



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 10 August 2023, commencing at 9.00a.m.

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: Acting Chief Executive and Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (M Bishop), 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 Senior Governance Adviser (H Wagener)

Apologies : Nil

Karakia and Mihi Timatanga

1. Apologies

No apologies were received.

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

2. Confirmation of Order of Business

His Worship the Mayor Hon Dr Nick Smith advised that the order of business would be adjusted to progress the meeting efficiently.

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. Kathleen Mardon - The Nelson Foodbank and their work

Document number R27825

Kathleen Mardon spoke to a tabled presentation (1982984479-6448) and answered questions regarding the availability of ongoing funding, the impact of the cost-of-living crises vulnerable community members and Nelson Foodbank's collaboration with other organisations.

Attachments

- 1 1982984479-6448 Nelson Foodbank presentation

4.2. Mike Rodwell - Vaping

Document number R27880

Mike Rodwell spoke about vaping addiction and the number of vape stores opening in the community and answered questions about an increase in youth addiction.

5. Confirmation of Minutes

5.1 6 July 2023

Document number M20212, agenda pages 12 - 22 refer.

The minutes have been amended to reflect the full change to the wording of the Draft Significant Forecasting Assumptions on pages 113 and 116 of the Council Agenda of 6 July 2023.

Resolved CL/2023/173

That the Council

- 1. Confirms the amended minutes of the meeting of the Council, held on 6 July 2023, as a true and correct record.***

His Worship the Mayor/Courtney

Carried

6. Mayor's Report

Document number R27833, agenda pages 23 - 73 refer.

His Worship the Mayor Hon Dr Nick Smith presented his report and proposed taking the discussion in parts. He noted the successful introduction of the new bus service and increase in patronage and thanked the staff responsible for the 1 August roll-out and continued promotion of the new service.

Resolved CL/2023/174

That the Council

- 1. Receives the report Mayor's Report (R27833); and its attachment (1118544611-7197); and***
- 2. Receives the Local Government Members (2023/24) Determination 2023 from the Remuneration Authority (1118544611-7197);***

His Worship the Mayor/Rainey

Carried

The item was adjourned until 10.25 a.m. for attendance and morning tea in recognition of service for Laurie Christian.

7. Governance Structure Review

Document number R27853, agenda pages 74 - 87 refer.

Group Manager Strategy and Communications, Nicky McDonald and Manager Governance and Support, Devorah Nicuarta-Smith took the report as read and answered questions on the scope of the climate change taskforce, the remuneration of committee and taskforce chairs, public accessibility of taskforce information and meetings and how the taskforces fit in with iwi partnership.

His Worship the Mayor Hon Dr Smith advised that he had put forward the recommendations in the report on appointments to the two proposed taskforces.

His Worship the Mayor Hon Dr Smith moved the motion, seconded by Councillor Courtney.

Recommendation

That the Council

- 1. Receives the report Governance Structure Review (R27853) and its attachments (1974015928-1230, 1974015928-1231, 1373411589-804, 1522493403-1647 and 1982984479-6368); and***
- 2. Requests the Chief Executive to present a high-level six-monthly report to Council on progress in each of the following***

activity areas: environment and regulation, infrastructure, and community services; and

3. *Approves that the following two taskforces be established and confirms the proposed Terms of Reference for each that are attached to this report (R27853):*
 - *Climate Change Taskforce (1974015928-1231)*
 - *City Centre Playspace Taskforce (1974015928-1230); and*
4. *Confirms that the membership of the Climate Change Taskforce will be:*
 - *Councillor Aaron Stallard (Chair)*
 - *Councillor Matthew Benge*
 - *Councillor Mel Courtney*
 - *Councillor Rachel Sanson*
 - *Mayor Nick Smith; and*
5. *Confirms that the membership of the City Centre Playspace Taskforce will be:*
 - *Councillor James Hodgson (Chair)*
 - *Councillor Pete Rainey*
 - *Councillor Kahu Paki Paki*
 - *Councillor Campbell Rollo; and*
6. *Adopts the Taskforce Protocols (1373411589-804) as guidance for the members and external participants of taskforces; and*
7. *Agrees that external participants appointed to taskforces are not members appointed under the Local Government Act 2002 as outlined in the Taskforce Protocols.*
8. *Notes the guidance prepared on liaison councillor roles and information protocols (1522493403-1647, 1982984479-6368); and*
9. *Notes that the Delegations Register will be updated to reflect the confirmed changes from the Governance Structure Review (R27853)*

10. *Agrees that in May 2024, Council further considers its governance arrangements so as to allow them to evolve over this triennium.*

His Worship the Mayor/Courtney

Councillor Stallard broadly supported the items but supported additional standing committees and moved an amendment, seconded by Councillor Paki Paki. The motion proposed the establishment of standing committees including, but not limited to Infrastructure, Environment and Planning; and Community and Recreation committees.

Acting Chief Executive and Group Manager Infrastructure, Mr Louverdis advised that the amendment was substantially different to the recommendation and from that that was workshopped with elected members. Mr Louverdis noted that good local government decision-making required adequate time to consider the impact of the amendment specifically in relation to the implications of any new structure on existing meeting and the ability of staff to resource this. In relation to a question Mr Louverdis advised that should the amendment be successful a follow up report dealing with implications could be presented to Council in October 2023. The mover and seconder of the amended motion agreed to this change.

The item was adjourned at 10.25a.m. to consider the reconvened Mayor's Report.

8. Mayor's Report (Agenda Item 6 reconvened)

Document number R27833, agenda pages 23 - 73 refer.

Laurie Christian joined the meeting and His Worship the Mayor Hon Dr Nick Smith recognised his nearly 30 years of service to the Nelson Community Patrol.

Resolved CL/2023/175

That the Council

3. ***Acknowledges the retirement of Laurie Christian, from the Nelson Community Patrol, after close to 30 years of service.***

His Worship the Mayor/Courtney

Carried

The meeting adjourned from 10.30a.m until 10.52a.m.

9 Governance Structure Review (Agenda Item 7 reconvened)

Document number R27853, agenda pages 74 - 87 refer.

The benefits of establishing committees were discussed, including transparency of debate and decision making, making full use of the wide range of experience of elected members, upskilling of newly elected members, broad oversight of the activities of Council, distribution of responsibilities amongst elected members and avoidance of concentrated decision-making. The disadvantages noted were very structured processes and discussion format, undue pressure on staff time and resources brought about by reconsideration of committee decisions by Council and costs to Council.

Advantages of taskforces were also discussed including the improved quality of decision making by Council, the flexibility provided by reduced formality and that taskforces had to date been effective and efficient. It was also noted that taskforces were working well and no change in approach was required.

The amendment moved by Councillor Stallard, seconded by Councillor Paki Paki was put, and a division was called.

That the Council

1. *Receives the report Governance Structure Review (R27853) and its attachments (1974015928-1230, 1974015928-1231, 1373411589-804, 1522493403-1647 and 1982984479-6368); and*
2. *Requests the Chief Executive to present a high-level six-monthly report to Council on progress in each of the following activity areas: environment and regulation, infrastructure, and community services; and*
3. *Approves that the following two taskforces be established and confirms the proposed Terms of Reference for each that are attached to this report (R27853):*
 - *Climate Change Taskforce (1974015928-1231)*
 - *City Centre Playspace Taskforce (1974015928-1230); and*
4. *Confirms that the membership of the Climate Change Taskforce will be:*
 - *Councillor Aaron Stallard (Chair)*
 - *Councillor Matthew Benge*
 - *Councillor Mel Courtney*
 - *Councillor Rachel Sanson*
 - *Mayor Nick Smith; and*

5. Confirms that the membership of the City Centre Playspace Taskforce will be:
 - Councillor James Hodgson (Chair)
 - Councillor ~~Trudie Brand~~ Councillor Pete Rainey
 - Councillor Kahu Paki Paki
 - Councillor Campbell Rollo; and
6. Adopts the Taskforce Protocols (1373411589-804) as guidance for the members and external participants of taskforces; and
7. Agrees that external participants appointed to taskforces are not members appointed under the Local Government Act 2002 as outlined in the Taskforce Protocols.
8. Notes the guidance prepared on liaison councillor roles and information protocols (1522493403-1647, 1982984479-6368); and
9. Notes that the Delegations Register will be updated to reflect the confirmed changes to taskforces from the Governance Structure Review (R27853)
10. Agrees to the establishment of standing committees including, but not limited to:
 - a) Infrastructure;
 - b) Environment and Planning;
 - c) Community and Recreation; and
11. Agrees that changes to the delegations register to enable the establishment of these committees will be brought to the October Council meeting; and
12. Notes that the existing governance arrangements and taskforce protocols, particularly delegations and governance adviser support, will be reviewed in line with the establishment of standing committees and any required changes brought back to the October Council meeting; and
13. Agrees that in May 2024, Council further considers its governance arrangements so as to allow them to evolve over this triennium.

The amendment was put, and a division was called:

<u>For</u>	<u>Against</u>
Cr O'Neill-Stevens	His Worship the Mayor Smith
Cr Paki Paki	(Chairperson)
Cr Rainey	Cr Anderson
Cr Sanson	Cr Benge
Cr Stallard	Cr Brand
	Cr Courtney
	Cr Hodgson
	Cr Rollo
	Cr Skinner

The amendment was lost 5 - 8.

Stallard/Paki Paki

Lost

The original motion remained the substantive motion and was put and carried.

Resolved CL/2023/176

That the Council

- 1. Receives the report Governance Structure Review (R27853) and its attachments (1974015928-1230, 1974015928-1231, 1373411589-804, 1522493403-1647 and 1982984479-6368); and***
- 2. Requests the Chief Executive to present a high-level six-monthly report to Council on progress in each of the following activity areas: environment and regulation, infrastructure, and community services; and***
- 3. Approves that the following two taskforces be established and confirms the proposed Terms of Reference for each that are attached to this report (R27853):***
 - Climate Change Taskforce (1974015928-1231)***
 - City Centre Playspace Taskforce (1974015928-1230); and***
- 4. Confirms that the membership of the Climate Change Taskforce will be:***
 - Councillor Aaron Stallard (Chair)***
 - Councillor Matthew Benge***
 - Councillor Mel Courtney***

- **Councillor Rachel Sanson**
 - **Mayor Nick Smith; and**
5. **Confirms that the membership of the City Centre Playspace Taskforce will be:**
- **Councillor James Hodgson (Chair)**
 - **Councillor Pete Rainey**
 - **Councillor Kahu Paki Paki**
 - **Councillor Campbell Rollo; and**
6. **Adopts the Taskforce Protocols (1373411589-804) as guidance for the members and external participants of taskforces; and**
7. **Agrees that external participants appointed to taskforces are not members appointed under the Local Government Act 2002 as outlined in the Taskforce Protocols.**
8. **Notes the guidance prepared on liaison councillor roles and information protocols (1522493403-1647, 1982984479-6368); and**
9. **Notes that the Delegations Register will be updated to reflect the confirmed changes from the Governance Structure Review (R27853)**
10. **Agrees that in May 2024, Council further considers its governance arrangements so as to allow them to evolve over this triennium**

His Worship the Mayor/Courtney

Carried

The meeting was adjourned from 11.48a.m until 11.54a.m.

10. Notification of Plan Change 29

Document number R27805, agenda pages 88 - 117 refer.

Group Manager Environmental Management, Mandy Bishop and Acting Manager Environmental Planning, Dennis Bush-King took the report as read and answered questions on alignment of the e-Plan with regulatory requirements, use of plain English in the e-Plan, the minimum requirements of what would be acceptable as a submission, support for

submitters by the Friend of Submitters, influence and effect of submissions on the process, and the composition of the hearings panel.

Ms Bishop and Mr Bush-King answered questions on the importance of Plan Change 29 for Nelson, which had been guided by the Resource Management Act, National Standards and Nelson's own requirements and the consequences of densification in Nelson. They clarified papakāinga development provisions and the exclusion of mandatory parking requirements for property development.

Resolved CL/2023/177

That the Council

- 1. Receives the report Notification of Plan Change 29 (R27805) and its attachment (539570224-14803); and***
- 2. Agrees to proceed with Plan Change 29 subject to the correction of any minor errors that the Chief Executive considers necessary for the purpose of clarity and technical correctness; and***
- 3. Endorses the content of the Section 32 Evaluation Report (539570224-14803) for Plan Change 29 subject to the correction of any minor errors the Chief Executive considers necessary for the purpose of clarity and technical correctness; and***
- 4. Approves public notification of Proposed Plan Change 29 in accordance with Clause 5 of Schedule 1 to occur on 11 August 2023; and***
- 5. Notes that at its meeting on 4 May 2023 Council agreed that Plan Change 31 would be notified alongside Plan Change 29; and***
- 6. Agrees that the date for the close of submissions on Plan Change 29 and 31 is 27 working days after public notification which would be on 19 September 2023; and***
- 7. Agrees to establish a mixed, three-person Hearings Panel comprising an Independent Chair, Deputy Mayor O'Neill-Stevens and Councillor Brand to hear and recommend on submissions received in relation to Plan Changes 29 and 31.***

His Worship the Mayor/Sanson

Carried

The meeting was adjourned from 1:12p.m until 2.00p.m.

11. Standing Orders Review 2023

Document number R27576, agenda pages 118 - 211 refer.

Group Manager Strategy and Communications, Nicky McDonald and Team Leader Governance, Robyn Byrne, took the report as read and answered questions on the Chair's discretion to determine the time allowed for public forums at Council meetings.

The Nelson City Council Standing Orders were amended to correct minor editorial errors.

Resolved CL/2023/178

That the Council

1. ***Receives the report Standing Orders Review 2023 (R27576) and its attachments (1982984479-5561 and 1373411589-873); and***
2. ***Agrees to the inclusion of the provisions providing the ability for members to attend meetings via audio- or audio-visual link (Standing Order 13.7 – 13.14); and***
3. ***Declines to adopt the use of a casting vote for the Chair (Standing Order 19.3); and***
4. ***Selects Standing Order 22.2: Option A as the default for speaking and moving motions; and***
5. ***Approves electronic archiving of meeting papers (Standing Order 29.2) commencing for business papers from 10 October 2022; and***
6. ***Adopts, in accordance with Clause 27, Schedule 7 of the Local Government Act 2002, the amended Nelson City Council Standing Orders (1373411589-873); and***
7. ***Updates the Delegations Register to note that the following committees do not have a Public Forum:***
 - a. ***Chief Executive Employment Committee***
 - b. ***Audit Risk and Finance Committee***
 - c. ***District Licensing Committee***
 - d. ***Tenders Committee***

O'Neill-Stevens/Sanson

Carried

12. He Tātai Whetū implementation - approving changes to funding allocations

Document number R27816, agenda pages 212 - 218 refer.

Group Manager Strategy and Communications, Nicky McDonald and Policy Adviser, Ailish Neyland took the report as read and answered a question regarding the consent of the Department of Internal Affairs for changes to the allocated funding.

Resolved CL/2023/179

That the Council

1. ***Receives the report He Tātai Whetū implementation - approving changes to funding allocations (R27816); and***
2. ***Approves reallocating \$50,000 from the Arts Relief Package and \$100,000 from the Creative Tourism Initiative, to provide \$150,000 to Arts Council Nelson to support its transition to an Arts Development Agency; and***
3. ***Agrees that Arts Council Nelson/the Arts Development Agency is the appropriate agency to implement the Creative Tourism Initiative and Arts Relief Package; and***
4. ***Notes that the He Tātai Whetū/Arts and Creativity Strategy Taskforce is considering the best use of the Arts Relief Package funding and will recommend a refreshed approach to a future Council meeting; and***
5. ***Notes the incorporation of a mapping exercise of current and future arts and creativity assets, within the arts hub investigation approved as part of the Annual Plan 2023/24.***

O'Neill-Stevens/Rainey

Carried

13. Amendment to Terms of Reference for Regional Pest Management Joint Committee

Document number R27813, agenda pages 218 - 227 refer.

Group Manager Environmental Management, Mandy Bishop and Environmental Programmes Adviser, Richard Frizzell, took the report as read and answered questions on the process to change the Regional Pest Strategy to deal with feral cats at specific locations, and the possible making of a bylaw.

Resolved CL/2023/180

That the Council

1. ***Receives the report Amendment to Terms of Reference for Regional Pest Management Joint Committee (R27813) and its attachment (596364813-7363); and***
2. ***Notes that an amendment to the Terms of Reference for the Regional Pest Management Joint Committee (596364813-7363) was approved by Tasman District Council at its meeting on 20 July 2023, subject to agreement by Nelson City Council; and***
3. ***Approves an amendment to the Terms of Reference for the Regional Pest Management Joint Committee (596364813-7363) to include consideration of feral cats in the limited review of the Tasman Nelson Regional Pest Management Plan 2019-2029, by the addition of a fourth bullet point under 3. Areas of Responsibility, matters the review will be limited to considering, as follows:***
 - ***Identification of additional site led control areas for feral cat management including the use of Biosecurity Act Pest Agent Provisions.***

Sanson/Stallard

Carried

14. Nelson Festivals Trust End of Year Report - 2022/23

Document number R27748, agenda pages 228 - 290 refer.

Nelson Festival Trust Executive and Artistic Director Lydia Zanetti and Trustee Sarah Yarrow spoke to their presentation and answered questions on the availability of ongoing committed long-term funding for the festival and the sustained growth of community-led events.

Resolved CL/2023/181

That the Council

1. ***Receives the report Nelson Festival Trust End of Year Report - 2022/23 (R27748) and its attachments (1511110536-760, 1511110536-761 and 1511110536-759)***

Sanson/Courtney

Carried

Attachments

- 1 1982984479-6461 Nelson Arts Festival Presentation

Video link [Nelson Arts Festival](#)

15. The Effectiveness of the Compliance Strategy 2020

Document number R27831, agenda pages 291 - 385 refer.

Group Manager Environmental Management, Mandy Bishop took the report as read and answered questions on the alignment of the Compliance Strategy 2020 with national and regional guidelines and on the use of drones for enforcement.

Resolved CL/2023/182

That the Council

- 1. Receives the report The Effectiveness of the Compliance Strategy 2020 (R27831) and its attachments (756385493-50372 and 756385493-52701); and***
- 2. Notes officers propose to remove the annual review of the effectiveness of the Compliance Strategy from the Long-Term Plan performance measures to review the Strategy by 2025, then as required after that.***

His Worship the Mayor/Brand

Carried

16. Tāhunanui Beach Unbudgeted Expenditure Request

Document number R27841, agenda pages 386 - 429 refer.

Group Manager Community Services, Andrew White, Manager Parks and Facilities, Hannah Curwood and Team Leader Parks, Sarah Clarke, took the report as read and answered questions on the availability of Government funding for remediation and provision of budget for remediation in the Long Term Plan, the likelihood that other sites were similarly contaminated with sawdust, the timing of testing for contaminants since the sawdust was first exposed, whether tests were done for the presence of pentachlorophenol (PCP) and if more testing was needed, contamination of dioxin leachate in the sand, the availability of suitable persons to test and remediate the contamination, compliance with regulatory requirements, and continued access to the carpark.

Resolved CL/2023/183

That the Council

- 1. Receives the report Tāhunanui Beach Unbudgeted Expenditure Request (R27841) and its attachments (310955630-8811 and 310955630-8812); and***

2. ***Allocates up to \$100,000 of unbudgeted expenditure to prepare a plan of short-term and long-term actions to mitigate the effects and risks arising from sawdust material placed at Tāhunanui Beach in the 1960s; and***
3. ***Allocates up to \$350,000 of unbudgeted expenditure towards short term actions to mitigate the effects and risks arising from sawdust material placed at Tāhunanui Beach in the 1960s; and***
4. ***Notes that the Mayor has written to the Minister and Chief Executive of Ministry for the Environment, providing a copy of this report and advising that Council will subsequently seek funding assistance from the Government's Contaminated Sites Remediation Fund.***

Rollo/Sanson

Carried

17. Exclusion of the Public

Jane Sheard and Lindsay Coll of Nelmac Limited were in attendance for Item 2 of the Confidential agenda to answer questions and, accordingly, the following resolution is required to be passed:

Resolved CL/2023/184

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 and Lindsay Coll of Nelmac Limited remain after the public has been excluded, for Item 2 of the Confidential agenda (Nelmac Limited final Statement of Intent 2023/24), as they have knowledge relating to Nelmac that will assist the meeting.***

Paki Paki/Stallard

Carried

Resolved CL/2023/185

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:

Paki Paki/Stallard

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	Council Meeting - Confidential Minutes - 6 July 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"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Nelmac Limited final Statement of Intent 2023/24	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"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
3	August 2022 Extreme Weather Event Recovery - Land purchase	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"> • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(i) To enable the local authority to carry on, without prejudice or

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into confidential session at 03.49p.m. at which time Councillor Sanson left, and resumed in public session at 4.22p.m.

Karakia Whakamutanga

18. Restatements

It was resolved while the public was excluded:

1 CONFIDENTIAL: Nelmac Limited final Statement of Intent 2023/24

- 4. Notes that the final Nelmac Limited Statement of Intent (1511110536-735) will be made publicly available on Council’s website within one month as per legislation; and
- 5. Agrees that the decision on the final Nelmac Limited Statement of Intent (1511110536-735) be made publicly available; and
- 6. Notes that the Report (R27822) requires redacting, and once redacted, will be made publicly available.

2 CONFIDENTIAL: August 2022 Extreme Weather Event Recovery - Land purchase

- 10. Agrees that the Report (R27691) and its attachment 1590798627-642 remain confidential.

There being no further business the meeting ended at 4.23p.m.

Confirmed as a correct record of proceedings by resolution on 14 September 2023.

Resolved

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 10 August 2023, as a true and correct record.***