

**Minutes of a meeting of the  
Nelson City Council  
*Te Kaunihera o Whakatū***

**Held in the Council Chamber, Floor 2A, Civic House, 110 Trafalgar Street, Nelson on Thursday 9 February 2023, commencing at 9.02a.m.**

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Present: His Worship the Mayor Hon Dr N Smith (Chairperson),  
Councillors M Anderson, M Benge, T Brand, M Courtney, J  
Hodgson, Deputy Mayor R O'Neill-Stevens (Deputy Mayor), K  
Paki Paki, P Rainey, C Rollo, R Sanson, T Skinner and A  
Stallard

In Attendance: Interim Chief Executive (L McKenzie), Group Manager  
Infrastructure (A Louverdis), Group Manager Environmental  
Management (D Bush-King), Group Manager Community  
Services (A White), Group Manager Corporate Services (N  
Harrison), Group Manager Strategy and Communications (N  
McDonald), Team Leader Governance (R Byrne) and Assistant  
Governance Adviser (A Bryce-Neumann)

Apologies : Nil

**Karakia and Mihi Timatanga**

**1. Apologies**

**2. Confirmation of Order of Business**

There was no change to the order of business.

**3. Interests**

There were no updates to the Interests Register.

Councillor Paki Paki declared a non-pecuniary interest in item 3 of the Confidential Agenda, Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre, noting he was a member of the Stoke Rugby Club.

Interim Chief Executive, Lindsay McKenzie declared an interest in the Mayor's Report item on Nelson Hospital Energy Centre Air Discharge Consent Application.

#### **4. Public Forum**

- 4.1. Emma Hunter from Aroha Kotahi spoke to a presentation on Aroha Kotahi's vision and their Kaupapa, and tabled an information sheet.

##### **Attachments**

- 1 1982984479-5521 PowerPoint Aroha Kotahi Emma Hunter
- 2 1982984479-5552 Emma Hunter - Aroha Kotahi tabled document

#### **5. Confirmation of Minutes**

- 5.1 15 December 2022

Document number M19941, agenda pages 12 - 28 refer.

Resolved CL/2023/001

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

- 1. Confirms the minutes of the meeting of the Council, held on 15 December 2022, as a true and correct record.***

Courtney/Sanson

Carried

#### **6. Mayor's Report**

Document number R27449, agenda pages 29 - 34 refer.

His Worship the Mayor Hon Dr Nick Smith presented his report and proposed taking the discussion in parts.

In speaking to the recommendation to revoke the staff delegation to consider the consent application from Te Whatu Ora, Group Manager Environment, Dennis Bush-King, advised that Mayor Smith had identified that the consent application would be of public interest and proposed that the decision making be elevated.

Resolved CL/2023/002

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

- 1. Receives the report Mayor's Report (R27449) and its attachments (1833911234-50, 1833911234-51, 1833911234-47, 1833911234-49 and 1833911234-62); and***

2. ***Revokes the delegation to staff to decide, under sections 95 and 104 of the Resource Management Act, the discharge consent application in the name of Te Whatu Ora (Nelson Hospital) as this application is of high public interest and will be considered directly by Council; and***

Resolved CL/2023/003

His Worship the Mayor/Brand

Carried

3. ***Establishes the Sesquicentennial Taskforce to consider appropriate events to commemorate 150 years of Nelson City Council; and***
4. ***Appoints Councillor Mel Courtney (Chairperson) and Councillor Kahu Paki Paki, Pat Dougherty, Gail Collingwood and a representative to be appointed by the Civic Trust, as members of the Sesquicentennial Taskforce; and***

Resolved CL/2023/004

Courtney/Skinner

Carried

5. ***Establishes the Right Tree Right Place Taskforce to consider the future of Council-owned plantation forestry; and***
6. ***Appoints Dr Morgan Williams (Independent Chairperson), Councillors Rachel Sanson and Matthew Benge as members of the Right Tree Right Place Taskforce; and***
7. ***Agrees that all recently commercially harvested blocks in Maitai and Marsden Valley not be replanted with pinus radiata pending the outcome of the Right Tree Right Place Taskforce; and***
8. ***Notes that the Terms of Reference for the Sesquicentennial Taskforce and the Right Tree Right Place Taskforce will be provided to a future Council meeting, including any additional membership.***

Sanson/Stallard

Carried

The meeting adjourned from 10.10a.m. until 10.18a.m.

## 7. Annual Plan 2023/24 update

Document number R27434, agenda pages 35 - 42 refer.

Group Manager Strategy and Communications, Nicky McDonald and Policy Adviser – Strategy, Louis Dalzell presented the report and it was taken as read.

Resolved CL/2023/005

***That the Council***

- 1. Receives the report Annual Plan 2023/24 update (R27434); and***
- 2. Agrees that a consultation process in accordance with sections 95A, 82 and 82A of the Local Government Act 2002 be undertaken on the Annual Plan 2023/24 due to the high level of significance of the proposed changes; and***
- 3. Agrees that Council is not required under the Local Government Act 2002 to undertake an amendment to the Long Term Plan 2021-2031 as the proposed changes do not alter significantly levels of service for any significant activity or transfer ownership or control of a strategic asset; and***
- 4. Notes that the effect of the decision is to alter Resolution CL/2022/248 of the Council meeting of 10 November 2022.***

O'Neill-Stevens/Courtney

Carried

**8. Seafarers Memorial Jetty - further information**

Document number R26528, agenda pages 43 - 62 refer.

Group Manager Community Services, Andrew White, and Principal Parks and Facilities Activity Planner, Andrew Petheram, presented the report and it was taken as read.

Resolved CL/2023/006

***That the Council***

- 1. Receives the report Seafarers Memorial Jetty - further information (R26528) and its attachment 1982984479-4473; and***
- 2. Considers the comments from Te Ohu Taiao (Environment) on 17 August 2022; and***

3. ***Requires the Seafarers Memorial Trust to renew the resource consent for the Seafarers Memorial Jetty; and***
4. ***Approves to a maximum of \$10,000 of unbudgeted funds in the 2022/23 financial year as Council's 50% share towards the new resource consent for the Seafarers Memorial Jetty; and***
5. ***Subject to the successful granting of a new resource consent for the jetty:***
  - a. ***Agrees to the transfer of ownership for the Seafarers Memorial Jetty to become a Council asset; and***
  - b. ***Notes that Council accepts no responsibility for the Seafarers Memorial Trust or funding of the 'Blessing of the Fleet'; and***
  - c. ***Notes that the facility is transferring to the Council free of naming rights; and***
  - d. ***Approves \$27,000 of unbudgeted funds for seat renewals, maintenance, and other renewals of the Seafarers Memorial Jetty in the 2022/23 financial year; and***
  - e. ***Accepts responsibility for future maintenance and renewals of the Seafarers Memorial Jetty as required.***

Skinner/Benge

Carried

## **9. Delegations Under the Resource Management Act**

Document number R27396, agenda pages 63 - 90 refer.

Group Manager Environment, Dennis Bush-King, presented the report and it was taken as read.

Interim Chief Executive, Lindsay McKenzie, advised the current delegation was not strictly following the law of the Resource Management Act and that the recommendation was correcting this in that the delegation be made by Council.

Resolved CL/2023/007

***That the Council***

1. ***Receives the report Delegations Under the Resource Management Act (R27396) and its attachment (1974015928-1072); and***
2. ***Approves, under section 34A of the Resource Management Act, the delegations to staff as identified in Attachment 1 (1974015928-1072) to this report.***

Courtney/Sanson

Carried

**10. Policy update - Appointment and Remuneration for External Appointees on Council Committees and Subcommittees**

Document number R27441, agenda pages 91 - 96 refer.

Manager Governance and Support Services, Devorah Nicuarta-Smith presented the report and it was taken as read.

Remuneration or external representatives to Taskforces was discussed and it was requested that a report be provided to address this.

The item was adjourned to provide time for officers to update the attachment to the report.

**11. Approval of Terms of Reference - City Centre Business Forum**

Document number R27458, agenda pages 97 - 101 refer.

Group Manager Community Services, Andrew White, presented the report and it was taken as read. He clarified that The City Centre Business Forum was a discussion forum where a range of different matters might be discussed and a range of expertise from Council might be required to assist the discussion.

Resolved CL/2023/008

***That the Council***

1. ***Receives the report Approval of Terms of References - City Centre Business Forum; and***
2. ***Approves the City Centre Business Forum Terms of Reference (1974015928-1078).***

O'Neill-Stevens/Rollo

Carried

The meeting adjourned from 11.25am until 11.34a.m.

**12. Policy update - Appointment and Remuneration for External Appointees on Council Committees and Subcommittees (Agenda Item 10 Reconvened)**

Document number R27441, agenda pages 91 - 96 refer.

Ms Nicuarta-Smith tabled the updated draft policy with reviewed changes. She clarified, with regards to 4.2.1 of the Policy, that the outgoing chair would not be expected to be part of the interview panel for their position, however this would be at the discretion of the Mayor.

Resolved CL/2023/009

***That the Council***

- 1. Receives the report Policy update - Appointment and Remuneration for External Appointees on Council Committees and Subcommittees (R27441) and its attachment (839498445-13611); and***
- 2. Approves the updated Policy Appointment and Remuneration for External Appointees on Council Committees and Subcommittees (839498445-13611).***

Skinner/Courtney

Carried

**Attachments**

- 1 839498445-13611 Appointment and Remuneration for External Appointees on Council Committees and Subcommittees

**13. Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer Protection Bills Council submission**

Document number R27429, agenda pages 102 - 121 refer.

Group Manager Infrastructure, Alec Louverdis and Policy Adviser – Strategy, Jane Borren, presented the report and it was taken as read.

Activity Engineer – Water Supply and Stormwater, Phil Ruffell, answered questions on the water supply testing regime, noting that Nelson had an exceptional water supply system and testing regime.

Attendance: Councillor O’Neill-Stevens left the meeting at 12.33p.m.

**Recommendation**

***That the Council***

- 1. Receives the report Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer***

*Protection Bills Council submission (R27429) and its attachment (1601344813-215); and*

2. *Approves the draft Council submission on the Water Services Legislation and Economic Efficiency and Consumer Protection Bills to the Finance and Expenditure Select Committee; and*
3. *Agrees that the Mayor and Chief Executive be delegated authority to approve minor editorial amendments to the Council submission.*

Skinner/Brand

Councillor Stallard tabled proposed changes to the submission to clarify that the majority of Councillors did not support the current direction of Three Waters, and moved an amendment to approve the *amended* draft Council submission, seconded by Councillor Sanson.

The amendment was put and carried. The amendment became the substantive motion and a division was called.

Resolved CL/2023/010

***That the Council***

1. ***Receives the report Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer Protection Bills Council submission (R27429) and its attachment (1601344813-215); and***
2. ***Approves the amended draft Council submission on the Water Services Legislation and Economic Efficiency and Consumer Protection Bills to the Finance and Expenditure Select Committee; and***
3. ***Agrees that the Mayor and Chief Executive be delegated authority to approve minor editorial amendments to the Council submission.***

The substantive motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Absent</u>
His Worship the Mayor Smith (Chairperson)	Nil	Cr O'Neill-Stevens (on Council business)
Cr Anderson		
Cr Bengé		
Cr Brand		
Cr Courtney		
Cr Hodgson		
Cr Paki Paki		
Cr Rainey		
Cr Rollo		
Cr Sanson		
Cr Skinner		

Cr Stallard

The substantive motion was carried 12 - 0.

Stallard/Sanson

Carried

**Attachments**

- 1 1982984479-5553 Cr Stallard Three Waters Submission proposed edit Council 09Feb2023 Agenda p107

Councillor O'Neill-Stevens subsequently indicated that, if he had been present for the vote he would be in favour of the motion.

**14. Review into the Future for Local Government: submission on draft report**

Document number R27387, agenda pages 122 - 135 refer.

Manager Strategy, Pip Jamieson and Policy Adviser – Strategy, Louis Dalzell, presented the report and it was taken as read.

Following discussion it was agreed that the submission include:

- it be noted Council supported Civics in schools,
- Council was unanimous in agreement that the term for local government and central government elections should be aligned, whether it was three or four years.
- any change in the length of term should be determined by a public referendum
- In the event the three year term was continued it would be an advantage to have local government elections following central government elections by one year rather than two, given the work involved with its annual and long term plans.
- 11 Elected Members supported STV and two Elected Members supported FPP
- 6 Elected Members supported the voting age of 16 and 7 Elected Members supported the voting age remain at 18

Attendance Councillor O'Neill-Stevens joined the meeting at 12.53p.m.

Resolved CL/2023/011

***That the Council***

- 1. Receives the report Review into the Future for Local Government: submission on draft report (R27387) and its Attachment (839498445-13597); and***
- 2. Approves the amended draft submission on the Review into the Future for Local Government draft report, He mata whāriki, he matawhānui (839498445-13597); and***

3. ***Delegates authority to the Mayor and Group Manager, Strategy and Communications, to approve any minor editorial amendments.***

Skinner/Sanson

Carried

## 15. Exclusion of the Public

Chris Little and Patrick Power from Stoke Rugby Club and Lyndon Bray from Tasman Rugby Union and Peter Fisher from City Club were in attendance for Items 3 and 4 of the Confidential agenda to present and answer questions and, accordingly, the following resolution is required to be passed:

Resolved CL/2023/012

### ***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 Chris Little and Patrick Power from Stoke Rugby remain after the public has been excluded, for Item 3 of the Confidential agenda (Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre) as they have knowledge relating to the items that will assist the meeting; and***
2. ***Confirms that in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, Lyndon Bray from Tasman Rugby Union and Peter Fisher from City Club remain after the public has been excluded, for Item 4 of the Confidential agenda (Proposed Lease and Public Engagement - Trafalgar Park Lane), as they have knowledge relating to the items that will assist the meeting.***

Skinner/Brand

Carried

Resolved CL/2023/013

### ***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:**

Skinner/Brand

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	<b>Council Meeting - Confidential Minutes - 15 December 2022</b>	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"> <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> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>
2	<b>Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre</b>	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"> <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>
3	<b>Proposed Lease and Public Engagement - Trafalgar Park Lane</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason	The withholding of the information is necessary: <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</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)
		exists under section 7	commercial and industrial negotiations)
4	<b>Appointment of independent chair - Audit Risk and Finance Committee</b>	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"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
5	<b>Timing of Council's Funding Contribution to Tasman Bays Heritage Trust's Archives, Records, Collections Development</b>	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"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>
6	<b>Proposed changes to Council's fees and charges for 2023-24</b> <b>Public exclusion necessary to prevent disclosure of information that could be used for improper gain or advantage</b>	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"> <li>• Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage</li> </ul>
	<b>Recommendations from Committees</b>		
7	<b>Chief Executive Employment Committee - 21 December 2022</b> Interim Chief Executive Officer Performance Agreement and Key Result Areas for 2023	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"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
	<b>Recommendations from Committees</b>		

The meeting went into confidential session at 1.10p.m. and resumed in public session at 5.53 p.m.

## 16. Te Kāhui Whiria, Māori Partnerships Update 2021/2022

Document number R27090, agenda pages 136 - 144 refer.

Kaihautu, Pania Lee, presented the report and it was taken as read, noting the key pieces of work the Māori Partnerships Team had led and that Kaumatua had been a critical part of the journey.

Resolved CL/2023/014

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

- 1. Receives the report Te Kāhui Whiria, Māori Partnerships Update 2021/2022 (R27090); and notes its contents.***

Paki Paki/Sanson

Carried

## 17. Post-local body election poll results - December 2022

Document number R27465, agenda pages 145 - 179 refer.

Manager Strategy, Pip Jamieson and Group Manager Strategy and Communications, Nicky McDonald, presented the report and it was taken as read.

Resolved CL/2023/015

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

- 1. Receives the report Post-local body election poll results - December 2022 (R27465) and its attachment (579032177-724); and***
- 2. Notes the results outlined in Attachment 1(579032177-724).***

His Worship the Mayor/Rollo

Carried

## **Karakia Whakamutanga**

## 18. Restatements

It was resolved while the public was excluded:

**1 Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre**

1. *Leaves* the item Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre to lie on the table and not be further discussed at this meeting.

**2 Proposed Lease and Public Engagement - Trafalgar Park Lane**

4. *Agrees* that the report and the decision remain confidential at this time.

**3 Appointment of independent chair - Audit Risk and Finance Committee**

4. *Agrees* that only the decision be made publicly available, and only following acceptance of the role by the appointee; and
5. *Agrees* that Report (R27380) and its attachments remain confidential at this time.

**4 Timing of Council's Funding Contribution to Tasman Bays Heritage Trust's Archives, Records, Collections Development**

4. *Agrees* that the decision be made publicly available when the matter has been resolved.

**5 Proposed changes to Council's fees and charges for 2023-24**

8. *Agrees* that report (R27391), Attachments (1598046314-90) and (1598046314-83) and the decision be made publicly available following approval of the Annual Plan Consultation Document at the 23 March 2023 Council meeting.

**6 Recommendation from Committee:**

**Interim Chief Executive Officer Performance Agreement and Key Result Areas for 2023**

*That the Council*

1. *Approves* the amended Interim Chief Executive Officer Performance Agreement and Key Result Areas for 2023 (1982984479-5428); and

2. *Agrees that the decision and Attachment (1982984479-5428) be released.*

There being no further business the meeting ended at 6.02p.m.

Confirmed as a correct record of proceedings by resolution on 09 March 2023.

*That the Council*

1. *Confirms the minutes of the meeting of the Council, held on 9 February 2023, as a true and correct record.*