



# **AGENDA**

## **ORDINARY MEETING OF THE NELSON CITY COUNCIL**

**Thursday 28 May 2009**

**Commencing at 9.00am**

**Council Chamber**

**Floor 2A, Civic House,**

**Trafalgar Street**

**Nelson**

Membership:

His Worship the Mayor K Marshall (Chairperson)

Councillors I Barker, A Boswijk, G Collingwood, M Cotton, D Henigan, M Holmes, A Miccio,  
A McAlpine, P Rainey, R Reese (Deputy Mayor), D Shaw, and G Thomas

# BUSINESS

As set out below

Ordinary Meeting of the Council  
28 May 2009

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## APOLOGIES

## OPENING PRAYER

### 1.0 HON DR NICK SMITH MP FOR NELSON

Dr Smith, who currently holds three Ministerial roles: Minister for the Environment, Climate Change and ACC, will be in attendance and address the Council.

### 2.0 CONFIRMATION OF MINUTES

1-8

16 April 2009

Recommendation

***THAT** the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 16 April 2009, be confirmed as a true and correct record.*

### 3.0 STATUS REPORT – MAY 2009

9-12

Recommendation

***THAT** the Council Status Report for May 2009 be received.*

### 4.0 MAYOR'S REPORT

#### 4.1 Attendance at LGNZ Conference

Recommendation

***THAT** the Mayor and Deputy Mayor attend the Local Government Conference in Christchurch in July;*

***AND THAT** the Mayor be the Nelson City Council delegate and the Deputy Mayor be the alternate.*

#### 4.2 Regional Affairs Committee – 30 April 2009 and 1 May 2009

Councillor Reese will give a verbal report on the Regional Affairs Committee.

#### 4.3 Local Government New Zealand Zone 5 & 6 Meeting 7 - 8 May 2009

13-14

Councillor Holmes will give a verbal report on the Zone 5 & 6 meeting. The Agenda for this meeting is attached for information.

## 5.0 REPORTS AND RECOMMENDATIONS OF COMMITTEES AND WORKING PARTIES

### 5.1 Community Services –23 April 2009

15-24

Recommendation

*THAT the minutes of the meeting of the Community Services Committee, held on Thursday 23 April 2009, be received;*

*AND THAT the following recommendation be adopted:*

*Saxton Stadium Management*

*THAT part 4 of Council resolution of 17 April 2008 that states:*

*AND THAT a legal agreement be signed with the Saxton Field Sports Stadium Society Inc. to manage the Saxton Field Indoor Sports Stadium including a requirement to have user agreements including a commitment to use the facility;*

*be rescinded*

*AND THAT Council directly tender a management contract for the Saxton Stadium on a 1 + 1 year term and the management of stadium be reviewed during this period;*

*AND THAT the expected additional operating cost for this contract be funded by rationalising operating budgets and through increased user charges at the Saxton Stadium;*

*AND THAT the sources of funding and budget be approved by Council during the Nelson Community Plan process;*

*AND THAT if the Saxton Field Sports Stadium Society is able to identify and secure sponsors or any other operating grants assistance then this revenue may be used to offset the impact of increased user charges on Society member organisations;*

*AND THAT staff will incorporate into work programmes a review of the process by which joint capital projects with community organisations are planned, funded, designed, developed and managed.*

### 5.2 Infrastructure –30 April 2009

25-30

Recommendation

*THAT the minutes of the meeting of the Infrastructure Committee, held on Tuesday 30 April 2009, be received.*

### 5.3 Environment –7 May 2009

31-33

Recommendation

*THAT the minutes of the meeting of the Infrastructure Committee, held on Tuesday 7 May 2009, be received.*

Recommendation

**THAT** the minutes of the meeting of the Governance Committee, held on Thursday 14 May 2009, be received.

**AND THAT** the following recommendations be adopted:

*Vehicles on Reserves – Bylaw No 211*

**THAT** Bylaw No 211 – Reserves be amended as follows:

i. A new sub-clause 7.2 be inserted in the bylaw to read:

*“No person shall drive, ride or park any motor vehicle on any area of any reserve except on those areas developed and/or set aside specifically for such purpose or where indicated by signs or markings that vehicles are permitted or at the direction or with the permission of an authorised officer.”*

ii. A new sub-clause 14.2 be inserted in the bylaw, to read:

*“Any person, who breaches any restriction or control imposed pursuant to Clause 7 of this bylaw, shall be liable to a fine not exceeding \$300.00.”*

**AND THAT** the amendment take effect as from Tuesday 2 June 2009.

*Joint Shareholders Committee*

**THAT** a Joint Committee of the Nelson City and Tasman District Councils be set up under the following parameters:

i. *To negotiate and develop recommendations to the two Councils in respect of all statutory requirements and funding proposals pertaining to the jointly owned Council Controlled Organisations and joint ventures other than Emergency Management.*

ii. *Delegations*

a. *Power to review and negotiate amendments to the Statements of Corporate Intent and Business Plans relating to the jointly owned Council Controlled Organisations, and to recommend the adoption by the Council of such documents.*

b. *Power to add to or remove names from the list of potential directors/trustees for Council Controlled Organisations.*

c. *Power to recommend persons for appointment to the position of Director/Trustee of jointly owned Council Controlled Organisations.*

iii. *Membership*

a. *Membership of the Joint Committee shall consist of His Worship the Mayor, the Deputy Mayor, and the Chairman of the Governance Committee, or their alternates.*

iv. *Procedure*

- a. *No matter shall be referred from the Committee to the two Councils unless the vote at the Committee is carried by no less than 2 members from each Council.*
- b. *Any matter referred from the Committee, if not adopted as recommended by the Committee, shall be referred back to the Committee for further consideration.*
- c. *Any matter referred from the Committee, which is adopted by the Council shall carry the rider that it shall be subject to adoption by the Tasman District Council and if not also adopted by that Council, shall be referred back to the Committee.*

**NOTE:** In order to align the recommendation in relation to delegations to the proposed Joint Shareholders Committee with the existing delegations and the Tasman District Council delegations, the following should also be delegated to the Committee:

- d. *Authority to discuss and make recommendations to the Council on any matter that relates to the Councils Joint Shareholding.*
- e. *Power to represent the Council in all matters relating to shareholder interest in the jointly owned CCO's and joint ventures within policy set by the Council.*

**5.5 Audit Committee –14 May 2009**

**42-44**

Recommendation

***THAT** the minutes of the meeting of the Audit Committee held on 14 May 2009, be received.*

**6.0 PUBLIC EXCLUDED BUSINESS**

**6.1 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) *Minutes of part of the meeting of the Nelson City Council, Public Excluded Business – 16 April 2009.*

*Reasons:*

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

*To protect the privacy of natural persons.*

(ii) ***Council Public Excluded Status Report – May 2009***

*Reasons:*

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

*To protect the privacy of natural persons.*

(iii) ***Minutes of part of the Community Services Committee, Public Excluded Business – 23 April 2009***

*Reasons:*

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

*To protect the privacy of natural persons.*

(iv) ***Minutes of the Governance Committee Public Excluded Business – 14 May 2009***

*Reasons:*

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

*To protect the privacy of natural persons.*

(v) ***Rutherford Street***

*Reasons:*

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

*To protect the privacy of natural persons.*

## **6.2 Re-admittance of the Public**

Recommendation

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