



AGENDA

**Ordinary meeting of the
Nelson City Council
Community Services and Infrastructure**

**17 March 2011
Commencing at 9.30am
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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APOLOGIES

OPENING PRAYER

1. Public Forum

1.1 Victory Village Forum

Kindra Douglas will speak to Council about this initiative.

1.2 Kiwi Flyer Feature Film

Tony Simpson, Director of Torrent Films, will introduce and explain the Kiwiflyer movie proposal. A report on this project will be discussed later in the meeting.

1.3 Nelson Cycle Trails Trust

Stuart Hughes and/or Chris Allison from the Nelson Cycle Trails Trust will speak to Council about the draft Memorandum of Understanding (MoU) and provide an update on other Trust developments. A report on the MoU will be discussed later in the meeting.

2. Hearings

2.1 Hearing of Submission: Statement of Proposal to Amend the Nelson Community Plan 2009-2019 and Water Supply Bylaw 2008 (Credits for Water Leaks) 1-22

Document number 1047903

Gaire Thompson, representing Rutherford Mews Ltd, Armagh Investments Ltd and Overview Holdings Ltd, will be speaking to the Council on the above as part of the Special Consultative Procedure for the amendment.

Recommendation

THAT Council amends the Nelson Community Plan 2009-2019 and Water Supply Bylaw 2008 as follows:

Council will grant requests for water credits based on the following criteria:

- ***Credits for excess water charges arising from the following (i)-(iv) inclusive will always be processed:***

- (i) Misreading of the meter or faulty meter.*
 - (ii) Errors in data processing.*
 - (iii) The meter was assigned to the wrong account.*
 - (iv) Leak on a Council fitting adversely impacting on the metered usage*
- Leaks from pipes that are, or should be visible, such as header tanks, overflows from WC's, above ground pipes or fittings and attached to raised flooring or in walls or ceilings. No credit;*
 - Where the leak is a previously unknown underground leak on the main lateral between the water meter and a residential dwelling or under the concrete floor of a residential dwelling. Credit the lost water where the leak has been repaired with due diligence. Only one leak per property, and maximum two consecutive water supply invoices covering the leak, per five year rolling timeframe will be credited. Credit will be based on Council's assessment of the property owner's usual usage for the period;*

AND THAT *define due diligence as within two weeks of the earliest of the following:*

- The date of the first invoice to identify a higher than usual usage or the date of discovery or when it could have reasonably been discovered. Usual being the amount used in the same period as last year, these amounts are shown on every water account;*

AND THAT *the leak must be repaired by a Licensed or Certifying plumber with a brief report on the leak by that person to establish where on the line the leak was found, dates and an opinion, if possible, as to how long the leak had been occurring;*

AND THAT *extraordinary circumstances outside of the above, which could lead to cases of genuine financial hardship for owner / occupier, could be granted at the discretion of the Council's Chief Financial Officer;*

AND THAT *the Water Supply Bylaw 2008 be duly amended to reflect this resolution.*

3. Confirmation of Minutes 23-37

Document number 1052172

Recommendation

THAT the minutes of the meeting of the Nelson City Council – Governance and Policy and Planning, held on Thursday 24 February 2011, be confirmed as a true and correct record.

4. Mayor's Report

COMMUNITY SERVICES ITEMS

During this part of the meeting the Acting Mayor will be joined by the Community Services Portfolio Holder.

5. Public Council Status Report - Community Services 38-39

Document number 1034860

Recommendation

THAT the Public Council Status Report - Community Services (1034860) be received.

6. Portfolio Holder's Report

7. Chief Executive Report – Community Services 40-46

Document number 1047840

Recommendation

THAT the Chief Executive Report - Community Services (1047840) be received.

7.1 Community Assistance Funding

Recommendation

THAT the Council meeting to hear and consider Community Assistance Funding applications for 2011 be held on 5 and 6 September 2011.

8. Memorandum of Understanding: Nelson Cycle Trails Trust 47-61

Document number 1048589

Recommendation

THAT the draft Memorandum of Understanding dated 16 February 2011 between the Nelson City Council and the Nelson Cycle Trails Trust be approved.

9. Council Submission: Proposed National Policy Statement of Indigenous Biodiversity 62-64

Document number 1052415

Recommendation

THAT staff prepare a draft submission on the proposed National Policy Statement on Indigenous Biodiversity;

AND THAT Councillors and be consulted with to determine the content of the draft submission;

AND THAT the draft submission be presented to Council for approval prior to being submitted.

REPORTS FROM COMMITTEES

10. Nelson Youth Council Minutes – 15 February 2011 65-69

Document number 1049262

Recommendation

THAT the minutes of the meeting of the Nelson Youth Council, held on Tuesday 15 February 2011, be received.

11. Nelson Tasman Civil Defence Emergency Management Group - 29 November 2010 70-71

Document number 1017870

Recommendation

THAT the minutes of the meeting of the Nelson Tasman Civil Defence Emergency Management Group, held on Monday 29 November 2010, be received.

INFRASTRUCTURE ITEMS

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

12. Public Council Status Report - Infrastructure 72-73

Document number 1034781

Recommendation

THAT the Public Council Status Report - Infrastructure (1034781) be received.

13. Portfolio Holder's Report

14. Chief Executive Report - Infrastructure 74-86

Document number 1048423

Recommendation

THAT the Chief Executive Report - Infrastructure (1048423) be received.

14.1 Seymour Street Combined Transport and Stormwater

Recommendation

THAT \$100,000 from the savings from Orphanage Creek and \$100,000 from the renewals budget be used to fund the \$200,000 shortfall at Seymour Avenue.

15. Withdrawal of Caveat, Pascoe Street 87-89

Document number 1051942

Recommendation

THAT the Council gives its approval to the withdrawal of Caveat 261837.1, which is registered on Lot 13 DP 12688.

16. Grampians – Application to Underground Fibre Optic Cable 90-95

Document number 1053816

Recommendation

THAT the Chief Executive be delegated the authority to complete negotiations with Vodafone, to give Vodafone approval to install an underground fibre optic cable from Blick Terrace to the summit of the Grampians, subject to Vodafone:

- (i) *paying a one off compensation fee as assessed by a registered valuer;*
- (ii) *paying all of Council's valuation and legal costs, and an administration fee of \$1,000 plus GST;*
- (iii) *agreeing that a suitable sized ducting is installed such that there is sufficient capacity for other telecommunications providers to install their own fibre optic cables or similar;*
- (iv) *completing an easement agreement, that will include the maintenance conditions, and a 5 year maintenance clause of where the land was disturbed during installation; and*
- (v) *supplying as-built plans on completion.*

REPORTS FROM COMMITTEES

17. Nelson Regional Sewerage Business Unit Minutes – 6 December 2010 96-102

Document number 1020184

Recommendation

THAT the minutes of the meeting of the Nelson Regional Sewerage Business Unit, held on Monday 6 December 2010, be received.

CROSS COUNCIL ITEMS

18. Freedom Camping Bylaw 103-115

Document number 1057813

Recommendation

THAT the Draft Freedom Camping Bylaw (1052503) and Report 1057813 be adopted as a Statement of Proposal for the purposes of consultation in accordance with s.83 of the Local Government Act 2002;

AND THAT the Council hear and decide submissions on the draft Bylaw.

19. Bylaw 208 – Advertising Commercial Sexual Services 116-123

Document number 1057864

Recommendation

THAT the amended Bylaw 208 – Advertising Commercial Sexual Services (1054631) and Report (1057864) be adopted as a Statement of Proposal for the purposes of consultation in accordance with section 83 of the Local Government Act 2002;

AND THAT the Delegations Register be amended to include a specific delegation for the Hearings Panel to determine whether any advertising Commercial Sexual Services is likely to cause nuisance or serious offence as provided for in Clause 3 of Bylaw 208;

AND THAT the Council hear and consider submissions on the draft Bylaw.

20. Public Forum Discussion (if required)

Public Excluded Business

21. 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 Governance and Policy and Planning 24 February 2011***

Reasons:

To carry out negotiations;

To carry out commercial activities; and

To protect the privacy of natural persons.

ii) Funding Request from Torrent Films

Reasons:

To carry out negotiations; and

To carry out commercial activities.

iii) Public Excluded Council Status Report - Infrastructure

Reasons:

To carry out negotiations; and

To carry out commercial activities.

iv) Chief Executive Public Excluded Report - Infrastructure

Reasons:

To protect the privacy of natural persons;

To protect information that may disclose a trade secrets or the commercial position of a person;

To carry out negotiations; and

To prevent improper gain or advantage.

v) Proposed Purchase of Strategically Located Land

Reasons:

To protect the privacy of natural persons;

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

To carry out negotiations; and

To carry out commercial activities.

vi) Public Excluded Minutes Nelson Regional Sewerage Business Unit 15 February 2011

Reasons:

To carry out negotiations; and

To carry out commercial activities.

22. Re-admittance of the public

Recommendation

THAT the public be re-admitted to the meeting.