

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

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

On Tuesday 20 November 2012, commencing at 9.00am

Present: Councillors A Boswijk (Chairperson), I Barker, G Collingwood, R Copeland, E Davy, K Fulton, P Matheson, J Rackley, P Rainey, 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 Strategy and Planning (M Schruer), Executive Manager Network Services (A Louverdis), Executive Manager Support Services (H Kettlewell), Executive Manager Kaihautū/Community Relations (G Mullen), Manager Parking (K Robinson), Manager Monitoring and Research (M Workman), Youth Councillor (I O'Connor), Manager Capital Projects (P Hamblin), Senior Planner (S Solly), Nelson Harbour Master (D Duncan), Manager Administration (P Langley), Project Management Adviser (C Blythe), and Administration Adviser (L Canton)

Apologies: Apologies were received and accepted from His Worship the Mayor A Miccio

Opening Prayer

Councillor Davy gave the opening prayer.

1. Late Items

Document number 1408007, late item refer.

The Chairperson explained that late agenda items had been distributed and in accordance with section 46A(97) of the Local Government Official Information and Meetings Act 1987, a procedural resolution was required for the public and public excluded late items before those items could be considered at this meeting.

1.1 Public items

Resolved

THAT the items regarding:

- *Public Forum, and*
- *the minutes of a meeting of the Nelson City Council – Infrastructure, held on 11 October 2012, and*
- *the Status Report – Infrastructure, and*
- *the minutes of a meeting of the Nelson Regional Transport Committee, held on 18 October 2012, and*
- *the minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 31 August 2012, and*
- *the discussion of public forum items*

be considered at this meeting, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987.

Boswijk/Reese

Carried

1.2 Public Excluded Items

Resolved

THAT the items regarding:

- *the minutes of a part of the meeting of the Nelson City Council – Infrastructure, held with the public excluded on 11 October 2012, and*
- *the Public Excluded Status Report – Infrastructure, and*
- *the minutes of a part of the meeting of the Nelson Regional Sewerage Business Unit, held with the public excluded on 31 August 2012,*

be considered in the public excluded part this meeting, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987.

Boswijk/Davy

Carried

- 1.3 Late Item: Update on Council's Bid to Fédération Internationale de Football Association Under 20s World Cup 2015

Resolved

THAT the item regarding an update on Council's bid to Fédération Internationale de Football Association Under 20s World Cup 2015 be considered at this meeting, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987.

Reese/Rainey

Carried

2. Conflicts of Interest

- 2.1 There were no updates to the Interests Register and no conflicts of interest were declared.

3. Public Forum

3.1 Queens Road Upgrade

Ms Gretchen Rasch gave a presentation (1410493). She outlined her concerns regarding the duration of the Queens Road upgrade, the inconvenience it had caused to residents, and the amount of parking available following the upgrade. She suggested that there was a need for the surveying of residents prior to planning works, improved communication between all parties involved, and improved project management for such works.

In response to questions, Ms Rasch said she and her neighbour had contacted Council staff with their concerns during the works.

3.2 Camping in Marsden Valley

Mr Craig Gass spoke about Mr Lewis Stanton camping in Marsden Valley. He said he had agreed to Mr Stanton camping in the area in the short term, but unacceptable issues had arisen, including that of Mr Stanton disposing of waste in the creek and burying waste, erecting an unauthorised long drop, and having additional campers on site.

In response to questions, Mr Gass said the toilets Mr Stanton had been asked to use in the cemetery were approximately 700 metres from his campsite. He added that if Mr Stanton had respected the conditions of his permit, he would not have any objection to Mr Stanton remaining in the area. He said that he did not believe Mr Stanton should be treated as a special case and that he should be required to abide by the same rules as other residents. He urged Council to address Mr Stanton's failure to meet his responsibilities in return for the right to camp in Marsden Valley.

3.3 Horse Rides from Tahunanui Beach Reserve

Mr Hugh Briggs tabled a presentation (1410806) which he spoke to. He outlined a number of issues with Mr Lewis Stanton operating horse rides from the Reserve in response for koha, without a concession and without meeting any health and safety requirements. He asked that Council apply the same rules to Mr Stanton as it did to other concession holders.

In response to questions, Mr Briggs said he was happy for Mr Stanton to operate at the Reserve but he should be required to comply with the same rules and regulations that other commercial operators were required to meet.

4. Public Forum Discussion

4.1 Queens Road Upgrade

The Executive Manager Network Services, Alec Louverdis, and the Manager Capital Projects, Philip Hamblin, joined the meeting.

Mr Louverdis offered apologies to all residents who felt upset about the works. He then outlined Council's community engagement objectives for construction projects, and said he believed these objectives had been fully met in the Queens Road upgrade. He said that it was Council's standard practice to carry out a review of works at the completion of a contract, and the issues that had been noted by Ms Rasch would be among those discussed in detail with the contractor.

There was general agreement that the finished upgrade represented a very good outcome and it was noted that the cost of the improvement was a significant investment for a suburban road. Councillors also acknowledged the unfortunate delays and associated disruption these had caused for residents.

Mr Louverdis noted that despite the consultation that occurred, not every resident received what they desired.

Attendance: Eric Davy left the meeting at 9.45am

In response to questions, Mr Hamblin explained the changes to parking on Queens Road as a result of the upgrade. He also said that staff had had regular contact with residents throughout the works and had reviewed any issues as they arose. He said that the delays had been unfortunate but unavoidable due to the complex nature of such works.

Mr Louverdis noted that he would consider seeking feedback from all residents on all future contracts relating to actual construction work.

4.2 Camping in Marsden Valley

Mr Louverdis confirmed that the agreement for Mr Stanton to camp in Marsden Valley did not include permission to bury waste, build a long drop, or have additional people camping overnight, and that that this had been communicated to Mr Stanton on numerous occasions. In response to a question, Mr Louverdis advised that Mr Stanton had admitted, to him personally and through his lawyer, to burying his waste rather than disposing of it in the toilets.

Mr Louverdis explained that a trespass notice had been prepared for Mr Stanton on the Friday prior to this meeting, but that Mr Stanton had chosen to leave Marsden Valley of his own volition before the notice was issued. However, he noted, if Mr Stanton was to return to Marsden Valley, the trespass notice would be issued.

In response to questions, the Acting Chief Executive advised that as Mr Stanton had chosen not to meet the conditions of his temporary permit to camp, should he wish to return to Marsden Valley, a decision about whether he would be allowed to do so must be made by the Council.

Councillors paid tribute to Mr Louverdis for the time and effort he had committed to attempting to reach a solution with Mr Stanton under extraordinarily trying circumstances. They considered that Council's attempts had been very reasonable and noted their extreme disappointment that Mr Stanton had not proven willing to meet the conditions of his permit. A further view was expressed that Council should give careful consideration to the best use of staff time and to staff welfare when making decisions such as the one that had required staff to attempt to reach an agreement with Mr Stanton.

In response to a question, Mr Louverdis confirmed that the consultation with affected residents on the four possible locations for a special permit with conditions for Mr Stanton to camp had been completed and that the feedback received was not favourable to Mr Stanton. He said that a report on this would come to the Council once the proposed Freedom Camping Bylaw review had been completed, to ensure consistency. It was noted that a new bylaw was still some way off.

It was noted that no Councillors had received an indication that any members of the public were willing to accommodate Mr Stanton on their own land. Some Councillors suggested that, as this was a problem for the community, the community may also have some solutions, and this was a chance for any landowners willing to accommodate Mr Stanton to come forward.

Attendance: Councillor Davy returned to the meeting at 10.45am.

4.3 Horse Rides from Tahunanui Beach Reserve

Mr Louverdis said he had informed Mr Stanton through his lawyer that in order to operate in the Tahunanui Beach Reserve, Mr Stanton was

required to have a license under the Trading in Public Places Bylaw and a concession under the Tahunanui Reserves Management Plan. Mr Louverdis explained that failure to secure either would result in an injunction being issued against Mr Stanton operating at the beach. Mr Stanton had indicated that he did not intend to apply for either a license or a concession, Mr Louverdis said.

Attendance: The meeting broke for morning tea from 10.55am to 11.10am.

5. Adoption of the Navigation Safety Bylaw 2012 (No 218)

Document number 1398986, agenda pages 56-134 refer.

Senior Planner, Susi Solly and Nelson Harbour Master, David Duncan, joined the meeting. Ms Solly presented the report and explained the various parts of the recommendation.

Councillors thanked staff for their work to complete the Bylaw and confirmed their preference to retain clauses 2.20(a) and 4.2(c) and 4.2(d), and to use the updated definitions of "Coastal Marine Area" and "Foreshore".

Resolved

THAT the Navigation Safety Bylaw 2012 (No 218) as amended in response to the submissions received and at this meeting be adopted;

AND THAT the Navigation Safety Bylaw 2012 (No 218) come into effect from 1 December 2012;

AND THAT on the coming into effect of the Navigation Safety Bylaw 2012 (No 218), the Recreational Marina Bylaw (No 195) and the Navigation Safety Bylaw (No 205) be revoked;

AND THAT clause 2.24(f) be removed;

AND THAT clause 2.24(a) be partially deleted;

AND THAT clause 2.24 (i) be deleted;

AND THAT the \$200 fine for failure to adhere to terms of a special events authorisation be confirmed;

AND THAT Council uses the updated definitions of "Coastal Marine Area" and "Foreshore" described under section 4.11 of this report.

Collingwood/Rainey

Carried

Attendance: Councillor Rackley left the meeting at 11.15am.

6. Confirmation of Minutes

6.1 Community Services – 28 August 2012

Document number 1362708, agenda pages 1-11 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Community Services, held on 28 August 2012, be confirmed as a true and correct record.

Davy/Collingwood

Carried

6.2 Meeting to hear submissions to the draft Dog Control Policy and Bylaw Review 2012 – 24 September 2012

Document number 1378766, agenda pages 12-20 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council to hear submissions to the draft Dog Control Policy and Bylaw Review 2012, held on 24 September 2012, be confirmed as a true and correct record, subject to the substitution of the word 'counsellor' for the word 'councillor' in point 3.18.

Barker/Fulton

Carried

6.3 Meeting to hear and consider applications for Community Assistance Funding 2012/13 – 10 September 2012

Document number 1370724, agenda pages 21-36 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council to hear and consider applications for Community Assistance Funding 2012/13, held on 10 September 2012, be confirmed as a true and correct record.

Boswijk/Rainey

Carried

7. Status Report – Community Services

Document number 1034860 v7, agenda pages 37 refer.

Resolved

THAT the Status Report – Community Services (1034860 v7) be received.

Boswijk/Matheson

Carried

8. Portfolio Holder's Report

Community Services Co-Portfolio Holder, Councillor Rainey, gave a Portfolio Holder's report, during which he congratulated staff on the completion of the sculpture at the lower end of Trafalgar Street.

CROSS COUNCIL ITEMS

9. Updated Expenses Policy for Elected Representatives

Document number 1398180, agenda pages 38-55 refer.

Executive Manager Support Services, Hugh Kettlewell, and Manager Administration, Penny Langley, joined the meeting.

In response to a question, Ms Langley explained that the Expenses Policy only provided for those resource consent expenses covered by the Local Government Elected Members (2012/13) (Certain Local Authorities) Determination 2012, although additional expenses may be allowed for under other regulations governing resource consent hearings.

In response to a question, Mr Kettlewell confirmed that pre-approval would be given for all travel that could be anticipated in advance, and that additional instances of travel that had not been pre-approved could be approved by Council. The Acting Chief Executive advised that the aim was to minimise the need for monthly approvals for travel.

Resolved

THAT the Nelson City Council Expenses Policy for Elected Representatives (document number 1385969, Attachment 3), as amended, be forwarded to the Remuneration Authority for approval.

Davy/Copeland

Carried

10. Update on Council's Bid to Fédération Internationale de Football Association Under 20s World Cup 2015

Document number 1410302, late item 2 refer.

Project Management Adviser, Chris Blythe, joined the meeting. Acting Executive Manager Community Services, Roger Ball, presented the report.

Mr Ball cautioned Councillors that they could not discuss information relating to this item that had previously been discussed in public excluded session. He explained that Council staff had received feedback from the Fédération Internationale de Football Association officials that Council's bid was less attractive than others in the same category. He said that staff now sought a decision from Council on whether they wished to maintain the current bid, increase the bid, or withdraw the bid altogether.

In response to a question, Mr Blythe advised that if Council were to proceed with the bid, the bid process would require another 40 to 60 hours of staff time.

In response to a further question, Mr Ball said that the reasons for not increasing the bid were confidential and had been provided to Councillors in the public excluded part of a previous Council meeting. He explained that any increase in the bid must be subject to public consultation through the Annual Plan process, and that this would require negotiation with the event organisers as it was outside of the bid deadline of 30 November 2012. Mr Ball added that such an agreement would be likely to include penalties for the Council should the outcome of consultation favour the withdrawal of the bid.

There was a discussion about Council's bid. Some Councillors were in favour of withdrawing the bid altogether. Others supported maintaining the current bid as it represented value for the City should it succeed at the current amount. It was suggested that the current bid could be enhanced by emphasising the non-financial benefits of Nelson as a host city, with particular reference to the City's proven ability in hosting the Rugby World Cup 2011, and the effectiveness of Nelson's volunteer community.

Councillor Copeland, seconded by Councillor Rainey, moved the following motion:

THAT Council proceeds with the bid of \$500,000 with an additional budget of \$300,000 to be consulted on and approved through the 2013/2014 Annual Plan process;

AND THAT and that Fédération Internationale de Football Association be advised that the additional amount of \$300,000 is contingent on approval through the 2013/2014 Annual Plan consultation.

Councillors discussed the proposed motion. It was suggested that Council seek an indication from the event organisers of their expectations before the amount of any increase was decided. The motion was put and lost.

The meeting returned to consider the recommendation in the staff report (1410302), incorporating an emphasis on the non-financial aspects of Nelson as a host city.

The motion was put and it was passed.

A division was called.

Councillor	
Councillor Barker	No
Councillor Boswijk	Yes
Councillor Collingwood	Yes
Councillor Copeland	No
Councillor Davy	Yes
Councillor Fulton	Yes
Councillor Matheson	No
Councillor Rackley	Absent
Councillor Rainey	Yes
Councillor Reese	Yes
Councillor Shaw	Yes
Councillor Ward	Yes
His Worship the Mayor	Apology

Resolved

THAT Council proceeds with the previously agreed bid of \$500,000, including staff time, to be a host city for the Fédération Internationale de Football Association Under 20s World Cup 2015, and emphasises the non-financial benefits it can offer as a host city.

Ward/Reese

Carried

REPORTS FROM COMMITTEES

11. Nelson Youth Council Update

Nelson Youth Councillor, Izzy O'Connor, gave an update on Youth Council activities. She said that the Youth Council had now concluded for the year and departing Youth Councillors would be farewelled at the upcoming Youth Council camp, which would also welcome new Youth Councillors and prepare them for the coming year. She thanked the Council for the ongoing support of the Youth Council. Councillors also acknowledged Ms O'Connor for her contribution to the Youth Council.

12. Nelson Youth Council Minutes

12.1 27 September 2012

Document number 1379015, agenda pages 135-137 refer.

Resolved

THAT the minutes of a meeting of the Nelson Youth Council, held on 27 September 2012, be received.

Rainey/Collingwood

Carried

12.2 22 August 2012

Document number 1359397, agenda pages 138-142 refer.

Resolved

THAT the minutes of a meeting of the Nelson Youth Council, held on 22 August 2012, be received.

Rainey/Collingwood

Carried

LATE ITEMS

13. Confirmation of Minutes – 11 October 2012

Document number 1387094, agenda pages 1-13 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council – Infrastructure, held on 11 October 2012, be confirmed as a true and correct record.

Collingwood/Fulton

Carried

14. Status Report – Infrastructure

Document number 1034781 v5, late item pages 1-13 refer.

Recommendation

THAT the Status Report – Infrastructure (1034781 v5) be received.

Boswijk/Collingwood

Carried

15. Regional Transport Committee – 18 October 2012

Document number 1395372, late item pages 16-20 refer.

Resolved

THAT the minutes of a meeting of the Regional Transport Committee, held on 18 October 2012, be received.

Matheson/Collingwood

Carried

16. Nelson Regional Sewerage Business Unit – 31 August 2012

Document number 1368994, late item pages 21-30 refer.

Resolved

THAT the minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 31 August 2012, be received.

Boswijk/Davy

Carried

Attendance: The meeting adjourned for lunch from 12.45pm to 1.18pm.

17. Exclusion of the Public

It was noted that the recommendation to exclude the public also referred to the public excluded late items detailed in the memo to Councillors dated 15 November 2012, titled Council – Community Services Agenda – 20 November 2012 – Late Items (document number 1408007).

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>Public Excluded Minutes – Nelson City Council Community Services – 28 August 2012</p> <p>These minutes confirm the public excluded minutes of the Council meeting of 19 July 2012 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>Options relating to the proposed purchase of land for a road reserve</p>		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
	<p>An information update on the review of the Boulder Bank Culvert agreement</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)(i) To carry out negotiations
2	<p>Kahurangi Employment Trust – Council Relationship</p> <p>This report contains information regarding the Council's relationship with, and funding of, the Trust.</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>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</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade

		good reason exists under section 7	secret or the commercial position of a person <ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(j) To prevent improper gain or advantage
Public Excl. late item 1	Nelson City Council – Public Excluded Infrastructure Minutes – 11 October 2012 These minutes confirm the public excluded minutes of the extraordinary Council meetings – Earthquake Prone Buildings, held on 4 September and 21 August 2012, and also contain information regarding:	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:
	Boulder Bank Culvert Agreement, including information regarding the negotiation of a Heads of Agreement regarding the use of a Council owned asset.		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
	Marina Hardstand		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
	Public Excluded minutes of the Nelson City Council/ Tasman District Council Joint Shareholders Committee meeting of 14 September 2012, including information regarding Directors' rotation and fees for Council Controlled organisations and Council Controlled Trading Organisations.		<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 • Section 7(2)(i) To carry out negotiations

	Statement of Proposal – Gambling Policy, including legal advice relating to the Statement of Proposal Draft Class 4 Gaming Venue Policy 2012, Draft New Zealand Racing Board Venue Policy 2012		<ul style="list-style-type: none"> Section 7(2)(g) To maintain legal professional privilege
Public Excl. Late Item 2	Public Excluded Infrastructure Status Report – 22 November 2012 This report contains a brief update regarding progress 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:
	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
	Boulder Bank Culvert Agreement		<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
	Marina Hardstand		<ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
Public Excl Late Item 3	Public Excluded Nelson Regional Sewerage Business Unit meeting – 31 August 2012 These minutes confirm the minutes of the public excluded Nelson Regional Sewerage Business Unit meeting held on 22 June 2012, and information relating to:	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:

	Regional Pipeline Upgrade Consultancy Fees, including information regarding negotiations relating to the total fees payable for the regional pipeline upgrade project		<ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
	Regional Pipeline Upgrade Liquidated Damages, including information regarding the ability of the Nelson Regional Sewerage Business Unit to recover liquidated damages relating to the regional pipeline upgrade		<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

Boswijk/Rainey

Carried

The meeting went into public excluded session at 1.18pm and resumed in public session at 2.20pm.

18. 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 2.20pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date