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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 4 May 2023, commencing at 9.01a.m.**

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

In Attendance: Chief Executive (N Philpott), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (M Bishop) Interim 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 Governance Adviser (K Libeau)

Apologies : Nil

## **Karakia and Mihi Timatanga**

### **1. Apologies**

No apologies were received.

### **2. Confirmation of Order of Business**

In order to confirm timing for external presenters Item 10 (Nelmac Six month Report) would be considered at 12.00p.m. followed by Confidential Item 2 (Nelmac Draft Statement of Intent).

### **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. Resilienz - Development and implementation of effective climate strategies in the region

Attendance: Councillor Skinner joined the meeting at 9.08a.m. and Councillor Brand joined at 9.11a.m.

Lindsay Wood, Convenor of Resilienz, spoke to a tabled presentation (1982984479-5911) about development and implementation of effective climate strategies in the region.

**Attachments**

- 1 1982984479-5911 Resilienz presentation to Council

**5. Confirmation of Minutes**

5.1 13 April 2023

Document number M20090, agenda pages 11 - 26 refer.

Resolved CL/2023/090

***That the Council***

1. ***Confirms the minutes of the meeting of the Council, held on 13 April 2023, as a true and correct record.***

Rollo/Courtney

Carried

**6. Mayor's Report - left to lie 13 April 2023**

Document number R27643, agenda pages 27 - 32 refer.

His Worship the Mayor Hon Dr Smith presented the report that had been left to lie on 13 April 2023. He advised since the last meeting he had had discussions with colleagues and proposed an amended recommendation to indicate there were a range of views on the effectiveness of Local Government New Zealand. He answered questions on how the relations with neighbouring Councils would be affected should Nelson City Council join the metropolitan sector, and membership fees.

The meeting adjourned from 10.15a.m. until 10.22a.m.

The motion was put in parts and a division was called for amended recommendations 1-4 and 7.

Resolved CL/2023/091

***That the Council***

1. ***Receives the report Mayor's Report - left to lie 13 April 2023 (R27643) and its attachment (NDOCS-1118544611-7016); and***

2. **Notes that there is a range of views around the Council table on the effectiveness of Local Government New Zealand; and**
3. **Notes that His Worship the Mayor, Deputy Mayor and the Chief Executive, while acknowledging the concerns about LGNZ, are satisfied that Nelson City Council, overall, gets value for money from its membership fees, particularly with regard to information sharing such as expensive legal opinions on complex areas of law; and**
4. **Agrees that Nelson City Council continue its membership of LGNZ but, via its representation by the Mayor, Deputy Mayor and delegates at conferences, advocates for change to achieve a more effective voice for councils and a focus on ensuring good value for money for ratepayers; and**
7. **Notes the update on the August 2022 severe weather event.**

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/Interest</u>
Cr Smith (Chairperson)	Cr Courtney Cr Rollo	
Cr Anderson	Cr Skinner	
Cr Bengé		
Cr Brand		
Cr Hodgson		
Cr O'Neill-Stevens		
Cr Paki Paki		
Cr Rainey		
Cr Sanson		
Cr Stallard		

The motion was carried 10 - 3.

Resolved CL/2023/092

Courtney/Sanson

Carried

***That the Council***

5. **Agrees that the delegation to the 2023 Local Government New Zealand Conference and EXCELLENCE Awards should consist of four councillors, His Worship the Mayor and Deputy Mayor; and**
6. **Delegates to His Worship the Mayor and the Deputy Mayor to write to Local Government New Zealand requesting a change in sector membership from the Provincial Sector Group to the Metropolitan Sector Group noting that:**

- a. ***Nelson's challenges with housing, transport, climate change and urban development has more in common with the metro sector councils,***
- b. ***Nelson City Council would have a greater voice as one of the 12 on the metro group rather than one of 54 on the provincial/rural group and***
- c. ***Nelson City Council's involvement in the regional group ensures we remain engaged on the regional issues relevant to our Council.***

His Worship the Mayor/O'Neill-Stevens

Carried

## **7. Mayor's Report**

Document number R27655, agenda pages 33 - 35 refer.

His Worship the Mayor Hon Dr Smith took the report as read and noted the amended recommendation to include discussions with Te Taihū iwi. He clarified the proposal was to initiate discussions only regarding forming a joint Te Taihū joint water reform committee and report back to Council on the outcome.

The motion was put in parts and a Division was called for amended recommendations 1-4.

Resolved CL/2023/093

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

1. ***Receives the report Mayor's Report (R27655); and***
2. ***Notes the Government announcement on 13 April 2023 of changes to the Three Waters Reform programme, including the establishment of a Te Taihū Water Entity under the Water Services Entities Act 2022; and***
3. ***Agrees His Worship the Mayor approach the Mayors of Tasman and Marlborough District Councils proposing the establishment of an interim Te Taihū Water Reform Joint Committee; and***
4. ***Agrees His Worship the Mayor report back to Council on the outcome of the discussions with the Mayors of Tasman and Marlborough District Councils and with Te Taihū iwi on the proposed interim Te Taihū Water Reform Joint Committee by 20 July 2023.***

The motion was put and a division was called:

For

Against

Abstained/Interest

Cr Smith  
(Chairperson)  
Cr Anderson  
Cr Bengé  
Cr Hodgson  
Cr O'Neill-Stevens  
Cr Paki Paki  
Cr Rainey  
Cr Sanson  
Cr Stallard  
The motion was carried 9 - 4.

Cr Brand  
Cr Courtney  
Cr Rollo  
Cr Skinner

His Worship the Mayor/Paki Paki

Carried

Resolved CL/2023/094

- 7. Agrees that His Worship the Mayor and Chief Executive, in consultation with the Tasman and Marlborough District Councils, seek the earliest possible engagement with Te Tauihu iwi on how best to involve them in discussions on the Three Waters reforms.**

Paki Paki/Stallard

Carried

## **8. Community Investment Fund Panel Membership Update**

Document number R27483, agenda pages 36 - 49 refer.

Adjourned 11.12am until 11.20a.m.

Group Manager Community Services, Andrew White, and Manager Community Partnerships, Mark Preston-Thomas took the report as read, noting they had received feedback which referred to consensus voting and updated the terms of reference with a suggested change should Council decide to include Elected Members on the Panel.

Councillor Skinner, seconded by Councillor Rainey moved Option 1 – no change to the membership of the Panel.

Attendance: Councillor Anderson left the meeting at 11.45a.m.

Resolved CL/2023/095

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

- 1. Receives the report Community Investment Fund Panel Membership Update (R27483) and its attachments (NDOCS-636034393-10799 and NDOCS-636034393-10790); and***
- 2. Retains the status quo for the Community Investment Fund Panel membership; and***

3. ***Approves the updated Terms of Reference for the Community Investment Fund Panel (NDOCS-636034393-10799).***

Skinner/Rainey

Carried

## 9. **Submission on Charging our Future Strategy**

Document number R27631, agenda pages 50 - 63 refer.

Group Manager Infrastructure, Alec Louverdis, Manager Climate Change, Rachel Pemberton, and Policy Adviser, Jane Borren, took the report as read noting that there was a sufficient level of EV chargers in Nelson City but with the predicted growth drivers, would become heavily reliant on them.

Following discussion it was agreed that the submission be amended to include discussion on supporting ebikes, references to the clean car scheme, and accessibility.

Attendance: Councillor O'Neill-Stevens left the meeting at 12.15p.m.

Resolved CL/2023/096

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

1. ***Receives the report Submission on Charging our Future Strategy (R27631) and its attachment (839498445-14264); and***
2. ***Approves the draft Nelson City Council submission on the Charging Our Future Strategy to Te Manatū Waka Ministry of Transport (839498445-14264); and***
3. ***Agrees that the Mayor and Chief Executive be delegated authority to include:***
  - ***amendments supporting electric bike infrastructure and subsidies,***
  - ***toning back comments on the government clean car scheme,***
  - ***ensuring such infrastructure maintains accessibility,***

***as well as approving approve minor editorial amendments to the Council submission on the Charging Our Future Strategy to Te Manatū Waka Ministry of Transport.***

His Worship the Mayor/Hodgson

Carried

## 10. Nelmac Limited Six Month Report to 31 December 2022

Document number R27611, agenda pages 64 - 73 refer.

Group Manager Corporate Services, Nikki Harrison, introduced Nelmac Ltd Chairperson, Robb Gunn, and Chief Financial Officer, Lindsay Coll.

Attendance: Councillor O'Neill-Stevens joined the meeting at 12.20pm

Mr Gunn and Mr Coll answered questions on distribution of resources, carbon emissions, aspirations of being a national environmental company, employee turnover and retention.

Resolved CL/2023/097

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

- 1. Receives the report Nelmac Limited Six Month Report to 31 December 2022 (R27611) and its attachment (1511110536-632).***

Brand/Skinner

Carried

## 11. Exclusion of the Public

Nelmac Ltd Chairperson, Robb Gunn, and Chief Financial Officer, Lindsay Coll were in attendance for Item 2 and Kerry Anderson from DLA Piper, if required, for Item 4 of the Confidential agenda to answer questions and, accordingly, the following resolutions were required to be passed:

Resolved CL/2023/098

### ***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 and Lindsay Coll remain after the public has been excluded, for Item 2 of the Confidential agenda Nelmac Limited Draft Statement of Intent 2023/24, as they have knowledge relating to Nelmac Ltd that will assist the meeting.***
- 2. Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that Kerry Anderson of DLA Piper remain after the public has been excluded, if required, for Item 4 of the Confidential agenda August 2022 Extreme Weather Event Recovery - Council Owned Land***

**Geotechnical Assessments: Next steps , as she has legal advice that will assist the meeting.**

Courtney/Rollo

Carried

Resolved CL/2023/099

**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:**

Courtney/Rollo

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 - 13 April 2023</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)(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</li> <li>• Section 7(2)(f)(ii) To maintain the effective conduct of public affairs through the protection of such</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)
			<p>members, officers, employees and persons from improper pressure or harassment</p> <ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</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>Nelmac Limited Draft Statement of Intent 2023/24</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>Appointment of a Nelson Regional Development Agency Director and Chair</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>
4	<b>August 2022 Extreme Weather Event Recovery - Council Owned Land Geotechnical</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</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)
	<b>Assessments: Next steps</b>	which good reason exists under section 7	<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>
<b>5</b>	<b>Private Plan Change - Nelson Junction</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	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.</li> </ul> <p>Section 48(2)</p> <p>Paragraph (d) of subsection (1) applies to -</p> <p>(a) Any proceedings before a local authority where -</p> <p>(i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings; or</p> <p>(ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and</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)
			c) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971. <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>
6	<b>Housing Reserve - Grant Application</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>

The meeting went into confidential session at 12.33p.m. and resumed in public session at 4.33p.m.

Attendance: During the Confidential session Councillor Anderson had returned to the meeting at 2.17p.m.

## Karakia Whakamutanga

### 12. Restatements

It was resolved while the public was excluded:

#### 1 Nelmac Limited Draft Statement of Intent 2023/24

Agrees that the decision, Report (R27612) and attachments (1511110536-631 and 1511110536-533) remain confidential at this time.

**2 Appointment of a Nelson Regional Development Agency Director and Chair**

Agrees the decision will be made publicly available on the Nelson Regional Development Agency's website ([www.nelsontasman.nz](http://www.nelsontasman.nz)) once the appointment has been announced.

**3 August 2022 Extreme Weather Event Recovery - Council Owned Land Geotechnical Assessments: Next steps**

Agrees that the decision, the Report (R27510) and its attachments (1590798627-436, 1590798627-437, and 1590798627-435) remain confidential at this time.

**4 Private Plan Change - Nelson Junction**

Agrees that the decision, the Report R27617 and its attachment (539570224-14293) remain confidential until the Plan Change 31 has been publicly notified under the Resource Management Act (RMA).

**5 Housing Reserve - Grant Application**

Agrees that Report (R27667), Attachment (336940202-6964) and the decision be made publicly available following completion of negotiations.

There being no further business the meeting ended at 4.33p.m.

Confirmed as a correct record of proceedings by resolution on 8 June 2023.

*That the Council*

1. *Confirms the minutes of the meeting of the Council, held on 4 May 2023, as a true and correct record.*