



# AGENDA

**Ordinary meeting of the  
Nelson City Council**

**Policy and Planning and Governance**

**19 May 2011  
Commencing at 9.00am**

**Council Chamber  
Civic House  
110 Trafalgar Street, Nelson**

Membership:

His Worship the Mayor Aldo Miccio, Councillors Ian Barker, Ali Boswijk (Deputy Mayor), Gail Collingwood, Ruth Copeland, Eric Davy, Kate Fulton, Paul Matheson, Jeff Rackley, Pete Rainey, Rachel Reese, Derek Shaw & Mike Ward

## Business

As set out below

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1083371

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### APOLOGIES

#### OPENING PRAYER

#### 1. Conflicts of Interest

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

#### 2. Public Forum

- 2.1 Nelson Marlborough Rescue Helicopter Trust

Paula Muddle will be speaking on the '20 Summits for 20 Years' initiative by the Nelson Marlborough Rescue Helicopter Trust.

- 2.2 Deborah Verdonk

Deborah Verdonk will be speaking about the phasing out of log-burners and the costs associated with getting them tested in your home.

#### 3. Confirmation of Minutes – 21 April 2011 1-4

Document number 1080928

Recommendation

***THAT the minutes of the meeting of the Nelson City Council, held on Thursday 21 April 2011, be confirmed as a true and correct record.***

#### 4. Confirmation of Minutes – 28 April 2011 5-13

Document number 1085592

Recommendation

***THAT the minutes of the meeting of the Nelson City Council – Community Services and Infrastructure, held on Thursday 28 April 2011, be confirmed as a true and correct record.***

#### 5. Confirmation of Minutes – 4 May 2011 14-18

Document number 1088599

Recommendation

***THAT the minutes of the meeting of the Nelson City Council, held on Wednesday 4 May 2011, be confirmed as a true and correct record.***

**6. Mayor's Report 19**

Document number 1087948

Recommendation

***THAT Council approves Conference registration, travel and accommodation costs for the Mayor, Deputy Mayor Ali Boswijk and Councillor Barker to attend the Local Government New Zealand 2011 Conference.***

## **COMMUNITY SERVICES ITEMS**

**7. Community Services Status Report 20-21**

Document number 1034860

Recommendation

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

**8. Portfolio Holder's Report – Community Services**

**9. Chief Executive Report – Community Services 22-27**

Document number 1069625

Recommendation

***THAT the Chief Executive Report - Community Services (1069625) be received.***

## **REPORTS FROM COMMITTEES**

**10. Youth Council – 14 March 2011 28-32**

Document number 1061913

Recommendation

***THAT the minutes of the meeting of the Nelson Youth Council, held on Monday 14 March 2011, be received.***

## POLICY AND PLANNING ITEMS

During this part of the meeting the Mayor will be joined by the Policy and Planning Portfolio Holder.

### 11. Policy and Planning Status Report 33-34

Document number 1034725

Recommendation

***THAT the Policy and Planning Status Report (1034725) be received.***

### 12. Portfolio Holder's Report

### 13. Chief Executive Report – Policy and Planning 35-40

Document number 1076978

Recommendation

***THAT the Chief Executive Report - Policy and Planning (1076978) be received.***

#### 13.1 Hira Stock Effluent Disposal Facility 35-36

Recommendation

***THAT Council request New Zealand Transport Agency (NZTA), through the RLTP process, to undertake an options investigation and preliminary designs to determine the most appropriate and economic location for a stock effluent disposal facility on the western side of the Whangamoa;***

***AND THAT NZTA advise the appropriate Council of all costs associated with the construction, operations and maintenance of the stock effluent disposal facility to inform further discussion with the appropriate Council;***

***AND THAT consideration is given to potential industry funding sources or additional NZTA funding for the maintenance of the facility.***

#### 13.2 MOU with Cawthron Institute 36

Recommendation

***THAT the Chief Executive be delegated the authority to sign a Memorandum of Understanding (document 1082257) with the Cawthron Institute in relation to the Soft Urban Infrastructure for Sustainable Settlements (SUISS) research.***

- 13.3 Nelson Biodiversity Forum Report – Nelson City Backdrop and Biodiversity Corridors 38

Recommendation

***THAT the Nelson Biodiversity Forum Report on the city backdrop be received during a council workshop on the City Development Strategy;***

***AND THAT representatives of the Nelson Biodiversity Forum be invited to speak at that City Development Strategy workshop.***

14. Nelson Temporary Road Closure Bill 41-51

Document number 1080559

Recommendation

***THAT Council supports both the Nelson Temporary Road Closure Local Bill approach and the further development of its contents;***

***AND THAT Councillors ..... and ..... be appointed to assist with the further development of the Local Bill content;***

***AND THAT the Special Consultative Procedure (Sec 83, Local Government Act 2002) be undertaken on a draft of the Nelson Temporary Road Closure Local Bill;***

***AND THAT the finalised Local Bill is presented to Council for approval prior to commencing the process to introduce the Bill to the House.***

15. Framing Our Future (Sustainability Strategy) 52-59

Document number 1080923

Recommendation

***THAT the 'Sustainability Stocktake of Nelson City' (report 1073896) be received.***

16. Review of the Speed Limits Bylaw 2004 – Bylaw 210 60-97

Document number 1058544

Recommendation

***THAT the Statement of Proposal (1068095) including the draft Speed Limits Bylaw 2011 (Bylaw 210) (1060940) be released for consultation in accordance with Section 83 of the Local Government Act 2002;***

**AND THAT Council hear and make decisions on submissions on the draft Bylaw at either the 11 August 2011 Council meeting or [insert preferred alternative date] based on the number of submitters to be heard.**

**17. Camping Bylaw**

**98-131**

Document number 1080698

Recommendation

**THAT the draft Camping Bylaw (No. 220) (1080757) as amended in response to the submissions received, be adopted;**

**AND THAT the amended Camping Bylaw (No. 220) come into effect on 20 May 2011;**

**AND THAT the proposal from the Maitai Valley Motor Camp to reduce the cost of overnight stays to \$6 per person, to provide a low cost camping option be endorsed;**

**AND THAT staff review the fees and charges and management of the Brook Valley to make this site as attractive as possible to visitors;**

**AND THAT appropriate visitor information about camping in Nelson be made available, including improved directional signage to the Maitai Valley Motor Camp and Brook Valley Holiday Park.**

**18. Advertising Commercial Sexual Services Bylaw (No. 208)**

**132-138**

Document number 1082769

Recommendation

**THAT the Advertising Commercial Sexual Services Bylaw 2004 (No. 208) (1054631), as amended in response to the submissions received, be adopted;**

**AND THAT the Advertising Commercial Sexual Services Bylaw (No. 208) come into effect on 20 May 2011;**

**AND THAT the Deputy Mayor and Governance Portfolio Holder be appointed to serve with the Mayor on the panel tasked with making decisions as to the offensive nature of advertising under the Advertising Commercial Sexual Services Bylaw (No. 208) and the Delegations Register be amended to reflect this delegation.**

## GOVERNANCE ITEMS

During this part of the meeting the Mayor will be joined by the Governance Portfolio Holder.

### 19. Governance Status Report 139

Document number 1034743

Recommendation

***THAT the Governance Status Report (1034743) be received.***

### 20. Portfolio Holder's Report

### 21. Chief Executive Report – Governance 140-141

Document number 1088023

Recommendation

***THAT the Chief Executive Report - Governance (1088023) be received.***

#### 21.1 Municipal Band Trust 141

Recommendation

***THAT the following persons be appointed as Trustees to the Nelson Municipal Band Trust:***

***Cataldo Miccio (Mayor of Nelson City) and Angus Macniven (Manager of Nelson Westpac Bank)***

### 22. Fees and Charges: Dog Control and Environmental Health 142-151

Document number 1072047

Recommendation

***THAT the Dog Control fees and charges for 2011/2012 be adopted as detailed in Attachment 1 to Report No 1072047;***

***AND THAT the Environmental Health and other activities fees and charges for 2011/2012 be adopted as detailed in Attachment 2 to Report No 1072047;***

***AND THAT the charges for Dog Control and Environmental Health activities apply as from 1 July 2011 until such time as they are varied or amended by Council.***

**23. Remuneration for Elected Members July 2011 to June 2012** **152-177**

Document number 1085032

Recommendation

***THAT the current remuneration system be confirmed to apply from July 2011 to June 2012 and for referral to the Remuneration Authority.***

## **REPORTS FROM COMMITTEES**

**24. Audit, Risk and Finance Committee** **178-180**  
**22 March 2011**

Document number 1065117

Recommendation

***THAT the minutes of the meeting of the Audit, Risk and Finance Committee, held on Tuesday 22 March 2011, be received.***

**25. Nelson City Council Tasman District Council Joint Shareholders Committee – 25 March 2011** **181-187**

Document number 1067111

Recommendation

***THAT the minutes of a meeting of the Nelson City Council Tasman District Council Joint Shareholders Committee, held on 25 March 2011, be received;***

***AND THAT the following Committee recommendations be adopted subject to their being adopted by Tasman District Council:-***

- ***Nelson Regional Sewerage Business Unit Proposal to Distribute Surpluses*** **188-194**

***THAT the Nelson Regional Sewerage Business Units Proposal to establish a principal that future operating surpluses be returned to the shareholders providing that there is a provision to repay loans over 30 years as set out in document 1033037 be approved;***

Note: The NRSBU Report Document 1033037 is attached as background to this recommendation.



- ***Nelson Tasman Tourism Ltd Draft Statement of Intent 2011-2012*** **195-233**

***THAT the Tourism Nelson Tasman Limited Statement of Intent for 2011-12 be approved for signing subject to amendment 1 to 5 set out in the staff report dated 15 March 2011.***

Note: The TDC Staff Report dated 15 March 2011 is attached as background to this recommendation.

- ***Nelson Airport Ltd Draft Statement Of Intent 2011/12*** **234-254**

***THAT the Nelson Airport Ltd Statement of Intent for 2011/12 be approved for signing subject to existing levels of dividend being maintained.***

Note: The TDC Staff Report dated 15 March 2011 is attached as background to this recommendation.

- ***Alteration of Nelson Airport Constitution*** **255-258**

***THAT Clause 16.2(a) of the Nelson Airport Constitution be amended to provide as follows:***

***(a) The Nelson City Council shall be entitled to appoint and remove one Director in accordance with the provisions of Section 57 of the Local Government Act 2002 at any time by a resolution or notice in writing and signed by an authorised officer of the Nelson City Council, addressed to the company ("the NCC Director");***

***AND THAT Clause 16.2(b) of the Nelson Airport Constitution be amended to provide as follows:***

***(b) The Tasman District Council shall be entitled to appoint and remove one Director in accordance with the provisions of Section 57 of the Local Government Act 2002 at any time by a resolution or notice in writing and signed by an authorised officer of the Tasman District Council, addressed to the company ("the TDC Director");***

***AND THAT the Constitution be amended accordingly by Special Resolution of the shareholders in accordance with Clause 13.2 of the Constitution;***

***AND THAT the Minister of the Crown holding the Kiwi Share on behalf of the Crown be advised of the change.***

Note: The Report, document 1060946, is attached as background to this recommendation.

## 25.1 Tasman Bays Heritage Trust

Regarding Item 4.1 in the minutes concerning the Tasman Bays Heritage Trust, it is recommended that the resolution passed by the Nelson City Council Tasman District Council Joint Shareholders Committee and the actions it contains be endorsed.

Recommendation

***THAT the Council endorse the following resolution by the Nelson City Council Tasman District Council Joint Shareholders Committee;***

***THAT both Councils formally advise they will be considering options over the next three months as to how they wish to address the outstanding loans;***

***AND THAT it is suggested that, in light of the discussion at the meeting, the Tasman Bays Heritage Trust update their draft Statement of Intent 2011/2012 by removing the item regarding funding of Collection Staff of \$134,000;***

***AND THAT it is suggested that if the Tasman Bays Heritage Trust wish to pursue funding for Collection Staff, this should be done via submissions to Nelson City and Tasman District Councils Draft Annual Plans.***

## 26. Public Forum Discussion (if required)

### Public Excluded Business

## 27. Exclusion of the Public

Recommendation

***THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 on the grounds that the public conduct of this part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.***

***i) Public Excluded Minutes - Council Meeting 21 April 2011***

*Reasons:*

*To protect the privacy of natural persons; and*

*To protect information that is subject to an obligation of confidence.*

**ii) Public Excluded Minutes - Council Meeting Community Services and Infrastructure 28 April 2011**

*Reasons:*

*To protect the privacy of natural persons; and*

*To carry out negotiations; and*

*To carry out commercial activities; and*

*To protect information that is subject to an obligation of confidence; and*

*To protect the commercial position of the person who supplied or is the subject of the information; and*

*To protect the commercial position of the person who supplied or is the subject of the information.*

**iii) Horoirangi Aquaculture – Boulder Bank Culvert**

*Reasons:*

*To protect information that may disclose a trade secret or the commercial position of a person; and*

*To protect information that is subject to an obligation of confidence; and*

*To carry out commercial activities; and*

*To carry out negotiations.*

**iv) Public Excluded Governance Status Report**

*Reasons:*

*To carry out negotiations; and*

*To carry out commercial activities.*

**v) Assessment of Key Business Holdings**

*Reasons:*

*To carry out negotiations; and*

*To carry out commercial activities.*

**vi) Public Excluded Minutes – Audit Risk and Finance 22  
March 2011**

*Reasons:*

*To enable the Council to carry out negotiations or  
commercial activities without prejudice or disadvantage;  
and*

*To protect the privacy of natural persons.*

**28. Re-admittance of the public**

Recommendation

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