

AGENDA

Ordinary meeting of the

**Joint Committee of Tasman District and Nelson
City Councils**

**Tuesday 27 March 2018
Commencing at 9.30am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership: His Worship the Mayor of Tasman Richard Kempthorne (Chairperson), Her Worship the Mayor of Nelson Rachel Reese, Nelson City Councillors Luke Acland, Ian Barker, Mel Courtney, Bill Dahlberg, Kate Fulton, Matt Lawrey, Paul Matheson, Brian McGurk, Gaile Noonan, Mike Rutledge, Tim Skinner, and Stuart Walker, Tasman District Councillors Sue Brown, Stuart Bryant, Pete Canton, Mark Greening, Paul Hawkes, Tim King, Kit Maling, Dean McNamara, David Ogilvie, Paul Sangster, Trevor Tuffnell, Anne Turley and Dana Wensley

1. Apologies

- 1.1 An apology has been received from Councillor Noonan. An apology for lateness has been received from Her Worship the Mayor and Councillor Walker.

2. Confirmation of Order of Business**3. Interests**

- 3.1 Updates to the Interests Register
- 3.2 Identify any conflicts of interest in the agenda

4. Public Forum**5. Confirmation of Minutes**

- 5.1 7 November 2017

6 - 15

Document number M3088

Recommendation

That the Joint Committee of Tasman District and Nelson City Councils

Confirms the minutes of the meeting of the Joint Committee of Tasman District and Nelson City Councils, held on 7 November 2017, as a true and correct record.

6. Tasman Bays Heritage Trust - six-monthly presentation

Olivia Hall and Lucinda Blackley-Jimson will give a presentation on the Tasman Bays Heritage Trust.

7. Nelson Regional Development Agency - six-monthly presentation

John Palmer and Mark Rawson will give a presentation on the Nelson Regional Development Agency.

8. Appointment of Independent Director to NRSBU 16 - 20

Document number R9135

Recommendation

That the Joint Committee of Tasman District and Nelson City Councils

Receives the report Appointment of Independent Director to NRSBU (R9135) and its attachment (A1929008); and

Agree to appoint an independent member to the Nelson Regional Sewerage Business Unit Committee; and

Go through an expression of "interest" process to appoint an independent member who will be remunerated in accordance with the Joint Councils Policy for the Appointment of Directors.

9. Exclusion of the Public

Recommendation

That the Joint Committee

Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, name and name remain after the public has been excluded as they have knowledge that will assist the Committee:

- Phil Lough, Martin Byrne and Daryl Wehner for item 3 on the Public Excluded Agenda (Port Nelson Limited six-monthly presentation);***
- Robert Evans, Paul Steere and Simon Orr for item 2 on the Public Excluded Agenda (Nelson Airport Limited six-monthly presentation)***

Notes, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, that the knowledge that they possess relates to:

- ***For Phil Lough, Martin Byrne and Daryl Wehner , knowledge relating to Port Nelson Limited; and***
- ***For Robert Evans, Paul Steere and Simon Orr, knowledge relating to Nelson Airport Limited.***

Recommendation

That the Joint Committee

Excludes the public from the following parts of the proceedings of this meeting.

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:

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	Joint Committee Meeting - Public Excluded Minutes - 7 November 2017	<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"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). • Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			prejudice the commercial position of the person who supplied or who is the subject of the information.
2	Nelson Airport Limited - six monthly strategic presentation from the Board	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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
3	Port Nelson Limited six monthly strategic presentation from the Board	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

10. Re-admittance of the public

Recommendation

That the Joint Committee

Re-admits the public to the meeting.



Minutes of a meeting of the Joint Committee of Tasman District and Nelson City Councils

Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson

On Tuesday 7 November 2017, commencing at 9.00am

- Present:** Her Worship the Mayor of Nelson R Reese (Chairperson), Nelson City Councillors I Barker, M Courtney, B Dahlberg, K Fulton, M Lawrey, B McGurk, G Noonan, T Skinner, and S Walker, His Worship the Mayor of Tasman R Kempthorne, Tasman District Councillors T King, S Bryant, M Greening, P Hawkes, K Maling, D Ogilvie, P Sangster, T Tuffnell, and D Wensley
- In Attendance:** Nelson City Council Acting Chief Executive (D Hammond), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Tasman District Council Corporate Services Manager (M Drummond) and Governance Adviser (P White)
- Apologies:** Nelson City Councillors Acland, Rutledge and Matheson; Tasman District Councillors McNamara, and Turley

1. Apologies

Resolved JC/2017/007

That the Joint Committee of Tasman District and Nelson City Councils

Receives and accepts the apologies from Councillors Acland, Rutledge, Matheson McNamara and Turley.

Dahlberg/Bryant

Carried

2. Confirmation of Order of Business

There were no changes to the 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

Steve Cross spoke in regard to his concerns about the amount of the agenda from which the public was excluded. He challenged the grounds for public exclusion.

At the Chairperson's request, Group Manager Community Services Chris Ward joined the table and confirmed the rationale for the public excluded part of the meeting.

Attendance: Cr Ogilvie joined the meeting at 9.06am.

Chief Executive David Hammond joined the meeting at 9.08am.

5. Confirmation of Minutes

5.1 28 March 2017

Document number M2449, agenda pages 7 - 11 refer.

Resolved JC/2017/008

That the Joint Committee of Tasman District and Nelson City Councils

Confirms the minutes of the meeting of the Joint Committee of Tasman District and Nelson City Councils, held on 28 March 2017, as a true and correct record.

Barker/His Worship the Mayor of Tasman

Carried

6. Exclusion of the Public

Resolved JC/2017/009

That the Joint Committee of Tasman District and Nelson City Councils

Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, that the following people remain after the public has been excluded as they have knowledge that will assist the Committee:

- John Palmer and Mark Rawson for item 2 on the Public Excluded Agenda (Nelson Regional Development Agency Update);***

- ***Olivia Hall, Lucinda Blackley-Jimson and Liz Richards for item 3 on the Public Excluded Agenda (Tasman Bays Heritage Trust six-monthly report);***
- ***Phil Lough and Daryl Wehner for item 4 on the Public Excluded Agenda (Port Nelson Limited six-monthly presentation);***
- ***Robert Evans and Simon Orr for item 5 on the Public Excluded Agenda (Nelson Airport Limited six-monthly presentation)***

Notes, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, that the knowledge that they possess relates to:

- ***For John Palmer and Mark Rawson, knowledge relating to the Nelson Regional Development Agency;***
- ***For Olivia Hall, Lucinda Blackley-Jimson and Liz Richards, knowledge relating to the Tasman Bays Heritage Trust;***
- ***For Phil Lough and Daryl Wehner, knowledge relating to Port Nelson Limited;***
- ***For Robert Evans and Simon Orr, knowledge relating to Nelson Airport Limited.***

His Worship the Mayor of Tasman/Her Worship the Mayor

Carried

Resolved JC/2017/010

That the Joint Committee of Tasman District and Nelson City Councils

Excludes the public from the following parts of the proceedings of this meeting.

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:

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	Joint Committee Meeting - Public Excluded Minutes - 28 March 2017	<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"> 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. Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
2	Nelson Regional Development Agency Update	<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"> 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
3	Tasman Bay Heritage Trust six-monthly report	<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"> Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the

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			commercial position of the person who supplied or who is the subject of the information
4	Port Nelson Limited six-monthly presentation	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)(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
5	Nelson Airport Limited six-monthly presentation	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)(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
6	Joint Council Controlled Organisations - matters for the Statement of Expectations (Port, Airport, TBHT) 2018/19	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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
His Worship the Mayor of Tasman/Her Worship the Mayor Carried			

The meeting went into public excluded session at 9.10am and resumed in public session at 9.17am.

7. Re-admittance of the Public

Resolved JC/2017/011

That the Joint Committee of Tasman District and Nelson City Councils

Re-admits the public to the meeting.

Her Worship the Mayor/Noonan

Carried

Nelson Regional Development Agency Update

Nelson Regional Development Agency Chairperson, Mr John Palmer and Chief Executive Mr Mark Rawson gave a presentation (A1860282). They noted the strong focus on the visitor and tourism sector to date. The focus would now turn to the economics of the region and the growth strategy. In regard to an Events Strategy for the region, they noted this was separately funded by Nelson City Council, however there was a benefit beyond the city to the wider region. In response to a question, Mr Rawson confirmed that the Events Strategy would focus on an investment base over the 'shoulder period' of the tourism season.

Attendance: Cr Wensley joined the meeting at 9.18am.. She tendered Cr Canton's apology for non-attendance.

Attendance: Cr King joined the meeting at 9.27am.

Attendance: Cr Sangster joined the meeting at 9.30am.

In terms of the web presence, Mr Rawson confirmed there would be a strong social and digital focus.

Mr Rawson confirmed that NRDA was working closely with Uniquely Nelson, however, the NRDA focus was the wider Nelson Tasman community, with a push out to the international market, where Uniquely Nelson was focussed on the Nelson CBD.

Mr Palmer spoke briefly about NRDA budgets and limitations of resources. He stated that the NRDA Board had considered the Waimea Community Dam, and there would be a position taken by the Board in regard to the Dam, however due to a conflict of interest Mr Palmer would not be taking any part in that discussion or decision.

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Rawson confirmed that the Events Strategy would focus on an investment base over the 'shoulder period' of the tourism season.

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Mr Rawson confirmed that NRDA was working closely with Uniquely Nelson, however, the NRDA focus was the wider Nelson Tasman community, with a push out to the international market, where Uniquely Nelson was focussed on the Nelson CBD.

Mr Palmer spoke briefly about NRDA budgets and limitations of resources. He stated that the NRDA Board had considered the Waimea Community Dam, and there would be a position taken by the Board in regard to the Dam, however due to a conflict of interest Mr Palmer would not be taking any part in that discussion or decision.

Attachments

- 1 A1860282 Nelson Regional Development Agency Powerpoint Presentation

Exclusion of the Public

Resolved JC/2017/012

That the Joint Committee of Tasman District and Nelson City Councils

Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, name and name remain after the public has been excluded as they have knowledge that will assist the Committee:

- ***Olivia Hall, Lucinda Blackley-Jimson and Liz Richards for item 3 on the Public Excluded Agenda (Tasman Bays Heritage Trust six-monthly report);***
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Notes, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, that the knowledge that they possess relates to:

- **For Olivia Hall, Lucinda Blackley-Jimson and Liz Richards, knowledge relating to the Tasman Bays Heritage Trust;**
- **For Phil Lough and Daryl Wehner, knowledge relating to Port Nelson Limited;**
- **For Robert Evans and Simon Orr, knowledge relating to Nelson Airport Limited.**

Bryant/Tuffnell

Carried

Resolved JC/2017/013

That the Joint Committee of Tasman District and Nelson City Councils

Excludes the public from the following parts of the proceedings of this meeting.

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		good reason exists under section 7	likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
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6	Joint Council Controlled Organisations - matters for the Statement of Expectations (Port, Airport, TBHT) 2018/19	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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
<u>Bryant/Tuffnell</u>			<u>Carried</u>

The meeting went into public excluded session at 9.53am and resumed in public session at 12.00pm.

8. Re-admittance of the Public

Resolved JC/2017/014

That the Joint Committee of Tasman District and Nelson City Councils

Re-admits the public to the meeting.

Wensley/Hawkes

Carried

There being no further business the meeting ended at 12.00pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Appointment of Independent Director to Nelson Regional Sewerage Business Unit Committee

1. Purpose of Report

- 1.1 The purpose of this report is for the Joint Committee to consider the recommendation, and if both Councils agree, to formalise an action process for the appointment of an independent member of the Nelson Regional Sewerage Business Unit Committee.

2. Recommendation

That the Joint Committee of Tasman District and Nelson City Councils

Receives the report Appointment of Independent Director to Nelson Regional Sewerage Business Unit Committee (R9135) and its attachment (A1929008); and

Agree to appoint an independent member to the Nelson Regional Sewerage Business Unit Committee; and

Go through an expression of "interest" process to appoint an independent member who will be remunerated in accordance with the Joint Councils Policy for the Appointment of Directors.

Item 8: Appointment of Independent Director to NRSBU

Rebecca Terry
Governance Advisor

Attachments

Attachment 1: A1929008 - Joint Committee - Appointment of independent director to NRSBU-2018-03-27-FINAL [↓](#)

Item 8: Appointment of Independent Director to NRSBU: Attachment 1

Report to Joint Councils meeting 27 March

Author – Jeff Robinson, General Manager, Nelson Sewerage Business Unit

1 Summary

- 1.1 The minutes of the Nelson Regional Sewerage Business Unit (NRSBU) Committee meeting held on 8 December 2017 included a resolution to recommend to both councils the appointment of an independent member to the Nelson Regional Sewerage Business Unit Committee.

2 Draft Resolution

- 2.1 That both the Nelson City and the Tasman District Councils agree to appoint an independent member to the Nelson Regional Sewerage Business Unit Committee.
- 2.2 That the Councils go through an expression of “interest” process to appoint an independent member who will be remunerated in accordance with the Joint Councils Policy for the Appointment of Directors.

3 Purpose of the Report

- 3.1 The purpose of this report is for the Joint Councils to consider the recommendation and then if both Councils agree to formalise an action process for the appointment of an independent member of the NRSBU Committee.

4 Background and Discussion

- 4.1 At the Full Council meeting of Tasman District Council on 27 October 2016, the committee structure for the current triennium of the Council was adopted.
- 4.2 At that meeting, the Council resolved to appoint Mr Michael Higgins (a former Councillor) as an independent member to represent Tasman District Council on the Nelson Regional Sewerage Business Unit (NRSBU) Committee for a fixed term of one year. This appointment was to ensure continuity in the governance of the NRSBU Committee. Mr Higgins chaired the NRSBU Committee during the 2013-2016 triennium and was a Committee member during the 2010-2013 triennium.
- 4.3 At its meeting on 16 November 2017, Tasman District Council appointed Cr Dean McNamara to replace Michael Higgins as one of their two representatives.
- 4.4 At the NRSBU Committee meeting on 8 December 2017, the NRSBU committee discussed the appointment of an independent member to the committee. Philip Wilson (representing the three major NRSBU customers) noted that an independent member

Item 8: Appointment of Independent Director to NRSBU: Attachment 1

provides the opportunity to have another opinion on any issues that may arise between the two councils and the direction of the NRSBU. Mr Wilson believes an independent person is of value to both councils. Cr Walker supported Mr Wilson's comments and suggested that an independent member would be beneficial and that this person could potentially chair the committee.

- 4.5 NRSBU General Manager, Jeff Robinson advised the members that his understanding was that the appointment of an independent member is a separate item from who will chair the NRSBU. He suggested that the NRSBU committee should recommend the appointment of an independent member to both councils in the first instance. The NRSBU committee can then determine ongoing chairmanship after the independent member has been appointed. He confirmed that an independent member does have voting rights.
- 4.6 Engineering Services Manager, Richard Kirby (who attended the meeting) recommended that the two councils go through an expression of "interest" process to find an independent member.
- 4.7 It is noted that the NRSBU has previously had an independent member position with Ms Donna Hiser taking that role until her death in 2014. Ms Hiser also chaired the Committee during her tenure.

5 Options

- 5.1 The NRSBU Memorandum of Understanding states under item 4.2 iii) that *The NRSBU Board may include one member independent of either Council and not involved in any business related to the NRSBU activities. This member is discretionary and would only be appointed if mutually agreed to by both the Councils. This independent member could be remunerated in accordance with the joint Council policy for the appointment of directors.*

6 Strategy and Risks

- 6.1 The appointment (or non-appointment) of an independent member is consistent with the overall strategic direction of the NRSBU.

7 Policy / Legal Requirements / Plan

- 7.1 The Memorandum of Understanding is the relevant policy document.

8 Consideration of Financial or Budgetary Implications

- 8.1 There are typically four NRSBU meetings per year. The cost for an independent member to attend these meetings can be accommodated within the annual operating budget.

Item 8: Appointment of Independent Director to NRSBU: Attachment 1

9 Significance and Engagement

- 9.1 This proposal is not deemed to be of any significance to the public.

10 Conclusion

- 10.1 The NRSBU Committee currently comprises the minimum number of required 'members'. There is an opportunity to add an extra independent member and the Committee supports such an inclusion. The decision for an appointment requires mutual agreement from both councils. If the two councils agree then they are required to action a process for the appointment.

11 Next Steps / Timeline

- 11.1 If the councils agree to the recommendation to appoint an independent director, staff will initiate an "expressions of interest" programme through the respective Chief Executives of Nelson City Council and Tasman District Council.
- 11.2 The NRSBU Board will then make a recommendation to both councils for the appointment of the nominated independent director.

Report to Joint Councils meeting 27 March

Author – Jeff Robinson, General Manager, Nelson Sewerage Business Unit