



# AGENDA

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

**24 February 2011  
Commencing at 9.00am  
Council Chamber  
Civic House  
110 Trafalgar Street, Nelson**

**Note: A delegation of South East Asian government officials working in the area of governance and currently studying at NMIT, will be in attendance from 9 – 10am**

**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

24 February 2011

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### APOLOGIES

### OPENING PRAYER

## 1. Public Forum

### 1.1 Liquor Ban Areas

Inspector Brian McGurk (NZ Police Area Commander – Nelson Bays) will be in attendance to discuss changes to the local liquor ban.

### 1.2 Mumbai Mexico – Outdoor Dining

Mr Virat Vij will speak about Council's position on the placing of chairs and tables on the pavement outside his Bridge Street restaurant.

## 2. Confirmation of Minutes

1-11

Document numbers 1043147 and 1042559

Recommendation

***THAT the minutes of the meetings of the Nelson City Council – Community Services and Infrastructure, held on Thursday 3 February 2011, be confirmed as a true and correct record.***

## 3. Mayor's Report

### GOVERNANCE ITEMS

During this part of the meeting the Mayor will be joined by the Governance Portfolio Holder who will speak first to each report and move the recommendation.

## 4. Governance Status Report

12

Document number 1034743

Recommendation

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

**5. Portfolio Holder's Report**

**6. Chief Executive Report to Council**

**13-14**

Document number 1046346

Recommendation

***THAT the Chief Executive Governance Report (1046346) be received.***

**6.1 Economic Development**

Recommendation

***THAT Council endorse the one day forum being planned and that it is funded in part from the special economic projects budget***

***AND THAT BERL be engaged to produce a regional economic snapshot funded from the special economic projects budget for the planned one day economic forum***

***AND THAT the outcomes of the forum and the results of the BERL report are reported back through the Economic Development Committee.***

**7. Delegation of Navigation Safety Responsibilities to Port Nelson Ltd**

**15-28**

Document number 1042959

Recommendation

***THAT the Nelson City Council confirms the delegation to Port Nelson Ltd (a port company under the Port Companies Act, 1988), of all its functions, duties and powers (other than a power to make bylaws) under Part 39A of the Local Government Act, 1974, that relate to navigation safety subject to:***

***(a.) Acceptance of the delegation being confirmed by resolution of the Directors of Port Nelson Ltd; and***

***(b.) The Nelson City Council and Port Nelson Ltd entering into an agreement setting out their respective roles, duties, obligations and responsibilities.***

***AND THAT the Council give notice of this delegation in the 2011-12 Draft Annual Plan.***

**8. Revised Councillor Expenses Policy 2010/11 29-74**

Document number 1035996

Recommendation

***THAT the revised Expenses Policy (994891) be adopted.***

**9. Ridgeways Joint Venture – Statement of Intent 75-83  
2011/12**

Document number 1036335

Recommendation

***THAT the Ridgeways Joint Venture Statement of Intent for 2011/12 be approved for signing.***

**REPORTS FROM COMMITTEES**

**10. Audit, Risk and Finance Committee 84-86  
15 December 2010**

Document number 1026418

Recommendation

***THAT the minutes of the meeting of Audit, Risk and Finance Committee, held on Wednesday 15 December 2010, be received.***

**11. Joint Shareholders Committee 29 November 2010 87-89**

Document number 1017563

Recommendation

***THAT the minutes of the meeting of the Joint Shareholders Committee, held on Monday 29 November 2010, be received.***

Note the recommendation to Council contained in these minutes was passed by Council at the 16 December 2010 meeting.

## POLICY AND PLANNING ITEMS

During this part of the meeting the Mayor will be joined by the Policy and Planning Portfolio Holder who will speak first to each report and move the recommendation.

### 12. Policy and Planning Status Report 90

Document number 1034725

Recommendation

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

### 13. Portfolio Holder's Report

### 14. Chief Executive Report to Council 91-118

Document number 1043679

Recommendation

***THAT the Chief Executive Policy and Planning Report (1043679) be received.***

### 15. Rutherford Park Development and Nelson Performing Arts and Conference Centre Way Forward 119-123

Document number 1044796

Recommendation

***THAT the proposed process as detailed in report 1044796 be approved by Council as the way to move this project forward;***

***AND THAT Council agree to the integration of conference facilities in the Trafalgar Centre works, and those works be completed with the proposed Trafalgar Centre northern upgrade works;***

***AND THAT the proposed Performing Arts Centre proceeds as a stand alone facility within the Rutherford Park complex;***

***AND THAT an overall integrated plan be developed for Rutherford Park and the surrounding area this financial year;***

***AND THAT preliminary concept design plans for the proposed Trafalgar Centre northern upgrade works with integrated conference facilities and the proposed Performing Arts Centre be progressed this financial year***

*with detailed design progressing in the 2011/2012 financial year;*

**AND THAT** *construction works commence in 2012/2013 on the proposed Trafalgar Centre northern upgrade works including the integrated conference facilities;*

**AND THAT** *construction works commence in 2013/2014 on the stand alone Performing Arts Centre and Rutherford Park development associated works;*

**AND THAT** *Council indicate their intent and commitment in these matters in the upcoming 2011/2012 Annual Plan.*

**16. Hearing of Proposed Plan Changes 14, 17, 18, 19, 21, 22, 23, 24, 25, 26 and A1** 124-133

Document number 1037007

Recommendation

**THAT** *it is confirmed that the whole of Council hear and make decisions on submissions on Proposed Plan Changes 14, 17, 18, 21, 22, 23, 24, 26 and A1;*

**AND THAT** *the Council sets aside standing orders to elect its own Chairperson for each hearing;*

**AND THAT** *each chairperson of each hearing is accredited as a chairperson through the Ministry for the Environment Good Decisions Programme;*

**AND THAT** *an independent Commissioner be appointed to hear and make decisions on submissions to Proposed Plan Changes 19 and 25.*

**17. Implications of Changes to National Environmental Standards for Air Quality** 134-143

Document number 1043820

Recommendation

**THAT** *subject to the confirmation by the Minister for the Environment of the amended National Environmental Standard (NES) for air quality, a Plan Change to the Nelson Air Quality Plan be prepared for Council consideration to:*

- *remove from Rule AQR.24 the regulation phasing out use of those enclosed burners installed from the year 2000 that do not comply with the clean air standards in the current NES; and*

- *to amend any references to the NES particle target date of 2013 to bring them in line with those that appear in the final amended NES;*

***AND THAT** consequently, the Clean Heat-Warm Homes scheme be wound up a year early, at the end of June 2012, with some transitional arrangement for 'Jetmaster'-type fires;*

***AND THAT** an amendment be made in the draft Annual Plan 2011/12 Funding Impact Statement to change the way new targeted rate agreements, signed from 1 July 2011 onwards, are calculated, changing from rating bands to a formula;*

***AND THAT** it be noted that this change to the targeted rate would have minor fiscal effect while being easier to explain to householders and to administer.*

## **18. Review of Urban Design Panel**

**144-192**

Document number 1032164

Recommendation

***THAT** the Nelson City/Tasman District Urban Design Panel (the Panel) continue on a permanent basis;*

***AND THAT** the existing membership of the Panel be retained;*

***AND THAT** Council seek expressions of interest for membership of the Panel from members of the New Zealand Institute of Surveyors;*

***AND THAT** Council continue to pay the Panel costs if developments are heard by the Panel prior to a resource consent being lodged and require the applicant to pay the Panel costs post application.*

## **19. Competitive Cities Submission**

**193-204**

Document number 1034370

Recommendation

***THAT** the attached submission (Document 1026417) on the Ministry for the Environment discussion document "Building Competitive Cities: Reform of the Urban and Infrastructure Planning System" be confirmed.*

**20. Building Business Unit: Fees and Charges**

**205-216**

Document number 1034492

Recommendation

***THAT the new or changed fees and charges for activities of the Building Consent Authority and the Council as the Territorial Authority under the Building Act 2004 be adopted as detailed in Attachment 1 to Report No 1034492;***

***AND THAT the new schedule of fees and charges take effect from 4 April 2011.***

**21. Fees and Charges: Resource Consents  
Business Unit**

**217-232**

Document number 1040524

Recommendation

***THAT the new or changed fees and charges for resource consents under s.36 of the Resource Management Act 1991 be adopted as detailed in Attachment 1 to Report No 1040524 and notified by the Special Consultative Procedure in accordance with Section 83 of the Local Government Act 2002;***

***AND THAT the fees and charges under s.36 of the Resource Management Act apply as from 1 July 2011 subject to Annual Plan approval;***

***AND THAT the fees and charges for Resource Management Planning Documents remain unchanged and be adopted as detailed in Attachment 1 to Report No 1040524;***

***AND THAT the fees and charges for Property Information remain unchanged and be adopted as detailed in Attachment 2 to Report No 1040524;***

***AND THAT the charges excluding charges under s.36 of the Resource Management Act apply as from 15 March 2011 until such time as they are varied or amended by Council.***



## 22. Monitoring of Swimming and Spa Pools and Fences 233-238

Document number 1035819

Recommendation

***THAT the Council confirm its intention to further enhance a programme for monitoring of swimming pool and spa pool fences;***

***AND THAT the proposed fees and charges for administration of the Fencing of Swimming Pools Act 1987 by the Territorial Authority under the Building Act 2004 be adopted as detailed in Attachment 1 to Report No 1035819;***

***AND THAT the new fees and charges take effect from 1 July 2011;***

***AND THAT the Council publicise its intention to proactively monitor compliance with the Fencing of Swimming Pools Act 1987 on a predominantly user pays basis.***

## 23. Public Forum Discussion (if required)

### Public Excluded Business

## 24. 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 Meetings Community Services and Infrastructure 3 February 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.*

**ii) Public Excluded Governance Status Report**

*Reasons:*

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

*To protect the privacy of natural persons.*

**iii) Chief Executive Public Excluded Report to Council**

*Reasons:*

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

*To protect the privacy of natural persons.*

**iv) Appointment of Regional Transport Committee Regional Representatives**

*Reason:*

*To protect the privacy of natural persons.*

**v) Appointment of Director Nelson Regional Economic Development Agency 2011**

*Reason:*

*To protect the privacy of natural persons, and carry out negotiations without prejudice or disadvantage.*

**vi) Public Excluded Minutes – Audit, Risk and Finance 15 December 2010**

*Reason:*

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

**vii) Public Excluded Minutes – Joint Shareholders Committee 29 November 2010**

*Reasons:*

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

*To protect the privacy of natural persons.*

**viii) Nelson City Council – Tasman District Council Engineering Services Agreement**

*Reason:*

*To enable the Council to carry out negotiations without prejudice or disadvantage.*

**ix) Heritage Inventory and Iwi Inventory Projects**

*Reasons:*

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

*To protect the privacy of natural persons.*

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

Recommendation

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

**Note: lunch will be provided at 12.30pm**