



AGENDA

**Ordinary meeting of the
Nelson City Council
Governance and Policy and Planning**

**7 April 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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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 Heavy Traffic on Tahunanui and Rocks Road

Peter Olorenshaw, Convenor of Nelsust, will present a proposal to remove most of the log trucks off Tahunanui and Rocks Roads without taking the traffic through the urban community.

3. Confirmation of Minutes

1-14

Document number 1062708

Recommendation

THAT the minutes of the meeting of the Nelson City Council – Community Services and Infrastructure, held on Thursday 17 March 2011, be confirmed as a true and correct record.

4. Mayor's Report

GOVERNANCE ITEMS

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

5. Governance Status Report

15-16

Document number 1034743

Recommendation

THAT the Governance Status Report (1034743) be received.

6. Portfolio Holder's Report

7. Chief Executive Report - Governance

17-56

Document number 1063763

Recommendation

THAT the Chief Executive Report - Governance (1063763) be received.

7.1 Local Governance Statement

Recommendation

THAT the Nelson City Council Governance Statement (819245) be adopted.

8. The Bishop Suter Trust Board 2011/12 Statement of Intent and Six Month Report

57-102

Document number 1065605

Recommendation

THAT the half yearly report for the period to 31 December 2010 from The Suter Trust be received;

AND THAT The Suter Trust be invited to update and resubmit the draft Statement of Intent to address the following:

- ***More directly link the activities and measures to those outlined in the Statement of Expectation;***
- ***Clearly highlight any references to redevelopment as these have not yet been agreed to by Council and will be subject to the Long Term Plan and community consultation process;***
- ***Remove funding of depreciation from 2014 as this has not yet been agreed to by Council and will be subject to the Long Term Plan and community consultation process;***
- ***Recast budgets to eliminate deficits in the 2012 and 2013 years***
- ***Remove references to capital grants for 2012/13/14 as these are not in the Council's Draft Annual plan and will also be subject to the Long Term Plan and community consultation process;***

- *Remove the note in relation to storage to Te Papa standards as this standard may not be affordable.*

9. NELMAC Ltd Draft Statement of Intent and Six Monthly Report 2011/12 **103-117**

Document number 1064999

Recommendation

THAT the half yearly report for the period to 31 December 2010 from NELMAC be received;

AND THAT the Statement of Intent 2011/2012 for NELMAC be approved for signing.

10. Nelson Regional Economic Development Agency Statement of Intent 2011/12 and Half Yearly Report to 31 December 2010 **118-160**

Document number 1065254

Recommendation

THAT the Nelson Regional Economic Development Agency Half Yearly Report to 31 December 2010 be received;

AND THAT the Nelson Regional Economic Development Agency Statement of Intent 2011-2012 is approved for signing subject to:

- *Adjustment made to allow for the regional branding project as covered in the Nelson City Council draft annual plan 2011/2012.*

REPORTS FROM COMMITTEES

11. Audit, Risk and Finance Committee **161-164**
22 February 2011

Document number 1052086

Recommendation

THAT the minutes of the meeting of the Audit, Risk and Finance Committee, held on Tuesday 22 February 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.

12. Policy and Planning Status Report 165-168

Document number 1034725

Recommendation

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

13. Portfolio Holder's Report

14. Chief Executive Report – Policy and Planning 169-174

Document number 1058653

Recommendation

THAT the Chief Executive Report - Policy and Planning (1058653) be received.

14.1 Amendment to Arts Policy

Recommendation

THAT the Nelson Arts Policy be amended to include the following text in the section on Public Art:

“Street Art

This is art developed in public spaces, inspired by the urban environment and usually unsanctioned. It is often used by youth as a way of expressing themselves outside the established rules and structures. Street art can also be a way of extending the reach of art to include participation (both through creation and appreciation) from sectors of the community that do not engage with traditional forums for art such as galleries.

Nelson City Council has no tolerance for graffiti/vandalism but does appreciate the contribution street art can make to an exciting and vibrant city environment. It is not easy to define street art and to distinguish it clearly from graffiti; it can simply be a matter of perception. In determining whether (or when) to remove an unsanctioned painting, stencil,

sticker, installation or other item from Council property staff will take the following into account:

- *Health and safety issues*
- *Materials i.e. temporary or permanent nature of the item*
- *Impact on the current or planned use of a space/facility*
- *Any impact on private property*
- *Any offensive aspect of the item*

Advice may be sought from the Art Selection Panel to help inform a decision."

15. Council Plan Change Hearings

175-195

Document number 1054667

Note: Attachment 4 of this report, 'Keeping it Fair – A Guide to the Conduct of Hearings under the RMA' is enclosed separately.

Recommendation

THAT *it is confirmed that an independent Commissioner chaired Council assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Changes 18 (Nelson South Structure Plan) and 21 (Parking and related changes);*

AND THAT *it is confirmed that a Council chaired Commissioner assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Change 14 (Residential Subdivision and Land Development Manual and Comprehensive Housing);*

AND THAT *a Council Hearing Panel be appointed to hear and make decisions on submissions to Proposed Plan Change 17 (Enner Glynn and Upper Brook Valley);*

AND THAT *an independent Commissioner be appointed to hear and make decisions on submissions to Proposed Plan Changes 22 (Heritage Trees), 23 (Daylight and Solar Panels), 24 (Freshwater), 26 (Fire fighting provisions), and A1 (Air Quality Plan).*

16. Plan Change 13 - Marsden Valley Rezoning and Structure Plan Project Notification of Decision **196-201**

Document number 1016763

Note: The attachments to this report are enclosed separately.

Recommendation

THAT the Hearing Committee recommendations on Plan Change 13 – Marsden Valley Rezoning and Structure Plan to the Nelson Resource Management Plan, as shown in Attachment 1 to Report 1016763, be adopted as the Council decision;

AND THAT the decisions on submissions on Plan Change 13 – Marsden Valley Rezoning and Structure Plan are publicly notified;

AND THAT Council notes the recommendations of the Hearing Committee as they relate to further Plan change work and consider these when assessing the future Plan change work programme.

17. Draft Social Wellbeing Policy **202-204**

Document number 1064173

Note: A copy of the draft Social Wellbeing Policy is enclosed separately.

Recommendation

THAT the draft Social Wellbeing Policy [1052440] be released for public consultation;

AND THAT there be a six week public consultation period;

AND THAT the Council hear and make decisions on submissions on the Policy.

18. Methyl Bromide Fumigation Rule – Nelson Air Quality Plan **205-209**

Document number 1062135

Recommendation

THAT a plan change not be initiated to change rule AQR.41 – Fumigation – in the Nelson Air Quality Plan;

AND THAT the Chief Executive writes to the parties to the 2007/8 Environment Court proceedings outlining the Council's proposed course of action and the reasons for it.

19. Public Forum Discussion (if required)

Public Excluded Business

20. 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 Forum

Reason:

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

ii) Public Excluded Minutes - Council Meeting Community Services and Infrastructure 17 March 2011

Reasons:

To carry out negotiations; and

To carry out commercial activities; and

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

iii) Public Excluded Governance Status Report

Reasons:

To carry out negotiations; and

To carry out commercial activities.

iv) Chief Executive Public Excluded Report - Governance

Reasons:

To protect the privacy of natural persons; and

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

v) Allocation of Rugby World Cup Tickets

Reasons:

To protect the privacy of natural persons; and

To carry out commercial activities.

vi) Public Excluded Minutes – Audit, Risk and Finance 22 February 2011

Reason:

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

21. Re-admittance of the public

Recommendation

THAT the public be re-admitted to the meeting.