270 for Councillors Reese, Copeland and Boswijk to attend the Natural Step Fit for the Future Conference and KnowHow Plus training;

AND THAT Council approves travel and registration costs of \$696 for Councillor Davy to attend KnowHow Plus training;

AND THAT Council retrospectively approves \$600 for the attendance of the Mayor and Councillors Boswijk, Fulton, Reese and Rainey to attend the Nelson Tasman Chamber of Commerce Business Awards dinner.

Collingwood/Shaw

Carried

Councillor Fulton indicated that she wanted to attend an RMA Making Good Decisions Commissioner course this financial year.

6.2 Local Government NZ KnowHow Plus Training and the Natural Step Fit for the Future Conference

Councillor Copeland gave a brief report on her attendance at the Local Government NZ KnowHow Plus Training and the Natural Step Fit for the Future Conference.

Resolved

THAT the Mayor's report (1184934) be received.

His Worship the Mayor/Boswijk

Carried

Attendance: The meeting adjourned for morning tea from 10.45am to 11.05am.

7. Trafalgar Centre North End Extension

Document number 1184939, agenda pages 27-94 refer.

The Manager Community Projects Andrew Petheram joined the meeting together with Brian Riley and David Wallace of Arthouse Architecture Ltd.

Mr Wallace and Mr Riley gave a powerpoint presentation (1198215) showing draft proposals for the Trafalgar Centre North End.

Mr Petheram explained the purpose of the presentation and report was to

- a) Update Councillors on the background to the Trafalgar Centre development;
- b) To present the current draft concept;
- c) To seek Council direction for the design brief; and
- d) To recommend a course of action to proceed to the construction stage.

In answer to a question he said that if the go ahead were given today it would take seven months for plans to be drawn up and these to be obtained before the work could start.

There was some discussion as to whether Council needed to consult again on the project. In response to a question the Chief Executive advised that there were legal risks to proceeding without doing another formal consultation round as per the Gambling Policy High Court ruling and as outlined in the report.

There was discussion around whether Council was prepared to accept that legal risk in order to push ahead with the project. In the end the

majority view was to accept any risk of legal challenge arising from a decision to move ahead.

Resolved

THAT the draft concept plan and design brief for the Trafalgar Centre North End by Arthouse Architecture Plan Number 694.3 be adopted in principle to continue the upgrade of the Trafalgar Centre as a multi use event centre;

AND THAT further consideration on the concept plan and design brief be undertaken with key stakeholders including the Nelson Tasman Chamber of Commerce;

AND THAT the results of that consultation be reported back to Council with an amended concept plan if required together with an estimated price from a registered Quantity Surveyor for a decision to proceed or not to proceed;

AND THAT any issues relating to the completion of the Trafalgar Centre that are not yet provided are reported on for consideration in the upcoming Long Term Plan process;

AND THAT the Council accepts the Chief Executive will be unable to meet the KPI relating to these matters and seeks to have an amended KPI to give effect to the decision above be negotiated with the Chief Executive.

Reese/Davy

Carried

8. Youth Council Update

Youth Councillors Scott Malpas and Maddy Pears tabled survey results from a survey conducted by the Nelson Youth Council in September 2011 on Stoke transport options at night for youth. They also tabled a review of Youth Council activities for the past year. The Youth Councillors expressed disappointment at the decision made by Council regarding the proposed Youth Skate Park in Stoke and in particular about how they felt that Council had not taken account of the Youth Council input to this project.

Councillor Rainey echoed the concern of the Youth Councillors regarding the Youth Skate Park and said Council needed to take more heed of the views of its Youth Council.

Cr Rainey also drew Councillors attention to the comments in section 9 of the minutes of the Youth Council meeting of 28 September where disappointment was expressed with the behaviour displayed by Councillors at the 1 September Council meeting.

He paid tribute to the Youth Councillors and the work they had done over the past 12 months and he praised the work done supporting the Youth Council by the Social Wellbeing Adviser Rach Large.

A number of other Councillors echoed the appreciation of the work done by the Youth Council and indicated that they would like some provision to be made for a more formal process so that the Youth Council could make recommendations to Council.

9. Nelson Youth Council Minutes – 28 September 2011

Document No. 1165677, agenda pages 95-98 refer.

Resolved

THAT the minutes of the meeting of the Nelson Youth Council, held on 28 September 2011 be received.

Rainey/Shaw

Carried

COMMUNITY SERVICES ITEMS

10. Status Report – Community Services

Document No. 1034860, agenda page 21 refers.

Resolved

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

Collingwood/Ward

Carried

11. Chief Executive Report – Community Services

Document No. 1175686, agenda pages 22-26 refer.

11.1 Nelson Arts Festival & Summer Programme Event Funding

Resolved

THAT that Nelson City Council apply to funders and sponsors for funding and sponsorship of the Nelson Arts Festival & Summer In Nelson Programme;

AND THAT Nelson City Council staff select the appropriate funders to apply to.

Boswijk/Fulton

Carried

Resolved

THAT the Chief Executive Report – Community Services (1175686) be received.

Boswijk/Fulton

Carried

INFRASTRUCTURE ITEMS

12. Portfolio Holder's Report

Councillor Collingwood reported on an Opus Seminar on earthquakes that she had attended the previous evening. She advised that all the information presented at the seminar was currently available on the Opus website. She said there were 200 people present at this seminar which showed the concern that Nelsonians currently feel about earthquakes. She said she had found the seminar most interesting.

13. Proposed Joint Waste Management and Minimisation Plan

Document No. 1172360, agenda pages 228-415 refer.

Councillor Shaw reported on good progress with this project.

Resolved

THAT the Proposed Joint Waste Management and Minimisation Plan prepared for Nelson City Council and Tasman District Council (October 2011) be accepted as a statement of proposal for release as the basis of a public consultation process in accordance with section 83 of the Local Government Act 2002;

AND THAT staff work with staff of Tasman District Council to develop a joint summary of information in accordance with section 83 of the Local Government Act 2002;

AND THAT the Executive Manager Strategy and Planning be delegated authority to approve the joint summary of information;

AND THAT the Proposed Joint Waste Management and Minimisation Plan be publicly notified jointly with Tasman District Council following an equivalent resolution of Tasman District Council;

AND THAT the submission period for the Proposed Joint Waste Management and Minimisation Plan close at 4.30pm one month following the public notification in accordance with section 83 of the Local Government Act 2002;

AND THAT current members of the Joint Waste Working Party conduct hearings and consider submissions in

accordance with section 83 of the Local Government Act 2002 and report back to the Council with any recommended amendments to the Proposed Joint Waste Management and Minimisation Plan by 15 March 2012.

Shaw/Rainey

Carried

Council thanked Councillors Shaw and Ward for the work they had done on this project.

Attendance: The meeting adjourned for lunch from 12.30pm to 1.15pm.

14. Chief Executive Report – Infrastructure

Document No. 1175688, agenda pages 99-113 refer.

14.1 Major Projects Performance – Railway Water-Main Relocation

Resolved

THAT funding provided in the Annual Plan for the re-location of the water main to cater for the Founders Park railway extension, in the amount of \$170,000 be re-directed to offset any accrued costs associated with the Nelson Wastewater Treatment facility.

Collingwood/His Worship the Mayor

Carried

14.2 Major Projects Performance – Marlowe Street Stormwater Construction

Resolved

THAT savings realised from Founders Stormwater Stage 2 of \$72,000 plus \$48,000 from the private drains/subdivisions budget be re-directed to the Marlowe Street stormwater project to ensure completion of both stages this financial year.

Collingwood/Reese

Carried

14.3 New Zealand Transport Agency (NZTA) Cash Flow and Funding Moratorium

Resolved

THAT the school variable speed signs be progressed and all other projects, as listed below, that have yet to commence be deferred, for consideration in the National Land Transport Programme 2012/15 and through the draft Long Term Plan 2012-22 process.

- *Waimea/Motueka traffic lights;*
- *Waimea/Ridgeway safety investigation;*
- *Bishopdale to the Ridgeway shared path under the Arthur Cotton Bridge;*
- *Poormans stream (bridge to Nayland Primary school);*
- *St. Vincent Street cycle lanes;*
- *60% of new streetlight funding;*
- *50% of proposed retaining wall renewals*

Collingwood/Reese

Carried

Resolved

THAT the Chief Executive Report – Infrastructure (1175688) be received.

Collingwood/His Worship the Mayor

Carried

15. Speed Limits Bylaw 2011 (No 210) – Assessments and Recommendations on Submissions

Document No. 1173623, agenda pages 154-215 refer.

The Council considered all the submissions received and the summary of them contained in the report.

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

Councillor Boswijk seconded by Councillor Reese moved an amendment to accept the offer of the Nelson Marlborough District Health Board to facilitate a Health Impact Assessment on the lowering of the speed limit for the Heart of Nelson area. The amendment was put and carried and became the substantive motion and it was resolved:

THAT the submissions to the draft Nelson City Council Speed Limit Bylaw 2011 (No 210) be received (1151187);

AND THAT the Nelson City Council Speed Control Bylaw 2011 (No 210) as amended after consideration of submissions be adopted as a final version of the Bylaw;

AND THAT the Nelson Marlborough District Health Board is thanked for its offer to facilitate Health Impact Assessment on the advantages and disadvantages of lowering the speed limit for the Heart of Nelson area;

AND THAT the offer for the Nelson City Council staff to be involved be accepted and a mutually acceptable date for a workshop be arranged for some point in the future;

AND THAT information resulting be used to inform future reviews of the Speed Limit Bylaw.

Boswijk/Reese

Carried

Councillor Davy requested his abstention be noted.

There followed some discussion regarding whether hearings should be incorporated into regular Council meetings.

16. Draft Regional Land Transport Programme 2012/13 to 2014/15

Document No. 1179985, agenda pages 216-227 refer.

The Principal Policy Adviser Roading and Transport Andrew James joined the meeting and presented the report which he said was to provide Council with a further opportunity to review and provide direction to the Regional Transport Committee on the development of the Draft Regional Land Transport Programme 2012/13 to 2014/15.

Resolved

THAT Council suggests that the Regional Transport Committee prioritises the projects in the draft Regional Land Transport Programme (RLTP) 2012/13 to 2014/15 as follows:-

- i) Nelson City Council retaining wall replacements***
- ii) SH6 Stock effluent facility***
- iii) High Productivity Motor Vehicle route – Nelson to Kokorua Road***
- iv) Nelson City Council Waimea Road Enhancement Package***
- v) Nelson/Tasman/New Zealand Transport Agency 3 – roundabouts study outcomes***
- vi) SH6 Quarantine Road intersection improvements***
- vii) SH6 Hillwood Drive intersection improvements***
- viii) High Productivity Motor Vehicle route – Nelson to Blenheim/Richmond***
- ix) High Productivity Motor Vehicle route – Nelson to Cable Bay Road***

- x) *Nelson City Council walking, cycling and schools package*
- xi) *Cable Bay intersection improvements*
- xii) *SH6 Atawhai Drive intersection improvements*
- xiii) *SH6 The Glen intersection improvements*
- xiv) *SH6 Teal River Bridge upgrade*
- xv) *SH6 Whakatu Drive northbound 4-laning*

subject to consideration of the Top of the South High Productivity Motor Vehicle routes study, the New Zealand Transport Agency stock effluent facility study and the Nelson City Council/Tasman District Council/New Zealand Transport Agency 3 roundabouts study.

Shaw/Boswijk

Carried

CROSS COUNCIL ITEMS

17. Framing Our Future (Sustainability) Strategy Vision

Document No. 1169789, agenda pages 416-502 refer.

The Council favoured the second version of the Vision with the following word changes to read "Nelson 2060 The Vision, Nelson 2060 is the Diverse City whose residents can connect easily to each other and to the beautiful place we call home. Our inclusive leadership style supports our unique approach to living, which is boldly creative, ecologically exemplary, socially balanced and economically prosperous".

Note the wording of the 'Vision' was considered again at the end of the meeting.

Resolved

THAT the Framing Our Future (Sustainability) Strategy Vision (1155351) be adopted as the overarching vision for the 2012-2022 Long Term Plan.

Ward/Shaw

Carried

PUBLIC EXCLUDED BUSINESS

18. 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 – 3 November 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"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(b) To protect information that may disclose a trade secrets or the commercial position of a person • Section 7(2)(c) To protect information that is subject to an obligation of confidence • 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
2	Public Excluded Chief Executive Report – Community Services. This report contains information regarding tender processes and proposed consultation programmes for Suter Development Design, Rutherford and Trafalgar Parks Development Plan and Maitai Walkway	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
3	Tahuna Beach Camp Sublease This report contains information regarding a sublease at Tahuna Beach Camp	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)(b) To protect information that may disclose a trade secrets or the commercial position of a person • Section 7(2)(c) To protect information that is subject to an

			obligation of confidence <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
4	Public Excluded Status Report – Infrastructure The report contains information regarding the 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"> • Section 7(2)(h) To carry out commercial activities
5	Public Excluded Chief Executive Report – Infrastructure The report contains information regarding the Nelson Wastewater Treatment Plant (NWWTP); the status of natural hazard investigations; the tender public transport; and the Nelson City Council Offices and Earthquake Assessment/Strengthening 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"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
6	Appointment to the Regional Transport Committee This report contains information regarding an appointment to the Regional Transport Committee	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)(a) To protect the privacy of natural persons
7	Formal Response to Cameron Partners Assessment of Port Nelson This report contains information regarding Cameron Partners' Assessment of Port Nelson	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

Collingwood/Davy

Carried

The meeting went into public excluded session at 2.25pm and resumed in public session at 3.47.

19. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Barker

Carried

20. Framing Our Future (Sustainability) Strategy Vision

The Council returned to consider the wording of the preferred the second version of the Vision and after discussion the following wording was agreed: -

Nelson 2060 – The Vision

Nelson 2060 is an inclusive city, with a diverse range of residents who can connect easily to each other and to the beautiful place we call home. Our inclusive leadership style supports our unique approach to living, which is boldly creative, ecologically exemplary, socially balanced and economically prosperous.

There being no further business the meeting ended at 3.50pm

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date