



---

**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 14 September 2023, commencing at 9.02a.m.**

---

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

In Attendance: Chief Executive (N Philpott), Deputy Chief Executive/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)

Apology: An apology was received from Councillor P Rainey for early departure at 10.30a.m.

**Karakia and Mihi Timatanga**

**1. Apologies**

Resolved CL/2023/193

***That the Council***

- 1. Receives and accepts an apology from Councillor P Rainey for early departure from 10.30a.m.***

His Worship the Mayor/Skinner

Carried

## 2. Confirmation of Order of Business

There was no change to the order of business, but the public was excluded during Item 7 Mayor's Report for the provision of legal advice.

## 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. Nelson Tasman Pasifika Community Trust - Pasifika Communities in Whakatu

Document number R27897

Robert Blake, General Manager from the Nelson Tasman Pasifika Community Trust, spoke to a tabled presentation (1982984479-6581) about Pasifika Communities in Whakatu and answered questions about funding and the need for a community hub.

### 4.2. Make/Shift Spaces Inc - The Shared Communities Initiative

Document number R27898

Anne Rush from Make/Shift Spaces Inc, spoke to a tabled presentation (1982984479-6572), tabled a report entitled [Shared Communities Whakatu Nelson](#) and answered questions about funding.

### 4.3. Giving Aroha - Rough Sleepers and Most Vulnerable in our Community

Document number R27903

Jackie Galland from Giving Aroha spoke about the hardships endured by rough sleepers and most vulnerable in the community and answered questions about the challenges Giving Aroha faced in providing support and services.

#### Attachments

- 1 982984479-6581 Nelson Tasman Pasifika Community Trust Presentation
- 2 1982984479-6572 Make-Shift Spaces Inc Presentation

## 5. Confirmation of Minutes

### 5.1 10 August 2023

Document number M20242, agenda pages 11 - 27 refer.

Resolved CL/2023/194

***That the Council***

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

Courtney/Brand

Carried

5.2 17 August 2023

Document number M20258, agenda pages 28 - 33 refer.

Resolved CL/2023/195

***That the Council***

- 1. Confirms the minutes of the meeting of the Council, held on 17 August 2023, as a true and correct record.***

Rollo/Hodgson

Carried

**6. Recommendations from Joint Committees**

Document number R27922, agenda pages 34 - 34 refer.

**6.1 Recommendation from Saxton Field Committee Meeting on 8 August 2023.**

Resolved CL/2023/196

***That the Council***

- 1. Adopt, subject to the approval of the Tasman District Council the proposed capital works programme for Saxton Field contained in Attachment 1 to Report R27843 (196698121-50136) for incorporation into each Council's draft budgets as part of the Long Term Plan 2024-2034 processes, with the following amendments:***
  - a. a capital budget line be included to provide for a regional skate facility at Saxton Field with \$20,000 included in 2024/25, and \$400,000 in each of years 2026/27 and 2027/28, together with an income line budgeting \$320,000 income in each of years 2026/27 and 2027/28.***
- 2. Delegate responsibility for agreeing to any amendments to the budget values resulting from further cost analysis to the Councils' Group Managers***

**(Group Manager Community Services at Nelson City Council and Group Manager Community Infrastructure at Tasman District Council).**

Skinner/Rollo

Carried

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

Document number R27917, agenda pages 35 - 49 refer.

A one-minute silence was held in remembrance of the passing of Seddon Marshall, who served on Nelson City Council for 33 years.

His Worship the Mayor Hon Dr Nick Smith presented his report and proposed taking the discussion in parts. He moved Recommendation 3,4 and 5 from his report, seconded by Councillor Brand.

*That the Council*

1. *Agrees in principle to a cost-sharing package with the Government to support the recovery work from the extreme weather event of August 2022, subject to an officer's report detailing the implications and future cost to Council; and*
2. *Notes there will be additional costs to Council for up to 14 buyouts of properties where the cost to repair exceeds their value; and*
3. *Instructs Council officers to prepare a report for the 19 October Council meeting on the next steps required to finalise the funding agreement with the Government.*

Mayor Hon Dr Smith spoke to the recommendations and answered questions on the cost-sharing package with the Government, possible identification of more affected properties with increased future cost commitments beyond the scope of the cost-sharing package and risks of setting precedents. He felt that it was a practical approach to avoid derelict, abandoned properties and Council might still reject the package as the acceptance would be in-principle, subject to further investigation, a workshop and report from officers.

Attendance: Councillor Rollo left the meeting from 10.33 a.m. until 10.40.a.m.

Attendance: Councillor Rainey left the meeting at 10.37a.m.

Discussion on this section of the Mayor's Report was adjourned in order to accommodate availability of a legal advisor. The meeting moved into confidential session to consider legal advice on the update to Plan Change 29.

Kerry Anderson of DLA Piper Inc. was in attendance to provide legal advice on the Plan Change 29 update of Item 7 Mayor' Report on the

Agenda and, accordingly, the following resolution was required to be passed:

Resolved CL/2023/197

***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 Kerry Anderson of DLA Piper remains after the public has been excluded, for Item 7 of the Agenda (Mayor’s Report), as she has knowledge relating to this report that will assist the meeting.***

His Worship the Mayor/Skinner

Carried

Resolved CL/2023/198

***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:***

His Worship the Mayor/Skinner

Carried

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
	<b>Mayor’s Report</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)(g) To maintain legal professional privilege</li> </ul>

The meeting went into confidential session at 11.30a.m. and resumed in public session at 12.40p.m.

An alternative motion to recommendation 6 was moved by Cr Courtney, seconded by Cr Bengel, to withdraw the notification of Plan Change 29

and provide for further consultation and asked for a modified plan change.

During discussion it was noted that the alternative motion was proposed without analysis of the options and that the decision would be made without meeting the decision-making requirements under Part 6 of the Local Government Act 2002.

The motion 6 was put and a division was called.

Recommendation

*That the Council*

6. *Receives the Mayor's update on Plan Change 29, notes the strong public opposition, and resolves to formally withdraw the notification, changing its status to a draft Plan Change, and continue community engagement and submissions on the draft, with the intention to renotify a modified Plan Change 29 following community engagement.*

The motion was put and a division was called:

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

The motion was lost 5 - 7.

The meeting adjourned from 1.22p.m until 2.22p.m.

His Worship the Mayor Hon Dr Smith spoke to Recommendation 6 of the Mayor's Report and tabled Supplementary papers outlining an engagement schedule (1118544611-7268 and 118544611-7267). Manager Community Engagement, Paul Shattock spoke on the proposed enhanced community engagement process.

**Extension of Meeting Time**

Resolved CL/2023/199

***That the Council***

1. ***Extends the meeting time beyond six hours, pursuant to Standing Order 4.2.***

His Worship the Mayor/Courtney

Carried

His Worship the Mayor Hon Dr Smith moved an amended motion for Recommendation 6, seconded by Councillor Sanson.

Resolved CL/2023/200

***That the Council***

- 6. *Receives an update on Plan Change 29 including an extension to the submission timeframe confirms the programme of additional neighbourhood information events (1118544611-7267) on Plan Change 29;***

His Worship the Mayor/Sanson

Carried

**Attachments**

- 1 1118544611-7268 - Memo on proposed additional engagement for Plan Change 29
- 2 1118544611-7267 -Plan Change 29 additional engagement

In returning to discussion on the storm recovery cost sharing package, His Worship the Mayor Hon Dr Smith, with the agreement of the seconder, amended clause 3 to clarify a decision would be made at the Council meeting on 19 October 2023.

The motion was taken in parts.

**Clause 3**

Resolved CL/2023/201

***That the Council***

- 3. *Agrees in principle to a cost-sharing package with the Government to support the recovery work from the extreme weather event of August 2022, subject to an officer's report detailing the implications and future cost to Council with a final decision to be made at the Council meeting on 19 October 2023; and***

His Worship the Mayor/Brand

Carried

**Clause 4**

*That the Council*

- 4. *Notes there will be additional costs to Council for up to 14 buyouts of properties where the cost to repair exceeds their value; and.***

His Worship the Mayor/Brand

Lost

**Clause 5**

Resolved CL/2023/202

***That the Council***

- 5. Instructs Council officers to prepare a report for the 19 October Council meeting on the next steps required to finalise the funding agreement with the Government.***

His Worship the Mayor/Brand

Carried

The remaining recommendations from the Mayor report were moved by Councillor Sanson, seconded by Cr Paki Paki.

Resolved CL/2023/203

***That the Council***

- 1. Receives the report Mayor's Report (R27917) and its attachment (1118544611-7258); and***
- 2. Acknowledges with a minute's silence the death of Seddon Marshall, who served on Nelson City Council for 33 years; and***
- 7. Agrees that Councillor Matty Anderson replace Deputy Mayor Rohan O'Neill-Stevens on the Community Housing Acceleration Taskforce, subject to Council approving the proposed revised Terms of Reference for the taskforce (R27788) on today's agenda.***

Sanson/Paki Paki

Carried

**8. Draft Significance and Engagement Policy for consultation**

Document number R27870, agenda pages 50 - 67 refer.

Group Manager Strategy and Communications, Nicky McDonald took the report as read, answered questions, and confirmed minor amendments to the Draft Significance and Engagement Policy (839498445-14234).

Resolved CL/2023/204

***That the Council***

- 1. Receives the report Draft Significance and Engagement Policy for consultation (R27870) and its attachment (839498445-14234); and***



2. ***Agrees that the proposed amendments to the existing Significance and Engagement Policy, outlined in paragraph 5.1 of this report (R27870), are sufficiently substantial to require public consultation; and***
3. ***Adopts the amended Draft Significance and Engagement Policy in Attachment 1 (839498445-14234) for public consultation in accordance with sections 76AA, 82 and 82A of the Local Government Act 2002; and***
4. ***Agrees that the consultation on the amended Draft Significance and Engagement Policy (839498445-14234) will occur at the same time as the Long Term Plan 2024-2034 consultation process; and***
5. ***Agrees that His Worship Mayor Hon Dr Smith and the Chief Executive be delegated authority to approve any minor amendments required to the amended Draft Significance and Engagement Policy (839498445-14234) prior to it being made available for public consultation.***

Sanson/Skinner

Carried

## 9. **Navigation Safety Policies and Harbour Safety Management System**

Document number R27847, agenda pages 68 - 160 refer.

Group Manager Environmental Management, Mandy Bishop and Nelson Harbour Master, Stuart Whitehouse, took the report as read and answered questions on a draft Memorandum of Understanding with Tasman District Council, management of speed of vessels within the Port of Nelson and fuel spill management.

Resolved CL/2023/205

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

1. ***Receives the report Navigation Safety Policies and Harbour Safety Management System (R27847) and its attachments (1940938042-1672, 1940938042-1678, 1940938042-1651, 1940938042-1777, 1940938042-1956, 1940938042-1980); and***
2. ***Approves the following:***
  - ***Harbour Safety Policy (Attachment 1, 1940938042-1672);***

- **Harbour Safety Management System Harbour Safety Plan (Attachment 2, 1940938042-1678);**
  - **Harbour Safety Management System Manual (Attachment 3, 1940938042-1651);**
  - **Harbour Operational Policies (Attachment 4, 1940938042-1777);**
  - **Nelson Harbour Hot Work Policy (Attachment 5, 1940938042-1956); and**
3. **Receives the Port and Harbour Marine Safety Code external review report (Attachment 6, 1940938042-1980); and**
4. **Agrees to make the Harbour Safety Policy and Harbour Safety Management System documents publicly available on the Nelson City Council website (Harbourmaster page) and referenced in other relevant documents such as the Long-Term Plan.**

Sanson/O'Neill-Stevens

Carried

**10. Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater)**

Document number R27840, agenda pages 161 - 166 refer.

Deputy Chief Executive/Group Manager Infrastructure Alec Louverdis, Manager Utilities Activity Management, Phil Ruffell, Activity Engineer - Flood Protection, Toby Kay, and Activity Engineer – Wastewater, Warren Biggs took the report as read and answered questions on the high level summary of risks relating to damage resulting from storm events to the water supply, alignment of Utilities Activity Management Plans with Parks and Reserves Activity Management Plans and the budget required for the renewal of asbestos pipes and infrastructure.

Resolved CL/2023/206

***That the Council***

1. **Receives the report Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater) (R27840) and its attachments**
- **Draft 2024-34 Water Supply Activity Management Plan (5082210-161);**
  - **Draft 2024-34 Wastewater Activity Management Plan (205082210-160);**

- ***Draft 2024-34 Stormwater Activity Management Plan (205082210-162); and***

**2. Approves the -**

- ***Draft 2024-34 Water Supply Activity Management Plan (5082210-161);***
- ***Draft 2024-34 Wastewater Activity Management Plan (205082210-160);***
- ***Draft 2024-34 Stormwater Activity Management Plan (205082210-162);***

***as the versions to inform the development of the Long Term Plan 2024-2034; and***

**3. Notes that the-**

- ***Draft 2024-34 Water Supply Activity Management Plan (5082210-161);***
- ***Draft 2024-34 Wastewater Activity Management Plan (205082210-160);***
- ***Draft 2024-34 Stormwater Activity Management Plan (205082210-162); and***

***will be updated, and the final Activity Management Plans approved by Council after the adoption of the Long Term Plan 2024-2034.***

His Worship the Mayor/O'Neill-Stevens

Carried

**11. Draft Transport Activity Management Plan 2024**

Document number R27886, agenda pages 167 - 171 refer.

Deputy Chief Executive Officer/Group Manager Infrastructure, Alec Louverdis and Team Leader Transport Activity Management, Drew Bryant took the report as read and answered questions on the risks and budgets relating to the regional road and cycleway connections between Nelson and Tasman.

Resolved CL/2023/207

***That the Council***

1. ***Receives the report Draft Transport Activity Management Plan 2024 (R27886) and its attachment (1862260321-21129); and***

2. ***Approves the Draft Transport Activity Management Plan 2024-34 (1862260321-21129) as the version to inform the development of the Long Term Plan 2024-2034; and***
3. ***Notes that the Draft Transport Activity Management Plan 2024-34 (1862260321-21129) will be updated, and the final Activity Management Plan approved by Council after the adoption of the Long Term Plan 2024-2034.***

Hodgson/Rollo

Carried

## **12. Community Housing Acceleration Taskforce - Change of Terms of Reference**

Document number R27788, agenda pages 172 - 180 refer.

Group Manager Environmental Management, Mandy Bishop and Strategic Housing Adviser, Lisa Gibellini took the report as read.

Resolved CL/2023/208

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

1. ***Receives the report Community Housing Acceleration Taskforce - Change of Terms of Reference (R27788) and its attachment (336940202-7576); and***
2. ***Approves the revised Terms of Reference for the Community Housing Acceleration Taskforce in Attachment 1 (336940202-7576).***

Sanson/Hodgson

Carried

The meeting adjourned from 3.29p.m until 3.41p.m.

## **13. The City of Nelson Civic Trust - Council Controlled Organisation Exemption**

Document number R27640, agenda pages 181 - 185 refer.

Group Manager Community Services, Andrew White and Strategic Adviser Community Services, Martin Croft, took the report as read.

Resolved CL/2023/209

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

1. ***Receives the report The City of Nelson Civic Trust - Council Controlled Organisation Exemption (R27640); and***

2. ***Approves an exemption to the City of Nelson Civic Trust for the purposes of Section 6(4)(i) of the Local Government Act 2002, in accordance with Sections 7(3) and 7(6) of the Act and after considering the matters in Section 7(5) of the Act.***

Courtney/Brand

Carried

#### **14. Members' Code of Conduct**

Document number R27350, agenda pages 186 - 220 refer.

Group Manager Strategy and Communications, Nicky McDonald and Manager Governance and Support, Devorah Nicuarta-Smith took the report as read, answered questions, and confirmed further minor amendments to the updated Members' Code of Conduct (839498445-17264).

Resolved CL/2023/210

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

1. ***Receives the report Members' Code of Conduct (R27350) and its attachment (839498445-17264); and***
2. ***Adopts the amended updated Members' Code of Conduct (839498445-17264); and***
3. ***Notes that the amended updated Members' Code of Conduct (839498445-17264) will be made publicly available through Council's website.***

Sanson/Stallard

Carried

#### **15. Exclusion of the Public**

Resolved CL/2023/211

##### ***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:***

His Worship the Mayor/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 - 10 August 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)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</li> <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> </ul>
2	<b>Bishop Suter Trust - Trustee Rotation and Remuneration 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)(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>
3	<b>Nelmac Limited - Director Reappointment</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>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
4	<b>Nelmac Limited - Director Remuneration 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)(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 3.49p.m. and resumed in public session at 4.31p.m.

**Karakia Whakamutanga**

**16. Restatements**

It was resolved while the public was excluded:

**1 Chief Executive Employment Committee 20 July 2023**

2. Agrees that the Decision and Attachment (825582513-296) be made publicly available.

**2 Bishop Suter Trust - Trustee Rotation and Remuneration 2023/24**

7. Agrees that the decision only be made publicly available once the 2023 Bishop Suter Trust Annual General Meeting has taken place.

**3 Nelmac Limited - Director Reappointment**

3. Agrees that the decisions only be made publicly available once the 2023 Nelmac Limited Annual General Meeting has taken place.

**4 Nelmac Limited - Director Remuneration 2023**

3. Agrees that the decision be made publicly available once the 2023 Nelmac Annual General Meeting has taken place.

There being no further business the meeting ended at 4.32p.m.

Confirmed as a correct record of proceedings by resolution on 19 October 2023:

*That the Council*

1. *Confirms the minutes of the meeting of the Council, held on 14 September 2023, as a true and correct record.*