



Minutes of a meeting of the Nelson City Council

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

On Tuesday 22 September 2020, commencing at 9.06a.m.

Present: Her Worship the Mayor R Reese (Chairperson), Councillors Y Bowater, T Brand, M Courtney, J Edgar (Deputy Mayor), K Fulton, M Lawrey, R O'Neill-Stevens, B McGurk, G Noonan (via audio-visual link, and in person), P Rainey, R Sanson and T Skinner

In Attendance: Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (R Ball), Group Manager Strategy and Communications (N McDonald), Team Leader Governance (R Byrne), Governance Adviser (E-J Ruthven), and Youth Councillors (N Dunn and H Helen)

Apologies : Nil

Karakia Timatanga

A karakia timatanga was given.

1. Apologies

There were no apologies.

It was noted that Councillor Noonan was joining the initial part of the meeting via audio-visual link, and would join the meeting in person later.

2. Confirmation of Order of Business

Her Worship the Mayor noted an additional public forum presentation would take place at approximately 10.00a.m.

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 Save the Maitai Campaign - proposed rezoning of Kaka Valley to allow residential subdivision

Rosey Duncan and Peter Taylor spoke on behalf of the Save the Maitai Campaign group, tabled a document (A2471489) and gave a Power Point presentation (A2471598).

They spoke about the amenity values of the Maitai Valley for the wider Nelson community, and asked that Council protect its current rural zoning, noting that intensification in Nelson's housing market was important, but should occur in alternative locations. They noted that a petition circulating in the community against zone changes in the Maitai Valley had gathered 8000 signatures, and would be presented to a future Council meeting.

Ms Duncan and Mr Taylor answered questions.

Attachments

- 1 A2471598 - Power Point presentation
- 2 A2471489 - Tabled document

5. Confirmation of Minutes

5.1 13 August 2020

Document number M13049, agenda pages 9 - 24 refer.

Resolved CL/2020/136

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 13 August 2020, as a true and correct record.***

Her Worship the Mayor/Bowater

Carried

6. Recommendations from Committees

6.1 Infrastructure Committee - 26 August 2020

6.1.1 Infrastructure Quarterly Report

Attendance: Councillor Noonan joined the meeting in person at 9.35am.

Resolved CL/2020/137

That the Council

- 1. Approves additional unbudgeted funding of \$382,210 to cover the impact of delays from COVID-19 on the following capital projects:***

- a. ***\$31,957 - Annesbrook Water Upgrade;***
 - b. ***\$83,373 – St Vincent Street sewer renewal;***
 - c. ***\$92,945 – Tahunanui Cycleway;***
 - d. ***\$97,617 – Saxton Creek Stage 3;***
 - e. ***\$14,318 - Poormans Stream Culvert;***
 - f. ***\$62,000 – Railway Reserve underpass; and***
2. ***Approves additional unbudgeted funding of \$425,000 to fund the Hardy/Vanguard watermain renewal work to be undertaken in the 2020/21 financial year; and***
 3. ***Approves funding of \$480,000 be brought forward from the 2021/22 financial year into the 2020/21 financial year, and \$273,000 from the 2022/23 financial year into the 2020/21 financial year to allow the Tosswill Road Stormwater Upgrade to be completed ahead of schedule; and***
 4. ***Approves funding of \$1Million be brought forward from 2021/22 into the 2020/21 financial year to allow the Whakatu Drive (Storage World) Flood Protection upgrade to be completed in the 2020/21 financial year.***

McGurk/O'Neill-Stevens

Carried

6.2 Governance and Finance Committee - 27 August 2020

6.2.1 Carry Forwards 2019/20

Resolved CL/2020/138

That the Council

1. ***Approves the carry forward of \$1.3 million unspent capital budget for use in 2020/21; and***
2. ***Notes that this is in addition to the carry forward of \$7.8 million approved during the 2020/21 Annual Plan, taking the total carry forward to \$9.1 million; and***
3. ***Approves the carry forward of \$73,000 unspent capital budget to future years, for consideration in the Long Term Plan 2021-31; and***
4. ***Notes total savings and reallocations in 2019/20 capital expenditure of \$1.0 million including staff time; and***

5. ***Notes that the total 2020/21 capital budget (including staff costs and excluding consolidations and vested assets) will be adjusted by these resolutions from a total of \$57.1 million to a total of \$58.4 million; and***
6. ***Approves the carry forward of \$122,000 unspent operating budget for use in 2020/21.***

Sanson/Noonan

Carried

7. Mayor's Report

Document number R20303, agenda pages 25 refer.

Her Worship the Mayor Reese presented her report. She acknowledged the successes of Te Wiki o te Reo Māori, including positive feedback in relation to the 'Haere mai ki Whakatū' signs, and encouraged continual learning and expression of te Reo Māori.

Resolved CL/2020/139

That the Council

1. ***Receives the report Mayor's Report (R20303).***

Her Worship the Mayor/Edgar

Carried

8. Māori Ward - Consideration

Document number R19260, agenda pages 26 - 54 refer.

Her Worship the Mayor acknowledged the presence in the public gallery of Kaumātua Melanie McGregor, Kaumātua Jane Du Feu, Mr Shane Graham, Pouwhakahaere, Te Rūnanga o Ngāti Rārua, and Mr Justin Carter, General Manager, Ngāti Koata.

Manager Governance and Support Services, Mary Birch, presented the report. She outlined recent actions of other local authorities around New Zealand in relation to the establishment of Māori Wards, and noted that amendments to the Electoral Act provisions relating to establishing Māori Wards were considered a priority matter on which the incoming Local Government Minister would be briefed following the general election.

Ms Birch answered questions regarding methods by which Council could support increasing participation of Māori in decision-making other than by establishing a Māori Ward, and the Electoral Act provisions relating to establishing a Māori Ward.

At Her Worship the Mayor's invitation, Mr Shane Graham addressed the meeting to explain iwis' desire to have a voice at Council, to be heard, and

to be considered a partner, but not to support the establishment of a Māori Ward at this time. He cautioned Council against making a quick decision that may result in unintended consequences.

Her Worship the Mayor, seconded by Councillor Edgar, moved

That the Council

1. Receives the report Māori Ward - Consideration (R19260) and its attachments (A2447790 and A2453130); and
2. Supports increasing Māori participation in Council decision-making; and
3. Acknowledges the feedback received from iwi; and
4. Decides not to introduce a Māori Ward; and
5. Notes that there is no requirement to give public notice; and
6. Requests that, after further discussion with and input from the Iwi-Council Partnership Group, officers report back to Council with alternative options for increasing Māori participation in decision-making; and
7. Notes that the Mayor will write to the Minister of Local Government and the Chief Executive of the Department of Internal Affairs urging an amendment to the Local Electoral Act 2001 to ensure the legal requirements to establish a Māori Ward are the same as for a general ward.

During debate, and with the agreement of the meeting, the words "with full Council support" were added to clause seven of the motion.

Clause 4 of Resolution CL/2020/140 below was rescinded at the Council meeting of 11 May 2021 (reconvened on 13 May 2021), via the report 'Establishment of a Māori Ward for the 2022 Local Government Elections (resolution CL/2021/050)

Resolved CL/2020/140

That the Council

1. **Receives the report Māori Ward - Consideration (R19260) and its attachments (A2447790 and A2453130); and**
2. **Supports increasing Māori participation in Council decision-making; and**
3. **Acknowledges the feedback received from iwi; and**
4. **Decides not to introduce a Māori Ward; and**

5. ***Notes that there is no requirement to give public notice; and***
6. ***Requests that, after further discussion with and input from the Iwi-Council Partnership Group, officers report back to Council with alternative options for increasing Māori participation in decision-making; and***
7. ***Notes that the Mayor, with full Council support, will write to the Minister of Local Government and the Chief Executive of the Department of Internal Affairs urging an amendment to the Local Electoral Act 2001 to ensure the legal requirements to establish a Māori Ward are the same as for a general ward.***

Her Worship the Mayor/Edgar

Carried unanimously

The meeting was adjourned from 10.29a.m. to 10.32a.m, during which time Councillor Lawrey left the meeting.

9. Public Forum (cont.)

9.1 Accommodation Nelson – Stacie Warren and Julie White

Stacie Warren, from Century Park Motor Lodge, and Julie White, from Hospitality New Zealand, spoke on behalf of Nelson commercial accommodation providers, and gave a Power Point presentation (A2471612).

Attendance: Councillor Lawrey returned to the meeting at 10.36a.m.

They noted rapid growth in the short term accommodation sector in Nelson through platforms such as Air BnB, and suggested that entire properties being rented out for short term accommodation should be required to abide by the same regulations as commercial accommodation providers, such as paying commercial rates, seeking resource consents for accommodation activities, and adhering to all relevant legislation. They requested greater monitoring and enforcement from Council in relation to such properties, and for Council's support of Hospitality New Zealand compiling a register of short term accommodation properties.

Ms Warren and Ms White answered questions.

Attachments

- 1 A2471612 - Power Point presentation

The meeting was adjourned from 11.01a.m. to 11.19a.m.

10. Allocation of Climate Change Reserve Funding

Document number R20265, agenda pages 55 - 60 refer.

Climate Change Champion, Chris Cameron, presented the report.

Along with Group Manager Strategy and Communications, Nicky McDonald, he answered questions regarding use of the climate change reserve to prepare an Emissions Reduction Plan, scoping and details of other priority climate change work and mechanisms for reporting progress, increasing responsibilities being placed on Council by central government, the use of contractors and/or consultants to accelerate work in these areas, and the remaining funding available for community initiatives.

Resolved CL/2020/141

That the Council

- 1. Receives the report Allocation of Climate Change Reserve Funding (A20265); and***
- 2. Allocates \$139,620 of the remaining funds within the climate reserve for the purpose of undertaking priority climate change work in advance of the Long Term Plan, including preparation of an Emissions Reduction Action Plan; and***
- 3. Agrees that a sum of \$20,000 remain in the Climate Change Reserve for community initiatives and if not used by May 2021, this funding go towards the priority climate change work outlined in report R20265; and***
- 4. Notes that future investment into the Climate Change Reserve will be considered through the Long Term Plan 2021 – 2031.***

Sanson/O'Neill-Stevens

Carried

11. Intensification Action Plan

Document number R13749, agenda pages 61 - 103 refer.

Team Leader City Development, Lisa Gibellini, and Senior City Development Adviser, Gabrielle Thorpe, presented the report.

They answered questions regarding:

- Private developer agreements;
- The City Centre Conversion Fund;
- The Intensification Action Plan's focus on brownfield development;
- The levels of consented properties in current and/or future subdivisions;

- Annual capacity monitoring;
- Collaboration with Tasman District Council regarding intensification matters;
- Neighbourhood Asset Upgrade Plans;
- How climate change and sustainability aspects could be reflected in intensification activities;
- The potential roles Council could play in leading and improving the perception that intensified housing was warranted; and
- Potential changes to amenity values through increased intensification of brownfield areas.

The meeting was adjourned from 12.43p.m. to 1.33p.m, during which time Councillors Brand and Skinner left the meeting.

Ms Gibellini and Ms Thorpe answered further questions regarding the long term household capacity projection in various locations around Nelson and how these figures were reached.

Attendance: Councillor Skinner returned to the meeting at 1.35p.m., and Councillor Brand returned to the meeting at 1.39p.m.

Following discussion, it was agreed that:

- high-level wording should be included regarding sustainability initiatives, such as deconstruction rather than demolition;
- the third paragraph on page 13 of the Intensification Action Plan should be updated to refer to the 'Future Development Strategy', rather than 'the Strategy'; and
- The third sentence in the final paragraph on page 17 of the Intensification Action Plan be altered to 'This may be achieved through the investigation into possibilities of facilitating a partnership to create an exemplar housing development.'

Resolved CL/2020/142

That the Council

- 1. Receives the report Intensification Action Plan (R13749) and its attachment (A2410696); and***
- 2. Approves the Intensification Action Plan (A2410696); and***
- 3. Directs that a provisional budget of \$50,000 to subsidise regulatory charges be included in the draft***

Long Term Plan 2021-31 (over years 1 to 3) for a City Centre Residential Conversion Fund;

- 4. Delegates the Mayor and Chief Executive the authority to make minor editorial amendments to the Intensification Action Plan including content to integrate sustainability, climate and environment objectives.***

Fulton/Her Worship the Mayor

Carried

12. Nelson Tasman Land Development Manual - Delegation Resolution Amendment

Document number R20307, agenda pages 104 - 109 refer.

Manager Environmental Planning, Maxine Day, presented the report.

Resolved CL/2020/143

That the Council

- 1. Receives the report Nelson Tasman Land Development Manual - Delegation Resolution Amendment (R20307); and***
- 2. Delegates the Chairperson of the Environment Committee and the Group Manager Environment authority to approve minor technical wording amendments, or correction of errors to the Nelson Tasman Land Development Manual 2019.***

Edgar/Noonan

Carried

13. Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement

Document number R19195, agenda pages 110 - 117 refer.

Manager Environmental Planning, Maxine Day, presented the report. She noted that the officer recommendation had been updated to include an additional clause delegating the Mayor, Chair and deputy Chair of the Environment Committee the authority to make amendments to the Draft Whakamahere Whakatū Nelson Plan for the purpose of correcting or updating information during engagement phases.

Ms Day answered questions regarding the programme for, timing and topics of the two phase public engagement process.

Resolved CL/2020/144

That the Council

1. ***Receives the report Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement (R19195); and***
2. ***Approves the release of the Draft Whakamahere Whakatū Nelson Plan for Public Engagement on 6 October 2020; and***
3. ***Delegates the Mayor, the Environment Committee Chairperson and Deputy Chairperson authority to make amendments to the Draft Whakamahere Whakatū Nelson Plan for the purpose of correcting or updating information during engagement phases.***

McGurk/Fulton

Carried

14. Exclusion of the Public

Resolved CL/2020/145

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:***

Her Worship the Mayor/Courtney

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 - Public Excluded Minutes - 13 August 2020	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 disadvantage, negotiations (including

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			<p>commercial and industrial negotiations)</p> <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)(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
2	<p>Recommendations from Committees</p> <p>Governance and Finance Committee – 27 August 2020</p> <p>Nelmac Final Statement of Intent 2020/21</p> <p>Sports and Recreation Committee - 17 September 2020</p> <p>Brook Reserve – Reserve Management Plan process</p>	<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)
3	<p>Nelmac - Utilities Maintenance and Operations Contract - Supplementary Information</p>	<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)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities

The meeting went into confidential session at 2.29p.m. and resumed in public session at 3.53p.m.

RESTATEMENTS

It was resolved while the public was excluded:

Recommendations from Committees

2	CONFIDENTIAL: Recommendation from Governance and Finance Committee – Nelmac Final Statement of Intent 2020/21
	<p><i>That the Council</i></p> <ol style="list-style-type: none"> 1. <i><u>Notes</u> the delivery of the Nelmac Limited final Statement of Intent 2020/21 (A2416756) as required under the Local Government Act 2002; and</i> 2. <i><u>Agrees</u> to the final Nelmac Limited Statement of Intent (A2416756); and</i> 3. <i><u>Notes</u> that the final Nelmac Limited Statement of Intent (A2416756) will be made publicly available on Council's website within one month of adoption as per legislation; and</i> 4. <i><u>Agrees</u> that the decision only be made publicly available and that Report (R18140) remain confidential at this time.</i>

3	PUBLIC EXCLUDED: Nelmac - Utilities Maintenance and Operations Contract - Supplementary Information
	<p><i>That the Council</i></p> <ol style="list-style-type: none"> 1. <i><u>Receives</u> the report Nelmac - Utilities Maintenance and Operations Contract - Supplementary Information (R18152) and its attachments (A2461460, A2427792, A1878661 and A1884920); and</i> 2. <i><u>Rescinds</u> the following 24 March 2016 Council resolution CL/2016/00175:</i> <i>"<u>THAT</u> Council notes that in accordance with the Procurement Policy, the Nelmac utilities contract should be retendered at the next expiry date, being 2023"; and</i> 3. <i><u>Approves</u> that the following core Infrastructure contracts with Nelmac be extended for a further 10 years (5 plus 5) ending 2033:</i> <ul style="list-style-type: none"> • <i>Contract 2594: Utilities maintenance and operations contract; and</i>

	<ul style="list-style-type: none">• <i>Contract 2918: Nelson Wastewater Treatment Plant maintenance and operations contract.</i> <ol style="list-style-type: none">4. <i><u>Notes</u> that the Treasury and Investment Policy specifically allows for Council to negotiate an ongoing partnership agreement with Nelmac for the provision of specified strategic services to the Council; but will be updated at the next review to confirm Nelmac's position as a strategic partner delivering key services and</i>5. <i><u>Notes</u> that officers will ensure that Audit NZ is updated on the process that has been followed; and</i>6. <i><u>Approves</u> that the Council Procurement Policy be updated to recognise Nelmac as a strategic partner allowing for long term contracts for the provision of key services; and</i>6. <i><u>Approves</u> that the decision be made public.</i>
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Karakia Whakamutunga

A karakia whakamutunga was given.

There being no further business the meeting ended at 3.55p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date