
Minutes of an extraordinary meeting of the Nelson City Council

Held in the Council Chamber, Civic House, 110 Trafalgar Street,
Nelson

On Thursday 14 April 2016, commencing at 9.02am

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

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), Manager Administration (P Langley), and Administration Adviser (E-J Ruthven) and Youth Councillors (D Leaper and E Edwards)

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

It was noted that there were four public forum presentations.

Her Worship the Mayor advised of a late item, and noted that the following resolution needed to be passed for the item to be considered.

2.1 Nelson Regional Development Agency - Interview Panel for Recruitment of Board Members

Resolved CL/2016/076

THAT the item regarding Nelson Regional Development Agency - Interview Panel for Recruitment of Board Members 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 a timely decision to be made.

Davy/Noonan

Carried

3. Interests

Councillors were reminded to declare any interests as they arose over the course of the meeting.

4. Public Forum

4.1 Kate Malcolm

Kate Malcolm tabled a document (A1532218), and explained why she felt it was important that Council put in a submission to the Nelson Southern Link Investigation public consultation.

She said that there was no need for Council to consult with the public before putting a submission in, as the New Zealand Transport Agency (NZTA) was undertaking public consultation at the moment. She added that Council had special knowledge of the issues surrounding the Nelson Southern Link Investigation, and insight into the community's views on the issue, and should share these with NZTA, particularly on behalf of those who did not know the consultation was taking place, or who were unable or unlikely to give feedback.

Attachments

1 A1532218 - Public Forum Tabled Document

4.2 Kindra Douglas, on behalf of Victory Guardians

Kindra Douglas spoke on behalf of Victory Guardians, and explained the group was set up at the invitation of NZTA, who recognised that the Victory area would be affected if the Nelson Southern Link was built. She also encouraged Council to put in a submission to the NZTA consultation. She said that investment in transport changes since the 2011 Arterial Traffic Study had contributed to on-going efficiencies, and suggested that the present NZTA investigation had not uncovered anything new.

Ms Douglas also requested Council's support for Victory Guardians to seek a legal opinion regarding the current status of the 2004 Environment Court ruling, especially regarding air quality breaches in the Victory area, as the group did not have the resources to do so itself.

In response to questions, she said that the Environment Court ruling was listed by NZTA as a reference document. She said Victory Guardians' understanding of the ruling was that a road should not be considered due to the geography of the Victory area, and the group sought to clarify the relevance and effect of the Environment Court ruling alongside the current investigation.

4.3 Gaire Thompson

Gaire Thompson spoke about the Trafalgar Centre, and outlined his concerns about how the project had been handled. He said that the Trafalgar Centre should not have been closed, outlined issues in relation to incomplete information regarding the original construction of the Trafalgar Centre, and noted the costs involved with the project. He further noted his concerns regarding the demolishing of the Victory Room and the construction of the Northern extension.

In response to a question, he said he believed there was a serious lesson for Council to be learnt for future projects, to carefully question advice and consider lower-cost options, before signing off on large projects.

4.4 Stuart Walker

Stuart Walker tabled a document (A1533853), and spoke in support of the development of the Nelson Southern Link. He said he drove Waimea and Rocks Roads on a regular basis, and had noted an increase in traffic intensity and delays at peak times, as well as at other times of the day. He said that development of the Nelson Southern Link would not prevent walking or cycling on the Railway reserve, and that construction of the road would provide an opportunity for positive development in the Victory area.

In response to questions, he said he believed that many people in the community supported the construction of a southern arterial route, and that there was a clear need for another route for vehicles to move in and out of Nelson.

Attachments

- 1 A1533853 - Stuart Walker Southern Link Investigation Handout

5. Trafalgar Centre - Update on Request for Additional Items

Document number R5761, agenda pages 4 - 15 refer.

Manager Capital Projects, Shane Davies, presented the report and gave a Power Point presentation (A1533624). He clarified that the reference to 'as built' drawings in paragraph 5.4 referred to workshop drawings from a steel fabricator developed during work undertaken on the southern end extension, rather than actual 'as built' plans for the main building itself.

In response to questions, Mr Davies explained that Council had requested additional functional improvements to be completed within the scope of the existing budget. He said that it was now clear that the existing budget would not accommodate such improvements, and Council could choose whether to provide additional funding for these improvements instead.

In response to questions regarding the 'as built' drawings, Mr Davies explained that these had indicated where steel work in the building was,

but that the drawings were not comprehensive and during construction work items had had to be moved or reconfigured around the existing steel work. He said that, had the drawings been more comprehensive, less of the risk contingency part of the budget would have been used, but equally, if the drawings had been less comprehensive, a greater risk contingency budget would have been required.

In response to questions regarding the roof, Mr Davies said that corrosion had only become obvious once roof panels had been removed during construction work. He said that the recommended option included treating the corrosion prior to constructing a new roof over the top of the existing roof, and this option also included practicalities such as not exposing the stadium to weather during construction, and providing extra insulation.

Attendance: Councillor Ward left the meeting from 9.57am to 9.59am, and Councillor Noonan left the meeting from 9.58am to 10.00am.

In response to a further question, Mr Davies explained that a business case approach was not necessary for the roof, as work on the roof was required to protect the rest of the investment.

In response to a question regarding the proposed timeframe for the business cases suggested for the lift and lighting, the Chief Executive, Clare Hadley, confirmed that the timeframe was adequate to test the proposals, and to complete the work within the remaining construction timeframe, if the business cases suggested proceeding with this work. In response to a further question, the Chief Executive explained that the expected completion date for the project was around October 2016, but that this depended on the delivery of steel and availability of engineers to continue progressing the project.

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

During discussion, it was noted that there were aspects of the project that had been completed under budget, and that during complex projects to refurbish older buildings, it was not unexpected that additional issues, which required addressing, would be uncovered. It was added that the proposed additional costs should be supported, to ensure that the refurbished Trafalgar Centre could serve the city for years to come.

Attendance: Councillor Acland left the meeting from 10.23am to 10.25am, and Councillor Rainey left the meeting from 10.24am to 10.25am.

It was further noted that additional information from members of the community, as part of the redevelopment project, had been useful and appreciated by Council.

There was further discussion regarding the budget required for constructing a new roof, given that there was already a budget of \$70,000 set aside for re-painting the roof.

With the agreement of the meeting, the mover and seconder altered clause three of the motion to:

AND THAT funding of \$250,000 be approved to install a new roof over the current roof on the main building on the understanding that \$70,000 is already allocated in the budget and available

Resolved CL/2016/077

THAT the report Trafalgar Centre - Update on Request for Additional Items (R5761) be received;

AND THAT funding be approved to complete the western corridor to the main building (\$140,000), lining and insulating the northern wall (\$80,000) and administration offices in the north east corner of the main building (\$130,000);

AND THAT funding of \$250,000 be approved to install a new roof over the current roof on the main building on the understanding that \$70,000 is already allocated in the budget and available;

AND THAT business cases be developed to consider the value of a lift to access the eastern mezzanine floor, and High Definition television lighting in the main stadium and authority be delegated to the Mayor, Chair of Works & Infrastructure and Chair of Community Services Committees (or their deputies) and the Chief Executive to act on the outcomes of the business cases.

Fulton/Noonan

Carried

Attachments

1 A1533624 - Trafalgar Centre - Power Point Presentation

6. Nelson Southern Link Investigation - Feedback Submission

Document number R5731, agenda pages 16 - 20 refer.

A copy of the New Zealand Transport Agency Nelson Southern Link Investigation document (A1540052) and a potential alternative motion circulated by Councillor Fulton (A1533581) were tabled.

Attendance: The meeting adjourned for morning tea from 10.36am to 10.49am, during which time Councillor Ward left the meeting.

In response to a question, the Chief Executive, Clare Hadley, said that the good decision-making principles contained within the Local Government Act 2002 and Council's Significance and Engagement Policy required Council to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter. She said that, as Council had not undertaken any public consultation in relation to NZTA's Nelson Southern Link Investigation, Council was unable to form a view in order to be able to submit on the matter.

Attendance: Councillor Ward returned to the meeting at 10.51am.

At Her Worship the Mayor's request, Councillor Fulton outlined the rationale for tabling the proposed recommendation, and noted that Council had not had an opportunity to consider the matter since the Arterial Traffic Study in 2011, and that it was appropriate for Council to provide feedback for NZTA to consider alongside any other feedback received.

There was a discussion regarding whether Council was able to form a view on the Nelson Southern Link Investigation, without engaging in formal consultation with the Nelson community. It was noted during discussion that Council had undertaken extensive consultation with regards to options for walking and cycling on Rocks Road.

In response to questions, Mrs Hadley advised that it would be possible to provide feedback to NZTA based on previous Council resolutions relating to the Arterial Traffic Study and previous related consultation undertaken with the community, such as the Rocks Road walking and cycling options, but that it would not be in accordance with the principle of good decision-making set out in the Local Government Act to provide NZTA with any further feedback on the matter. She said that the issue would trigger Council's Significance and Engagement Policy, and would require community consultation.

Attendance: Councillor Lawrey left the meeting from 11.07am to 11.09am.

In response to further questions, Mrs Hadley clarified that Council had led the 2011 Arterial traffic Study, with input from NZTA. She said the current investigation was led by NZTA, but that it was still important for Council to understand the views of the community before coming to a position on the matter.

Attendance: Councillor Acland left the meeting from 11.16am to 11.19am.

In response to further questions, Mrs Hadley explained that it was not possible to insert individual Councillor names into a resolution, as a means of recognising a minority view on an issue.

A suggestion was made that Council provide feedback to note that Option A within NZTA's Nelson Southern Link Investigation was not inconsistent with previous Council resolutions regarding the Arterial Traffic Study and Council's previous consultation undertaken with regards to walking and cycling options for Rocks Road. In response to a

question, Mrs Hadley advised Council to be cautious of aligning with any particular position, as Option A may also include additional elements that Council had not previously consulted on with the community.

In response to further questions, Senior Strategic Adviser, Nicky McDonald, outlined the requirements of the Significance and Engagement Policy and explained when the community could expect that Council would undertake consultation on a matter. She said that consultation was not required when the matter was of low-medium significance, or when Council believed it already understood the community's views on a matter. She said that the Policy would cover issues covered through Annual or Long Term Plans, as well as matters addressed by central government.

Some councillors expressed disappointment that they were unaware that community consultation would be required for Council to be able to provide feedback to the NZTA investigation, given that sufficient time was required for consultation to take place.

Attendance: The meeting adjourned from 11.46am to 11.57am, and again from 11.59am to 12.08pm.

Resolved CL/2016/078

THAT the item of business being discussed be adjourned until the next Council meeting on 5 May 2016.

Acland/Fulton

Carried

Attachments

- 1 A1540052 - NZTA Nelson Southern Link Investigation consultation document
- 2 A1533581 - potential alternative motion

Attendance: Councillor Acland left the meeting at 12.13pm.

7. Mayor's Report

Document number R5758, agenda pages 21 - 23 refer.

There was a discussion regarding the formation of a Sports and Recreation Committee. Several councillors noted their concerns with the process that had been followed in forming the Committee, and in engagement with sports organisations occurring, prior to the delegations for the Committee being set.

In response to questions, Her Worship the Mayor explained her desire for there to be greater engagement between community groups and Council for strategic planning purposes. She added that the delegations for the

Sports and Recreation Committee would be presented to Council at the meeting on 5 May 2016, and Council would have an opportunity to debate the matter then. She added that a large component of committee workload took place outside the meeting structure, and that establishment of the Committee at this time would allow committee work to feed into the development of the next Long Term Plan. She added that membership of the committee would be open to any interested councillors.

During discussion, a suggestion was made that it was inappropriate for Councillor Matheson to chair the Sports and Recreation Committee, due to his involvement with community trusts, which were often used as a funding source for sports groups. A point of order was raised that the statement relating to Councillor Matheson was misleading. The point of order was upheld, and the statement relating to Councillor Matheson's involvement with community trusts was withdrawn.

Resolved CL/2016/079

THAT the Mayor's Report (R5758) be received.

Skinner/Ward

Carried

8. Nelson Regional Development Agency - Interview Panel for Recruitment of Board Members

Document number R5789, late items agenda pages 2 - 4 refer.

The Chief Executive, Clare Hadley, presented the report.

In response to a question, Mrs Hadley said that Richard Stone had participated in a lengthy candidate evaluation process undertaken by Jackson Stone, but he was unavailable to take part in interviews during the week of 18 April 2016. She said there would be insufficient value added by requesting an alternative recruitment consultant from Jackson Stone for the interview process.

Resolved CL/2016/080

THAT the report Nelson Regional Development Agency - Interview Panel for Recruitment of Board Members (R5789) be received;

AND THAT Council agree that the Interview Panel established on 3 March 2016 progress recruitment for the position of Board Member on the Nelson Regional Development Agency by conducting interviews without Mr Richard Stone.

Matheson/Davy

Carried

There being no further business the meeting ended at 12.39pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date