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**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 March 2023, commencing at 9.04a.m.**

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Present: His Worship the Mayor 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**

His Worship the Mayor advised of one late item for the public part of the meeting, and that the following resolution needed to be passed for the item to be considered:

#### **2.1 Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce**

Resolved CL/2023/032

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

- 1. Considers the item regarding Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce 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.**

Sanson/Benge

Carried

### 3. Interests

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

Attendance: Councillor Brand joined the meeting at 9.05a.m.

### 4. Public Forum

#### 4.1. Common Ground - Regenerative Housing and Community Development

Document number R27543

Zola Rose, Director of Common Ground, spoke to a presentation on Regenerative Housing and Community Development (1982984479-5620 tabled) which enabled people to design and create new ways of living in harmony with living systems.

#### **Attachments**

- 1 1982984479-5620 Tabled Regenerative Housing Solutions PowerPoint

### 5. Confirmation of Minutes

#### 5.1 9 February 2023

Document number M19976, agenda pages 12 - 26 refer.

Resolved CL/2023/033

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

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

His Worship the Mayor/O'Neill-Stevens

Carried

#### 5.2 23 February 2023 - Extraordinary Meeting

Document number M20014, agenda pages 27 - 30 refer.

Resolved CL/2023/034

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

- 1. Confirms the minutes of the extraordinary meeting of the Council, held on 23 February 2023, as a true and correct record.***

Rainey/Rollo

Carried

## **6 Mayor's Report**

Document number R27513, agenda pages 31 - 36 refer.

His Worship the Mayor Hon Dr Smith presented his report and it was taken as read.

His Worship the Mayor thanked Oke Blaikie for his chairmanship of the District Licencing Committee and invited him to the meeting table. Mr Blaike spoke about his time on the Committee and was presented with a token of Council's thanks by Manager Consents and Compliance, Mandy Bishop.

His Worship the Mayor spoke about his concern that under the 3 Waters transition government would transfer Nelmac Ltd water services delivery functions into Entity C, disrupting the company and creating a threat to Nelmac's viability.

He clarified section 3.11.1 of his report where he referred to a -\$800,000 impact on rates, comprising of a loss of a \$500,000 dividend and a \$300,000 capital injection that Nelmac believed they would need from Council to sustain the business in the event that the dismembering of the water services part of Nelmac proceeded on 1 July 2024. He answered questions on other councils facing the same issue, noting that councils who were not in this position had earlier sold their three waters services and received a fair price.

His Worship the Mayor spoke about reinstating an iSITE facility in central Nelson, noting that a report would be brought to the next Council meeting.

The motion was taken in parts and Mayor's Report recommendations 3-6 were considered following the confidential briefing from Nelmac Ltd.

Resolved CL/2023/035

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

- 1. Receives the report Mayor's Report (R27513); and***
- 2. Acknowledges the service of retiring Chair of the District Licensing Committee, Oke Blaikie.***

Anderson/Brand

Carried

Resolved CL/2023/036

3. **Requests that Council officers urgently explore with the Nelson Regional Development Agency options for the extension of the temporary visitor information service in Civic House beyond Easter 2023 including whether a weekend service is possible; and**
4. **Requests that Council officers develop options with the Nelson Regional Development Agency for the medium term (prior to the bus terminal development) and long term (when the new bus terminal is developed) for re-establishing an i-SITE including the use of electronic information panels.**

His Worship the Mayor/Hodgson

Carried

**Attachments**

- 1 340448201-4810 GIS - i-Sites in New Zealand - 3Mar2023

## 7. Recommendation from Nelson Tasman Regional Transport Committee

Document number R27541, agenda pages 37 - 54 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report and it was taken as read. He clarified that the Te tai Ihu iwi representative position was non voting because legislation did not allow for other voting representatives on the Committee.

Resolved CL/2023/037

***That the Council***

1. **Receives the report Recommendation from Nelson Tasman Regional Transport Committee (R27541) and its attachments (1974015928-493, 1982984479-5241 and 1862260321-21259); and**
2. **Nominates His Worship the Mayor Hon Dr Smith as Deputy Chair of the Nelson Tasman Regional Transport Committee; and**
3. **Approves subject to approval by the Tasman District Council the amended Terms of Reference for the Joint Committee of Tasman District and Nelson City Councils (Attachment 1 1974015928-493); and**
4. **Approves subject to approval by the Tasman District Council the amended Terms of Reference for the Joint**

***Nelson Tasman Regional Transport Committee (Attachment 2 1982984479-5241); and***

- 5. Notes that the updated terms of reference for the Joint Nelson Tasman Regional Transport Committee and as required, the Joint Committee of Tasman District and Nelson City Councils:***
  - a. includes a non-voting Te Tau Ihu Iwi representative on the Joint Nelson Tasman Regional Transport Committee; and***
  - b. requires the Joint Nelson Tasman Regional Transport Committee to make its recommendations to the Joint Council Committee, rather than to each Council separately, for the:***
    - i. Joint Regional Transport Management Plan;***
    - ii. Joint Regional Public Transport Plan; and***
    - iii. Joint Speed Management Plan; and***
  - c. enables the Joint Nelson Tasman Regional Transport Committee to:***
    - i. provide governance oversight of public transport planning and operations including the authority to make decisions and approve policies that support operations; and***
    - ii. make recommendations for matters outside of its delegations for public transport to the Joint Council Committee, rather than to each Council separately, except for budget changes.***
- 6. Approves, subject to approval by Tasman District Council, the Public Transport Fares and Pricing Policy (Attachment 3 1862260321-21259).***

Rainey/Rollo

Carried

The meeting adjourned from 10.39a.m. until 10.53a.m.

## **8 Housing Reserve Fund**

Document number R27442, agenda pages 55 - 73 refer.

Group Manager Environment, Dennis Bush-King, and Strategic Housing Adviser, Lisa Gibellini presented the report and it was taken as read.

His Worship the Mayor Hon Dr Smith noted that feedback from Elected Members was that, on the recommendation of the Community Housing Acceleration Taskforce, Council would be best placed to make grant decisions. The recommendation was amended to clarify this with additional guidelines included noting that the Taskforce could also consider other innovative housing proposals.

Resolved CL/2023/038

***That the Council***

- 5. Receives the report Housing Reserve Fund (R27442) and its attachment (336940202-5833); and***
- 6. Confirms that grant decisions be made by Council on the recommendation of the taskforce; and***
- 7. Amends the Housing Reserve Grants Programme 2023 attachment (36940202-5833) to:***
  - a. Insert an additional clause under the guidelines:***

***The Housing Reserve Taskforce may consider other innovative housing proposals for support from the Housing Reserve Fund outside of these guidelines where it believes it offers good use of public money to alleviate Nelson's housing problems.***
  - b. Amends the objective of the Housing Reserve Grants Programme to specify the objective to support and enable not for profit community housing providers where they have a presence in Nelson.***
  - c. Clarifies that the Housing Reserve Fund Cap referred to in (g) of the Guidelines excludes grants provided under Phase 1 and 2; and***
- 8. Approves the amended Housing Reserve Grants Programme 2023 attachment (336940202-5833) which sets out the objectives and guidelines; and***
- 9. Delegates confirmation of Housing Reserve Grant contracts to the Chief Executive.***

Sanson/Hodgson

Carried

**9 August 2022 Extreme Weather Event Recovery - Quarterly Update**

Document number R27440, agenda pages 74 - 84 refer.

Group Manager Infrastructure, Alec Louverdis, presented his report and it was taken as read. He answered questions on flood protection and focus areas.

His Worship the Mayor Hon Dr Smith asked that Council's appreciation be passed to Navigators and the recovery team.

Resolved CL/2023/039

***That the Council***

- 1. Receives the report August 2022 Extreme Weather Event Recovery - Quarterly Update (R27440) and its attachment (1590798627-320); and***
- 2. Approves retrospectively unbudgeted expenditure incurred between 30 September 2022 and 31 December 2022 as part of the August 2022 extreme weather event recovery of \$7.2M.***

Anderson/Brand

Carried

**10. Financial recognition for external taskforce members**

Document number R27494, agenda pages 85 - 88 refer.

Manager Governance and Support Services, Devorah Nícuarta-Smith presented the report and it was taken as read. She answered questions on current remuneration of appointees to Committees, equity and timing of decisions on remuneration.

Interim Chief Executive, Lindsay McKenzie, proposed that the Cabinet circular 2022/02 (fees framework), which included guidance on equity matters and a high level framework for job sizing, could be used for setting remuneration on Taskforces. The recommendation was amended to reflect the remuneration approval sit with the Chief Executive and subsequently reported to Council.

Resolved CL/2023/040

***That the Council***

- 1. Receives the report Financial recognition for external taskforce members (R27494); and***

2. ***Agrees that any financial recompense made to an externally appointed taskforce member be through a contractual agreement; and***
3. ***Agrees that external taskforce members remuneration be approved by the Chief Executive in consultation with the Chair of the relevant Taskforce and/or His Worship the Mayor; and***
4. ***Agrees that remuneration for external taskforce embers be reported to Council on appointment;***
5. ***Agrees that decision makers will take into account the Cabinet circular on fees framework for members appointed to bodies (CO 2022(2)).***

The meeting adjourned from 12.31p.m. until 1.05p.m.

## **11 Approval of Terms of Reference - Sea Sports Facilities Taskforce**

Document number R27418, agenda pages 89 - 93 refer.

Manager Parks and Facilities, Rosie Bartlett and Manager Marina, Nigel Skeggs, presented the report and it was taken as read.

Following discussion it was agreed the name of the Taskforce be changed to Marina and Tāhunanui Sports Facilities Taskforce to better reflect its focus.

Resolved CL/2023/041

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

1. ***Receives the report Approval of Terms of Reference - Sea Marina and Tāhunanui Sports Facilities Taskforce (R27418) and its attachment (1974015928-914); and***
2. ***Notes the change of name to the Sea Marina and Tāhunanui Sports Facilities Taskforce; and***
3. ***Approves the amended Sea Marina and Tāhunanui Sports Facilities Taskforce Terms of Reference (1974015928-914).***

Skinner/Rollo

Carried

## 12. Approval of Terms of Reference - Sesquicentennial Taskforce

Document number R27497, agenda pages 94 - 99 refer.

Group Manager Community Services, Andrew White, presented his report and it was take as read. The recommendation was amended to reflect that the quorum be updated to note that one Elected Member must be present.

Resolved CL/2023/042

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

1. ***Receives the report Approval of Terms of Reference - Sesquicentennial Taskforce (R27497) and its attachment (1974015928-1079); and***
2. ***Approves the amended Sesquicentennial Taskforce Terms of Reference (1974015928-1079) with item 5 requiring at least one of the quorum of two being an elected member.***

Courtney/O'Neill-Stevens

Carried

## 13. Community Investment Fund - Funding Allocation Update

Document number R27464, agenda pages 100 - 108 refer.

CoManager Community Partnerships, Mark Preston-Thomas and Team Leader Community Development Steve Stiles presented the report and it was taken as read.

His Worship the Mayor Hon Dr Smith advised that, with the retirement of two members, he would like Council to give consideration to having two Elected Members on the panel.

Resolved CL/2023/043

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

1. ***Receives the report Community Investment Fund - Funding Allocation Update (R27464) and its attachments (636034393-8601 and 636034393-8600); and***
2. ***Receives the minutes from the Community Investment Fund meeting held on 30 November 2022 (unconfirmed) and notes the funding decisions taken; and***
3. ***Notes that Graeme Thomas and Rosalie Grant completed their term as Community Investment Fund***

***panel members on 30 June 2022, and did not seek re-appointment to the panel and that Council would like to thank them for their service.***

Skinner/Courtney

Carried

#### **14. Exclusion of the Public**

Nelmac Ltd Chairperson Rob Gunn, Chief Executive Jane Sheard, Chief Financial Officer Lindsay Coll and Divisional Leader – Water, Richard Lester were in attendance to provide a confidential briefing for the Mayor’s Report and to answer questions and, accordingly, the following resolution was required to be passed:

Resolved CL/2023/044

***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 Rob Gunn, Jane Sheard, Lindsay Coll and Richard Lester of Nelmac Ltd remain after the public has been excluded, for the Mayor’s Report in the Confidential meeting as they have knowledge relating to the item that will assist the meeting;***

Stallard/Brand

Carried

Resolved CL/2023/045

***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:***

Stallard/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)
	<p><b>Mayor’s Report – briefing from Nelmac Ltd</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>	<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</li> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>
<p><b>1</b></p>	<p><b>Council Meeting - Confidential Minutes - 9 February 2023</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>	<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> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> <li>• Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage</li> </ul>
<p><b>2</b></p>	<p><b>Extraordinary Council Meeting -</b></p>	<p>Section 48(1)(a)</p>	<p>The withholding of the information is necessary:</p>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<b>Confidential Minutes - 23 February 2023</b>	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	<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>3</b>	<b>Mayor's Report - Appointment to the Nelson Regional Sewerage Business Unit</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>
<b>4</b>	<b>Appointment - Chairperson of District Licensing 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>

The meeting went into confidential session at 1.22p.m. and resumed in public session at 3.44p.m.

The meeting adjourned from 3.44p.m. until 3.53p.m.

**15 Mayor's Report - reconvened**

His Worship the Mayor Hon Dr Smith confirmed he had sought a meeting with the Prime Minister and Minister for Local Government, and had asked the Interim Chief Executive and Chief Executive of Nelmac Ltd to attend.

The recommendation was amended to request any legal options be reported to Council before action was taken and to add an acknowledgement of the impacts on Nelson City Council and Nelmac staff.

Resolved CL/2023/046

***That the Council***

5. ***Delegates authority to His Worship the Mayor Hon Dr Nick Smith to write to Prime Minister Rt Hon Chris Hipkins and Local Government Minister Hon Kieran McAnulty strongly objecting to the unforeseen effects of Government policy on the Council-owned Nelmac business; and***
6. ***Approves the development of a supplementary submission by the Chief Executive and His Worship the Mayor to present to the Finance and Expenditure Committee on the Water Services Legislation Bill seeking to have those provisions repealed in the previously passed legislation that enable the assets of Nelmac to be expropriated without compensation; and***
7. ***Requests that officers explore all legal options including potential court challenges to protect Nelmac's staff and assets from transfer by the Three Waters National Transition Unit to be reported to Council before any action is taken; and***
8. ***Approves Council and Nelmac taking all lawful proactive measures to thwart the transfer of Nelmac staff and assets to Water Services Entity C; and***
9. ***Acknowledges the impacts of the uncertainty surrounding the 3 Waters reforms on the staff of Nelmac Ltd and Nelson City Council and notes our thanks for their outstanding work through the August 2022 storm event and the recovery despite this uncertainty.***

His Worship the Mayor/O'Neill-Stevens

Carried

**16. Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce**

Document number R27485, late items agenda pages 3 - 8 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report and it was taken as read.

Attendance: Councillor O'Neill-Stevens left the meeting from 4.11p.m. until 4.17p.m.

Mr Louverdis answered questions on the consultants appointed to the Taskforce, availability of additional expertise and meeting practices.

Resolved CL/2023/047

***That the Council***

1. ***Receives the report Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce (R27485) and its attachment (1833911234-34); and***
2. ***Approves the Right Tree Right Place Taskforce Terms of Reference; and***
3. ***Approves the appointment to the Right Tree Right Place Taskforce of the following external members:***
  - ***Andrew Fenemor;***
  - ***Stuart Orme;***
  - ***Joanne Clapcott; and***
  - ***Māori representative.***

Sanson/Benge

Carried

**Karakia Whakamutanga**

**17. Restatements**

It was resolved while the public was excluded:

**1 Mayor's Report - Appointment to the Nelson Regional Sewerage Business Unit**

5. *Agrees that the decision only be made publicly available once the letter of acceptance has been received; and*
6. *Agrees that Report (R27546) and Attachment (1522493403-1468) remain confidential at this time.*

**2 Appointment - Chairperson of District Licensing Committee**

3. *Agrees that the appointment be made publicly available on [nelson.govt.nz](http://nelson.govt.nz), after the appointment has been confirmed; and*
4. *Agrees that report (R27428) remain confidential at this time.*

There being no further business the meeting ended at 4.21pm.

Confirmed as a correct record of proceedings by resolution on 13 April 2023.

*That the Council*

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