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**Minutes of a meeting of the**

**Nelson City Council**

***Te Kaunihera o Whakatū***

**Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson on Thursday 1 July 2021, commencing at 9.07a.m.**

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Present: Her Worship the Mayor R Reese (Chairperson until 9.30am), Councillors Y Bowater, T Brand, M Courtney, J Edgar (Deputy Mayor, Chairperson from 9.30am), 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 (A White), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald) and Governance Advisers (E Stephenson and K McLean)

Apologies : Nil

**Karakia and Mihi Timatanga**

**1. Apologies**

There were no apologies.

**2. Confirmation of Order of Business**

Her Worship the Mayor advised that an additional Public Forum request had been accepted since the agenda had been issued, and that the meeting would be adjourned and reconvened on Tuesday 6 July to consider Item 10 Nelson Regional Development Agency Statement of Intent 2021 – 2024.

### **3. Interests**

Her Worship the Mayor and Councillor Skinner declared an interest in Item 5 – Code of Conduct Investigation Report.

### **4. Public Forum**

#### 0.2. Faye Wulff - The Code of Conduct

Faye Wulff spoke on the Code of Conduct Investigation and in support of Councillor Skinner.

#### 0.1. Nelson Citizens Alliance Group - The Code of Conduct

Neville Male spoke on behalf of the Nelson Citizens Alliance Group on the Code of Conduct Investigation and in support of Councillor Skinner.

#### 4.3 Tom Harrison – Code of Conduct Investigation

Tom Harrison spoke regarding the Extinction Rebellion protest and in support of Councillor Skinner.

Her Worship the Mayor vacated the Chair and the Deputy Mayor assumed the Chair at 9.30am.

### **5. Code of Conduct Independent Investigation Report**

Document number R25995, agenda pages 8 - 44 refer.

Bruce Robertson, RBruce Robertson Ltd and Johnathan Salter, Simpson Grierson, (via Zoom) were present to provide advice on the matter.

It was clarified that Her Worship the Mayor and Councillor Skinner would both leave the meeting for deliberations after receiving the advice from Mr Salter and making their statements on the Code of Conduct Investigation.

Mr Salter's advice via Zoom included:

- The principles of the Code of Conduct, natural justice and fairness
- The independent report had been prepared in accordance with the Code of Conduct
- The key issue was the requirements of natural justice and what was the standard that applied
- The decision to be made today was regarding the penalty to be imposed, which needed to be proportionate to the breach to the code of conduct
- Her Worship the Mayor and Councillor Skinner both had the right to be heard on the matter of the report and should then leave the meeting for deliberations
- The need to be confident a decision could be made on the evidence in the report

- The requirement for all Elected Members to take part in deliberations with an open mind and not to be predisposed, to be open to what was in the report and to persuasion
- If Elected Members did not feel that they could deliberate in that context, they should disqualify themselves from deliberations.

Mr Salter answered questions regarding Councillor Skinner's employment status and accountability, compliance with the Code of Conduct, and as to what matters the Elected Members should take into account in their decision-making.

Her Worship the Mayor gave her statement, noting that she stood by the Code of Conduct complaint process, which she had not initiated lightly. She acknowledged the pressure on Councillor Skinner and his family, on Elected Members and on staff. The Mayor believed the independent report was very clear and that, to the best of her knowledge, both she and Councillor Skinner had cooperated with the Code of Conduct. She felt that the independent report had rightly found that there had been a breach, and she felt that an apology was warranted. She was in support of what was proposed, which would show accountability. She noted that in consideration of the matter, she had taken into account her knowledge of Councillor Skinner in his role, noting his honesty and treatment of others with respect and that he held the trust and confidence of the Chief Executive. The Mayor reiterated that the issue today was to deal with the facts of the matter to decide a proportionate penalty.

Councillor Skinner gave his statement, saying that he had been humbled by the support shown to him, especially that of his wife and family. Councillor Skinner said that he had taken ownership for his actions, and that he had continuously reflected on his actions with a long lasting effect. He noted the effects of the continual media coverage and social media judgement, with little opportunity for him to respond as there had been a requirement for him to stay silent through the Police complaint process, and then through the Code of Conduct process. Councillor Skinner said that this had been an emotionally challenging period, which had taken a huge mental toll on his family, and had been the toughest period he had ever experienced, something that he would not wish on anyone else. He noted that he had apologised to Anne Smith as soon as he had realised that she had been chained to the door, and on several more occasions. He hoped Anne Smith was well and had never wished her harm. He said that this incident had made him reassess his day to day actions. He confirmed that he had read the independent report and respected Bruce Robertson's judgement.

Attendance: Her Worship the Mayor and Councillor Skinner left the meeting at 10.12am. Deputy Mayor Edgar invited any Elected Members unable to deliberate with an open mind to leave at that point.

Mr Bruce Robertson was invited to the table to speak to his report. He noted that he had received full cooperation from both the Mayor and Councillor Skinner, and that all requested information had been provided to him. He outlined his thinking in the report, noting that Council's Code

of Conduct meant that Elected Members, as a group, had defined what was acceptable behaviour, which was higher than that expected of the public and that it was Council's responsibility to decide on the matter. It had been his job to decide what the pertinent facts were and he noted his role was advisory.

He spoke about the facts that he had considered in his investigation and noted that Council's Code of Conduct, like many councils, was lacking in detail regarding social media. He provided the rationale for his recommendations. Mr Robertson answered questions regarding his understanding of the events, his focus during the investigation, his recommendations, the scale of the breach of the Code of Conduct and his understanding of Councillor Skinner's actions.

Chief Executive, Pat Dougherty, clarified who would undertake Councillor Skinner's chairing responsibilities and what Community and Recreation Committee meetings and workshops were taking place in the proposed standdown period.

The meeting was adjourned from 11.03am until 11.22am.

In response to a question from Deputy Mayor Edgar, all Elected Members confirmed that they had an open mind.

During debate, it was agreed that the following changes be made to the motion:

- The words and Council staff be included in clause 3.a.
- The period in clause 3.b. be changed from ' for the duration of one round of committee meetings' to a period of 6 weeks effective 2 July 2021 to 12 August 2021 inclusive
- That a clause 3.b.i. be added to clarify that the role of the Community and Recreation Committee Chair would be undertaken by the Deputy Chairs during the period of Councillor Skinner's stand down; and
- That a clause 3.b.ii. be added to reflect Councillor Skinner's wishes to make a donation to Habitat for Humanity Nelson of the difference in remuneration between a chair and councillor for the period of his stand down.

It was also suggested that a review of the Code of Conduct social media section was required as part of the next review.

Resolved CL/2021/001

***That the Council***

- 1. Receives the report Code of Conduct Independent Investigation Report (R25995) and its attachments (A2504147, A2692456 and A2691195); and***
- 2. Agrees with the conclusions of the independent investigation that:***

- a. ***Councillor Skinner has breached section 5.3 of the Code of Conduct and his actions have not contributed to the trust and respect of the Council by the Nelson community; and***
  - b. ***Councillor Skinner’s actions on social media, while not necessarily breaching section 6 of the Code of Conduct, have been unwise.***
- 3. Requires the following in accordance with section 13.1 of the Code of Conduct:**
- a. ***That Councillor Skinner provide a genuine and fulsome public apology to the protestor and to his fellow elected members and Council staff; and***
  - b. ***That Councillor Skinner be stood down from his role as Chair of the Community and Recreation Committee for a period of six weeks effective 2 July 2021 to 12 August 2021 inclusive;***
    - i. ***Noting that the role of Community and Recreation Committee Chair will be undertaken by the Deputy Chairs to the Committee during this period; and***
    - ii. ***Noting that Councillor Skinner will make a charitable donation of the difference in remuneration between a chair and councillor for the period of his stand down to Habitat for Humanity Nelson; and***
- 4. Notes that, subject to Councillor Skinner complying with the penalties imposed, this will be the full and final resolution of this Code of Conduct matter.**

Brand/Noonan

Carried

**Attachments**

1 A2696320 - Councillor Skinner apology

The meeting was adjourned from 12.04pm until 12.11pm, at which time Councillor Skinner returned to the meeting.

Councillor Skinner delivered his apology, which has been attached to the meeting minutes (A2696320).

The meeting was adjourned from 12.15pm until 12.45pm.

**6. Exclusion of the Public**

The table below includes the titles of the matters included in the Recommendations from Committees, the Mayor’s Report and the Status Report, which were inadvertently omitted from the open agenda.

Resolved CL/2021/002

***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:***

Brand/Courtney

Carried

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<p><b>Recommendations from Committees</b></p> <p><b>Strategic Development &amp; Property Subcommittee 01/06/21</b></p> <p>Kinzett Terrace Lease</p> <p><b>Community and Recreation Committee 17/06/21</b></p> <p>Approval of Community Investment Funding Panel Membership</p>	<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"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>2</b>	<p><b>Mayor’s Report</b></p> <p>Update from the Strategic Development and Property Subcommittee</p>	<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"> <li>• Section 7(2)(a) To protect the privacy of</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		disclosure of information for which good reason exists under section 7.	natural persons, including that of a deceased person <ul style="list-style-type: none"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>
3.	<p><b>Status Report - Council - Confidential</b></p> <p>Statement of Understanding – Update and legal advice</p> <p>Strategic Land Funding Allocation</p> <p>Community Housing Settlement</p> <p>NCC/TDC Engineering Services Agreement and NCC/TDC Waimea Community Dam Funding Agreement</p>	<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"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>
4.	<p><b>Kāinga Ora Housing Developments</b></p>	<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>	<ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			<ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>

The meeting went into confidential session at 12.52pm and resumed in public session at 3.22pm, at which time Councillors Lawrey and Rainey were not present.

Attendance: Councillor Fulton left the meeting at 3.24pm.

## 7. Recommendations from Committees

7.1 Regional Transport Committee - 29 June 2021

7.1.1 Nelson Tasman 2021-31 Regional Public Transport Plan

Recommendation to Council CL/2021/126

***That the Council***

- 1. Approves the Nelson Regional Public Transport Plan 2021-2031 (A2679732 of Report R25893) for submission to Waka Kotahi prior to 2 July 2021.***

McGurk/O'Neill-Stevens

Carried

## 8. Mayor's Report

Document number R25866, agenda pages 103 - 198 refer.

Elected Members indicated that they were comfortable with the remits to the Local Government New Zealand Annual General Meeting 2021.

The motion was put in parts.

Resolved CL/2021/127



***That the Council***

- 2. Supports the proposed Remits to the Local Government New Zealand Annual General Meeting 2021, as discussed.***

Sanson/O'Neill-Stevens

Carried

Resolved CL/2021/128

***That the Council***

- 1. Receives the report Mayor's Report (R25866) and its attachment(A2688382, A2692426 and A2692427).***

Sanson/Courtney

Carried

**9. Status Report - Council**

Document number R25992, agenda pages 199 - 204 refer.

Resolved CL/2021/129

***That the Council***

- 1. Receives the report Status Report - Council (R25992) and its attachment (A1168168).***

Skinner/Sanson

Carried

The meeting was adjourned at 3.32pm, to be reconvened on Tuesday 6 July 2021.



## Minutes of a meeting of the

### Nelson City Council

#### *Te Kaunihera o Whakatū*

**Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson on Thursday 1 July 2021, and reconvened on Tuesday 6 July commencing at 2.09p.m.**

Present: Her Worship the Mayor R Reese (Chairperson), Councillors Y Bowater, T Brand, J Edgar (Deputy Chairperson), K Fulton, M Lawrey, R O'Neill-Stevens, B McGurk, G Noonan, 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 (A White), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald) and Governance Advisers (E Stephenson and K McLean)

Apologies : Councillors M Courtney and P Rainey

#### **10. Apologies**

Resolved CL/2021/130

##### ***That the Council***

- 1. Receives and accepts the apologies from Councillors Courtney and Rainey.***

Her Worship the Mayor/Edgar

Carried

#### **11. Nelson Regional Development Agency Statement of Intent 2021 – 2024 (Agenda Item 10)**

Document number R25848, agenda pages 45 - 102 refer.

A PowerPoint presentation (A2698906) was provided.

Nelson Regional Development Agency (NRDA) Board members present were:

- Meg Mathews
- Jeremy Banks
- David Johnston

NRDA Chief Executive, Fiona Wilson, introduced her management team:

- Toni Power – Finance and Commercial Lead
- Mark Maguire – Regional Business Advisor
- Hannah Norton – Regional Development and Attraction Manager
- Giselle Purcell – Visitor Destination Manager
- Sarah Fitchett – Mahitahi Colab Community Manager

Ms Wilson spoke to the PowerPoint presentation regarding addressing the NRDA's challenges and principles, noting that Project Kōkiri 2.0 was a significant part of the NRDA's work. She highlighted strategic priorities and activity areas and initiatives, noting that there would be amendments to terminology in Project Kōkiri 2.0 and that targets in business plans would be reported on going forward. She noted the NRDA's change of model since COVID-19, that funding was neither long-term nor guaranteed, that the Statement of Intent (SOI) was based on the assumption that the NRDA received all expected funding, and that it was waiting for the outcome of a government funding application.

Group Manager Strategy and Communications, Nicky McDonald, noted that some extra officer recommendations relating to Project Kōkiri 2.0 had been included and it was reiterated that NRDA's Project Kōkiri 2.0 document was still confidential at this stage.

Ms Wilson answered questions on the SOI and the NRDA's current challenges and focus.

Discussion took place on Councillor Fulton's suggestion for a wording change on page 12 of the SOI (agenda page 69) regarding Economic Challenges.

The meeting was adjourned from 2.36pm until 2.37pm to clarify the wording of the amendment to the SOI.

Context on the wording change was provided – to separate environmental challenge from climate change specifically, particularly relating to reflect the current challenge of environment in terms of biodiversity, not just sea level rise. The current economic challenge is around emissions reductions, and separate to that is environmental degradation and biodiversity loss, which was a small part of environmental challenge.

It was clarified that the words 'vulnerable to sea level rise and extreme weather events' would not be removed and the importance of a high level focus was agreed. It was agreed that the words as amended be added to clause 2. of the recommendation to reflect the SOI wording change.

Resolved CL/2021/131

***That the Council***

- 1. Receives the report Nelson Regional Development Agency Statement of Intent 2021 - 2024 (R25848) and its attachment (A2679638); and***
- 2. Agrees that the Nelson Regional Development Agency Statement of Intent 2021-24, as amended, meets Council’s expectations and is approved as the final Statement of Intent for 2021-24; and***
- 3. Approves, in principle, the Nelson Tasman Regeneration Plan/Project Kōkiri 2.0; and***
- 4. Agrees that, unless there are material changes following further engagement, this in principle approval will allow provision of \$350,000 per annum to the Nelson Regional Development Agency over the first three years of the Long Term Plan 2021/31 towards implementation of the Regeneration Plan/Project Kōkiri 2.0; and***
- 5. Notes that should changes to the Regeneration Plan/Project Kōkiri 2.0 following further engagement be material, the Plan will be brought back to Council for further consideration and approval; and***
- 6. Endorses the Mayor as Council’s representative on the Project Kōkiri Leadership Group.***

Edgar/Noonan

Carried

**Attachments**

- 1 A2698906 NRDA SOI PowerPoint presentation

**Karakia Whakamutunga**

There being no further business the meeting ended at 2.54pm.

**RESTATEMENTS**

It was resolved while the public was excluded:

<b>1</b>	<b>CONFIDENTIAL: Kāinga Ora Housing Developments</b>
	<i>That the Council</i>

	11. <i>Agrees that Report (R25874), Attachments (A2680037, A2684427) and the decision remain confidential at this time.</i>
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<b>2</b>	<b>CONFIDENTIAL: Kinzett Terrace Lease</b>
	<i>That the Council</i>
	3. <i>Agrees that the decision remain confidential at this time.</i>

<b>2</b>	<b>CONFIDENTIAL: Approval of Community Investment Funding Panel Remuneration</b>
	<i>That the Council</i>
	2. <i>Agrees that the decision remain confidential at this time.</i>

Confirmed as a correct record of proceedings by resolution on 12 August 2021

Resolved CL/2021/143

*That the Council*

1. *Confirms the amended minutes of the meeting of the Council, held on 1 July 2021, as a true and correct record.*

Edgar/Courtney

Carried