

**Minutes of a meeting of the Nelson City Council – Adoption of the Long Term Plan 2012-2022, Community Services and Infrastructure**

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

**On Thursday 19 July 2012, commencing at 9.02am**

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Present: His Worship the Mayor (A Miccio), Councillors I Barker, A Boswijk, G Collingwood (Co-portfolio holder, Infrastructure), E Davy (Co-portfolio holder, Infrastructure), K Fulton, P Matheson, J Rackley (Co-portfolio holder, Community Services), P Rainey (Co-portfolio holder, Community Services), D Shaw and M Ward

In Attendance: Acting Chief Executive (N Harrison), Acting Executive Manager Community Services (R Ball), Acting Executive Manager Regulatory (M Bishop), Executive Manager Strategy and Planning (M Schruer), Executive Manager Support Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Executive Manager Kaihautū/Community Relations (G Mullen), Manager Information Management (S Petch), Manager Community Relations (A Ricker), Manager Policy and Planning (N McDonald), Manager Parks and Facilities (P McArthur), Principal Adviser Reserves and Community Facilities (A Petheram), Project Manager – Long Term Plan (C Blythe), Principal Adviser Resource Management Planning (M Heale), Senior Accountant (T Hughes), Monitoring and Research Adviser (J Irwin), Administration Adviser (EJ Ryan) and Youth Councillors (A Tonks and T Krammer-Burns)

Apologies: Councillors R Copeland and R Reese

**Opening Prayer**

Councillor Davy gave the opening prayer

**1. Conflicts of Interest**

No updates to the Conflicts of Interest Register were declared. Councillor Rainey declared a conflict of interest with Item 8.1, the Council Submission on the Gambling (Gambling Harm Reduction) Amendment Bill.

His Worship the Mayor reminded Councillors to ensure they declared any conflicts of interest as they arose over the course of the meeting.

## **2. Public Forum**

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

Mr Ken Beckett addressed the meeting regarding Mr Lewis Stanton's occupation of the Trafalgar Street footpath. He said that he did not think issuing a special permit to Mr Stanton was a good idea.

Mr Becket also drew Council's attention to section 240 of the Public Works Act 1981, and said that this section allowed a local authority to commence proceedings in the District Court to recover the possession of occupied land. He said that it was a straight-forward procedure, and that section had recently been successfully invoked by the Thames-Coromandel District Council.

## **3. Mayor's Report**

His Worship the Mayor said that he had returned from the Local Government New Zealand Conference in Queenstown the day prior to the meeting, and that he would give a full summary of the conference at the next Council meeting.

He also said that Police had notified him that Mr Stanton had been arrested, and released on the condition that he not continue his protest on Trafalgar Street.

## **ADOPTION OF THE LONG TERM PLAN 2012-2022**

### **4. Adoption of the Long Term Plan 2012-2022**

Document number 1238489, separately circulated documents refer.

His Worship the Mayor thanked Councillors and staff for the hard work that had gone into the Long Term Plan 2012-2022, especially given the large amount of time diverted to responding and recovering from the December 2011 Rainfall Event.

Councillors discussed the Long Term Plan 2012-2022. Councillors each noted that there were aspects of the Long Term Plan that they personally were not comfortable with, with different Councillors highlighting different aspects, but the majority of Councillors agreed that, overall, it was a good plan and that the city should be proud of it. A minority of Councillors were concerned that the proposed rates rises were above inflation and, coupled with concern at increased debt, resulted in them being unable to support the Long Term Plan 2012-2022.

Several Councillors drew attention to the plight of those living in the city on low incomes, and a discussion ensued regarding different ways in

which the burden on ratepayers could be reduced. A suggestion was made that Council should take the lead in lobbying central Government to remove GST on rates, as this appeared to be a tax on a tax. Councillors discussed this suggestion, and there was some support for this issue being raised at Local Government Zone meetings in the near future.

His Worship the Mayor summed up by saying that the large majority of submissions had been in favour of the large majority of the draft Long Term Plan. He said that the Council had taken account of all of the submissions, and had made changes to the Plan as a result. He added that, compared to other Councils around New Zealand, Nelson City Council was fiscally conservative and had low debt levels. He also said that the Year One average rates increase of 5.6% was in line with the national average of 5.5%, and that the average rates rise over the Long Term Plan of 2.9% was well below the national average.

His Worship the Mayor also spoke about the Core Cities Project, which the Minister of Local Government, Steven Joyce, had presented on at the Local Government New Zealand Conference in Queenstown, and said that central Government had recognised the importance of amenities and events that kept young people and families living within regional New Zealand. He said that the Long Term Plan 2012-2022 had included many projects that would help keep families living in the city.

Resolved

**THAT Council adopts the following in the Long Term Plan:**

- **Financial Strategy**
- **Significance Policy**
- **Rates Remission Policy including updates to the Clean Heat Warm Homes Policy and Solar Saver Policy**

**AND THAT Council adopts the Resource Consent Fees and Charges (1314369), Liability Management Policy (1314373) and Investment Policy (1314378), which will be published as separate documents;**

**AND THAT Council adopts the Development Contributions Policy (1314366), which will be published as a separate document.**

His Worship the Mayor/Boswijk

Carried

Resolved

***THAT in accordance with Sections 93 and 94 of the Local Government Act 2002, and having considered all submissions the Long Term Plan 2012-2022 (1238489) as amended be adopted.***

His Worship the Mayor/Boswijk

Carried

## **5. Setting of Rates for the 2012/2013 Financial Year**

Resolved

***THAT the Nelson City Council set the following rates under the Local Government (Rating) Act 2002, on rating units in the district for the financial year commencing on 1 July 2012 and ending on 30 June 2013. All figures are GST inclusive.***

***The revenue approved below will be raised by the following rates:***

<b>General Rate</b>	<b>\$29,348,074</b>
<b>Uniform Annual General Charge</b>	<b>\$7,009,470</b>
<b>Separate General Charge</b>	<b>\$3,936,026</b>
<b>Waste Water Charge</b>	<b>\$6,436,225</b>
<b>Water Charge</b>	<b>\$11,013,936</b>
<b>Clean Heat Warm Homes and Solar Saver</b>	<b>\$608,839</b>
<b>Rates and Charges</b>	<b>\$58,352,570</b>
<b>Goods and Services Tax (at the prevailing rates)</b>	<b>\$8,752,886</b>
<b>Total Rates and Charges</b>	<b>\$67,105,456</b>

**(1) General Rate**

**A general rate set under section 13 of the Local Government (Rating) Act 2002, assessed on a differential land value basis as described below:**

- **a rate of 0.62495 cents in the dollar of land value on every rating unit in the "residential" category**
- **a rate of 0.68744 cents in the dollar of land value on every rating unit in the "part non-rateable" category**
- **a rate of 0.68744 cents in the dollar of land value on every rating unit in the "multi residential" category**
- **a rate of 1.33739 cents in the dollar of land value on every rating unit in the "commercial outside the inner city zone" category**
- **a rate of 1.15928 cents in the dollar of land value on every rating unit in the "commercial outside the inner city zone subject to 25% residential and 75% commercial" category**
- **a rate of 0.98117 cents in the dollar of land value on every rating unit in the "commercial outside the inner city zone subject to 50% residential and 50% commercial" category**
- **a rate of 0.80306 cents in the dollar of land value on every rating unit in the "commercial outside the inner city zone subject to 75% residential and 25% commercial" category**
- **a rate of 1.89359 cents in the dollar of land value on every rating unit in the "commercial inside the inner city zone" category**
- **a rate of 1.57675 cents in the dollar of land value on every rating unit in the "commercial inside the inner city zone subject to 25% residential and 75% commercial" category**
- **a rate of 1.25927 cents in the dollar of land value on every rating unit in the "commercial inside the inner city zone subject to 50% residential and 50% commercial" category**

- ***a rate of 0.94242 cents in the dollar of land value on every rating unit in the "commercial inside the inner city zone subject to 75% residential and 25% commercial" category***
- ***a rate of 0.40622 cents in the dollar of land value on every rating unit in the "rural" category***
- ***a rate of 0.56245 cents in the dollar of land value on every rating unit in the "small holding" category***

***(2) Uniform Annual General Charge***

***A uniform annual general charge under section 15 of the Local Government (Rating) Act 2002 of \$363.90 per separately used or habitable portion of a rating unit, (excluding properties subject to statutory declarations for unoccupied or second residential units not being used as separate units).***

***(3) Separate General Charge - Stormwater***

***A targeted rate under section 16 of the Local Government (Rating Act) 2002 of \$225.40 per rating unit, (excluding rural category, small holding category east of Gentle Annie, residential properties east of Gentle Annie Saddle, Saxton's Island and properties subject to statutory declarations for unoccupied or second residential units not being used as separate units).***

***(4) Waste Water Charge***

***A targeted rate for waste water disposal under section 16 of the Local Government (Rating) Act 2002 of:***

- ***\$359.90 per separately used or habitable portion of a residential rating unit, (excluding properties subject to statutory declarations for unoccupied or second residential units not being used as separate units), that is connected either directly or***

**through a private drain to a public waste water drain**

- **For non-residential rating units, a waste water charge of \$359.90 per separately used or habitable portion of a rating unit that is connected either directly or through a private drain to a public waste water drain and a "trade" waste charge will be levied**

#### **(5) Water Supply Charges**

**A targeted rate for water supply under Section 19 of the Local Government (Rating) Act 2002 of:**

- **A minimum annual charge                    \$188.12**

**Price of water:**

<b>0 – 10,000 cu.m/year</b>	<b>\$1.914 per m<sup>3</sup></b>
<b>10,001 – 100,000 cu.m/year</b>	<b>\$1.493 per m<sup>3</sup></b>
<b>&gt; 100,000 cu.m/year</b>	<b>\$1.179 per m<sup>3</sup></b>
<b>Summer irrigation</b>	<b>\$1.703 per m<sup>3</sup></b>

#### **(6) Clean Heat Warm Homes**

**A targeted rate per separately used or habitable portion of a rating unit that has been provided with home insulation and/or a heater to replace a non-complying solid fuel burner under Section 16 of the Local Government (Rating) Act 2002 in accordance with agreement of the original ratepayer, of:**

- **For properties levied the Clean Heat Warm Homes as a result of agreements entered into after 1 July 2011, the targeted rate for each year for 10 years will be the total cost of the installed works excluding GST, divided by 10, plus GST.**
- **For properties levied the Clean Heat Warm Homes as a result of agreements entered into prior to 1 July 2011 the targeted rate of:**

<b>Installation Completed</b>	<b>After 30 Sept 2010</b>	<b>Prior to 30 Sept 2010</b>
<b>Loan assistance range: \$1,400 to \$1,599:</b>	<b>\$140.00</b>	<b>\$143.11</b>
<b>Loan assistance range: \$1,600 to \$1,799</b>	<b>\$160.00</b>	<b>\$163.56</b>
<b>Loan assistance range: \$1,800 to \$1,999</b>	<b>\$180.00</b>	<b>\$184.00</b>
<b>Loan assistance range: \$2,000 to \$2,199</b>	<b>\$200.00</b>	<b>\$204.44</b>
<b>Loan assistance range: \$2,200 to \$2,399</b>	<b>\$220.00</b>	<b>\$224.89</b>
<b>Loan assistance range: \$2,400 to \$2,599</b>	<b>\$240.00</b>	<b>\$245.34</b>
<b>Loan assistance range: \$2,600 to \$2,799</b>	<b>\$260.00</b>	<b>\$265.78</b>
<b>Loan assistance range: \$2,800 to \$2,999</b>	<b>\$280.00</b>	<b>\$286.22</b>
<b>Loan assistance range: \$3,000 to \$3,199</b>	<b>\$300.00</b>	<b>\$306.67</b>
<b>Loan assistance range: \$3,200 to \$3,399</b>	<b>\$320.00</b>	<b>\$327.11</b>
<b>Loan assistance range: \$3,400 to \$3,599</b>	<b>\$340.00</b>	<b>\$347.56</b>
<b>Loan assistance range: \$3,600 to \$3,799</b>	<b>\$360.00</b>	<b>\$368.00</b>
<b>Loan assistance range: \$3,800 to \$3,999</b>	<b>\$380.00</b>	<b>\$388.44</b>
<b>Loan assistance range: \$4,000 to \$4,199</b>	<b>\$400.00</b>	<b>\$408.89</b>
<b>Loan assistance range: \$4,200 to \$4,399</b>	<b>\$420.00</b>	<b>\$429.34</b>
<b>Loan assistance range: \$4,400 to \$4,599</b>	<b>\$440.00</b>	<b>\$449.78</b>





## **(10) Differential Categories**

**The Nelson City Council adopts the following as its definition for its differential categories for the 2012/13 financial year:**

### **General Rate**

- **Residential – all rating units that are used primarily for residential purposes**
- **Multi Residential – all rating units that contain more than one residential dwelling that are capable of being used primarily for residential purposes**
- **Commercial – any rating unit which is used primarily for commercial use. Properties that have a portion of residential use shall have a reduced commercial differential**
- **Commercial Inner City Zone – any rating unit which is used primarily for commercial use that is located within the Inner City Zone. Properties that have a portion of residential use shall have a reduced inner city commercial differential**
- **Rural – any rating unit having an area greater than 15 hectares which is used primarily for dairy, fattening and grazing, quarries, forestry or horticultural use and is recorded as rural on the District Valuation Roll**
- **Small Holding – any rating unit which is primarily used as a small holding and having an area greater than 5,000m<sup>2</sup> but is less than 15 hectares and is recorded as a small holding on the District Valuation Roll**

## **(11) Due Dates for Payment of Rates**

**The above rates (excluding water charges) are payable at the Nelson City Council office, 110 Trafalgar Street, Nelson and shall be payable in four instalments on the following dates:**

<b>Instalment Date</b>	<b>Instalment Date</b>	<b>Penalty Date</b>
<b>Instalment 1:</b>	<b>1 August 2012</b>	<b>27 August 2012</b>
<b>Instalment 2:</b>	<b>1 November 2012</b>	<b>27 November 2012</b>
<b>Instalment 3:</b>	<b>1 February 2013</b>	<b>27 February 2013</b>
<b>Instalment 4:</b>	<b>1 May 2013</b>	<b>27 May 2013</b>

**(12) Due Dates for Payment of Water Rates**

**Residential water rates are payable at the Nelson City Council office, 110 Trafalgar Street, Nelson and shall be payable on the following dates:**

<b>Billing Month:</b>	<b>Penalty Date:</b>
<b>July 2012</b>	<b>15 September 2012</b>
<b>August 2012</b>	<b>15 September 2012</b>
<b>September 2012</b>	<b>15 October 2012</b>
<b>October 2012</b>	<b>15 December 2012</b>
<b>November 2012</b>	<b>15 December 2012</b>
<b>December 2012</b>	<b>15 January 2013</b>
<b>January 2013</b>	<b>15 March 2013</b>
<b>February 2013</b>	<b>15 March 2013</b>
<b>March 2013</b>	<b>15 April 2013</b>
<b>April 2013</b>	<b>15 June 2013</b>
<b>May 2013</b>	<b>15 June 2013</b>
<b>June 2013</b>	<b>15 July 2013</b>

**Special (final) water rates will be due and payable 14 days from the date of the special (final) water reading.**

**Commercial water rates are payable at the Nelson City Council office, 110 Trafalgar Street, Nelson on the 20th of the month following the date shown on the water invoice.**

**(13) Penalty on Rates**

**Pursuant to Sections 57 and 58 of the Local Government (Rating) Act 2002, the Council delegates authority to the Chief Financial Officer to apply the following penalties on unpaid rates (including water accounts) at their discretion:**

- a first additional charge of 10% of the amount of each rate instalment remaining unpaid on the penalty date as shown on each rate instalment notice**
- a second additional charge of 10% will be added to any balance remaining outstanding from a previous rating year (including penalties previously charged) as at 31 December 2012**
- a further additional charge of 10% will be added to any balance remaining outstanding from a previous rating year (including penalties previously charged) as at 30 June 2013**
- The above penalties will not be charged where Council has agreed to a program for payment of outstanding rates.**

**(14) Penalty Remission**

**In accordance with Council's Rates Remission Policy, the council will approve the remission of the penalty levied on instalment one due to late payment provided the total annual rates are paid in full by 27 November 2012. If full payment of the annual rates is not paid by 27 November 2012 the penalties relating to the first instalment outlined above will apply.**

**(15) Discount on Rates**

**Pursuant to Section 55 of the Local Government (Rating) Act 2002, the Council will allow a discount of 2.0 percent of the total rates (excluding water charges) where a ratepayer pays the year's rates in full on or before the penalty date for instalment one being 27 August 2012.**

**(16) Payment of Rates**

**The rates shall be payable at the Council offices, Civic House, 110 Trafalgar Street, Nelson between the hours of 8.30am to 5.00pm Monday to Friday. Where any payment is made by a ratepayer that is less than the amount now payable, the Council will apply the payment firstly to any rates outstanding from previous rating years and then proportionately across all current year rates due.**

**COMMUNITY SERVICES ITEMS**

**6. Confirmation of Minutes**

6.1 Community Services - 5 June 2012

Document number 1308621, agenda pages 1-8 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council – Community Services, held on 5 June 2012, be confirmed as a true and correct record.***

His Worship the Mayor/Rainey

Carried

6.2 Consideration of Submissions to draft Dog Control Policy and Bylaw Review 2012 - 3 May 2012

Document number 1285507, agenda pages 9-15 refer.

Attendance: Councillor Collingwood declared a conflict of interest and sat back from the table for this item.

Councillors Fulton and Shaw noted that they had tendered apologies for this meeting.

Resolved

***THAT the minutes of a meeting of the Nelson City Council to consider submissions to the draft Dog Control Policy and Bylaw Review 2012, held on 3 May 2012, be confirmed as a true and correct record, subject to the apologies of Councillors Fulton and Shaw being recorded in the minutes.***

His Worship the Mayor/Davy

Carried

## **7. Status Report – Community Services**

Document number 1034860 v3, agenda page 16 refers.

In response to a question, Councillor Fulton explained that the working party considering the Nelson City Camping Bylaw 2012 had met, and was considering whether there were areas in which camping should be prohibited for environmental or health reasons. She added that the working party was also considering whether camping could be allowed in other areas, with campers having full regard to a zero waste policy.

Resolved

***THAT the Status Report – Community Services (1034860 v3) be received.***

Boswijk/His Worship the Mayor

Carried

## **8. Portfolio Holder’s Report**

There was no portfolio holder’s report given.

## **9. Chief Executive Report – Community Services**

Document number 1308212, agenda pages 17-30 refer.

### **9.1 Youth Development Fund**

Resolved

***THAT subject to being approved in the draft Long Term Plan 2012-2022, the Youth Development Fund subsidy amount be raised to \$500 per eligible applicant for attendance at Spirit of Adventure, Outward Bound or similar residential leadership courses.***

His Worship the Mayor/Rainey

Carried

9.2 Council Submission on the Gambling (Gambling Harm Reduction) Amendment Bill

Attendance: His Worship the Mayor, and Councillors Matheson and Rainey declared a conflict of interest with this item and sat back from the table. Deputy Mayor Councillor Boswijk assumed the Chair during this item at 9.56am.

It was noted that the report sought retrospective approval for Council's submission on the Gambling (Gambling Harm Reduction) Amendment Bill.

Resolved

***THAT Council approves the submission on the Gambling (Gambling Harm Reduction) Amendment Bill in document 1301797.***

Ward/Collingwood

Carried

Attendance: His Worship the Mayor resumed the chair at 9.58am.

9.3 Resolved

***THAT the Chief Executive Report – Community Services (1308212) be received.***

His Worship the Mayor/Rackley

Carried

**10. Dog Control Policy and Bylaw Review – July 2012**

Document number 1302686, agenda pages 31-87 refer.

Attendance: Councillor Collingwood declared a conflict of interest, and sat back from the table during discussion of this item.

Councillor Fulton, seconded by Councillor Rainey, proposed an amendment to page 10 of the Proposed Dog Control Policy July 2012, prohibiting dogs from the picnic area and river bank beside Black Hole, on the true right side of the Maitai River, as the picnic area was very small, and was used extensively by families, particularly in the summer months. She also suggested that the reasons stated in points 2 and 4 of page 9 of the Proposed Dog Control Policy 2012 be incorporated as reasons for the prohibition of dogs from specific swimming holes and picnic areas on the Maitai River.

In response to a question, Councillor Fulton clarified that it was only the picnic area on the true right side of the Maitai River that she wished to add to the list of prohibited areas, not the swimming hole itself, nor the true left side of the bank along which the Maitai Walkway passed.

Councillors discussed the proposed amendment, with several expressing the view that Council should await submissions before amending the proposed Policy in any fashion. Other Councillors agreed that Council

should make the proposed Policy as clear as possible, and that if there was agreement that the picnic area and river bank beside Black Hole on the true right side of the Maitai river should be a dog prohibited area, then this should be reflected in the Policy put out for public consultation.

There followed a discussion regarding the provision of options in proposals put out for public consultation. In response to a question, Manager Policy and Planning, Ms McDonald, explained that this practice had arisen following the analysis of the Gambling Policy case, as a difficulty in that case had been showing that other options had been considered. As a result, this Policy set out a several options that Council could consider, while clearly showing which option was Council's favoured option. Planning Adviser, Ms Bradley, also noted that Council's legal advisor had reviewed the documents to go out to public consultation and had approved them.

Resolved

**THAT the Proposed Dog Control Policy July 2012 (1191552) be amended as follows:**

- ***The list of Maitai River swimming holes and picnic areas at point 14 on page 10 being amended to include the picnic area and river bank beside Black Hole (true right side of the river only); and***
- ***The reasons stated in points 2 and 4 on page 9 being incorporated as the reasons for prohibition of dogs from the listed Maitai River swimming holes and picnic areas.***

Fulton/Rainey

Carried

Resolved

**THAT the proposed Dog Control Policy and Bylaw notified on 4 February 2012 be withdrawn;**

**AND THAT the July 2012 Statement of Proposal in document 1291244 be approved and advertised using the Special Consultative Procedure (section 83 of the Local Government Act 2002);**

**AND THAT full Council hear, consider and make decisions on all submissions on the Proposed Policy and Bylaw;**

**AND THAT a hearing date of 24 and/or 25 September 2012 be scheduled for Council to hear submitters and make decisions on submissions.**

His Worship the Mayor/Davy

Carried



Attendance: The meeting adjourned for morning tea from 10.12am to 10.35am, during which time Councillor Rackley departed the meeting.

### **11. Haulashore Island Sculpture: Request for Extension**

Document number 1276569, agenda pages 88-97 refer.

Resolved

***THAT the request by the Nelson Sculpture Trust for an extension to the timeframe for completion of the Haulashore Island Sculpture project to December 2014 be approved.***

His Worship the Mayor/Boswijk

Carried

## **REPORTS FROM COMMITTEES**

### **12. Nelson Youth Council Update**

Allie Tonks and Tomas Krammer-Burns gave an update regarding the Nelson Youth Council activities.

They said that the Youth Council had recognised the importance of supporting the Trust that operates The New Hub, although it has been displaced from its building, and that Youth Councillors had recently supported a very successful comedy night run by The New Hub at The Yaza Cafe. They also said that Youth Council had recently submitted on several issues to the draft Long Term Plan 2012-2022.

Ms Tonks and Mr Krammer-Burns added that Youth Council was currently assisting with the Arts Festival, planning a Youth Event following Carnivale, and had recently attended a Top of the South Youth Council forum in Blenheim. They added that Youth Council representatives would be meeting Ministry of Youth Development members to feed youth views on various issues back to central Government.

### **13. Nelson Youth Council – 24 May 2012**

Document number 1308840, agenda pages 98-106 refer.

Resolved

***THAT the minutes of a meeting of the Nelson Youth Council, held on 24 May 2012, be received.***

Rainey/Fulton

Carried

### **14. Nelson Tasman Civil Defence Emergency Management Group**

14.1 18 May 2012 – Unconfirmed Public Minutes

Document number 1326884, agenda pages 107-110 refer.

It was noted that the reference to the Severe Weather Event in December 2001 should be amended to 2011.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson Tasman Civil Defence Emergency Management Group, held on 18 May 2012, be received.***

His Worship the Mayor/Boswijk

Carried

14.2 18 May 2012 – Unconfirmed Public Excluded Minutes

Document number 1326891, agenda pages 111-112 refer.

Resolved

***THAT the unconfirmed minutes of part of a meeting of the Nelson Tasman Civil Defence Emergency Management Group, held with the public excluded on 18 May 2012, be received.***

His Worship the Mayor/Boswijk

Carried

## INFRASTRUCTURE ITEMS

### 15. Confirmation of Minutes

7 June 2012

Document number 1311203, agenda pages 113-121 refer.

Resolved

***THAT the minutes of the meeting of the Nelson City Council – Infrastructure, held on 7 June 2012, be confirmed as a true and correct record, subject to an amendment of the time at which Councillor Reese departed the meeting, to 1.55pm.***

Davy/His Worship the Mayor

Carried

### 16. Status Report – Infrastructure

Document number 1034781 v2, agenda pages 122-123 refer.

In response to a question, Executive Manager Network Services, Mr Louverdis, explained that a section 124 notice had been issued for the Mediterranean Food Warehouse building, but that the Council resolution

was very specific, and only instructed buildings to be closed following a detailed assessment. He said that a detailed assessment was currently being carried out on the Mediterranean Food Warehouse building and The New Hub building, and that these assessments should be completed by the end of August. At that point, he explained, Council staff would meet again with the building tenants.

In response to a question, Mr Louverdis confirmed that all detailed assessments were being completed by external structural engineers, as Council staff did not have the specific expertise required to undertake such assessments. In response to another question, Mr Louverdis confirmed that legislation prevented building users applying for an indemnity to continue to use a building for which a section 124 notice had been issued.

Resolved

***THAT the Status Report – Infrastructure (1034781 v2) be received.***

Davy/Collingwood

Carried

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

Councillor Collingwood spoke about 2012 being Her Majesty the Queen's Diamond Jubilee. She said she had been contacted by members of the public who had asked if this milestone could be marked, and said that Council staff had suggested planting Rose Bed 6 at the Broadgreen Rose Garden with 'Jubilee' Roses. She added that on Rose day, 25 November 2012, a plaque would be unveiled acknowledging 60 years of Her Majesty's reign. She added that current budgets would cover the costs of the proposed rose bed and plaque.

## **18. Chief Executive Report – Infrastructure**

Document number 1302946, agenda pages 124-135 refer.

### **18.1 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 9: No stopping and No Parking Areas;***

***Schedule 14: Give Way signs.***

Davy/His Worship the Mayor

Carried

## 18.2 Earthquake Prone Building Update

There was a discussion regarding Earthquake Prone Buildings, and Mr Louverdis explained that a further report would be coming back to Council at a later date. He said that staff would be asking Council for direction regarding any future buildings that may be classified to be Earthquake Prone, and a suggestion was made that a workshop be held later in the year to discuss this.

In response to a question, it was clarified that the building referred to in the recommendation was that previously occupied by the Hunting and Fishing shop, in Wakatu Square. In response to a further question, Mr Louverdis explained that an initial assessment of the vacant building had concluded that it should not be leased out again, and that consequently there would be a loss of rental income as a result.

Resolved

***THAT Council provide for a loss in rental in the 2012/13 financial year in the amount of \$75,000 for the vacant Hunting and Fishing building.***

Davy/His Worship the Mayor

Carried

## 18.3 Resolved

***THAT the Chief Executive Report – Infrastructure (1302946) be received.***

Davy/His Worship the Mayor

Carried

Attendance: Councillor Davy departed the meeting at 11.01am.

## REPORTS FROM COMMITTEES

### 19. Nelson Regional Transport Committee

21 June 2012

Document number 1317398, agenda pages 136 – 140 refer.

Resolved

***THAT the minutes of the meeting of the Nelson Regional Transport Committee, held on 21 June 2012, be received.***

Barker/Collingwood

Carried

## 20. Nelson Regional Sewerage Business Unit

20 April 2012

Document number 1277777, agenda pages 141-147 refer.

Resolved

***THAT the minutes of the meeting of the Nelson Regional Sewerage Business Unit, held on 20 April 2012, be received.***

Shaw/Boswijk

Carried

## CROSS COUNCIL ITEMS

### 21. Joint Shareholders Committee

18 May 2012

Document number 1295462, agenda pages 148-149 refer.

Resolved

***THAT the minutes of the meeting of the Joint Shareholders Committee, held on 18 May 2012, be received.***

Boswijk/Collingwood

Carried

#### 21.1 Port Nelson Limited Statement of Corporate Intent 2011/2012

Resolved

***THAT the Port Nelson Ltd Statement of Corporate Intent 2011/2012 (1314691) be approved for signing.***

His Worship the Mayor/Shaw

Carried

### 22. Public Forum Discussion

#### 22.1 Occupation of Trafalgar Street by Mr Lewis Stanton

Councillors discussed Mr Beckett's public forum presentation regarding the use of section 240 of the Public Works Act 1981 to assist with resolving Mr Stanton's protest on Trafalgar Street.

In response to a question, Executive Manager Network Services, Mr Louverdis, explained that Council's legal advisers had advised that the only piece of legislation that could potentially be invoked was section 22

of the Summary Offences Act 1981. However, he said that he would ask for legal advice regarding the applicability of section 240 of the Public Works Act 1981, and also its recent use by the Thames-Coromandel District Council.

Councillors then discussed the current situation regarding Mr Stanton's protest on Trafalgar Street, and it was noted that, during his recent absence from Trafalgar Street, Police had gathered sufficient evidence that his protest was in breach of section 22 of the Summary Offences Act, and the Police were now taking actions accordingly.

Councillors discussed whether Mr Stanton's actions were in breach of the Bylaw that prohibited begging on the city streets. Mr Louverdis explained that this was a very complex area, but that legal advice was that it was unlikely that there was sufficient evidence to prove that Mr Stanton was begging. He added that, even if Mr Stanton were in breach of the Bylaw, there would be difficulties for Council in attempting to enforce the Bylaw.

A discussion followed regarding the Council motion regarding the possibility of a special camping permit for Mr Stanton, which had been left to lie on the table at a previous Council meeting. Mr Louverdis explained that he had attempted to arrange a meeting with Mr Stanton and his lawyers to discuss this proposal, but a meeting had not yet taken place.

Several Councillors voiced their disagreement with the notion of issuing special permits for individual citizens. Other Councillors expressed their disappointment regarding the intolerance displayed by some members of the public towards Mr Stanton, and emphasised that Council should take action to resolve the issue.

In response to a question, Mr Louverdis clarified that Council had not confiscated Mr Stanton's horse and cart, rather the Police had asked Council to look after Mr Stanton's horse and cart and Council had done so. Mr Louverdis added that Council had offered to return the horse and cart to Mr Stanton on many occasions, but that he had declined to take possession of them.

It was noted that the upcoming review of the Camping Bylaw, to bring the Bylaw in line with the Central Government legislation regarding Freedom Camping, might potentially allow people to camp overnight in specific locations, meeting specific conditions, and therefore there may be no further need to discuss the possibility of a special permit for Mr Stanton.

## **23. Exclusion of the Public**

Resolved

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

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

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	Public Excluded Community Services Minutes – 5 June 2012  These minutes confirmed the public excluded minutes of the Community Services meeting of 24 April 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:
	The Nelson City Council bid for the FIFA Under-20 World Cup		<ul style="list-style-type: none"> <li>• Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Negotiations relating to a potential naming-rights sponsor for Saxton Field facilities.		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
<b>2</b>	Public Excluded Status Report – Community Services  This report contains 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:

	Negotiations relating to a potential naming-rights sponsor for Saxton Field facilities.		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
<b>3</b>	Public Excluded Infrastructure Minutes – 7 June 2012  These minutes confirmed the public excluded minutes of the Infrastructure meeting of 26 April 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:
	Issues arising as a result of the review of the Boulder Bank Culvert Agreement		<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>
	Options for Council owned heritage buildings.		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Issues relating to the proposed purchase of land for a footpath		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Negotiations with Airlie Street residents relating to remedial works.		<ul style="list-style-type: none"> <li>• Section (7)(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Occupation of a footpath by Mr Lewis Stanton. Council decided to move the discussion relating to this matter into the public part of the meeting.		<ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>



<b>4</b>	Public Excluded Status Report – Infrastructure	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:
	This report contains information regarding:		
	Review of the Boulder Bank Culvert Agreement		<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>
	Airlie Street Slip Repairs		<ul style="list-style-type: none"> <li>• Section (7)(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
<b>5</b>	Public Excluded Chief Executive Report – Infrastructure	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:
	This report contains:		
	An information update regarding legal issues regarding the Nelson Wastewater Treatment Plant		<ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

6	Public Excluded Nelson Sewerage Business Unit Minutes – 20 April 2012  These minutes confirmed the public excluded minutes of the Nelson Regional Sewerage Business Unit meeting of 9 March 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:
	A request for the review of fees for the Primary Clarifier Upgrade project.		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>

His Worship the Mayor/Barker

Carried

The meeting went into public excluded session at 11.35am and resumed in public session at 12.01pm.

## 24. Re-admittance of the Public

Resolved

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

His Worship the Mayor/Collingwood

Carried

There being no further business the meeting ended at 12.01pm.

Confirmed as a correct record of proceedings:

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