



Minutes of a meeting of the Nelson City Council

Held via Audio-Visual (Zoom)

On Thursday 23 April 2020, commencing at 9.05a.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), Team Leader Governance (R Byrne), Governance Adviser (E Stephenson) and Governance Support (K McLean)

Apologies : Nil

Karakia Timatanga

Council's Kaihautu, Pania Lee, gave the opening karakia.

The passing of Council's Kaumatua, Kereopa Ratapu, was acknowledged.

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

Her Worship the Mayor advised of two late items for the public part of the meeting, and that the following resolutions needed to be passed for the items to be considered:

- 2.1 Effects of setting the 2020/21 rates increase to zero; and
- 2.2 City Centre Programme: COVID19 Response

Resolved CL/2020/034

That the Council

- 1. Considers the item regarding Effects of setting the 2020/21 rates increase to zero at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made; and***
- 2. Considers the item regarding City Centre Programme: COVID19 Response at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.***

McGurk/Noonan

Carried

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

4. Public Forum

- 4.1 New Life Ministries Incorporated - a request for an exemption to the Development Contribution Levies

Kellie-Anne Eastmond, representing New Life Ministries Incorporated, tabled a document that had previously been circulated to Elected Members (A2363027, a replacement to the copy in the agenda). She referred to her original submission, noting an incorrect figure in the agenda and provided background information on New Life Ministries Incorporated. She addressed matters in the report, highlighting how integrated schools operated, and that the Development Contributions equated to a quarter of the School's annual income. She noted the School's beneficial role in the region and funding avenue differences.

Ms Eastmond highlighted the lack of consultation with affected parties and the lack of information provided by Council on the process when the policy was reviewed for development contributions. She said that her understanding was that a decision to decline had been made without the application being seen by the Group Manager Environmental Management. She felt that the school did fit into the exceptional circumstances category.

Ms Eastmond answered questions regarding the proportion of Nelson students, the application process and the status of the school.

Attachments

1 A2363027 - New Life Ministries tabled document

5. New Life Ministries Incorporated - Development Contributions – (Agenda Item 8)

Document number R13741, agenda pages 32 - 109 refer.

Group Manager Environmental Management, Clare Barton, and Team Leader City Development, Lisa Gibellini, spoke to the report. Ms Gibellini noted a correction to the amount of development contributions on agenda page 35, paragraph 4.1, which should read \$22,525.25. Ms Barton clarified that a copy of the request for exemption letter had been entered into Council's system, but did not come through to council officers due to system problems. Subject to the Policy, there had been a decision to decline. Further information about New Life Ministries' charitable status was provided by Ms Eastmond at a subsequent meeting. Ms Barton confirmed that she had seen the original letter, but had asked for a further hard copy at that meeting. She confirmed that application process issues had now been solved with a new system in place.

Ms Barton and Ms Gibellini answered questions regarding the 2015 policy review and consultation and the removal of state integrated schools out of the exemptions, Council's use of consultants and level of information provided to applicants and proof of charitable status.

The following motion was moved by Councillor Skinner and seconded by Her Worship the Mayor.

That the Council

1. *Receives the report New Life Ministries Incorporated - Development Contributions (R13741) and its attachments (A2356963, A1964099, A2356964); and*
2. *Accepts the request from New Life Ministries Incorporated to waive the development contributions on BC190313; and*
3. *Directs officers to review the listed exemptions in the Development Contributions Policy during the 2021 review in relation to state integrated schools.*

Discussion took place regarding:

- there was no Elected Member intention to remove state integrated schools from the exemptions in the 2015 policy review
- although Council's consultation process had been legally robust, best practice would have been to notify the small group of schools that would be affected
- Council systems issues

- concerns about precedent setting
- funding of independent schools
- the purpose of Development Contributions
- any other affected schools
- the existence of exceptional circumstances

Following advice from the Chief Executive, officers were requested to provide additional recommendations quoting the exceptional circumstances, noting the decision would be inconsistent with the policy and clarifying that there was no intention to amend the policy at this time.

The meeting was adjourned from 10.35a.m. until 11.00a.m.

With the agreement of the mover and seconder, the officer's additional recommendations were incorporated into the motion.

Resolved CL/2020/035

That the Council

- 1. Receives the report New Life Ministries Incorporated - Development Contributions (R13741) and its attachments (A2356963, A1964099, A2356964); and***
- 2. Approves a waiver of development contributions for New Life Ministries Incorporated on BC190313 and identifies the matters in relation to such a decision in accordance with section 80 of the Local Government Act, including:***
 - (a) The decision to waive the development contribution would be inconsistent with the NCC Development Contributions Policy 2018; and***
 - (b) Specific reasons have been identified as to why the Council has decided to grant the waiver notwithstanding the inconsistency with the Development Contributions Policy, being:***
 - The applicant was not aware of the opportunity to submit when the Development Contributions Policy was amended to remove state integrated schools;***
 - There would be a disproportionate impact on the applicant's funding streams;***
 - The applicant's submission highlighted an unintended consequence of the new Development Contributions Policy;***
 - The applicant had charitable status; and***

(c) That there is no intention to amend the Policy to accommodate the decision at this time.

3. Directs officers to review the listed exemptions in the Development Contributions Policy during the 2021 review in relation to state integrated schools.

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/ Interest</u>
Mayor Reese (Chairperson)	Cr Bowater	
Cr Brand	Cr Lawrey	
Cr Courtney	Cr O'Neill-Stevens	
Cr Edgar	Cr McGurk	
Cr Fulton	Cr Rainey	
Cr Noonan	Cr Sanson	
Cr Skinner		

The motion was carried 7 - 6.

Skinner/Her Worship the Mayor

Carried

6. Confirmation of Minutes

6.1 12 March 2020

Document number M7766, agenda pages 9 - 15 refer.

Resolved CL/2020/036

That the Council

1. Confirms the minutes of the meeting of the Council, held on 12 March 2020, as a true and correct record.

Edgar/Brand

Carried

6.2 24 March 2020 - Extraordinary Meeting

Document number M7797, agenda pages 16 - 19 refer.

Resolved CL/2020/037

That the Council

- 1. Confirms the minutes of the extraordinary meeting of the Council, held on 24 March 2020, as a true and correct record.***

Her Worship the Mayor/O'Neill-Stevens

Carried

6.3 9 April 2020 - Extraordinary Meeting

Document number M8806, agenda pages 20 - 28 refer.

Resolved CL/2020/038

That the Council

- 1. Confirms the minutes of the extraordinary meeting of the Council, held on 9 April 2020, as a true and correct record.***

Edgar/Brand

Carried

7. Recommendations from Committees

7.1 Community Services Committee - 12 March 2020

7.1.1 Update on Council-owned earthquake-prone buildings

Resolved CL/2020/039

That the Council

- 1. Approves total unbudgeted operating expenditure of up to \$60,500 for the closure of the Stoke Memorial Hall, former Stoke Seniors Hall and the Refinery in 2019/20.***

Lawrey/Bowater

Carried

7.2 Hearings Panel - Other - 18 March 2020

7.2.1 Findlay Place Easements - Deliberations Report

Resolved CL/2020/040

That the Council

1. ***Consents to right of way, right to drain wastewater and right to drain water easements over the Local Purpose Reserve (Road) (Lot 17 DP 486996) in favour of Lot 2 DP 366503 under section 48(1) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.***

McGurk/Skinner

Carried

8. Mayor's Report

Document number R16963

Her Worship the Mayor tabled a summary document listing Council's Crown Infrastructure Applications (A2374616).

The Mayor congratulated the Community on its response to the COVID-19 emergency, she noted that the region had been tested by emergency events on a number of occasions with floods, fires and cyclones. The Mayor said that she was impressed with the resilience of the community and that the effects of the pandemic would continue for many years, especially the economic impact. She noted that although Alert Level 3 was coming up, this would not mean a return to business for many businesses, which would continue to be under financial stress. The Mayor encouraged people to stand outside their houses at dawn on ANZAC Day to acknowledge those who had served.

In response to a question, Group Manager Infrastructure, Alec Louverdis, confirmed that the price of the e-bike being purchased included a trailer and branding.

Resolved CL/2020/041

That the Council

1. ***Receives the report Mayor's Report (R16963); and***
2. ***Approves the purchase of an e-bike for \$9,000 (ex GST), to be funded from the Climate Reserve Fund, to be loaned to Community Compost for their food waste collection initiative.***

Her Worship the Mayor/Fulton

Carried

Attachments

- 1 A2374616 Crown Infrastructure Fund Applications

9. Effects of setting the 2020/21 rates increase to zero

Document number R16966, late items agenda pages 3 - 13 refer.

Group Manager Corporate Services, Nikki Harrison and Group Manager Strategy and Communications, Nicky McDonald, answered questions regarding the effect on the next rating round, events funding, the split between reductions of Elected member travel and training and catering budgets (\$23k and \$10k), maintenance of levels of services and use of the Emergency Fund for community organisations. It was confirmed that use of the fund would be reported back to Council.

Commentary on the assumptions used was requested for the final report.

Resolved CL/2020/042

That the Council

1. ***Receives the report Effects of setting the 2020/21 rates increase to zero (R16966) and its attachments (A2372220 and A2372381); and***
2. ***Notes the information on how a zero rates rise could be achieved and that a final decision will be made during Annual Plan deliberations ; and***
3. ***Notes the criteria for the Emergency Fund for community organisations.***

Sanson/Edgar

Carried

10. City Centre Programme: COVID19 Response

Document number R16965, late items agenda pages 14 - 0 refer.

Marg Parfitt, Lisa Gibellini, Clare Barton, Alan Gray,

Team Leader City Development, Lisa Gibellini, noted a correction to the terminology in option 1 of the agenda report, in that Ultraflex Delineators were now the recommended option. Officers answered questions regarding the consultation and communication/feedback plan. It was noted that a quick outcome was required.

Discussion took place on possible amendments to clause 7 of the recommendation to approve funding in principle to cover any of the options and to note that officers were seeking partial funding from the New Zealand Transport Agency.

The meeting was adjourned from 12.32p.m. until 2.05p.m.

Officers provided an updated recommendation.

Resolution CL/2020/043, clause 2, below was revoked at the 09 September 2020 Council meeting, via the City Centre Streets for People Deliberations Report (resolution CL/2020/131)

Resolved CL/2020/043

That the Council

- 1. Receives the report City Centre Programme: COVID19 Response (R16965) and its attachment (A2373306); and***
- 2. Approves stage 1 short term tactical initiatives to enable safe pedestrian movement in the city centre post COVID19 lockdown from existing unspent Transport budget; and***
- 3. Approves undertaking a public feedback process on the four options for medium term tactical initiatives to enable safe pedestrian movement in the city centre; and***
- 4. Delegates approval of the public feedback process, documents and method to the City Centre Working Group; and***
- 5. Notes that officers will report the results of public consultation back to Council for a decision on which option to proceed with for stage 2; and***
- 6. Supports an Innovative Streets funding application to be submitted to NZTA; and***
- 7. Approves in principle capital budget provision of up to \$5M for inclusion in the Annual Plan 2020/21, subject to the outcome of the public feedback process, noting that New Zealand Transport Agency Innovative Streets funding of up to \$1M and up to a 51% subsidy on the balance of work will be applied for from the New Zealand Transport Agency.***

Fulton/Rainey

Carried

11. Nelson City Council Water Restrictions (urban/rural)

Document number R13608, agenda pages 110 - 132 refer.

Senior Activity Engineer - Water Supply, Phil Ruffell, presented the report, noting the background and protocols for water restrictions. He answered questions regarding the impact on Nelson businesses, consultation, environmental education messaging, alignment with Tasman District Council's protocols, trigger points for a range of Council assets - such as premier sports grounds, and matters dealt with under the Water Supply Bylaw.

It was noted that this was an operational issue and that there would be engagement with major users through the upcoming review of the Bylaw. For clarity, the recommendation was altered to state that water restrictions would be implemented through the Bylaw.

Resolved CL/2020/044

That the Council

- 1. Receives the report Nelson City Council Water Restrictions (urban/rural) (R13608) and its attachments (A2324759, A2147325, A2083366 and A2267192); and***
- 2. Approves the Maitai Reservoir Level Plan with proposed seasonal restriction stages (A2324759); and***
- 3. Approves the Proposed Nelson City Water Restriction Stage Descriptions (A2267192) to be implemented through the Water Supply Bylaw.***

Fulton/Edgar

Carried

Extension of Meeting Time

Resolved CL/2020/045

That the Council

- 1. Extends the meeting time beyond six hours, pursuant to Standing Order 4.2.***

Her Worship the Mayor/O'Neill-Stevens

Carried

12. Governance Statement 2019 - 2022

Document number R14824, agenda pages 133 - 197 refer.

Manager Governance and Support Services, Mary Birch, presented the report, noting that a variety of feedback had been received from Elected Members. Ms Birch suggested that a similar approach to the Code of Conduct be taken, in that she would collate the feedback and rework the document and finalise with a group of delegated Elected Members. A revised recommendation was provided to reflect this.

Ms Birch provided a summary of amendments:

- terminology alignment with legislation/relevant Council Documents
- information relating to types of workshops, whether they are open to the public and where to find workshop information
- Council's response to the current COVID-19 situation and support for the community
- emergency provisions, such as allowing remote attendance at Council meetings to fulfil quorum requirements
- external appointees and external appointments
- powers not permissible to be delegated
- include relevant legislation
- re-inclusion of Nelson 2060 as a Brilliant Basic
- amendments to the Iwi Relationship and Partnership section
- Smart Little City Vision priorities
- additional editing and formatting.

Resolved CL/2020/046

That the Council

1. ***Receives the report (R16980) and its attachments (A1708727) and (A2356871); and***
2. ***Adopts the Nelson City Council Governance Statement 2019 – 2022, in order to comply with Section 40 (2) of the Local Government Act 2002 ; and***
3. ***Notes that further amendments to the Nelson City Council Governance Statement 2019 – 2022 are required; and***
4. ***Delegates to the Mayor, Deputy Mayor and Chair of the Governance Committee the authority to agree the further amendments; and***
5. ***Delegates to the Chief Executive the authority to approve any minor amendments to the Governance***

Statement 2019 – 2022 to keep the document up to date during this triennium.

Sanson/Edgar

Carried

13. Amendments to Delegations Register and Standing Orders

Document number R15894, agenda pages 198 - 212 refer.

Governance Adviser, E-J Ruthven, presented the report, noting that these were two minor amendments to the proposed amendments.

Resolved CL/2020/047

That the Council

- 1. Receives the report Amendments to Delegations Register and Standing Orders (R15894) and its attachments (A2356552, A2356632 and A2371254); and***
- 2. Approves the proposed amendments to the Delegations Register as set out in attachment one (A2356552) and attachment two (A2356632); and***
- 3. Approves the proposed amendment to Standing Orders as set out in attachment three (A2371254).***

Bowater/McGurk

Carried

14. Exclusion of the Public

Resolved CL/2020/048

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/Bowater

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	Extraordinary Council Meeting - Public Excluded Minutes - 24 March 2020	<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)(c)(i) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into public excluded session at 3.13p.m. and resumed in public session at 3.17p.m.

The only business transacted in confidential session was to confirm the confidential minutes and to readmit the public. In accordance with the Local Government Official Information Meetings Act, no reason for withholding this information from the public exists therefore this business has been recorded in the open minutes.

15. Confirmation of Minutes

15.1 24 March 2020 - Extraordinary Meeting

Document number M7798, agenda pages 3 - 6 refer.

Resolved CL/2020/049

That the Council

- 1. Confirms the minutes of part of the extraordinary meeting of the Council, held with the public excluded on 24 March 2020, as a true and correct record.***

O'Neill-Stevens/Courtney

Carried

16. Re-admittance of the Public

Resolved CL/2020/050

That the Council

- 1. Re-admits the public to the meeting.***

Skinner/Sanson

Carried

There being no further business the meeting ended at 3.17p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date