

## Minutes of a meeting of the Nelson City Council

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

On Thursday 6 March 2014, commencing at 9.04am

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Present: Her Worship the Mayor (R Reese), Councillors L Acland, I Barker, R Copeland, E Davy, K Fulton, M Lawrey, B McGurk, P Matheson, G Noonan, P Rainey, T Skinner, and M Ward

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Support Services/Acting Group Manager Community Services (H Kettlewell), Acting Group Manager Strategy (N McDonald), Chief Financial Officer (N Harrison), Manager Communications (A Ricker), Manager Administration (P Langley), Administration Adviser (E-J Ruthven), and Youth Councillors (J Burr and P Gerard)

### Opening Prayer

Councillor Skinner gave the opening prayer.

#### 1. Apologies

There were no apologies.

#### 2. Interests

There were no updates to the Interests Register.

No conflicts of interest with any agenda items were declared.

#### 3. Confirmation of Order of Business

Her Worship the Mayor explained the community request for a formal Council photograph to be taken on the Church Steps, to mark the 100 year anniversary of the steps. She said the meeting would adjourn to allow this photograph to take place.

##### 3.1 Adjournment of Meeting

***THAT the meeting be adjourned until 10.00am, to allow a group photograph of councillors to take place.***

Her Worship the Mayor/Davy

Carried

Attendance: The meeting adjourned from 9.07am to 10.03am.

#### **4. Confirmation of Order of Business (Continued)**

Her Worship the Mayor explained that there were three public forum presentations.

#### **5. Public Forum**

##### **5.1 Trafalgar Centre and Inner City rates**

Mr Gaire Thompson spoke about the Trafalgar Centre; and inner city rates. He tabled a set of his notes (A1151741).

With regards to inner city rates, he acknowledged that Council was looking to reduce wastewater charges but suggested that the way wastewater charges were charged disadvantaged small businesses.

Mr Thompson suggested that the Trafalgar Centre should be reopened immediately. He said that, in his opinion, the building structure was sufficient that it would not fall down in an earthquake. He suggested that a sign alerting people to the earthquake-prone status of the building was sufficient, so that people could then choose whether to enter the building or not.

In response to questions, Mr Thompson explained his opinion that, if re-opened, event promoters would be likely to use the Trafalgar Centre for events, and many people would continue to attend events there.

Her Worship the Mayor reminded Mr Thompson of the opportunity to submit on the inner city rates issue during the Annual Plan process.

##### **5.2 Trafalgar Centre/Saxton Stadium**

Mr Roger Ledingham, Chairman of Saxton Stadium Society, said that his public forum presentation was in response to a media report, that had suggested that participatory sports at Saxton Stadium' could 'easily move' to accommodate other major sporting events at Saxton Stadium due to the closure of the Trafalgar Centre.

Mr Ledingham said that the Saxton Stadium Society had acknowledged the need to accommodate events where possible, particularly for sporting events such as Giants basketball games. He said that, generally speaking, sporting codes and bodies had worked well together to house additional events at Saxton Stadium, but that it was primarily a venue for participatory sports.

Mr Ledingham explained that Saxton Stadium had been purpose built for participatory sports, in particular, netball, basketball and volleyball, rather than to host major sporting events. He added that it was extremely difficult for these participatory sports to move to other

venues, as had been experienced following the closure of Saxton Stadium due to flooding damage during 2013.

### 5.3 Trafalgar Centre

Mr Ken Beckett spoke about the Trafalgar Centre. He suggested that Council and Committee reports relating to the Trafalgar Centre were best dealt with in public, rather than public excluded session, and he encouraged councillors to question the recommendation to exclude the public at every Council meeting.

He said that the recommendation to exclude the public on the Council meeting agenda recorded the reasons as being to carry out commercial activities and to carry out negotiations, and he questioned the validity of these reasons.

Her Worship the Mayor said that all relevant engineering reports had been publically released, and that any decision to release further information to the public would need to be decided during public excluded session in the first instance.

Attendance: The meeting adjourned for morning tea from 10.41am to 11.05am.

## 6. Confirmation of Order of Business (cont.)

### 6.1 Trafalgar Centre – Officer Statement

Her Worship the Mayor advised that, during the course of the meeting, officers would make a statement in response to public forum presentations relating to the Trafalgar Centre from both the current and previous meetings.

### 6.2 Late Item – Drainage Issues at Saxton Cricket Oval

Her Worship the Mayor explained that there was a late item (Drainage Issues at Saxton Cricket Oval), and that a procedural resolution was required before this item could be considered.

Resolved

***THAT the item regarding Drainage Issues at Saxton Cricket Oval be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable drainage work to be undertaken in a timely fashion, to take advantage of autumnal growth of the turf.***

Davy/Copeland

Carried

6.3 Resolution to exclude the public

The Chief Executive explained that the reasons listed in the tables of the recommendation to move into public excluded session, as relating to the item 'Trafalgar Centre – Update Report' had changed. She said that, on review, the reason 'to carry out commercial activities' no longer applied, however the reason 'to carry out negotiations' remained, as the report contained material that would be discussed in giving directions on negotiations for future use of the Trafalgar Centre and alternatives in the city.

She added that Mr Julian Ironside would also be attending the public excluded part of the meeting, and that the reason 'to maintain legal professional privilege' should be added to the reasons for excluding the public.

Resolved

***THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Julian Ironside remain after the public has been excluded, for Item 3 of the Public Excluded agenda (Trafalgar Centre – Update Report), as he has knowledge that will assist the Council;***

***AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Julian Ironside possesses relates to legal advice in relation to the potential options for the future of the Trafalgar Centre.***

Acland/McGurk

Carried

Resolved

***THAT the reasons listed in the table of the recommendation to move into public excluded session, as relating to item 'Trafalgar Centre – Update Report' be altered as follows:***

- ***Addition of section 7(2)(g)  
To maintain legal professional privilege***
- ***Deletion of section 7(2)(h)  
To carry out commercial activities***

Ward/Her Worship the Mayor

Carried

## 7. Mayor's Report

Her Worship the Mayor noted the recent change to the Earthquake Prone Building Policy. She said the changes were in response to a Court of Appeal decision, and that this was a different issue from the Trafalgar Centre.

## 8. Funding Assistance Rate Review

Document number A1132856, agenda pages 9-34 refer.

The Chief Executive said that the New Zealand Transport Agency (NZTA) had proposed changes to the contribution for management of roads other than State Highways. She said that Nelson City and Tasman District Councils were likely to experience little change in funding, but because other local authorities were likely to be negatively impacted, a strong submission from the two councils was proposed.

In response to a question, Senior Asset Engineer Transport and Roading, Rhys Palmer, explained how a 'fit for purpose' approach was currently undertaken for the maintenance of Nelson roads.

There was a discussion about the 'whole of network' approach to funding, and how public transport was funded. In response to a question, Mr Palmer said that increased public transport funding was a matter for the next Regional Land Transport Programme.

Councillors discussed the proposed submission, and agreed that it was important to emphasise the lack of rail services in and out of Nelson.

Resolved

***THAT the report Funding Assistance Rate Review (A1132856) and its attachments (A1135778 and A35193) be received;***

***AND THAT Council approves a joint submission on the Funding Assistance Rate Review with Tasman District Council which shall include the recommendations contained within this report;***

***AND THAT Council delegates the authority for the submission on the Funding Assistance Rate review to the Mayor and the Chair of the Works and Infrastructure Committee.***

Davy/Copeland

Carried

Nelson City Council  
6 March 2014

9. **Local Government New Zealand Special General meeting – Proxy Vote**

Document number A1148170, agenda pages 35-38 refer.

The Chief Executive explained how Local Government New Zealand (LGNZ) functioned to represent all local authorities. She said that a special general meeting had been called to address three proposals, and that Council direction on these was required.

She explained the three main proposals: to add senior local authority staff representatives to the LGNZ Council membership, to allow non-voting associate members to join LGNZ, and to remove the two-term limit for the LGNZ presidency.

Resolved

***THAT the report Local Government New Zealand Special General Meeting - Proxy Vote (A1148170) and its attachments (A1148307 and A1148341) be received;***

Her Worship the Mayor/Matheson

Carried

9.1 Senior Staff Membership on LGNZ Council

The Chief Executive explained her advice against voting for senior staff membership on the LGNZ Council. She noted that the LGNZ Council had access to senior staff advice from local authorities across the country, and suggested that having on-call advice from relevant staff was more beneficial than having standing staff members on the Council.

Councillors discussed the proposal and a variety of views were expressed. Councillors in favour of senior staff Council members highlighted the benefits to be gained from collaboration between senior staff and elected member representatives. Councillors opposed noted the good relationship between the Society for Local Government Managers and LGNZ, and the lack of information regarding how such members would be elected to the Council.

Resolved

***AND THAT Council determines its positions on each of the issues before the Special General Meeting:***

- ***Against altering the composition of the LGNZ National Council to include four additional members being Chief Executives/senior staff of local authorities.***

Barker/Matheson

Carried

## 9.2 Non-Voting Associate Members

The Chief Executive explained that the proposal to include non-voting associate members of LGNZ was based on the Queensland local government model, which had identified that there was often significant common ground between business and local government interests, and that associate membership allowed for a stronger lobby at central Government level.

Councillors discussed the proposal and a variety of views were expressed. Those in favour highlighted the benefits of collaboration with business interests, whereas as those against cautioned that non-voting associate membership ran the risk that the focus of LGNZ may become diluted.

Resolved

***AND THAT Council determines its positions on each of the issues before the Special General Meeting:***

- ***Against allowing for non-voting associate members of LGNZ.***

Matheson/Davy

Carried

## 9.3 Presidential Term

The Chief Executive advised that in approximately 2005, the presidency term had been extended from one term to two terms in order to allow for consistency. She noted the importance of renewal in organisations, and suggested that removing the two term cap on the presidency may run the risk of the organisation becoming stale. She added that there was currently no cap on the number of terms that vice-presidents could serve, and suggested that this should be considered, in order to ensure there were sufficient training opportunities for potential future presidents.

Resolved

***AND THAT Council determines its positions on each of the issues before the Special General Meeting:***

- ***Against removing the term limit on the presidential term.***

Her Worship the Mayor/Barker

Carried

## 9.4 Proxy Vote

The Chief Executive advised that, at the time of writing the report, it was expected that her Worship the Mayor would be unable to attend

the special general meeting, and that the appointment of a proxy would be required. She said that subsequently it was likely that her Worship the Mayor would be able to attend the meeting.

Resolved

***THAT in the event that Her Worship the Mayor is unable to attend the LGNZ special general meeting, that Councillor Matheson attends (or Councillor Acland in the event of Councillor Matheson's unavailability) and the representative be authorised to vote on behalf of Council.***

Davy/Acland

Carried

**10. Trafalgar Centre – Officer Statement in relation to public forum presentations**

The Group Manager Infrastructure, Alec Louverdis, read a statement in response to public forum (A1151349).

Councillors discussed the depth of the Trafalgar Centre foundations. In response to a question, Mr Louverdis clarified that the type, rather than depth, of the foundations was critical and that the consultant engineering reports had concluded that the foundations were of inadequate strength.

Concern was expressed that a precedent may be set by having an officer statement immediately following a public forum presentation. Her Worship the Mayor acknowledged this concern, and explained that officers had been disadvantaged by a large number of comments circulating in the public arena, and that this provided an opportunity for officers to address the issues raised.

**11. Refurbishment of Offices – Floor 2B**

Document number A1143647, agenda pages 39-41 refer.

The Chief Executive explained the issues with the current layout of the Mayor's office, including difficulties with public access to the Mayor's office. She suggested that underexpenditure and efficiency gains in the corporate capital area be used to refurbish floor 2B of Civic House in an appropriate manner. She said this would include changes to the location of administrative staff, and improve the flow of natural light.

Councillor Davy, seconded by Councillor Noonan, moved the recommendation in the officer report.

Councillor Fulton, seconded by Councillor Copeland, moved an amendment to add an additional clause

***AND THAT the room 'Ruma Marama' be refurbished to provide a permanent Councillors' Lounge.***

Councillors discussed the amendment, with several councillors emphasising their desire for a permanent meeting/working room of sufficient size to accommodate the full Council at one time. Councillors indicated their desire for a further report to come to Council on this matter.

In response to a question, the Chief Executive advised that Ruma Marama was currently exclusively available for councillor use on meeting days, and that there would be consequential issues in removing Ruma Marama as a flexible-use meeting space.

The amendment was put and lost, and the meeting returned to consider the substantive motion.

Resolved

***THAT the report Refurbishment of Offices - Floor 2B (A1143647) be received;***

***AND THAT refurbishment of the Mayoral office and reception area, and parts of Floor 2B be approved to take place in the current financial year;***

***AND THAT it be noted that \$70,000 is available, and that up to \$115,000 be reallocated from efficiencies gained in corporate capital projects.***

Davy/Noonan

Carried

Attendance: The meeting adjourned for lunch from 12.29pm to 1.20pm, during which time Councillor Davy left the meeting.

## **12. Order of Business**

Her Worship the Mayor advised that the order of business would be varied. She said that the meeting would consider the late item (Drainage Issues at Saxton Cricket Oval), and then proceed to the public excluded agenda.

She said that the meeting would return to consider the remaining public items following the public excluded agenda.

## **13. Late Item – Drainage Issues at Saxton Cricket Oval**

Document number A1150600, late items refer.

Acting Group Manager Community Services, Hugh Kettlewell, presented the report. He explained that the One Day International

game that had taken place at Saxton Oval in January had highlighted drainage issues. He said that investigations had established that the drainage system was not functioning as designed, and that urgent remedial work was required in order to avoid Saxton Oval losing its international accreditation.

Councillors discussed the proposal. In response to questions, Mr Kettlewell advised that Cricket World Cup 2015 timeframes were driving the urgency of the remedial work, but that such work would be required in any event to ensure that Saxton Oval was available for hosting any other One Day International fixtures in the future.

Councillors noted their disappointment that this issue had occurred, and that further expenditure on Saxton Oval was being urgently required in order to comply with Cricket World Cup 2015 timeframes. In response to questions, Mr Kettlewell explained that further work was required to establish why the drainage system failed. It was agreed that a report regarding the reasons for the failure of the drainage system, and who was responsible for such failure, should be presented to a future Community Services Council meeting.

In response to further questions, Mr Kettlewell explained the nature of the contractual arrangements Council had with Cricket World Cup 2015, and noted that the risk that games would be unlikely to proceed at Saxton Oval without remedial work being undertaken.

Resolved

***THAT funding to replace the drainage system and re-instate the turf at Saxton Cricket Oval at an estimated cost of \$165,000 is approved;***

***AND THAT funding to repair the discharge pipes, and connecting them to the main stormwater system at an estimated cost of \$75,000 is approved.***

Her Worship the Mayor/Matheson

Carried

#### **14. 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:***

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><b>Trafalgar Centre – Update Report</b></p> <p>This report contains information regarding an update on the earthquake prone issues of the building and its long-term future.</p> <p>The item will include discussions about legal advice received in relation to the action items requested by Council at its meeting of 19 December 2013.</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"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
3	<p><b>Works and Infrastructure Committee - Public Excluded Minutes – 30 January 2014</b></p> <p>These minutes confirm the public excluded minutes of 28 November 2013 and contain information regarding:</p> <p>Washington Valley Property Disposal</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"> <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)(h) To carry out commercial activities</li> </ul>

Her Worship the Mayor/Barker

Carried

Nelson City Council  
6 March 2014

Attendance: Councillor Copeland declared an interest with the public excluded item 'Trafalgar centre – Update report' and departed the meeting at 1.43pm.

The meeting went into public excluded session at 1.43pm, and resumed in public session at 4.19pm. During the public excluded session, Councillor Matheson departed the meeting at 1.48pm, and Councillor Davy returned to the meeting at 2.20pm.

**15. Re-admittance of the Public**

Resolved

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

Her Worship the Mayor/Rainey

Carried

There being no further business the meeting adjourned at 4.20pm.

Confirmed as a correct record of proceedings:

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