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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 6 June 2024, commencing at 9.00a.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 Environmental Management (M Bishop), Group Manager Community Services (A White), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald), Acting Group Manager Infrastructure (D Light), Team Leader Governance (R Byrne) and Senior Governance Adviser (A Andrews)

**Apologies :** Nil

### **Karakia and Mihi Timatanga**

#### **1. Apologies**

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

#### **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. Te Tau Ihu Palestinian Solidarity - The importance of the Pro-Palestinian Group as part of multi-cultural Nelson/Tasman**

Document number R28570

Sarai Ferguson, Rajai Shram, Hannah Williams and Rosie Jones, from the Te Tau Ihu Palestinian Solidarity Group, spoke about the vision of the

group and the state of Palestinians. They conveyed the issue was about land and not religion. Rajai spoke about the difficulties he has had in retaining jobs due to his support for Palestine. Hannah spoke to a testimony she received from a Jewish patron. Sarai spoke about the objectives of Nelson City Council (NCC) and their responsibility to keep the community safe.

Councillor Paki Paki stepped away from the table during the above submission at 9.05a.m.

Councillor Paki Paki returned to the meeting at 9.19a.m.

#### 4.2. The Spectacle Limited - Establishing a running event in Nelson

Document number R28600

Anni Pfitzinger, Julian Matthews and Michael Cochrane, from The Spectacle Limited, spoke about the International Running Festival they intend to host in Nelson and explained the nature of the event. They highlighted the economic impact of the event and the need to fill the gap in the running calendar during the December period. They mentioned the need for a road closure during the event and highlighted the elite athletes that would attend the event. They answered questions on accessibility for everyone.

### 5. Confirmation of Minutes

#### 5.1 2 May 2024

Document number M20540, agenda pages 10 - 21 refer.

Resolved CL/2024/112

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

- 1. Confirms the minutes of the meeting of the Council, held on 2 May 2024, as a true and correct record.***

Courtney/Sanson

Carried

### 6. Recommendations from Committees

#### 6.1 Nelson Regional Sewerage Business Unit - 3 May 2024

##### 6.1.1 Designation of NRSBU Facilities

Recommendation to Council CL/2024/113

***That the Nelson City Council and the Tasman District Council Operations Committee***

1. **Receives the report Designation of Nelson Regional Sewerage Business Unit Facilities (R28496); and**
2. **Endorses the Nelson Regional Sewerage Business Unit to issue Notifications of Requirement for designation of its facilities under sections 168 and 168A of the Resource Management Act 1991; and**
3. **Delegates authority for the signing of the Form 18 applications for Notification of Requirement as required under the Resource Management Act 1991 to the General Manager - Regional Services.**

Paki Paki/Rollo

Carried

## **6.2 Audit, Risk and Finance Committee - 5 June 2024**

### **6.2.1 Internal Audit Plan 2024-2025**

Recommendation to Council CL/2024/114

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

1. **Approves the Internal Audit Plan 2024-2025.**

O'Neill-Stevens/His Worship the Mayor

Carried

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

Document number R28590, agenda pages 22 - 33 refer.

The motion was taken in parts.

Councillor Sanson noted an interest in the above item and stepped away from the table.

His Worship the Mayor explained the good work done by Tasman Environmental Trust and endorsed Councillor Stallard to be the council representative.

Resolved CL/2024/115

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

2. **Appoints Councillor Aaron Stallard as the Nelson City Council representative on the Tasman Environmental Trust;**

His Worship the Mayor/Rainey

Carried

His Worship the Mayor explained the need to improve the relationship with sister cities in China. He stated the declining number of visitors from China to the Nelson region. He answered questions on opportunities in identifying a sister city in an island nation.

Resolved CL/2024/116

**3. Approves leave in October for His Worship the Mayor Hon Dr Smith to visit Nelson City Council's Sister Cities in China; and**

Brand/Courtney

Carried

His Worship the Mayor spoke to the motion and explained the need for work to be done to increase voter turnout in local democracy. He answered questions on lowering the voter age and intent to engage with councils that have dropped off from LGNZ membership.

Attendance: Councillor Anderson left the meeting at 9.47a.m.

Resolved CL/2024/117

**4. Notes that His Worship the Mayor Hon Dr Smith has been appointed Chair of the Local Government New Zealand Electoral Reform Working Group; and**

Rollo/Hodgson

Carried

His Worship the Mayor answered question on the submission process.

Resolved CL/2024/118

**5. Approves retrospectively Council's preliminary submission on the Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill.**

The amendment/motion/substantive motion was put and a division was called:

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

The amendment/motion/substantive motion was carried 10 - 1.

O'Neill-Stevens/Paki Paki

Carried

Resolved CL/2024/119

**1. Receives the Mayor's Report (R28590) and its attachment/s (1118544611-7753, 1118544611-7752 and 1118544611-7755).**

His Worship the Mayor/O'Neill-Stevens

Carried

The meeting was adjourned from 10.30a.m. until 10.39a.m.

## **8. Submission to New Zealand Transport Agency on Proposed changes to Emergency Works Investment Policies**

Document number R28583, agenda pages 34 - 44 refer.

Acting Group Manager Infrastructure, David Light and Team Leader Transport Activity Management, Lyndon Hammond, explained the intent of the report and highlighted the approach on the creation of the policy and the reactive approach it portrays. They answered questions on policy change and its impact on funds yet to be received from the August 2022 nature event, payout figures if the weather event recurred and the ability for the submission to be from both the Mayor and Acting General Manager (Infrastructure).

Resolved CL/2024/120

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

- 1. Receives the report Submission to New Zealand Transport Agency on Proposed changes to Emergency Works Investment Policies (R28583) and its attachment (1862260321-68869); and***
- 2. Approves the submission to New Zealand Transport Agency on Proposed changes to Emergency Works Investment Policies (1862260321-68869), including feedback; and***
- 3. Delegates authority to approve minor changes to the Acting Group Manager Infrastructure.***

His Worship the Mayor/Courtney

Carried

## **9. Activities in Public Places Consultation**

Document number R28593, agenda pages 45 - 116 refer.

Strategic Adviser, Michelle Joubert, spoke to the report and answered questions on proposed amendments to the Urban Environment Bylaw. Policy Adviser, Ailish Neyland, answered questions about the proposed commercial occupation policy and proposed fee schedule, sandwich boards, evaluation report, variation on payments, rebate extension and opportunities for year 2, busking, impact on businesses without road frontage, staff's recommendation between option 1 and 2, communication with public, licensing, annual fees and payment options, compliance and enforcement of the changes, removal of explanatory note in the bylaw, changes in power subject to the bylaw changes, downside of adopting this bylaw, car washing in public, golf in public,

road reserve considered zone, definition of occupy, previous consultation processes, ability of hearings panel to reinstate sandwich boards if it were to be removed from the decision, date of removal of sandwich boards and its impacts, outcome of 2020 consultation on sandwich boards, the extent of occupation to water bodies, impact on Saturday market after the removal of sandwich boards, do flag count as a sandwich board, retailers' ability to put up sandwich boards during roadworks, sandwich board option c and its impacts, review process and possible court interrogation.

Attendance: Councillor Anderson returned to the meeting at 11.22p.m.

The motion was taken in parts.

Resolved CL/2024/121

***That the Council***

***7. Agrees to, in relation to clause 5.18 and 5.19 of the Urban Environments Bylaw (sandwich boards):***

***Consult on a proposed amendment to the bylaw to prohibit sandwich boards except to the extent allowed under the Nelson Resource Management Plan.***

Sanson/Rainey

Carried

The meeting was adjourned from 11.35a.m. until 11.47a.m.

The above item was adjourned as the last item of business.

## **10. Exclusion of the Public**

Habitat for Humanity and DesignBase, will be in attendance for Item 3 of the Confidential agenda to answer questions and, accordingly, the following resolution is required to be passed:

Resolved CL/2024/122

***That the Council***

- a. Confirms in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that Katrina Bach, Acting General Manager, Head of Finance and Business Administration Sandra Maxfield, Cam Polglase, Housing Project Manager and Quantity Surveyor from Habitat for Humanity and Peter Marment and Ben Mackie, Architects from DesignBase remain after the public has been excluded, for Item 2 of the Confidential agenda they have knowledge relating to Housing Reserve Grant requests that will assist the meeting.***

O'Neill-Stevens/Courtney

Carried

Resolved CL/2024/123

***That the Council***

- a. Excludes the public from the following parts of the proceedings of this meeting.***
- b. 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:***

O'Neill-Stevens/Courtney

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>1</b>	<b>Council Meeting - Confidential Minutes - 2 May 2024</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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>2</b>	<b>Recommendations from Committees</b>		
	<b>Audit, Risk and Finance Committee - 5 June 2024</b> Insurance Optimisation	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)(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</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)
			supplied or who is the subject of the information
<b>3</b>	<b>Housing Reserve Grant Applications</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>
<b>4</b>	<b>Expressions of Interest in surplus Council Property in the City Centre</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>
<b>5</b>	<b>Change to Approved Road Stopping Process</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> <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>6</b>	<b>Activities in Public Places Consultation – Legal Advice</b>		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 12.24pm and resumed in public session at 3.03pm.



The meeting was adjourned from 3.03pm until 3.12p.m.

**11. Activities in Public Places Consultation (Agenda Item 9 reconvened)**

Document number R28593, agenda pages 45 - 116 refer.

Strategic Adviser, Michelle Joubert, answered questions about adding an explanatory note to the bylaw for consultation, Council's current approach regarding people sleeping in the city, whether approach is already part of internal processes, how long has the internal policy been part of the bylaw, the impact of adding the note to the current bylaw and does it increase legal risk with the addition of the note.

The motion was taken in parts.

Resolved CL/2024/124

***That the Council***

- 1. Receives the report Activities in Public Places Consultation and its attachments (839498445-18502) (839498445-18481, 839498445-18492 and 839498445-18493); and***
- 2. Approves the proposal to carry out one special consultation process for the proposed Commercial Occupation Policy, the proposed Licence Fee Schedule and the proposed amendments to the Urban Environments Bylaw; and***
- 3. Determines that the special consultative procedure is required for the proposed amendments to the Urban Environments Bylaw because they will be of significant interest to the public and likely to have a significant impact on the public; and***
- 4. Determines that a special consultative procedure is not required for the proposed Commercial Occupation Policy and proposed fees for commercial occupation licences but will be used, with necessary modifications to meet the consultation requirements for prescribing fees; and***
- 5. Approves a remission rebate for commercial occupation licences under a new policy of \$25.00 per square metre from when the new policy comes into effect until 30 June 2025 to acknowledge the difficult economic environment the hospitality and retails sectors are working in; and***

6. **Determines that a bylaw is the most appropriate way of addressing the perceived problems in the city centres; and**
8. **Determines that the proposed amendments to the Urban Environments Bylaw are the most appropriate form of the amendments to the Bylaw; and**
9. **Determines that the proposed amendments to the Urban Environments Bylaw give rise to implications under the New Zealand Bill of Rights Act 1990 and that the proposed amendments to the Urban Environments Bylaw are not inconsistent with the New Zealand Bill of Rights Act 1990; and**
10. **Approves the commencement of a special consultative procedure on the proposed Commercial Occupation Policy in Attachment 2 (839498445-18481), the proposed Licence Fee Schedule in Attachment 3 (839498445-18492) and the proposed amendments to the Urban Environments Bylaw in Attachment 4 (839498445-18493), to run from 10 June to 10 July 2024; and**
11. **Agrees a summary of the Statement of Proposal is not necessary to enable public understanding of the proposal; and**
12. **Adopts the Statement of Proposal called 'Activities in Public Places Consultation Document' in Attachment 1 (839498445-18502) for use in this special consultative procedure, as amended to reflect the decision made in recommendation 7; and**
13. **Delegates the hearing and deliberations process to a panel of the following elected members:**
  - a. **Councillor Aaron Stallard (Chairperson)**
  - b. **Councillor Matthew Benge**
  - c. **Councillor Campbell Rollo**
14. **Approves the consultation approach set out in section 6.5 of the Report and agrees:**
  - a. **The approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and**

- b. The approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.**

Sanson/Rainey

Carried

Resolved CL/2024/125

- 15. Requests that officers include as a proposed amendment a note in the Urban Environments Bylaw under section 6.10, describing the enforcement approach as outlined in section 5.25 of the officer's report R28593:**

*The following note is explanatory only and is not part of the Bylaw:*

"Where a person is homeless and is not protesting, Council's first response will be engagement with social services to try to locate alternative accommodation or solutions."

Councillor Brand requested that her vote against clause 15 be recorded.

Sanson/Rainey

Carried

## **Karakia Whakamutanga**

### **12. Restatements**

It was resolved while the public was excluded:

**1 CONFIDENTIAL: Housing Reserve Grant Applications (Agenda Item 3)**

1. *Agrees that report R28522, the decision and its attachments (336940202-11391 and 336940202-11386) be made publicly available following completion of negotiation.*

**4 CONFIDENTIAL: Expressions of Interest in surplus Council Property in the City Centre**

6. *Agrees that the report R28134, its attachments and decision remain confidential at this time; and*
7. *Agrees that the report R28134, its attachments and decision be released by the Chief Executive at the appropriate time.*

**5 CONFIDENTIAL: Change to Approved Road Stopping Process**

4. *Agrees that the report R28596 and the decision be made publicly available once the sale and purchase agreements for 305 Akersten Street (Lot 1 DP 18864), 250 Haven Road (Sec*

*1 SO 453630), part of Part Main Wharf Haven Road (Sec 2 SO 453630), and part of 236 Haven Road (Sec 3 SO 453630) become unconditional.*

**3      Recommendation from Committee: (Agenda item 2)**

**CONFIDENTIAL: Insurance Optimisation**

*That the Council*

- 1.    Notes that the recommendations are being taken due to increased premiums over the number of years; and*
- 2.    Notes that these recommendations will result in increased financial risk to the Council; and*
- 3.    Approves buying approximately \$0.8M (18%) less insurance by:
  - a.    Reducing our buildings fire (\$100M) and building aggregate (\$800M) insurance limit; and*
  - b.    Restricting replacement value coverage to modern buildings (<35 years old); and*
  - c.    Not insuring flood and fire for medium valued buildings(<\$5M); and*
  - d.    Not insuring smaller valued buildings (<\$0.5M);    and**
- 4.    Agrees that the decision be made publicly available.*

There being no further business the meeting ended at 3.35p.m.

Confirmed as a correct record of proceedings by resolution on 4 July 2024.

***That the Council***

- 1.    Confirms the minutes of the meeting of the Council, held on 6 June 2024, as a true and correct record.***