



AGENDA

Ordinary meeting of the

Works and Infrastructure Committee

**Thursday 28 November 2013
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership:

Councillors Eric Davy (Chairperson), Her Worship the Mayor Rachel Reese, and Councillors Luke Acland, Ian Barker, Ruth Copeland, Matt Lawrey (Deputy-Chairperson), Gaile Noonan, and Tim Skinner

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Orders:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings (SO 2.12.2)
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee (SO 3.14.1)
- It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the table for discussion and voting on any of these items.

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A1105547

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Apologies

1. Interests

- 1.1 Updates to the Interests Register
- 1.2 Identify any conflicts of interest in the agenda

2. Confirmation of Order of Business

3. Public Forum

4. Chairperson's Report

INFRASTRUCTURE

5. Bata Building Way Forward

7-13

Document number A1102263

Recommendation

THAT the Bata Building Way Forward report (A1102263) and its attachment (A748889) be received;

Recommendation to Council

THAT Council re-confirms its decision to demolish the Bata building and develop (i.e. pavement seal) the land to car parking for Council vehicles;

AND THAT Council notes that this decision does not limit future use of the site for other public works.

UTILITIES

6. Backflow Prevention Programme

14-22

Document number A205968

Recommendation to Council

THAT the Backflow Prevention Programme report (A205968) and its attachments A236037 and A236172 be received;

AND THAT in line with the Long Term Plan 2012-2022 the proposed commencement be noted of the next stage of the Backflow Prevention Programme for existing commercial and industrial properties;

AND THAT in line with current practice owners of new or altered commercial/industrial activities be required to fit boundary backflow protection at their cost;

AND THAT Funding Option A be adopted (reflecting Council's current practice with all other water network upgrades) with the costs of retrofitting backflow preventers to existing activities recovered from all customers through the normal water charges, with the programme budget in 2013/14 being deferred to 2014/15 to allow for annual plan submissions;

AND THAT the costs of inspection, maintenance and replacement in future years be included in the appropriate Long Term Plan or Annual Plan and be recovered through Operation and Maintenance charges.

TRANSPORT AND ROADING

7. Use of Public Car Parking Spaces for Placemaking Trial

23-33

Document number A692911

Recommendation

THAT the report Use of Public Car Parking Spaces for Placemaking Trial (A692911) and its attachments (A852474, A852560, A852734) be received;

AND THAT up to five individual public car parking spaces, outside of the City Centre, be used to trial placemaking;

AND THAT the current 'Licence To Occupy for Outdoor Dining on Carparks' be used for those car park allocations for placemaking;

AND THAT for the period of the trial the 'Licence To Occupy for Outdoor Dining on Carparks' application fee, licence fee and the bond be waived;

AND THAT the occupation of public car parking spaces for placemaking be reviewed by officers following a trial period of 12 months;

AND THAT the following alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (2011) be approved in order to temporarily discontinue public use of three car parking spaces for the current requests to trial placemaking:

- **Schedule 8 – Time Limited Parking Areas**
 - **P15 - Alton Street – Temporarily Discontinue;**
 - **P60 – Nile Street West – Temporarily Discontinue.**

8. The Brook Area Walking and Cycling Improvements Project – Public Feedback

34-42

Document number A941176

Recommendation

THAT the report *The Brook Area Walking and Cycling Improvements – Public Feedback (A941176)* and its attachments (A580995 and A925591) be received;

AND THAT the proposals shown in Attachment 1 (A580995) be approved for implementation in 2014/15.

PUBLIC EXCLUDED BUSINESS

9. Exclusion of the Public

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	Trafalgar Centre – Follow up report This report contains information relating to the earthquake prone issues of the building and its long-term future.	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(h) To carry out commercial activities• Section 7(2)(i) To carry out negotiations

10. Re-admittance of the public

Recommendation

THAT the public be re-admitted to the meeting.

Note:

- **Youth Councillors Chloe Rumsey and Sam Stephens will attend the meeting.**

28 November 2013

REPORT A1102263

Bata Building Way Forward

1. Purpose of Report

- 1.1 To agree on a way forward for the Bata Building (The Hub).

2. Recommendation

THAT the Bata Building Way Forward report (A1102263) and its attachment (A748889) be received;

Recommendation to Council

THAT Council re-confirms its decision to demolish the Bata building and develop (i.e. pavement seal) the land to car parking for Council vehicles;

AND THAT Council notes that this decision does not limit future use of the site for other public works.

3. Background

- 3.1 Officers provided councillors with an update on the Bata building at the 12 November 2013 Council meeting. Attached to that report was an officer memo to the Mayor detailing the reasons around Council's decision to demolish the building and the complexities of retaining the mural. Those reasons still remain and that attachment is replicated as Attachment 1.
- 3.2 Council resolved at the 12 November 2013 Council meeting as follows:

THAT in light of public interest in the Bata building, the proposed demolition and conversion to carparking be discussed at the upcoming 28 November 2013 Works and Infrastructure Committee with the matter coming back to 12 December 2013 Council meeting for a decision.

- 3.3 Saving the mural, whilst potentially possible, comes with no guarantees and would be an extremely expensive exercise.

- 3.4 Tenders to demolish the building closed on 31 October 2013 with three very competitive prices received. The evaluations and selection of the preferred tenderer are complete. Whilst officers are ready to award this contract, no tender has been awarded.

4. History

- 4.1 The building was purchased in November 1997 for the sum of \$589,000 plus GST from Barry Thompson and William Moulder.
- 4.2 This was paid for from the Parking Fund, specifically for the purpose of a new parking square for car parking, a public work.
- 4.3 The building is classified as an Earthquake Prone building.
- 4.4 Mr Thompson, the original owner, has offered to purchase the property back from Council. Any sale price will need to reflect the state of the building and the Section 124 Notice.

5. Zoning and Potential Future Use

- 5.1 The Bata building property is located in the Inner City zone where the maximum permitted building height is 15m and where parking spaces are not required on-site, but if they are provided they must meet the permitted standards. A private car park is permitted if the number does not exceed 10 and the design complies with Council standards. Parking numbers in excess of this do require a consent and this would be the case here. Officers are in the process of securing this consent.
- 5.2 Commercial and residential activities (including inner city residential apartments) are permitted with the proviso that residential units must have an outdoor living court or balcony of prescribed dimensions.

6. Legal Considerations

- 6.1 The question arises as to whether the property can be developed for anything other than what it was originally purchased for.
- 6.2 Legal counsel advises that:
- The purpose for which the Council purchased the property was specifically for car parking (deemed a public work) and that the property is held for a public work.
 - If Council wanted to use the property for car parking, then the requirement to offer the property back to the original vendor does not apply.
 - If Council wanted to develop the property for another purpose then, provided this purpose is deemed to be a public work, then the requirement to offer the property back to the original vendor does not apply. Inner city residential apartments are deemed to be a public work.

- Construction of inner city apartments would be deemed to be a public work, based on specific powers previously granted to local authorities, and carried through to the Local Government Act 2002 in a general sense.
- If Council wanted to develop the site for both car parking and inner city residential apartments then again the requirement to offer the property back to the original vendor does not apply as both are deemed to be a public work.
- If however Council wanted to sell the property, then Council would need to firstly offer the property back to the former owners.

7. Conclusion

- 7.1 Council has previously approved the demolition of the Bata building and tenders to demolish the building have been called and evaluated, but not yet awarded.
- 7.2 The building was purchased by Council for the purpose of providing car parking and funded from the Parking Fund.
- 7.3 Demolishing the building and converting the area to car parks is a controlled activity.
- 7.4 This work does not preclude the development of the site for a work other than car parking (such as inner city residential apartments) should this or a future Council wish this to occur, as long as the development could be deemed to be a public work.
- 7.5 Should Council wish to sell the property, then Council will be required to offer the property back to the original owners.
- 7.6 Any future development by Council will be a long way off and should Council approve the demolition of the building, the option exists to save money by not sealing the area, but to put in place only a gravel wearing course. This will serve to prevent dust but will also save costs should Council wish to develop the land further.
- 7.7 Saving the mural on the wall in-situ will come at a considerable cost with no guarantee of success.
- 7.8 The building cannot be economically strengthened, leased or occupied, is an earthquake prone building with a Section 124 Notice to strengthen or demolish.
- 7.9 Retaining this building to perhaps incorporate the mural sometime in the future for a future development is questionable.

Alec Louverdis

Group Manager Infrastructure

Attachments

Attachment 1: The Hub memo (1617997) [A748889](#)

No supporting information follows.

17 October 2013

Memo To: The Mayor and Councillors
Memo From: Alec Louverdis
Group Manager Infrastructure
Subject: Demolition of the Hub and the Mural Artwork - 10 Halstead Street

This memo serves to place some context around the upcoming demolition of The Bata building (The Hub) in New Street and the recent e-mail traffic surrounding the artwork on the exterior of the building fronting New Street.

Background

Council purchased 10 Halstead Street in 1998 with the purpose of creating a car park. However, the building was retained and used for a variety of purposes including a gym, art centre and youth centre. During the time the building was used by the Artery Art Centre and an artist Valeska Champion worked with the community to create a large heart and star mural fixed to the building.

An initial earthquake prone building assessment undertaken in 2012 put the building at 5.5% NBS (below the 33% minimum required in the Building Act). A detailed earthquake assessment has since confirmed that the building is earthquake prone (20-30% NBS). The estimate to strengthen the building to 67% NBS is estimated at between \$1.8 and \$2.6 Million. The combined value of the land and building is \$930,000.

The cost of a new building on that site to the same dimensions, built to 100% NBS, is estimated at between \$2.1 and \$2.6 Million.

A Section 124 was issued by the Building Unit (Regulatory) to the Council as landowner (and reported to Council previously) stipulating that the building needed to be either demolished or strengthened by 30 June 2032, with maximum occupancy set at 150 persons.

This information was communicated to the tenant and they made the decision to vacate the building on health and safety grounds. Council agreed to allow the tenant to end their lease early without any penalty and Council resolved in February 2013 to demolish the entire building and create a car park – since decided to accommodate the Council fleet car park from Wakatu Square. The resolution passed by Council is as below:

"THAT a \$300,000 allocation be added to the draft 2013/14 Annual Plan to be used for the demolition of the building at 23 New Street, its replacement with a carpark and a final decision on the future of the site to be made following consideration of the Parking Study"

The reasons for Council resolving to demolish the building included:

1. High costs of bringing the building up to code;
2. The building is a rabbit warren of offices and corridors;
3. There is limited opportunity to rent this out for a reasonable return;
4. The building required future large maintenance investment;
5. The building is very difficult to heat in winter and cool in summer.

Officers have moved ahead with this project (tenders close on 31 October 2013) and in the process Ms Campion inquired whether Council had considered options for retaining the mural (whether in situ or moved to another site).

Work undertaken by officers found the costs to save the mural exceeded the budget approved by Council, and that there were significant issues that made any solution challenging and unfavourable. These challenges largely relate to the nature of the artwork material and how it is fixed to the wall. Council has taken photographs of the artwork as a record.

The issue has again come to the fore and this memo serves to highlight the complicating issues surrounding the artwork, notwithstanding the desire to retain the artwork.

One of the issues with respect to considering whether the artwork should be retained or not (other than cost and complexity of retaining such a piece of artwork) is the potential limitation it places on the future long-term use of the site, as retaining all or part of the mural on site may make the site unattractive for future developers. It is optimal for developers to have a clear site, as it is for Council to optimise the space for carparks.

In an email to Council officers dated 4 September 2013 Ms Campion notes that she knew the site was bought for a car park and had some knowledge that the mural would be temporary in nature. However, officers accept that the artwork has gained a level of recognition in the community in the past 10 years.

Options exist to save the artwork, but it must be understood that these will attract substantial additional costs.

Current Proposal: This includes demolition of the building, with the option of removing and relocating only parts of the mural that can be salvaged. As with all options, there is no guarantee this would be successful.

Portions of the mural could possibly be salvaged for use at another site. This is of course dependent on responses from tenderers around feasibility and cost. The benefit of this approach is the building can be demolished removing the earthquake risk, allowing the car park to be formed and creating a clean site for any future development. This will attract additional cost, but will form part of the tender submission and will be evaluated by officers.

The budget allocated to demolition and creating a carpark is \$300,000. A further risk to the budget has been identified, that there are potential issues of contamination on the site, which may increase costs.

It is intended to have demolition completed by 23 December 2013, with the car park to follow in early in 2014.

Alternative option one: Demolish building, but retain the front wall and mural in its entirety

The building would be demolished but the front wall containing the mural retained (again there is no guarantee that this is possible). The front wall will, as a minimum, need to be buttressed to ensure it is safe and does not pose an earthquake hazard – ie any solution will need to be at least 67% NBS but more likely 100% NBS. This option would allow Council to retain the mural for as long as Council owns the site. The buttressing means the space for car parking would be reduced (by how many carparks is at this stage unknown). As noted previously retaining the structure could limit the future site development as it is unlikely a future developer would want to retain the mural.

Alternative option two: Demolish building, but remove and relocate the entire mural

The possibility exists to attempt to remove the artwork in pieces for installation at another as yet unidentified location. This option has the benefit of being able to demolish the entire building and create the planned car park. However, the artist is not keen on the art work being removed as it

was designed for that location. Again, this option is risky as there is no guarantee that the artwork could in fact be removed easily without damage.

The artist has advised that the mosaics are solidly glued to the building using a cement-based adhesive, and would have to be removed one-mosaic-piece at a time with a chisel. The handmade tiles would most likely break into smaller pieces in the process.

Any remedial work would most likely include a reinforced concrete footing and tilt slab onto which the artwork could be mounted.

Officers have not been able to estimate costs for placing the artwork on another building as there are too many variables involved to develop a specification until a location is identified.

It is likely that the artist would wish to be involved in any relocation of the artwork.

Costs

Discussions with a structural engineer to further explore these alternative options has revealed that pursuing any sort of option will be difficult and costly and that a minimum of \$100,000 (in addition to the costs of demolition) would be required as a starting point for all options other than the current proposal. Realistically costs could be well in excess of \$300,000.

The costs of structural engineering advice in order to develop options would be in the order of \$30,000.

To put this into perspective, the costs to save the mural would, as a minimum, be around a third of the cost to demolish the building and at worst 100% of demolishing the building.

Conclusions

There is clearly a drive from some to save the artwork although the original, temporary nature of the mural is acknowledged.

Whatever option is pursued it will come at a substantial cost that is unbudgeted. There is already a risk that costs may increase if fears of contamination at the site are realised.

There is no guarantee that any relocation could be safely undertaken and a real risk exists that any attempt to save or move the artwork or portions thereof could be unsuccessful. Any willingness to relocate the artwork is related to the alternative location being acceptable to the artist, and no work has been done on identifying possible sites.

Changes to the project will impact on officers' ability to deliver the Council resolution.

Retaining the artwork wall will impact on the number of car parks able to be accommodated.

Retaining the artwork wall could still pose a risk in an earthquake irrespective of the option chosen because of the nature of the slenderness of the wall and could pose a risk to assets (cars) and potentially lives.

The building is sub 33% NBS and is an Earthquake Prone building that has a binding Section 124 notice attached to it.

The reasons behind Council's decision to demolish the building in the first instance are still valid.

Officers acknowledge that the artwork is dear to the artist's heart, but raise the issue of whether saving the mural comes at too great an additional cost.

In considering whether to invest more in this project, Council also needs to turn its mind to whether this fits in with the purpose of local government. This is not just an emotive argument around art; there are matters around potential cost and risk.

To explore this further will require additional funding to appoint a structural engineer to develop options and \$30,000 would not be unrealistic. Added to this would then be the cost of physical works (minimum of \$100,000 but potentially \$300,000 or even more).

Backflow Prevention Programme

1. Purpose of Report

- 1.1 To advise Council of the commencement of the next stage in the installation of backflow preventers to the boundaries of commercial and industrial properties in Nelson and recommend adoption of the preferred options for cost recovery of installation and future operation and maintenance.

2. Recommendation to Council

THAT the Backflow Prevention Programme report (A205968) and its attachments A236037 and A236172 be received;

AND THAT in line with the Long Term Plan 2012-2022 the proposed commencement be noted of the next stage of the Backflow Prevention Programme for existing commercial and industrial properties;

AND THAT in line with current practice owners of new or altered commercial/industrial activities be required to fit boundary backflow protection at their cost;

AND THAT Funding Option A be adopted (reflecting Council's current practice with all other water network upgrades) with the costs of retrofitting backflow preventers to existing activities recovered from all customers through the normal water charges, with the programme budget in 2013/14 being deferred to 2014/15 to allow for annual plan submissions;

AND THAT the costs of inspection, maintenance and replacement in future years be included in the appropriate Long Term Plan or Annual Plan and be recovered through Operation and Maintenance charges.

3. Background

- 3.1 The Nelson City water supply is a pressurised network that supplies approximately 19,000 residential, and approximately 1,800 commercial/industrial properties.
- 3.2 It is possible for contaminants to enter the water supply from properties connected to the supply when cross connections are inadvertently made between the network and on-site reticulation or short term vacuum conditions develop when pipes burst or hydrants are opened.
- 3.3 All of the city's residential meters incorporate a simple spring loaded check valve assembly, suitable for low risk activities, that helps to prevent backflow.
- 3.4 Commercial and industrial properties commonly undertake processes that involve hazardous chemicals or materials that could contaminate the city's water supply in the event of a backflow event.
- 3.5 Issues arising as a result of backflow from high risk activities such as undertakers, doctors and dentists surgeries are readily understood, however similar issues can also arise in commercial kitchens where food is prepared and cleaning chemicals are used.
- 3.6 Section 69ZZZ of The Health Act 1956 allows Council as a networked supplier to install a backflow prevention device or allow a property owner connected to the network to install an approved device, where it is considered that there is a need to protect the networked system from risks of contamination caused by water and other substances on properties connected to the system. This section also allows the supplier to recover costs from the owner of the property (Attachment 1).
- 3.7 The Nelson City Council Water Supply Bylaw 217 confirms that Council may, at the customer's cost, fit a backflow prevention device on the Council side of the point of supply.
- 3.8 The Nelson City Public Health Risk Management Plan 2012 identifies the installation of backflow prevention devices as an important item of network security. Backflow prevention is also one of the factors measured when water grading inspections are carried out by the District Health Board. Demerit points accrue where there is no active programme in place.
- 3.9 The Building Act 2004 also requires owners of properties to have backflow prevention devices installed in fittings where hazardous substances or processes exist on their properties. The emphasis of this is to protect others within the building from a backflow hazard while also protecting the wider community from a particular activity. These installations do not provide complete protection as they are generally installed to parts of the site and on specific fittings, rather than at the point of connection to the city network.

- 3.10 Currently all new commercial and industrial properties are required to install boundary protection where they require new or altered connections to the network. However there are many properties with existing activities that do not have backflow preventers installed. In order to provide security to the wider community, boundary protection will be installed to those properties that do not currently have this in place.
- 3.11 The Long Term Plan 2012-2022 signals Council's intention to install suitable backflow prevention devices to commercial and industrial properties and recover the costs from property owners. Once installed the backflow prevention device would become a Nelson City Council asset with inspection, maintenance and replacement becoming the responsibility of Council.
- 3.12 Installation costs vary depending upon the type of backflow device required for the nature of the risk, the size of the property supply lateral and the difficulty of installing the device in the street, footpath or road berm. Where possible, backflow prevention devices will be installed with new commercial meters to minimise customer inconvenience.
- 3.13 During the 2012/13 financial year backflow prevention devices were fitted to Nelson City Council properties in order to develop some understanding of the likely costs and issues that may arise.
- 3.14 It is intended to continue the backflow programme with the installation of backflow prevention devices to commercial and industrial properties, starting with those that pose the highest risk to the city-supply, and be complete by 2021/22.
- 3.15 The owners of all properties where backflow preventers will be installed in any financial year will receive written confirmation of the proposed works in advance of the works being carried out.

4. Discussion

- 4.1 Nelson City Council operates a closed account for the water supply activity. All costs of operating and maintaining the network are met from customer charges, with 30% recovered by way of fixed line charges and 70% from charges for the water used.
- 4.2 While the fixed line charge is the same for all customers, the rates for the water supplied vary, depending upon the volume used and in limited circumstances, the time of the year. The rates per cubic metre are in quite broad bands' with the majority of users falling within the 0-10,000 cubic metre band. A typical household would use 300-500 cubic metres per year.
- 4.3 The costs of repairs, maintenance and renewal of the network are spread over all customers, as is the cost of replacing residential and commercial meters and fittings. Likewise the cost of reading meters and processing invoices are also spread over all customers, although residential meters

are read at six monthly intervals and commercial meters are typically read three monthly. A small number of commercial meters are read monthly. In that regard the cost of installing backflow prevention devices retrospectively, to protect the full network, can be seen in the same light as a cost to the full network.

- 4.4 The total cost of the backflow preventer installation programme is approximately \$3.9 million over the next ten years to 2022. Annual inspection and maintenance costs to Council are expected to start at \$5,000 per annum and increase to approximately \$70,000 per annum as the devices are fitted.
- 4.5 For the 2013/14 financial year capital expenditure of \$100,000 has been identified with a proposed cost recovery of \$51,200 (based on customers being charged individually for the cost of installation). The lesser recovery reflects the expectation that backflow devices will be installed at different times through the year and recovery from property owners could be over a longer timeframe.
- 4.6 An initial analysis of the network suggests that approximately 88% of properties lie in the 15-40mm size range, 7% in the 50-80mm range and 5% in the 100-150mm range. Contamination of the city network could develop from any property and cost the city a minimum of \$10,000 - \$50,000 to isolate, drain, clean and disinfect, depending on the nature of the contaminant and the time taken to find and isolate it. Recent contamination of the Raetihi water supply source with diesel oil has lead to the town being without a network supply for many days.
- 4.7 There are a number of options for funding, cost recovery and payment terms for the installation and future operation and maintenance of backflow preventers.

Funding Options

- 4.8 All options assume that the current practice, of expecting new commercial/industrial activities to install boundary backflow protection where they require new or altered connections to the network, will continue. Funding options for retrospective installation of devices, where required, and Operation and Maintenance costs are as follows:
 - 4.8.1 Option A

Treat as a cost to the full network and spread over all residential and commercial/industrial customers through the normal water charges.
 - 4.8.2 Option B

Treat all commercial/industrial properties as a sub set of the full network and spread the cost over all customers in this sub group. This would mean introducing separate pricing for residential and commercial/industrial groups.

4.8.3 Option C

Recover the cost from each individual property owner either by:

(C1) Charge the actual cost of the work as invoiced to Council by the contractor plus administration/finance charges; or

(C2) Develop "Bands of Charges" based on the location, size and type of the device (Attachment 2).

4.8.4 Option D

Recover part of the cost from each commercial/industrial property owner and the balance from all properties connected to the network. A 50:50 split could be considered.

4.9 Option (C) has no security of payment whereas options (A) and (B) are supported by the Local Government (Rating) Act 2002.

4.10 Option (C2) provides some cost certainty to customers and allows more efficient invoicing for installation costs.

4.11 If all costs were to be recovered from the commercial/industrial users as a group, the average cost to each would be approximately \$2,500 for installation and up to \$30-\$40 per year for inspection and routine maintenance once all devices have been installed.

4.12 Option's A and B will require costs to be recovered from some or all connections to the network, with the requirement that water charges will increase in line with the amount of capital spent. The programme would add approximately \$25 per year to each account once the total programme has been completed in 2022. This option will also mean that the intention to charge individual property owners directly, signalled in the Long Term Plan 2012-22 will change.

4.13 Should either option A or B be adopted a change to the current years' programme will have to be considered. The backflow prevention programme will have to be delayed by one year to allow the water charges to be adjusted through the next Annual Plan.

Payment Options

4.14 Where costs are to be recovered by invoicing individual property owners payment options are as follows:

4.14.1 Option 1

Standard commercial practice of payment by the 20th of the month following invoicing.

4.14.2 Option 2

Allow extended payment term of 6 months after invoice.

5. Resource Implications

- 5.1 Individual invoices will take some staff time to prepare, send and follow up. It is estimated that a minimum of two hours per invoice will be required, at least in the first year, as spreadsheets are developed.
- 5.2 Recovering costs from all water accounts as part of the normal invoicing round is consistent with the current approach for all other operational costs and offers a simpler, more cost and resource effective option.

6. Conclusion

- 6.1 Installing backflow prevention devices to the water network is critical to maintaining its integrity and security.
- 6.2 Installation of backflow prevention devices will protect all consumers in the network and support Council's obligations as a drinking water supplier under the Health Act 1956.
- 6.3 The option of spreading the cost of the programme over all connections to the network is more efficient and better reflects Council's current practice of treating all maintenance and upgrades to the network as a cost and benefit to all customers. The backflow prevention programme will need to be delayed for one year to allow for submissions to the annual plan should this option be adopted.
- 6.4 It is recommended that Council adopt Funding Option A on the basis that the programme protects all customers, is consistent with current practice for operational activities and offers the most efficient cost recovery mechanism, with expenditure in 2013/14 deferred to 2014/15 to allow for submissions to the annual plan.

Phil Ruffell

Principal Adviser Utilities

Attachments

Attachment 1: The Health Act 1956 [A236037](#)

Attachment 2: Proposed Cost Recovery Bands [A236172](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

The Backflow Prevention Programme meets the purpose of the Local Government Act 2002 "Good quality local infrastructure".

Installation of Backflow Preventers was determined to be the most cost-effective option of preventing contamination of the city water supply because no effective means of mitigating contamination exists should contamination lead to serious harm or death.

2. Fit with Community Outcomes and Council Priorities

The Backflow Prevention Programme meets the Community Outcome of "Kind, healthy people".

3. Fit with Strategic Documents

The Backflow Prevention Programme is referenced in the Long Term Plan 2012-2022, The Water Supply Asset Management Plan 2012-2022, The Water Bylaw 217 and the Nelson City Public Health Risk Management Plan 2012.

4. Sustainability

The Backflow Prevention Programme meets the Sustainability requirement for "Does the project improve the well-being of local people? (E.g. by influencing the triggers of disease -diet, lifestyle, exercise, pollution?)".

5. Consistency with other Council policies

N/A.

6. Long Term Plan/Annual Plan reference and financial impact

The Backflow Prevention Programme is referenced in the Long Term Plan 2012-2022 Water Supply Activity "Significant Negative Effects and Risk Mitigation" and "Capital Expenditure".

7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

8. Consultation

The proposal has been the subject of public consultation through the Long Term Plan 2012-2022 and the Water Bylaw 217.

9. Inclusion of Māori in the decision making process

No specific consultation has been undertaken with Māori.

10. Delegation register reference

Decision of Council.

69ZZZ Protecting water supplies from risk of back-flow

- (1) This section applies if a networked supplier considers that there is a need to protect the networked system from risks of pollution caused by water and other substances on properties connected to the networked system.
- (2) A networked supplier may,—
 - (a) if the supplier considers it desirable or necessary,—
 - (i) install a back-flow prevention system in the network on the side of the point of supply for which the supplier is responsible for maintaining; or
 - (ii) allow the owner of property to which water is supplied to install a back-flow prevention system that incorporates a verifiable monitoring system (being a monitoring system approved by both the supplier and a drinking-water assessor);
 - (b) require the owner of the property in respect of which the back-flow prevention system operates or the person who is required (whether under the Local Government Act 2002 or any contract) to pay for drinking water supplied to that property,—
 - (i) if paragraph (a)(i) applies, to reimburse the supplier for the cost of that system (including the cost of installation, testing, and on-going maintenance); and
 - (ii) if paragraph (a)(i) or (ii) applies, to repair or modify any back-flow prevention system that, in the opinion of the supplier, is not functioning adequately.
- (3) A person who installs a back-flow protection device must take all reasonable steps to ensure it can operate in a way that does not compromise the operation of any automatic sprinkler system connected to the water supply.
- (4) A networked supplier—
 - (a) must test each back-flow protection device operating in its network at least once a year; and
 - (b) must advise the territorial authority in its area of the results; and
 - (c) may require the occupier of the property in respect of which the device operates to pay the reasonable costs involved in conducting the test.

Section 69ZZZ: inserted, on 1 July 2008, by section 7 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

Proposed Cost Recovery Bands

The following Table sets out the results to date of thirteen of the current year's backflow installation sites. Any proposed "banding" of costs would draw on this information. An initial value for the proposed charges is also shown.

Meter Size	Total Cost/ Range	Comments
12 - 20mm	\$625- \$1150	<i>Propose to use \$1,000</i>
20 - 32mm	\$800- \$1600	<i>Propose to use \$1,500</i>
40- 50mm	\$2450- \$4850	<i>Propose to use \$2,500 Garden, \$5,000 Metal road for 40-50mm</i>
80- 100mm	\$9,400- \$10,200	<i>Propose to use \$10,000</i>
150mm	\$15,550	<i>Propose to use \$15,000</i>

An initial analysis of the network suggests that approximately 88% of properties lie in the 15-40mm size range, 7% in the 50-80mm range and 5% in the 100-150mm range.

Use of Public Car Parking Spaces for Placemaking Trial

1. Purpose of Report

- 1.1 To approve a trial approach to the use of public car parking spaces for placemaking.
- 1.2 To approve an amendment to the Schedules of the Parking and Vehicle Control Bylaw (2011) so that up to five public car parking spaces, outside the City Centre, can be used to trial placemaking.

2. Recommendation

THAT the report Use of Public Car Parking Spaces for Placemaking Trial (A692911) and its attachments (A852474, A852560, A852734) be received;

AND THAT up to five individual public car parking spaces, outside of the City Centre, be used to trial placemaking;

AND THAT the current 'Licence To Occupy for Outdoor Dining on Carparks' be used for those car park allocations for placemaking;

AND THAT for the period of the trial the 'Licence To Occupy for Outdoor Dining on Carparks' application fee, licence fee and the bond be waived;

AND THAT the occupation of public car parking spaces for placemaking be reviewed by officers following a trial period of 12 months;

AND THAT the following alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (2011) be approved in order to temporarily discontinue public use of three car parking spaces for the current requests to trial placemaking:

- ***Schedule 8 – Time Limited Parking Areas***

- ***P15 - Alton Street - Temporarily Discontinue;***
- ***P60 - Nile Street West - Temporarily Discontinue.***

3. Background

- 3.1 Placemaking is where the public takes action to enhance public spaces for general public use. The main contribution of Council to placemaking is to provide 'permission' for this to happen. The community draws on its own resources to create, construct and maintain the space. Examples of placemaking are included in Attachment 1.
- 3.2 On 4 April 2013 Council resolved to install a temporary, moveable public seating area, taking up one 60 minute metered public car parking space on Bridge Street.
- 3.3 Following several visits to Nelson by placemaking consultant, David Engwicht, in February and May 2013, Council is currently piloting the use of placemaking 'DIY kits' with the community.
- 3.4 These activities have signalled Council's support for placemaking to the community. As a result Council has recently received requests from two retailers to use the public car parking spaces outside their business to enhance the public space by providing a seating area and a bicycle rack.
- 3.5 These two requests are for the use of three individual parking spaces outside of the City Centre but within the city fringe. More details about the requests and their locations are provided in Attachment 2.
- 3.6 The City Centre, also known as the Central Business District, is the area within the central city bounded by Collingwood Street, Halifax Street, Rutherford Street and Selwyn Street.

4. Discussion

Licence Arrangements

- 4.1 A number of businesses in Nelson lease public car parking spaces (and footpath space) for outdoor dining. Through a licence arrangement with Council they have exclusive rights to use that space whilst undertaking a number of responsibilities including; keeping the area clean and tidy, all maintenance in relation to structures, ensuring the area is protected from the road (e.g. bollards and chains) and paying for the removal of the area and reinstatement of car park/road should they or Council wish to end the lease.

4.2 Details of the current leases for the 2013/14 year include:

	Number of leases	Range of individual annual charges*	Average charge	Total per year
Parking spaces	15 (Total of 26 car park spaces)	\$1435 - \$8601	\$4137.21	\$62,058.09
Footpath dining	34	\$217 - \$8932	\$1362.37	\$46,320.72
*Calculated on land value, size of space occupied.				\$108,378.81

4.3 Due to the moratorium on using City Centre car parks (see 4.5 below) any request to occupy a public car park for outdoor dining or other commercial purpose within the City Centre is currently turned down by Council. The Council receives regular enquires about the use of car parks in the City Centre for commercial purposes.

4.4 The two recent requests Council has received to use public car parking spaces for placemaking apply to car parks that are outside of the City Centre, in locations where parking time restrictions apply but parking charges do not.

Moratorium on the Use of City Centre Parking Spaces

4.5 Council approved in November 2003 a moratorium on removing public car parking spaces for outdoor dining in the City Centre. This has remained in place, with Council awaiting the outcome of the Parking Strategy before deciding to lift the moratorium.

4.6 While the Bridge Street seating area is within the City Centre, this was approved by Council resolution as a trial and executed as a temporary structure on top of the existing car park so that it can be removed and the car park reinstated immediately. Most retailers along the section of Bridge Street where it is sited were in favour of the seating area. The seating area was installed in May 2013 outside Akbabas and was relocated in August 2013 to where it is presently outside the Bridge Street Collective at 111 Bridge Street. It is expected that the trial will run for one year (three to four sites over 12 months).

Council Resolution Required

4.7 The Parking and Vehicle Control Bylaw 2011 requires a Council resolution to temporarily discontinue a parking space.

4.8 The Schedules of the Bylaw that would require updating to allow the two requests received to date to occupy car parking spaces as outlined in Attachment 2 include:

- Schedule 8: Time Limited Parking Areas.

Changes include:

- o P15 - Alton Street – Temporarily Discontinue;
 - o P60 - Nile Street West – Temporarily Discontinue.
- 4.9 The car parking spaces that are proposed to be used on Alton Street are two 15 minute parks that service the adjacent shops. There is no plan to replace these 15 minutes parks elsewhere on the street, as four 60 minute car parks and a 5 minute loading zone remain available adjacent to the shops. Infrastructure officers also advise that there is high demand for parking in Alton Street due to its proximity to the Nelson Marlborough Institute of Technology.
- 4.10 Infrastructure officers advise that there is high demand for parking on Nile Street West due to its proximity to the Rutherford Hotel and the City Centre and the area provides 60 minutes of parking with no charges.
- 4.11 In relation to the trial, any future requests for the use of car parking spaces for placemaking will be reported to Council on a case by case basis for approval, up to a maximum of five spaces in total.

Community Outcomes from Placemaking

- 4.12 Through placemaking Council can encourage members of the public to enhance their own public spaces. This fosters a feeling of ownership, a sense of belonging and creates vibrant places where people want to be and stay. This has a range of flow on effects - people stay longer in the retail space, purchase more and the passive surveillance makes public spaces feel safer. This fits well with the stated vision and objectives in the Heart of Nelson Strategy – see Attachment 3.
- 4.13 Placemaking can occur in a variety of public spaces – not just on public car parking spaces – however, the recent requests to use car parking spaces has meant that officers have considered the possible risks and developed a proposed approach as described below.

Consistency

- 4.14 If Council allows retailers to create a public space on public car parking spaces with no licence, conditions or charges this could be seen by other retailers, who lease a parking space, as unfair. This also raises issues around liability as the space still remains under Council control.
- 4.15 Council needs to determine how it will support people to enhance public spaces while being cognisant of the arrangements for the commercial use of public car parks that are already in place.
- 4.16 A wider strategic approach to the use of public car parks within the City Centre is on hold pending the outcome of the Parking Strategy, due to be completed in the current 2013/14 year. The proposed approach below provides an interim solution while this strategic approach is being developed.

- 4.17 The immediate possible risks of allowing the use of public car parking spaces for placemaking and some suggested mitigation options are identified in the table below.

Risks	Mitigation
City Centre retailers/ businesses concerned at loss of more car parks	Allow the use of car parks outside of the City Centre only. This also ensures that Council is complying with the moratorium. To temporarily discontinue the use of a car parking space requires a Council resolution - each request can therefore be assessed on a case by case basis. Only allow for a limited number of spaces to be used as a trial (five spaces).
Neighbouring retailers concerned of affect on their business	Applicant to confirm at their cost that 50% of surrounding retailers/businesses are happy with the car parking space being used.
Other car park lease holders complain	Communicate that this is a limited trial, only five spaces in total available outside of the City Centre as part of the trial and it will be reviewed and interested parties consulted.
Everyone wants one (there is current demand for City Centre spaces for outdoor dining)	Communicate that this is a limited trial, only five spaces available as part of the trial and if favourably reviewed a waiting list will be kept and/or a renewals system established.
Quality of the space	Require a licence agreement with same conditions as other commercial users of public car parking spaces – this includes a drawing/plan to be signed off by the Infrastructure Group.
Maintenance of the space	Require a licence agreement with same conditions as other commercial users of public car parking spaces.

Proposed Approach

- 4.18 To allow for public car parking spaces to be used for placemaking it is proposed that a limited trial be carried out, with up to five spaces being made available for a 12 month period. The trial would help identify other potential issues that might arise and would provide Council with the opportunity to see how the licence arrangement works and review the approach.
- 4.19 Due to the moratorium on City Centre car parks the trial would only apply to areas outside of the City Centre.
- 4.20 To overcome the issues of liability and fairness applicants would be required to have a licence with the Council, just as retailers who lease car parking spaces for commercial purposes are required to, but the proposed approach is to waive the licence fees during the trial period, as the space will be available for public use and not just for the retailer's exclusive use.

- 4.21 Council needs to consider if it would require a bond as is currently required under normal licence arrangements. A bond could reduce the risk to Council of incurring costs in the event that Council needed to remedy the space, however a bond may be a barrier to interested people when Council is looking to encourage more active involvement and ownership of the public space. It is therefore proposed that for the trial period the bond be waived.

5. Conclusion

- 5.1 Council has recently received requests from two retailers to use the public car parking spaces near their businesses to enhance the public space through placemaking.
- 5.2 Council has signalled its support for placemaking through installing a public seating area on a car park in Bridge Street and holding community workshops on placemaking in May 2013.
- 5.3 In order to allow for the use of public car parking spaces for placemaking the Vehicle and Parking Control Bylaw 2011 requires a resolution of Council to temporarily discontinue the car parks.
- 5.4 Other issues in relation to the commercial use of car parks by retailers and businesses means that Council needs to have a fair and transparent approach for the use of car parking spaces for placemaking.
- 5.5 It is proposed that a trial period be used to test how the placemaking approach works. This would include up to five parking spaces being made available for public placemaking and it is recommended that; a licence agreement would be required but the fees and bond would be waived during the trial period; the placemaking trial would be reviewed by officers after 12 months.

Sarah Yarrow
Policy Adviser

Attachments

- Attachment 1: Placemaking Examples [A852474](#)
- Attachment 2: Requests to Create Public Spaces Using Car Parking Spaces [A852560](#)
- Attachment 3: Objectives Relevant to Placemaking from the Heart of Nelson City Centre Strategy [A852734](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

Public placemaking involves the public directly in decision making and action for their local environment and provides local infrastructure that meets the community's needs.

2. Fit with Community Outcomes and Council Priorities

Public placemaking supports the community outcomes of: people friendly places; a strong economy; kind, healthy people; a fun creative culture; and good leadership. Public placemaking supports Council priorities of a leading lifestyle; a rich, diverse community; the Nelson edge; and a creative city.

3. Fit with Strategic Documents

Supports the objectives of the Heart of Nelson City Centre Strategy and the vision and goals of Nelson 2060.

4. Sustainability

Supports the Nelson 2060 vision of an inclusive leadership style that supports our unique approach to living and that is boldly creative. Supports the Nelson 2060 goals of supporting and encouraging leaders (goal 1), people being involved in decisions (goal 2), an economy that is vibrant and sustainable (goal 7) and people meeting their own essential needs (goal 9). By sourcing and using local materials and labour this meets the sustainability principles of reducing what we take from the earth (principle 1) and providing for people to meet their own needs (principle 4). It supports the 'how we get there' elements of Nelson 2060 including building community knowledge and skills and working together in partnership.

5. Consistency with other Council policies

Consistent with the objectives of the Social Wellbeing Policy. Not inconsistent with other Council policies.

6. Long Term Plan/Annual Plan reference and financial impact

No financial impact.

7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

8. Consultation

Uniquely Nelson consulted on the approach.

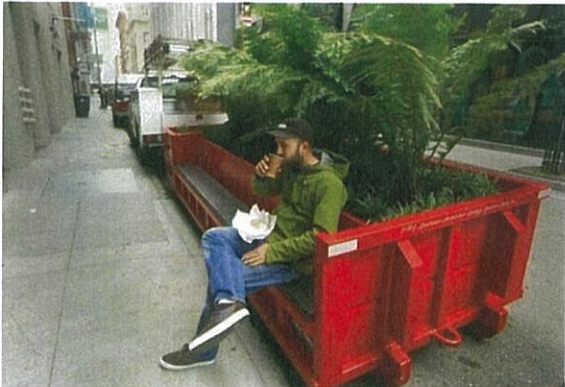
9. Inclusion of Māori in the decision making process

Maori not involved in the decision making process.

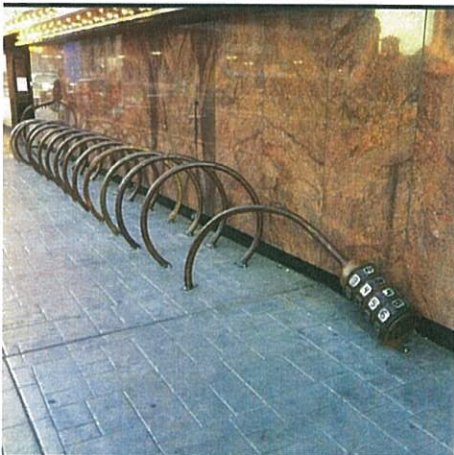
10. Delegation register reference

This is a decision of Council.

Placemaking Examples
Seating areas on car parks



Bicycle racks



Requests to Create Public Spaces on Public Car Parking Spaces

1. Public seating area outside the Fish Stop fish and chip shop on Alton Street.

This is outside the City Centre but within the city fringe.

The proposal is to install a public seating area that would take up the two 15 minute angle parks outside the shop. The shop is on the end of a block of three shops. Some seating and planters would remain there all the time, creating a 'mini urban park'. Other seating, tables and umbrellas would be provided by the retailer when the shop is open.

The neighbouring retailers have confirmed that they are happy with the seating area taking up the two 15 minute parking spaces outside the fish shop. Four 60 minute car parks and a 5 minute loading zone remain available adjacent to the shops.

The seating area would be constructed by the retailer and friends and the design would be approved by the Infrastructure Group. It would be constructed directly over the car park and be 'temporary' so it can be removed and the car park reinstated immediately.



2. Bike Rack Near Cyclelogical Bike Shop on Nile Street West.

This is outside the City Centre but within the city fringe, near the corner of South Street.

The proposal is to replace the 60 minute angle car park closest to the corner with a sculpted bike rack which would be for public use. The bike rack design and layout of the space would be approved by the Infrastructure Group.

Additional features might include a free air pump and a 'fix'it' stand with tools that people can use free of charge to fix/maintain their bike.

The proposal is still looking into community support and funding, however having permission to use the space would allow funders to commit.

It would be constructed directly over the car park and be 'temporary' so it can be removed and the car park reinstated immediately.



Objectives Relevant to Placemaking from the Heart of Nelson City Centre Strategy

From the Vision:

City Centre streets will be alive and bustling with pedestrians, outdoor cafes, activity and entertainment.

Identity Objectives:

To help build community – community that is inclusive and welcoming of visitors and all the region's citizens

Amenity Objectives:

To provide a variety of high quality public spaces for people to enjoy, relax and socialise in, so as to add to inner city vitality and to soften the built form

To enhance the outdoor life of the City Centre through the quality of its open spaces and streets, the design of buildings, through 'active' street frontages, plantings, connectedness and walkability

Activity Objectives:

To achieve an engaging, activity filled central city, with activities that encourage people into the central city and to spend more time once there

Safety Objectives:

To achieve a safer city through good urban design and through promotion of activities that increase public presence and supervision around public spaces

The Brook Area Walking and Cycling Improvements Project – Public Feedback

1. Purpose of Report

- 1.1 To inform Council of the outcome of the second round of consultation undertaken in September 2013 regarding the revised proposals for the Brook Area Walking and Cycling Improvements Project.
- 1.2 To summarise the feedback received from the property owners and residents of the Brook Street area.

2. Recommendation

THAT the report The Brook Area Walking and Cycling Improvements – Public Feedback (A941176) and its attachments (A580995 and A925591) be received;

AND THAT the proposals shown in Attachment 1 (A580995) be approved for implementation in 2014/15.

3. Background

- 3.1 The Brook area was part of the original application to New Zealand Transport Agency (NZTA) for R funding for improved walking and cycling facilities. These proposals are focussed on improving the journey to school for both walking and cycling and are 53% subsidised by NZTA. This project is scheduled for construction in 2014/15.
- 3.2 The original proposals were circulated in April-May 2013 to all residents and businesses in the Brook area. 82 responses were received, together with two petitions and a community organised meeting with approximately 70 attendees.
- 3.3 There were also a number of residents who appeared at the public forum at the August 2013 meeting.
- 3.4 Whilst there was some support for the proposals, the community made it very clear they did not support parts of the original proposal. That feedback formed the basis of the development of the revised proposals

which officers believe still achieve the original objective of improving the walking and cycling facilities in the Brook area, particularly for the school journey.

3.5 Officers tabled a report (1561385/A670740) at the 29 August 2013 Policy and Planning Council meeting relating to the above project and Council requested feedback on the outcome of the second round of consultation undertaken in September 2013 regarding the revised proposals for Walking and Cycling in the Brook area.

3.6 Council resolved:

THAT the report The Brook Area Walking and Cycling Improvements (1561385/A670740) and its attachments (1483637201969, 1576195, 1563202/A580995) be received;

AND THAT Council notes the three main areas of concern raised in the engagement, namely:

- Loss of parking outside the Brook Street Store and on Manuka Street*
- Potential for conflicts with pedestrians on the shared paths*
- Operation of the Manuka Street/Tasman Street intersection have been addressed in the revised proposals shown in 1563202/A580995;*

AND THAT a second round of engagement with the Brook area community be undertaken during September 2013 with the results reported back to Councillors.

3.7 The revised plans were again distributed to the Brook community in September 2013 and 25 responses were received. These are summarised in Attachment 1. Copies of the full submissions have been placed in the Councillor's lounge before the meeting. Of these responses:

- Six were disappointed the original proposals had been "watered down";
- Six approved of the changes to the project;
- Three still objected to the use of shared paths;
- Three reiterated their concerns about the behaviour of mountain bike cyclists in the area and the impact on Betsy Eyre Park;
- Three supported the proposals for pedestrian refuges;

- Three requested an improvement to the crossing of Tasman Street immediately south of the Nile Street roundabout.

4. Discussion

Public Response

- 4.1 The submissions received have been summarised in the Table in Attachment 2. Officer response/comments have been added to each submission. In summary:
- 4.1.1 The response to the April/May proposals did not provide Council with a demonstrated community support for the proposals. As a result, the comments expressing concern that the current proposal has been “watered down” and ineffective may be accurate, but without full community support this project could not be progressed. The revised proposals will still achieve the project objectives but do not provide the same level of cycling facility as previously proposed.
- 4.2 The comments and concerns expressed regarding the use of shared paths are noted. However, shared paths are a well accepted facility, used successfully elsewhere in Nelson, and throughout New Zealand. It is proposed these will be designed to the highest standard possible with the aim of minimising any potential for conflict.
- 4.3 There is community support for the pedestrian refuges proposed and for the upgrade of Willow Walk with the proviso it does not increase the speed of cyclists on the path. The widening of Willow Walk is proposed for the locations where conflict currently occurs and where sight distances are substandard. Officers realise this may have the potential to increase the speed of some cyclists but the improved visibility will reduce conflict.
- 4.4 Officers are aware of the problems for pedestrians crossing Tasman Street to the south of the Nile Street roundabout. The options for this crossing have been reviewed and may require structural improvements to the Brook culvert/bridge to widen the road sufficiently to widen the median. This will be investigated further at detail design stage and improvements which can be achieved within the budget limitations of this project will be identified.
- 4.5 The issue of cyclist behaviour on the roads and footpaths in the Brook do not meet the criteria for this funding package.
- 4.6 The concerns about the wider planning aspects of the Mountain Bike Trails, location of parking for the trail, and the use of Betsy Eyre Park, are also outside the funding criteria for this project. Whilst officers agree that there is a need for this to be resolved and acknowledge that there is a strong sentiment in the community, these issues are not part of the current project and it is not proposed that the resolution of these should be delay this walk/cycle project.

- 4.7 It is recommended that discussions regarding these aspects continue and that any funding requirements are progressed, for deliberation, through the Annual Plan and Long Term Plan processes. In the interim, officers propose to place courtesy information signage in this area to encourage track users to park past the residential frontages.

5. Conclusion

- 5.1 Based on the nature of the proposals and the feedback received, it is proposed the scheme, as circulated and shown in Attachment 1, be progressed to detail design stage for implementation in 2014/15.

Rhys Palmer

Senior Asset Engineer –Transport and Roading

Attachments

Attachment 1: Plan of revised proposals – September 2013 [A580995](#)

Attachment 2: The Brook Revised Proposals – Public Responses September 2013 [A925591](#)

Supporting information follows.

Supporting Information	
1. Fit with Purpose of Local Government	These facilities will improve pedestrian and cycling facilities and is in line with Council's role in providing good quality local infrastructure.
2. Fit with Community Outcomes and Council Priorities	This project aligns with Council's priority to improve pedestrian and cycle safety in the City.
3. Fit with Strategic Documents	The improvement in pedestrian and cycling facilities aligns with the Transport Activity Management Plan 2012 and the Regional Land Transport Strategy 2012-2015.
4. Sustainability	The facilities will promote the use of sustainable forms of transport.
5. Consistency with other Council policies	The facilities will promote the use of sustainable forms of transport. No known consequential inconsistencies with other Council policies.
6. Long Term Plan/Annual Plan reference and financial impact	Funding allocated in Years 1-3 of the Long Term Plan 2012/2022.
7. Decision-making significance	This is not a significant decision in terms of the Council's Significance Policy.
8. Consultation	This report details the second round of engagement undertaken with the Brook Area residents and businesses. This report takes the response into account.
9. Inclusion of Māori in the decision making process	Maori groups have not been included specifically in the engagement.
10. Delegation register reference	This is a Council decision.

The Brook Area - Summary of Responses September 2013

	RAD No	Address	Contact	Summary of comments	Response
1	1591954	584 Brook St	Richard Sullivan	Well done for listening to the community for once, much better solution than originally proposed. However, shows how ridiculous Plan change 17 is, how can Brook St be a thoroughfare ?	Plan Change 17 is outside the scope of this project.
2	1605670	8A Sowman St	Helen Black	Appreciates most of the changes to the proposals, adds comments: 1. Tasman St between Nile and Manuka should have some residents parking bays on it, it is used by NMIT students; 2. No parking on Brook St near Codgers to stop parking on footpath; 3. Willow Walk needs widening but design should not encourage more mountain bikers to use it at speed to contradict the aim of a safe enjoyable environment; 4. Issue of bikers flouting the road rules, Police should not have to use their scarce resources to enforce something that stems from Council's lack of foresight when creating a MTB park alongside a residential area. This is a planning issue not a policing issue. Lack of planning has resulted in unacceptable behaviours through the Brook and to the Maitai path, it is more than a parking issue at Betsy Eyre Park. The location for a MTB is not suitable in a difficult road/footpath area with many young families and elderly in the area, loss of open space and walking areas. A long term solution is required not a quick band aid so young cyclists can observe and develop good sharing and caring cycling behaviours.	1. The issue of residents parking on Tasman St is not supported but will be reviewed as part of the detail design of the street upgrade. 2. This will be reviewed as part of the Betsy Eyre Park project. 3. Willow Walk is being widened where possible to improve visibility, it is agreed this may increase some cyclists speeds but the overall effect will be improve the path for walkers and cyclists, improve visibility and provide areas where users can pass each other safely. 4. This issue is outside the strict funding criteria for this project. It is proposed to progress the current proposals as none of them will compromise the outcome of the discussions on the issues raised by Ms Black.
3	1602728	588 Brook St	Donna Butler	Really disappointed about the Vehicle Cycle Share with Care - just the same old road. The Brook is changing, changing the opportunities for walking and biking is a terrific thing to do for all Nelsonians and should be encouraged. There are lots more bikeways/trails that could be developed to allow access in and out of the Brook, other than using the road, time to consider these.	Agreed, the original proposals proposed more extensive cycling facilities, however, the revised project will achieve the project objectives within the project budget. The original scheme did not have demonstrated community support.
4	1591941	500 Seymour Ave	Andrea Warn	Need improvements for pedestrians at the Seymour /Brook St bridge, levels are difficult and need more signage for pedestrians here and for the Kindy on Brook St.	Agreed, however the structure of the bridge results in this being a complicated issue. Improvements will be made if the budget allows.
5	1611072	stacenirv@xtra.co.nz	Stacey Irvine	Support the pedestrian refuges on Tasman St and on Nile St, but would also like to see one on the Tasman St approach to the Nile St roundabout. Used extensively by children but no improvements are proposed.	We are aware that this corner is difficult for children to cross. Improvements will be made as the budget permits. Any improvements will require structural changes to the Brook Culvert/Bridge.
6	1601648	37 Brook St	Thomas Koed	So long as the proposals are limited to those in the consultation document my concerns with previous proposals have been satisfactorily addressed.	There are currently no proposals to extend the works beyond those proposed by this project.
7	1591952	1/130 Brook St	Susan Harris	Suggests car park on old quarry site, remove some trees to improve visibility and doesn't think there would be a vandalism or boy racer problem.	This issue is outside the scope of this project, but is noted.
8	1604163	Manuka St Hospita	Margaret Gibbs	Pleased Council have listened to their concerns and acted on the feedback. Support the improvements to the roundabout, support anything that will reduce the incidents with children crossing through the Manuka St ford, such as improved signage.	The upgrade of Willow Walk will include a review of the crossing of Manuka St.
9	1601664	65c Brook St	Jane Solly	Supports "Share with Care " message, but would like it extended to include Seymour Ave, Brook St and Bronte St/East. Supports improvements for pedestrians and cycle access across the Brook, pedestrian refuges, roundabout improvements, the improvements to Willow Walk, these should include the path being widened and a safety barrier added where there is a steep drop, to accommodate wobbly young learner cyclists, supports shared path on Nile St. In addition would like : pedestrian crossing on Brook St near the dairy, proactive action to encourage residents to check for children when they reverse out of their driveways, the raised crossing on Alton St and the crossing point across Nile St should both be pedestrian crossings. Improvements are needed at Bronte St east to delineate between the road and pedestrian areas, and the western side of Alton St needs more delineation to stop cars on the footpaths	The extension of Share with Care messaging to Seymour Ave and Bronte St will be reviewed after the installation of this messaging on Brook St. A pedestrian refuge is proposed north of this location to ease crossing in the Bronte St east area. There is not sufficient crossing demand to warrant a pedestrian crossing at the dairy. The proposals include some improvements for pedestrians on Bronte St East.

Attachment 2

10	1601309	63 Brook St	Christopher St Johanser, Chairman, Brook Valley Community Group	It is encouraging to observe some appropriate response to the feedback recieved on the original proposal. Comments relate only to Council's intention to refer the issue of cyclists breaking the rules to the Police. Police do not have adequate resources to adequately enforce the road rules. Wants Council to understand the problems occur very frequently, particularly the riding on the footpath, especially at night. What action can be taken , Our community does not want these cyclists on our footpaths, lit , unlit, by day or by night. They have been encouraged to behave this way by the unlawful development of the Codgers Track into a "Codgers MTB Park" and that is a matter directly attributable to the Nelson City Council which has never consulted the community on any change. To entitle your proposal "The Brook Area Walking and Cycling" is sophistry. Pedestrians are placed at risk only. There was originally a mistake in the plan on the website which have since been addressed but am shocked at the incompetence they demonstrated in public documents. Concerned about referrals at Council meeting to the term Betsy Eyre Car Park. A discussion during the public forum had shown the real status of the park. The notation "Mountain Bike Tracks " on the consultaion Plan is incorrect, they are not Mountain Bike Tracks, they are public walkways largely now usurped by mountainbikers for their own purposes. Your renaming in this fashion, ..is yet another piece of evidence suggestive of an illicit complicity existng between officers of NCC and, I suppose, the Nelson MTB Club.	The current proposals are focussed on the section of the Brook north of Seymour Ave. The issues raised here will need to be addressed separately as they are not within the scope of the current funding criteria It is proposed to progress the current proposals as none of them will compromise the outcome of the discussions on the issues raised by Mr St Johanser.
11	1591947	24 Westbrooke Tce	Alex Thompson	Disappointed Council have had to water down the proposals, cycling is one of the best ways to reduce congestion and improve health. Council should not let inertia by group of vocal residents sway their bold vision for Nelson as a cycle friendly town.	Agreed, the original proposals provided more extensive cycling facilities, however, there was not demonstrated community support for the original proposals. This scheme is a compromise which achieves the objectives of improving walking and cycling in the Brook area.
12	1591950	169 Tasman St	Mark Turner	Submission asked questions regarding drainage as part of the road upgrade. Answered separately.	
13	1607011	16 Hinau St	Ken Shirley	Support no loss of parking at Store and on Manuka St. Would support parking limit such as No Overnight Parking. Never had any problem with the roundabout at Manuka St/Tasman St, suggests it should be small and low to ensure visibility. Referring issues to the Police will not change anything unless the Police get tough and issue tickets or confiscate bikes. Painted messages on Willow Walk to help behaviour have had very little effect. Cyclists and pedestrians on the same path do not mix.	Shared paths have been implemented successfully in other parts of Nelson, throughout New Zealand and in many other countries.
14	1591948	benwaller@hotmail.com	Ben Waller	Sounds like you have given in to the whims of the car owning establishment. Who else is going to make Nelson safer for cyclists if not the City Council. Previous proposals for Harper St would not have hurt anyone. Shared paths are great and the more the better, sad to see shared paths proposed for Brook St, Manuka St and Tasman St have been removed.	It is agreed the original proposals provided a better level of cycling facility than currently proposed, however, The Brook area community did not support the introduction of the shared paths. This scheme is a compromise which achieves the objectives of improving walking and cycling in the Brook area.
15	1601761	newwen@hotmail.co.nz	Kerry Bateman	Was instigator and constructor of the Codgers Track, supports wholeheartedly any improvement to help safeguard cyclist safety. Some Brook residents are negative due to the parking problems at Blick Tce, these will improve with the upgraade as more people will cycle to the site. Any proposal to convert Betsy Eyre park will be met with opposition. Council should consider using the waste ground opposite be used for parking.	This issue cannot be addressed within this project which has strict funding criteria. It is proposed to progress the current proposals as none of them will compromise the outcome of the discussions on the issues raised by Mr Bateman
16	1602733	47 Brook St	Janja Heathfield	Bitterly disappointed that Council have let a small group of people get a cyclesafe pathway along the Brook scrapped. As a parent who actually walks/cycles with their children every day she considers it an about face and unacceptable. Most of the children are not old enough to share the roads with cars. Car park at the dairy and on Manuka St are only used for 15 minutes a day at school time,	It is agreed the original proposals provided a better level of facility for cyclists. However, there was only limited support for the original proposals, it would not have been possible to introduce the proposals without the demonstrated support of the wider community for those original proposals. This scheme is a compromise which achieves the objectives of improving walking and cycling in the Brook area.
17	1606504	martin.love@xtra.co.nz	Carole Crawford	Walk to school every day along south side of Nile St too dangerous to let children cross Tasman St on their own. Need improved crossing here for all users.	We are aware that this corner is difficult for children to cross. Improvements will be made as the budget permits. Any improvements will require structural changes to the Brook Culvert/Bridge.
18	1607877	royce-linda@xtra.co.nz	Linda Spray	Son uses south side of Nile St every day to get to school. Would like to see a pedestrian crossing across Tasman St at the roundabout with Nile St, included in the package, a lot of children walk/scooter to Central school along this path.	We are aware that this corner is difficult for children to cross. Improvements will be made as the budget permits. Any improvements will require structural changes to the Brook Culvert/Bridge.

19	16011081	galpin@clear.net.nz	Steve Galpin	Proposed changes will not materially improve the overall situation, Tasman St is too narrow to accommodate all different users. Suggest most effective solution would be to make efforts to improve mutual tolerance especially between pedestrians and cyclists, with some police enforcement.	Agree, the Share with Care message is intended to improve the behaviour of motorists and cyclists to share the existing road space.
20	1614281	15 Dorothy Annie Way	Annie Kolless	Concerend about Manuka St/ Tasman St roundabout, lack of slowing down, lack of giving way and no respect for signage	The proposals include some works at this intersection to reduce the speed of vehicles through the roundabout. Where possible the visibility will be improved, however, the road reserve is very narrow through here.
21	1617591	hubert@ihug.co.nz	Hubert Altenburg	Would like to see speeds at the roundabout at Manuka St/Tasman St slowed to improve safety for pedestrians crossing east/west for school trips, would have preferred the staggered T' intersection proposed previously. Preferred April proposals, Council have tried to satisfy all objecting parties instead of going ahead with an excellent and safe upgrade as first proposed.	intersection to reduce the speed of vehicles through the roundabout. Where possible the visibility will be improved, however, the road reserve is very narrow through here. There was strong opposition to the original plans for the intersection.
22	1607024	13 Erin St	Charles and Rosemary Shaw	Family cycle and walk a great deal. Disappointed to see shared walking and cycling paths have been shelved, they are far safer for cyclists than shared roads	Agreed, shared paths are an excellent facility for walking and cycling, however, there was not adequate demonstrated support for the April proposals.
23	1627915	10 Moorhouse Ave	Gerald McDonnell	Pleased with the revised proposals, required clarification of pedestrian refuge at Bronte St East and Tasman St. Would favour something to slow the vehicles around the curve.	The pedestrian refuge has been proposed to assist crossing Brook St in this location and to provide some traffic control in this location.
24		iammichellemclean@gmail.com	Michell McLean	Changes to roundabout should consider current difficulty in turning right from the Brook into Manuka St.	Will take into account in detail design.
25		31 Domett St	Tim Bayley	Opposes the use of Shared paths in this location (Domett St)and throughout Nelson. Is concerned about the geometry of the northeast corner of the Dommett St/ Nile St intersection, lighting needs to be improved/vegetation cut back.	Shared paths have been implemented successfully in other parts of Nelson, throughout New Zealand and in many other countries.
26		31 Domett St	Diane Southwick	Has recently had a conflict with a cyclist on the footpath on Domett St. Cyclists on footpaths are dangerous, they can't have it both ways. Joint ways are not safe.	Shared paths have been implemented successfully in other parts of Nelson, throughout New Zealand and in many other countries.