

Notice of the ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	Thursday 13 February 2020
Time:	9.00a.m.
Location:	Council Chamber, Civic House 110 Trafalgar Street

Agenda

Rārangi take

Mayor Her Worship the Mayor Rachel Reese

Deputy Mayor Cr Judene Edgar

Members Cr Yvonne Bowater
Cr Trudie Brand
Cr Mel Courtney
Cr Kate Fulton
Cr Matt Lawrey
Cr Brian McGurk
Cr Gaile Noonan
Cr Rohan O'Neill-Stevens
Cr Pete Rainey
Cr Rachel Sanson
Cr Tim Skinner

Quorum 7

Pat Dougherty
Chief Executive Officer

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision. For enquiries call (03) 5460436.

Karakia Timatanga

1. Apologies

Nil

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

5. Confirmation of Minutes

5.1 12 December 2019

6 - 20

Document number M6628

Recommendation

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 12 December 2019, as a true and correct record.**

6. Mayor's Report

21 - 24

Document number R13766

Recommendation

That the Council

- 1. Receives the report Mayor's Report (R13766) and its attachment (A2335353); and**

2. ***Updates the Delegations Register to reflect the amended Tenders Subcommittee Delegations (A2335353).***

7. Nelson Tasman Climate Charter

25 - 35

Document number R13757

Recommendation

That the Council

1. ***Receives the report Nelson Tasman Climate Charter and its attachment (A2332108); and***
2. ***Authorises Her Worship the Mayor to sign the Nelson Tasman Climate Charter on behalf of Nelson City Council; and***
3. ***Agrees that having signed the Nelson Tasman Climate Charter, Council will participate in the Nelson Tasman Climate Change Forum.***
4. ***Appoints the Her Worship the Mayor, the Chairperson of the Environment Committee and Council's Climate Change Champion as the Nelson City Council representatives on the Nelson Tasman Climate Change Forum.***

CONFIDENTIAL BUSINESS

Exclusion of the Public

Recommendation

That the Council

1. ***Excludes the public from the following parts of the proceedings of this meeting.***
2. ***The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Public Excluded Minutes - 12 December 2019	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) • Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
2	Appointment of Independent Chair to the Saxton Field Committee	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		information for which good reason exists under section 7	including that of a deceased person
3	Mayor's Report	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

Karakia whakamutunga



Minutes of a meeting of the Nelson City Council

Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson

On Thursday 12 December 2019, commencing at 11.07a.m.

Present: Her Worship the Mayor R Reese (Chairperson), Councillors Y Bowater, T Brand, M Courtney, J Edgar, K Fulton, M Lawrey, R O'Neill-Stevens, B McGurk, G Noonan, P Rainey, R Sanson and T Skinner

In Attendance: Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (R Ball), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald) and Governance Advisers (E Stephenson and E-J Ruthven)

Apologies : Nil

Opening Karakia

There was an opening karakia, followed by a moment of silence acknowledging those who had lost their lives and those who were critically injured in the 9 December 2019 Whakaari eruption.

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

Her Worship the Mayor Reese advised that the order of business would be adjusted in order to progress the meeting efficiently.

3. Interests

There were no updates to the Interests Register.

Councillor McGurk subsequently declared an interest in an item on the Confidential Status Report – Community Housing: Approval of Terms of Sale and left the meeting for the verbal update on that matter.

Councillor Rainey subsequently declared an interest in Item 2.3 – Nelson Centre of Musical Arts – External Review of Business Model and Item 2.4.1 Nelson Cycle Lift Society – Accountability Report on Community Outcomes Grant in the confidential section of the meeting and left the meeting for consideration of those items.

4. Public Forum

4.1 Ludovic Romany - 5G

Mr Romany talked about health and safety with reference to 5G, including electromagnetism and cellular inflammation. Mr Romany referred to a Natural Medicine journal and stressed the need for a precautionary principle. He suggested a moratorium to protect people until it was known that 5G was safe.

4.2 Dai Mitchell - 5G

Mr Mitchell asked for a show of hands of Elected Members that knew anything about 5G a year ago. He reminded Council about its duties regarding public land and its duty to ensure it had a safe roading network. He felt that if it was agreed that 5G was harmful, it was going to be a problem for Council. He spoke of case law as it applied to unformed roads and the Queen's highways, which included non-council land.

5. Confirmation of Minutes

5.1 14 November 2019

Document number M6533, agenda pages 11 - 22 refer.

Resolved CL/2019/242

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 14 November 2019, as a true and correct record.***

Bowater/Noonan

Carried

6. Recommendations from Committees

6.1 Infrastructure Committee - 21 November 2019

6.1.1 Infrastructure Quarterly Report to 30 September 2019

The recommendation from the 21 November 2019 Infrastructure Committee regarding additional funding for capital projects that were included in the Infrastructure Committee Quarterly Report were dealt with in a separate

report on the agenda (Item 11 – Infrastructure Capital Projects Supplementary Report: Additional Funding), which included full decision-making considerations.

6.2 Environment Committee - 28 November 2019

6.2.1 Plan Change 27 Approval

Resolved CL/2019/243

That the Council

- 1. Approves Plan Change 27 to become operative.***

Noonan/Edgar

Carried

6.3 Community Services Committee - 28 November 2019

6.3.1 Library security - request for unbudgeted expenditure

Resolved CL/2019/244

That the Council

- 1. Approves unbudgeted expenditure of up to \$33,000 for community safety services within libraries.***

Lawrey/Bowater

Carried

7. Mayor's Report

Document number R13642, agenda pages 23 - 23 refer.

A request for funding for the Danish delegation's visit in March 2020 was tabled (A2316262). Mayor Reese answered questions regarding the visit. She encouraged Elected Members to take up Equip and SOLGM development courses.

Mayor Reese spoke of Council's strategic priorities, which included the importance of modal shift, the Maitai River Precinct, localism and housing in the context of climate change risk and resilience and noted the upcoming Housing symposium on 25 February.

The resignation and service of LGNZ Chief Executive, Malcolm Alexander was acknowledged.

Her Worship the Mayor thanked the Chief Executive and staff for their work in 2019.

Resolved CL/2019/245

That the Council

- 1. Receives the report Mayor's Report (R13642); and***
- 2. Approves expenditure of up to \$20,000 from the Climate Change Reserve towards the project management of the visit from Denmark scheduled for March 2020.***

Her Worship the Mayor/Fulton

Carried

Attachments

- 1 A2316262 - Request for funding for the Danish March 2020 visit

8. 5G in New Zealand

Document number R13676, agenda pages 24 - 39 refer.

Group Manager Environmental Management, Clare Barton, noted a spelling correction in paragraph 2.1 of the agenda report, which should read Joe Rifici, not Rafici.

The addition of the Ministry of Business, Innovation and Employment to clause 3. of the recommendation was suggested.

A request was made to publish the 5G in Aotearoa New Zealand paper by the Office of the Prime Minister's Chief Science Advisor on Council's website.

Resolved CL/2019/246

That the Council

- 1. Receives the report 5G in New Zealand (R13676) and its attachment (A2311616); and***
- 2. Agrees that the Group Manager Environmental Management facilitates a public workshop as early as possible in 2020 to provide an opportunity for information exchange on 5G matters; and***
- 3. Agrees to send an invitation to the Ministry for the Environment, the Office of the Prime Minister's Chief Science Advisor and the Ministry of Business, Innovation and Employment to attend and speak at the public workshop; and***

4. ***Invites representatives of 5G Free Nelson and interested parties to participate at the public workshop; and***
5. ***Notes that going forward, all public forum requests regarding 5G will be directed to the public workshop rather than to Council meetings.***

Fulton/Rainey

Carried

9. **Schedule of Meetings 2020**

Document number R13650, agenda pages 40 - 54 refer.

Manager Governance and Support Services, Mary Birch, spoke to the report and answered questions regarding scheduling of meetings and workshops.

The addition of the two amendments to the schedule was discussed and agreed.

It was noted that there would be further amendments to the schedule, including accommodating the Danish delegation's visit.

Attendance: Councillor Noonan left the meeting at 12.15p.m.

Resolved CL/2019/247

That the Council

1. ***Receives the report Schedule of Meetings 2020 (R13650) and its attachment (A2308328)***
2. ***Adopts the schedule of meetings for the 2020 calendar year as set out in Attachment 1 (A2308328), with the following amendments:***
 - ***25 February 2020 is freed up to allow attendance to the Local Government New Zealand Housing Symposium***
 - ***the proposed January 2020 workshops are rescheduled for February 2020.***

Edgar/Sanson

Carried

Attendance: Councillor Noonan returned to the meeting at 12.17p.m.

10. Parking and Vehicle Control Bylaw changes to accommodate new parking technology

Document number R11510, agenda pages 55 - 124 refer.

A document containing corrections to the agenda report was tabled (A2315014), together with a tracked changes copy of the Parking and Vehicle Control Bylaw (A2264843).

Manager Transport and Solid Waste, Marg Parfitt, accompanied by Legal Adviser, Madeline Austin, spoke to the errors in the consultation document, which were considered to be minor.

The meeting was adjourned at 12.23p.m. and reconvened at 1.00p.m. Councillors Rainey and Skinner were not present.

Discussion on Item 10 - Parking and Vehicle Control Bylaw changes to accommodate new parking technology, was paused and the Community Action Nelson presentation was accorded precedence.

11. Community Action Nelson

Mary Ellen O'Connor and Kindra Douglas provided a PowerPoint presentation introducing Community Action Nelson and on the issue of housing in Nelson (CAN) (A2313976) and tabled supporting information (A2315179).

Attendance: Councillor Skinner returned to the meeting at 1.04p.m.

Discussion took place regarding the presentation and what CAN would like to see Council doing in relation to housing during the coming term.

Attendance: Councillor Rainey returned to the meeting at 1.14p.m.

CAN offered its assistance in the Perception stream of the Intensification Action Plan (IAP) and suggested an interactive opportunity in town where the IAP could be showcased.

Mayor Reese noted that Council had an absolute commitment to housing and that she would continue engagement with CAN.

Attachments

- 1 A2313976 Community Action Nelson Housing Issues PowerPoint
- 2 A2315179 Community Action Nelson tabled supporting document

12 **Parking and Vehicle Control Bylaw changes to accommodate new parking technology (revisited)**

Ms Parfitt answered questions and, following discussion regarding section 7 of the bylaw, it was noted that Ms Parfitt would look into criteria and definition for reserved parking by permit.

Resolved CL/2019/248

That the Council

- 1. Receives the report **Parking and Vehicle Control Bylaw changes to accommodate new parking technology (R11510) and its attachments (A2304375 and A2283924) and;*****
- 2. Determines that the amendments do not give rise to any implications under the New Zealand Bill of Rights Act 1990 and the amended Parking and Vehicle Control Bylaw is the most appropriate form of Bylaw; and***
- 3. Adopts the Parking and Vehicle Control Bylaw as amended and appended to this report as Attachment 1 (A2304375); and***
- 4. Determines that the Parking and Vehicle Control Bylaw will come into operation on 1 July 2020.***

McGurk/O'Neill-Stevens

Carried

Attachments

- 1 A2315014 - Corrections to R11510 - Parking and Vehicle Control Bylaw changes to accommodate new parking technology
- 2 A2264843 - Tracked Changed version of the Parking and Vehicle Control Bylaw 2011

13. **Infrastructure Capital Projects Supplementary Report: Additional Funding**

Document number R13669, agenda pages 125 - 132 refer.

Manager Capital Projects, Lois Plum, Manager Utilities, David Light, and Manager Transport and Solid Waste, Marg Parfitt, presented the report and answered questions on additional funds being requested.

In response to a question, Ms Parfitt explained the increased amount for funding for the Railway Reserve Underpass, in clause 4. of the recommendation, was because when the matter was considered by the Committee, the estimate was provisional and a significantly increased estimate had now been received. Discussion took place on the reasons for this.

Resolved CL/2019/249

That the Council

- 1. Receives the report Infrastructure Capital Projects Supplementary Report: Additional Funding (R13669); and***
- 2. Approves additional funding of \$420,000 to progress the St Vincent Sewer renewal in 2019/20; and***
- 3. Approves the additional funding of \$700,000 in 2019/20 and funding of \$2,100,000 in 2020/21 (an additional \$1.8M over the Long Term Plan) to complete the Saxton Creek Upgrade between Champion Road and Main Road Stoke; and***
- 4. Approves the additional funding of \$244,000 in 2019/20 to complete the Railway Reserve underpass and associated civil approach works, noting that the culvert underpass has been ordered and that officers are to still make application for NZTA subsidy.***

McGurk/O'Neill-Stevens

Carried

14. Exclusion of the Public

Emma Moran, of DLA Piper, was in attendance for Item 5 of the Confidential agenda to answer questions and, accordingly, the following resolution was required to be passed:

Resolved CL/2019/250

That the Council

- 1. Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that Emma Moran, Legal Adviser, DLA Piper, remain after the public has been excluded, for Item 5 of the Public Excluded agenda (Greenmeadows Centre – Way Forward), as she has knowledge relating to this issue that will assist the meeting.***

Her Worship the Mayor/Edgar

Carried

Resolved CL/2019/251

That the Council

- 1. Excludes the public from the following parts of the proceedings of this meeting.***
- 2. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

Her Worship the Mayor/Edgar

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Public Excluded Minutes - 14 November 2019	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Recommendations from Committees Infrastructure Committee 21 Nov 2019 Recycling – the Way Forward Regional Transport Committee 2Dec 2019	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) • Section 7(2)(b)(ii) To protect information where the making available of the

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<p>Public Transport: Move to a Gross contract</p> <p>Governance and Finance Committee 5 Dec 2019</p> <p>Nelson Centre of Musical Arts – External Review of Business Model</p> <p>Sports and Recreation Committee 10 Dec 2019</p> <p>Nelson Cycle Lift Society – Accountability Report on Community Outcomes Grant</p>		<p>information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p>
3	Council Status Report - Confidential	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
4	Workplace Improvement Accommodation	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(h)

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	Options: Next Steps	disclosure of information for which good reason exists under section 7	To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
5	Greenmeadows Centre - Way Forward	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
6	Appointment of General Manager Nelson Regional Sewerage Business Unit and Nelson Tasman Regional Landfill Business Unit	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
7	Purchase of land for Nelson Regional Sewerage Business Unit purposes	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			negotiations (including commercial and industrial negotiations)

The meeting went into public excluded session at 2.18p.m. and resumed in public session at 5.06p.m.

2.3 Governance and Finance Committee - 5 December 2019

2.3.1 Nelson Centre of Musical Arts - External Review of Business Model

This matter was discussed in the confidential section of the meeting. Recommendation 6 was dealt with in the confidential section of the meeting and the remaining recommendations 1,2,3,4,5 and 7, below, were considered in open meeting.

Her Worship the Mayor noted that it was appropriate that the meeting had received officer advice and discussed negotiations in confidential session and made the below decisions in open meeting.

Resolved CL/2019/252

That the Council

1. ***Approves Council taking on the Nelson Centre of Musical Arts' additional debt of \$148,551 in order to reduce the cost of debt financing for the Nelson Centre of Musical Arts; and***
2. ***Agrees that the additional loan of \$148,551 will be interest free to Nelson Centre of Musical Arts in line with the existing loan of \$680,000; and***
3. ***Requires the Nelson Centre of Musical Arts to repay the amalgamated loan of \$828,551, including the existing loan to Council of \$680,000; and***
4. ***Agrees to increase the mortgage over the building to \$828,551; and***
5. ***Sets the loan repayment terms for Nelson Centre of Musical Arts at \$33,000 per year repayable by 31 March 2045, payable quarterly commencing in March 2020, with repayment terms subject to review every five years; and***

7. ***Agrees to provide an additional operational grant of \$40,000 in unbudgeted expenditure to Nelson Centre of Musical Arts to cover a budget shortfall in the second half of 2019/20, noting this will bring total operational funding for Nelson Centre of Musical Arts in 2019/20 to \$225,000; and***
8. ***Notes that officers will include the total operational funding (CPI adjusted) for future years in the Draft Annual Plan 2020/21 and the Draft Long Term Plan 2021 – 2031.***

Sanson/Edgar

Carried

Attendance: Councillor McGurk left the meeting at 5.15p.m.

Prior to closing the meeting, Her Worship the Mayor advised that she would write a letter of support on behalf of the Council for the Gondola (Nelson Cycle Lift) proposal, as it would be a recreational asset for the city and for tourism. She clarified that any commitment for funding would go through the draft Annual Plan process and would require public consultation.

Closing Karakia

There was a closing karakia.

RESTATEMENTS

It was resolved while the public was excluded:

2.1	PUBLIC EXCLUDED: Recycling - The Way Forward
	<p><i>That the Council</i></p> <ol style="list-style-type: none"> 1. <i>Approves the continuation of recycling in Nelson with reduced commodities (as detailed in Report R10530) with additional funding of \$385,000 per annum being sourced for the 2020/21 year from the Solid Waste Reserve account, noting that the additional cost cannot be covered by the Local Disposal Levy of \$2.4M that will be received from the Nelson Tasman Regional Landfill Business Unit that year; and</i>

	<p>2. <u>Notes</u> that during the change in recycling regime from 1 July 2020, with respect to plastics 3 to 7, contamination rates could increase until Nelsonians settle into the new regime and approves the extra cost of up to \$10,000 being funded from the Solid Waste Reserve account; and</p> <p>3. <u>Notes</u> that if a viable market for plastics 5 is found that Council will continue to collect them; and</p> <p>4. <u>Approves</u> Council accepting:</p> <p style="padding-left: 20px;">i) A shared 50/50 risk profile for all commodities (except fibre) resulting from an increase or decrease in commodity prices; and</p> <p style="padding-left: 20px;">ii) A lower threshold for fibre of -\$20/tonne and an upper threshold of \$100/tonne for a 50/50 shared risk profile; and</p> <p style="padding-left: 20px;">noting that any savings or additional costs achieved through this arrangement will be credited/charged to the Solid Waste Reserve Account; and</p> <p>5. <u>Notes</u> that funding of recycling will have to be reviewed during the 2021/31 Long Term Plan preparation process; and</p> <p>6. <u>Agrees</u> that the decisions be made publicly available; and</p> <p>7. <u>Agrees</u> that Report R10350 remain confidential at this time and notes that Attachments A2288261 and A2288267 are publicly available.</p>
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2.4	<p>PUBLIC EXCLUDED: Nelson Cycle Lift Society - Accountability Report on Community Grant Outcomes</p>
	<p style="text-align: center;">That the Council</p> <p>1. <u>Agrees</u> that the Nelson Cycle Lift Society has met its requirements to provide a completed business case and annual accounts in order to satisfy the requirements of the Community Grant; and</p> <p>2. <u>Agrees</u> that the decision only be made publicly available; and</p>

3. Agrees that Report (R13630) and Attachments (A2240890, A2294055, A2294056 and A2294053) remain confidential at this time.

3	PUBLIC EXCLUDED: Greenmeadows Centre - Way Forward
	<p><i>That the Council</i></p> <p>5. <u>Agrees</u> that this decision, report and its contents, including any negotiated financial settlement, remain confidential on the basis that disclosure would prejudice Council's negotiating position.</p>

4	PUBLIC EXCLUDED: Appointment of General Manager Nelson Regional Sewerage Business Unit and Nelson Tasman Regional Landfill Business Unit
	<p><i>That the Council</i></p> <p>3. <u>Approves</u> that the decisions only be made publicly available once the appointment has been finalised.</p>

5	PUBLIC EXCLUDED: Purchase of land for Nelson Regional Sewerage Business Unit purposes
	<p><i>That the Council</i></p> <p>5. <u>Approves</u> that the decision be made publicly available once the land has been purchased.</p>

There being no further business the meeting ended at 5.16p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Mayor's Report

1. Purpose of Report

- 1.1 To update Council on current and key strategic matters that have arisen.
- 1.2 To provide for an update to the delegations to the Tenders Committee.

2. Summary

- 2.1 Council adopted the Delegations Register on 14 November 2019, this included adopting the Delegations, Terms of Reference and Memoranda of Understanding for Committees and Business Units which are single purpose committees established by Nelson City Council and Tasman District Council.
- 2.2 A minor amendment to the Tenders Committee delegation has been requested.

3. Recommendation

That the Council

- 1. ***Receives the report Mayor's Report (R13766) and its attachments (A2335353); and***
- 2. ***Updates the Delegations Register to reflect the amended Tenders Subcommittee Delegations (A2335353).***

4. Background

4.1 Council resolved the following at its meeting on 14 November 2019:

Resolved CL/2019/234

Adopts the Delegations Register (A1183061) with amendments as tabled (A2299527, A1437349, A1739267 and A2288940); and

Amends the Memoranda of Understanding governing the Nelson Regional Sewerage Business Unit (A1983271) and the Terms of Reference governing the Nelson Tasman Regional Landfill Business Unit (A A1983272) and the Saxton Field Committee (A1342334), subject to Tasman District Council passing an equivalent resolution;

4.2 Following the first Tenders Subcommittee meeting the Chief Executive requested that the reporting procedure noted in the Delegation Register be amended.

5. Discussion

Mayor's Discretionary Fund

5.1 The Mayor covered the cost of \$1,692.50 from her Mayoral Discretionary Fund for subscription membership for NCC to the New Zealand Green Building Council (NZGBC) until June 2020.

5.1.1 Membership provides the Council with access to a group of progressive businesses from all aspects of the building and property industry, with an aim to accelerate the development and adoption of market-based green building practices. Active participation in the NZGBC can lead to business relationships and new opportunities. The NZGBC was established in July 2005 and in 2006 became a member of the World Green Building Council (WorldGBC). The WorldGBC is an international not-for-profit organisation that aims to move the global property industry and built environment towards sustainability, with Green Building Councils being established in various countries around the world. NZGBC is also a member of the Construction Industry Council.

5.2 The Mayor donated \$500.00 to the Nelson Youth Theatre Company from the Mayoral Discretionary Fund. Nelson Youth Theatre Company performed at Nelson's Christmas Celebration lunch for senior citizens hosted by the Mayor and also stepped in as waiting staff to help serve lunch to the guests.

5.3 The Mayor donated \$150.00 to a fund set up to purchase an e-bike for Sean Thomas. Sean is unwell and Peter Myers, who is a friend of Sean's, has reached out to his friends and organisations in the community with whom Sean has had a lot of contact with over the years asking for

Item 6: Mayor's Report

contributions. Sean is well known to many people in Nelson through his community work and has been a great friend and help to the Council.

Tenders Subcommittee

- 5.4 The Delegations Register states that the decisions made by the Tenders Subcommittee should be reported to the next meeting of the relevant Committee. It has been noted that the Quarterly report would be the appropriate mechanism to provide this reporting. It is recommended that the wording of the procedure be amended to reflect this. A copy of the Tenders Subcommittee delegation showing the proposed amendment is attached (A2335353).

Directors Appointment Policy

- 5.5 Some ambiguity exists in in the way our Policy for Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations has been interpreted over time. When the Policy was first adopted it did not seek to bar elected members from applying to a recruitment process and having the opportunity to be selected on merit.
- 5.6 I have requested that officers provide a brief report to a future meeting to add this clarification to the policy.

Author: Rachel Reese, Mayor of Nelson

Attachments

Attachment 1: A2335353 Updated Tenders Subcommittee Delegations [↓](#)

1.1 Tenders Subcommittee

1.1.1 Areas of Responsibility:

- To consider and award tenders that exceed the limits of the Chief Executive's delegated authority.

1.1.2 Membership:

- The Tenders Subcommittee will be comprised of the Chief Executive, Mayor, Deputy Mayor, Chair of the Governance and Finance Committee, and Chair of any other relevant committee (where the tender falls within a different committee's area of responsibility)

1.1.3 Powers to Decide:

- To award all tenders that exceed the limits of the Chief Executive's delegated authority
- Any tenders awarded by the Tenders Subcommittee will be reported **on in the next Quarterly Report** to ~~the following meeting~~ of the relevant committee for which the tender falls within the committee areas of responsibility.

Nelson Tasman Climate Charter

1. Purpose of Report

- 1.1 To approve signing of the Nelson Tasman Climate Charter on behalf of Council.

2. Summary

- 2.1 Nelson City Council has allocated funding in the Annual Plan 2019/20 to support the establishment of a Climate Forum. A Charter (A2332108) will be available for individuals and groups (including councils) to sign at the launch of the Climate Change Forum on 29 February 2020. Draft Operating Procedures were prepared by a Working Group and are attached for information. These will be considered by the Forum for approval at its first meeting.

3. Recommendation

That the Council

- 1. Receives the report Nelson Tasman Climate Charter and its attachment (A2332108); and***
- 2. Authorises Her Worship the Mayor to sign the Nelson Tasman Climate Charter on behalf of Nelson City Council; and***
- 3. Agrees that having signed the Nelson Tasman Climate Charter, Council will participate in the Nelson Tasman Climate Change Forum.***
- 4. Appoints the Her Worship the Mayor, the Chairperson of the Environment Committee and Council's Climate Change Champion as the Nelson City Council representatives on the Nelson Tasman Climate Change Forum.***

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4. Background

- 4.1 At its Annual Plan 2019/20 deliberations meeting on 4 June 2019 Council passed the following resolution:

Resolved CL/2019/089

Approves a total of \$254,500 for climate change initiatives from general rates, comprised of: establishment of a climate forum and climate taskforce (\$30,000); appointment of a new "Climate Champion" (\$124,500) and to fund the \$100,000 specified in the Annual Plan 2019/20 consultation document

- 4.2 A Working Group has been set up by members of the community to establish the Climate Forum. It includes representatives from a range of sectors including business, agriculture, community, environmental groups and others. The group is working on connecting with iwi, and staff from both councils have attended meetings as observers.
- 4.3 The membership of the Forum is intended to be widely inclusive, with no one organisation owning direction. The kaupapa is one of collaborative decision-making directed by the need for urgent action to reduce greenhouse gas emissions and manage climate impacts. The Forum will not be a legal entity and has no delegated authority to make decisions on behalf of its members.
- 4.4 The Forum will be launched on 29 February at a high profile event with the Honourable James Shaw, Climate Change Minister, as the keynote speaker. Invitations and a copy of the Charter have been distributed and 150 acceptances have been received so far.
- 4.5 At the inaugural meeting of the Forum, participants will be invited to show their commitment to the goals of the Forum by signing the Charter.

5. Discussion

- 5.1 This report requests approval for the Mayor to sign the Charter on behalf of Council. This issue would normally have been a matter for the Environment Committee, however its next meeting is after the inaugural meeting of the Forum.
- 5.2 Mayors of both Nelson and Tasman, together with staff from both councils and community members have reviewed the content of the Charter and draft Terms of Reference and are comfortable with the content of these documents. It is recognised that this is a rapidly developing area with many unknowns, and there may be times where Council direction and the intentions of the Forum may not be in complete alignment. However the Forum is intended to have a wide membership from across the community so it is to be expected that it will accommodate a range of approaches as long as members are committed to action.

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- 5.3 The Forum Working Group sought the Mayor's advice on whether the Climate Forum should be a Nelson only entity or a combined Nelson-Tasman entity. It was agreed that having the Climate Forum operate across the two districts was preferable, as it better reflects the realities with respect to community collaboration and responses to likely impacts and opportunities. This is reflected in the Charter wording, which emphasises collective, sustained and collaborative action. Responding with urgency, and developing innovative approaches are also key aspects of the Forum.
- 5.4 Council representation and attendance on the Forum would be undertaken by the Mayor, the Chair of Environment Committee and the Climate Change Champion. Council will need to comply with the usual decision making requirements of the Local Government Act in considering whether to act on any decisions or recommendations of the Forum. The Charter explicitly acknowledges that members will participate in the Forum in accordance with relevant legislation and that the Forum's decisions do not bind members to any specific action, including funding.
- 5.5 For the Forum to be successful, support and engagement by a broad range of parties across the region is critical. Council signalling leadership and support by endorsing the Charter will be a vital part of the Forum's success. Membership is also in line with the strong support for accelerated action on climate change expressed by large numbers of submitters to the most recent Annual Plan consultation.
- 5.6 It is likely that significant Council and community action will be required as a result of the Climate Change Response (Zero Carbon) Amendment Bill being enacted. Supporting the Forum is expected to have a positive role to play in seeing Council and the community respond to the new legislation.
- 5.7 Tasman District Council has not indicated any financial support for the Forum but staff have attended Working Group meetings as observers.
- 5.8 Marlborough District Council was invited to join the Working Group and be part of establishing a Te Taihū Climate Forum but, while supportive, has chosen not to participate at this stage.

6. Funding

- 6.1 Council has allocated \$30,000 for the establishment of a Climate Forum and a Climate Taskforce. The Climate Forum is an independent community initiative supported by Council funding which, at this stage, is primarily expected to cover the costs of an independent facilitator for the Working Group, the costs of organising the Summit and meeting related costs. No grant has yet been made as the Working Group is not a legal entity and so has been negotiating with a third party to receive and distribute the grant on its behalf.
- 6.2 The Forum Working Group has made a request to Nelson City Council for further funding to support ongoing facilitation and development of a

Item 7: Nelson Tasman Climate Charter

regional climate change strategy. Consideration of this funding request will be the subject of discussions through Annual Plan 2020/21 workshops. In considering any ongoing funding for the Forum, the Council will need to ensure that its funding support is wholly or principally for the benefit of the Nelson district (Local Government Act 2002 section 12(2)). The Working Group is aware that it will need to find additional sources of financial support to cover activity for the broader region.

7. Climate Impact

- 7.1 Climate impact is a key driver in this recommendation. Signing the Nelson Tasman Climate Charter has significant meaning in terms of Council leadership, as well as in supporting whole-community action through the reduction of greenhouse gas emissions and adaptation to the impacts expected from climate change. The work of the Forum should also contribute to community understanding of the actions required for adaptation to climate change.

8. Options

- 8.1 The options are to decide to sign, or not to sign, the Nelson Tasman Climate Charter at the inaugural meeting of the Nelson Tasman Climate Forum.

Option 1: Approve the signing of the Nelson Tasman Climate Charter - Recommended	
Advantages	<ul style="list-style-type: none"> • Consistent with Council's Declaration of a Climate Emergency • Signals support for community collaboration on climate change • Supports the Nelson Tasman Climate Forum as an authoritative voice for change • Provides a mechanism for integrating Council and community action
Risks and Disadvantages	<ul style="list-style-type: none"> • Risk of direction being advocated by Forum diverging from Council direction • Public perception that Council should support all Forum activities, including with funding
Option 2: Do not approve the signing of the Nelson Tasman Climate Charter	
Advantages	<ul style="list-style-type: none"> • Reduces risk of pressure on Council to undertake actions not consistent with Council direction

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Risks and Disadvantages	<ul style="list-style-type: none">• Public perception that Council does not support community collaboration to act on climate change• Conflict with action stated by Council to establish the Forum
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9. Conclusion

- 9.1 Collaboration will be key to a successful response to the climate emergency, therefore officers recommend that the Nelson Tasman Climate Charter be signed by Council.

Author: Chris Cameron, Climate Change Champion

Attachments

Attachment 1: A2332108 Nelson Tasman Climate Forum - Charter and draft Operating Procedures - 21Jan2020 [↓](#)

Important considerations for decision making

1. Fit with Purpose of Local Government

This recommendation supports the future environmental, social and economic wellbeing of Nelson by encouraging community collaboration to tackle the impacts of climate change. The recommendation also supports the development of a consistent regional approach to taking urgent action on reducing greenhouse gas emissions.

2. Consistency with Community Outcomes and Council Policy

The recommendation supports many of the community outcomes but in particular

- Our communities are healthy, safe, inclusive and resilient
- Our unique natural environment is healthy and protected
- Our region is supported by an innovative and sustainable economy

Our Council provides leadership and fosters partnerships, a regional perspective and community engagement

3. Risk

There is a risk that Council will be seen as the sole source of any ongoing funding required by the Climate Forum. There is reputational risk if there is divergence between Council and the Forum, given how dynamic this area is. There is a risk that the Forum will struggle to provide sufficient common ground between those in the wider community wanting strong and immediate action and those seeking a more moderate response. These risks are considered low to medium.

The reputational risk to Council from not signing the Nelson Tasman Climate Charter is assessed as medium to high, given that through a resolution Council approved funding for the establishment of a Climate Forum, and has declared a Climate Emergency.

4. Financial impact

There is no immediate financial impact of this decision beyond the financial support already being provided. The Climate Forum is, however, requesting further funding be included in the Annual Plan 2020/21.

5. Degree of significance and level of engagement

This matter is of low significance given the Climate Charter acknowledges that the Forum has no delegated authority to make decisions that bind its members and therefore no engagement with the wider community is planned. Membership is in line with the strong support for accelerated

action on climate change expressed by large numbers of submitters to the most recent Annual Plan consultation.

6. Climate Impact

This decision may significantly improve Council's ability to provide leadership and support whole-community action to respond to the impacts expected from climate change.

7. Inclusion of Māori in the decision making process

No engagement with Māori has been undertaken in preparing this report. The Forum Working Group has engaged with a range of potential participants across the Māori community, and partnership with Māori is a fundamental component of the work to be undertaken by the Climate Forum.

8. Delegations

The Environment Committee has the following delegations.

5.4 Areas of Responsibility:

- Climate change resilience overview (adaptation and mitigation)

5.6.2 Delegations:

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

However, because the first meeting of the Environment Committee in 2020 is after the Climate Summit when the Charter is to be signed, this matter will be considered by Council, in accordance with the Delegations Register, as below:

5.2.2 On the recommendation of the Chief Executive, and with the agreement of the Chair of the relevant committee, subcommittee or subordinate decision-making body and Mayor, matters within the area of responsibility of a particular committee, subcommittee or subordinate decision-making body may be considered directly by Council instead. If this occurs, the Chair of the relevant committee, subcommittee or subordinate decision-making body will report to the following meeting of the committee, subcommittee or subordinate decision-making body regarding the reason for doing so, and the outcome of the matter at the Council meeting.

Both the Mayor, and the Chair of the Environment Committee have agreed with this approach being taken in the case of this report.

DRAFT – 16 January 2020

Nelson Tasman Climate Forum Charter

Mission

To enable expanded and accelerated climate change action in our region through the connection and alignment of people across and within communities and organisations.

Commitment

Recognising that —

- Human-induced climate change represents one of the greatest threats to future generations and our living world, through its impact on the life-supporting capacity of air, water, soil, and ecosystems; and
- If societies take urgent, sustained and collaborative climate action, we can decrease and manage the impacts of climate change; and
- Most responses to climate change also generate positive outcomes for community and environmental well-being.

We, the signatories, commit to —

- Act promptly, purposefully, and responsibly, together and individually, to achieve the Goals of the Forum; and
- Participate in good faith in the Nelson Tasman Climate Forum.

Goals

The Goals of the Forum are to enable and empower Nelson Tasman communities to --

1. Rapidly reduce our region's greenhouse gas emissions consistent with the urgency of the situation.
2. Adapt to the likely economic, social, cultural, and environmental effects of climate change.
3. Respond to climate change in a way that recognises the rights of all people and living things and provides for an equitable and resilient society.

Nature of the Forum

The Forum brings together diverse views and interests to align and lead community responses to climate change. It is a collective of organisations and individuals. It is not a legal entity and has no delegated authority to make decisions that bind its members to any specific action, including funding. Members participate in accordance with relevant legislation and legally-binding policies, plans and other instruments. It endeavours to work by consensus towards its goals.

Membership of the Forum is open to all that sign this Charter and agree to work within any Operating Procedures developed and adopted by the Forum.

The Forum will develop and facilitate the implementation of a Nelson Tasman Climate Strategy to help achieve the above Goals. It will update the Strategy as and when required to reflect new science and changing circumstances.

A2332108

Nelson Tasman Climate Forum

DRAFT Operating Procedures

Purpose

1. The Nelson Tasman Climate Forum (“the Forum”) is a collective of organisations and individuals who are committed to act promptly, strongly, and responsibly, together and individually, to achieve the Goals of the Forum, set out in the Nelson Tasman Climate Charter.

Membership

2. Membership of the Forum is open to all who:
 - a. Sign the Nelson Tasman Climate Charter, thereby agreeing to use their best endeavours to achieve the Forum’s Goals and participate fully in the Nelson Tasman Climate Forum, and;
 - b. Agree to abide by the current Operating Procedures for the Forum; and
 - c. Are inaugural members or have been confirmed as subsequent members by the Forum.

Legal Status

3. The Forum is not a legal entity and has no delegated authority to commit its member organisations to undertake specific actions nor powers to incur debt, take court action, sign contracts or hire employees. The Forum does not have the power to make decisions on the behalf of members and any decisions members make shall be in accordance with relevant legislation and legally-binding policies, plans and other instruments.
4. Where funds are held on behalf of the Forum, a Memorandum of Understanding is formed with a legal entity that ensures the Forum retains control over its finances. Decisions of the Forum cannot create an obligation to commit funding for the Forum or any of its endeavours.

Functions

5. The Forum shall --
 - a. Develop and lead the implementation of the Nelson Tasman Climate Strategy
 - b. Order its work, including adopting Operating Procedures and forming working groups as it considers appropriate
 - c. Recommend to other organisations, groups and individuals, actions they could take in support of the Nelson Tasman Climate Charter or the Nelson Tasman Climate Strategy.
 - d. Undertake further activities required to reach the Goals laid out in the Nelson Tasman Climate Charter. Such activities could include, for example, collection and sharing of data and information, training and capacity building, the development of alternative and more sustainable practices, mobilisation of resources, building relationships and alliances, mobilising and organising, research and action as advocates, and advocating for improvement and revision of policies and programmes.

Co-Chairs

6. At the last meeting of each calendar year, the Forum shall elect two of its members as Co-Chairs for the following year.
7. The Co-Chairs will:
 - a. Prepare agendas and ensure these are distributed at least two working days in advance of Forum meetings
 - b. Chair meetings according to the agreed agenda and assist the Forum to reach consensus on issues and options
 - c. Act as spokespersons for the Forum
 - d. Facilitate, support or prepare funding requests to support the activities by the Forum
 - e. Determine the use of any funds that have been allocated to the Forum, subject to consultation with the Forum and any conditions imposed by funding organisations.
8. The Co-Chairs may appoint a Facilitator and/or an Administrator to assist them in arranging meetings and addressing matters that may require attention between meetings.

Meeting Procedure

9. Meetings shall be managed as follows:
 - a. Meetings of the Forum will be held every two months and more frequently as necessary.
 - b. 12 members, or 60% of Forum members, whichever is smaller, shall constitute a quorum.
 - c. Meetings shall be called by the Co-Chairs with notification to members at least one week and preferably four weeks prior to the meeting.
 - d. The Co-Chairs will be responsible for meeting agendas, meeting notes and minutes, and supporting papers and presentations.
 - e. Requests for items to include in the agenda must be sent to the Co-Chairs at least five working days before a meeting, although this requirement may be waived at the discretion of the Co-Chairs.
 - f. Meetings shall be chaired by at least one of the Co-Chairs or, in their absence, by a member chosen by consensus of those present.
 - g. Wherever possible, decisions of the Forum will be made by consensus of those members present. By seeking consensus, the Forum aims to empower and incorporate all perspectives whenever possible. Consensus means by the agreement of most participants, with dissenters and abstainers agreeing to recognise the majority opinion as being the decision (i.e. to not block consensus).
 - h. If consensus is not achieved after reasonable attempts and the chair(s) of the meeting considers a decision is necessary to further the Goals of the Forum, the chair may, as a last resort, call for a vote to resolve the matter. To pass, any motion decided by vote requires at least 75% of those members present and voting (not abstaining) to be in favour of the motion.
 - i. The Forum may constitute working groups or committees, which will operate as directed by the Forum and will be accountable to the Forum for their actions.
 - j. Questions for decision may be put by a Co-Chair to members via digital means and, if no dissenting votes are received, shall be deemed to represent a consensus decision by the Forum, provided members have been given at least 5 working days to respond to the question. The outcome of questions considered in this manner shall be recorded in the minutes of the next meeting.
 - k. Minutes of Forum meetings shall be recorded and confirmed as correct at a subsequent meeting.

Observers

10. Forum meetings shall be open to the public unless the Forum decides to go into closed session, which only Members may attend. Discussions at closed meetings are confidential, subject to any applicable legal requirements relevant to members, which shall be declared to the Forum prior to the closed session, and only the topic discussed and decisions made shall be recorded in the minutes.

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11. Observers have no speaking rights unless specifically recognised by the Chair.

Conflicts of Interest

12. Conflicts of interest will be declared at the start of Forum meetings and recorded in the minutes.

Review

13. The operation of the Forum and its Terms of Reference will be reviewed by the Forum at least once every three years.

The Fine Print

14. Inaugural Members are those organisations and individuals who sign the Charter on or before 31 March 2020.
15. After 31 March 2020, membership of prospective members is confirmed by the Forum following their attendance at two meetings.
16. A Member may resign from the Forum at any time by submitting a letter of resignation to a Co-Chair of the Forum.
17. Membership may be rescinded by the Forum if a member acts in a manner that is inconsistent with or undermines the Charter.