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## Minutes of a meeting of the

### Nelson City Council

#### *Te Kaunihera o Whakatū*

**Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson on Tuesday 12 July 2022, commencing at 9.02a.m.**

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- Present: Her Worship the Mayor R Reese (Chairperson), Councillors Y Bowater, T Brand, M Courtney, J Edgar (Deputy Mayor), K Fulton, R O'Neill-Stevens, B McGurk, G Noonan, 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 (A White), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald), Team Leader Governance (R Byrne) and Assistant Governance Adviser (A Bryce-Neumann)
- Apology: An apology has been received from Councillor M Lawrey

## Karakia and Mihi Timatanga

### 1. Apologies

Resolved CL/2022/118

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

- 1. Receives and accepts an apology from Councillor M Lawrey.***

Her Worship the Mayor/Edgar

Carried

Attendance: Councillor Fulton joined the meeting 9.09a.m.

## 2. Confirmation of Order of Business

Her Worship the Mayor advised that Item 9: Supplementary information - Holding Company decision would be considered at 10.00a.m. to allow for representatives of Port Nelson Ltd to attend.

## 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. Steve Cross - Proposed Holding Company for Port Nelson/Nelson Airport

Mr Cross spoke about the proposed Holding Company for Port Nelson/Nelson Airport and tabled his speaking notes (A2921954).

Attendance: Councillor Skinner joined the meeting at 9.14a.m.

#### Attachments

- 1 A2921954 Tabled speaking notes Steve Cross

### 4.2. The Aotearoa Collective for Public Transport Equity - Remit from Porirua City Council to LGNZ Conference

Document number R27024

Lovinia Pluck and Pippa Sussex, from The Aotearoa Collective for Public Transport Equity, spoke in support of the Remit from Porirua City Council to the Local Government New Zealand Conference and tabled their speaking notes.

#### Attachments

- 1 1982984479-28 Lovinia Pluck and Pippa Sussex Speaking Notes

## 5. Confirmation of Minutes

### 5.1 10 May 2022

Document number M19450, agenda pages 20 - 34 refer.

Resolved CL/2022/119

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

- 1. Confirms the minutes of the meeting of the Council, held on 10 May 2022, as a true and correct record.***

Courtney/McGurk

Carried

5.2 19 May 2022

Document number M19472, agenda pages 35 - 45 refer.

Resolved CL/2022/120

***That the Council***

- 1. Confirms the minutes of the meeting of the Council, held on 19 May 2022, as a true and correct record.***

Her Worship the Mayor/McGurk

Carried

5.3 26 May 2022 - Extraordinary Meeting , agenda pages 46 - 48 refer.

Resolved CL/2022/121

***That the Council***

- 1. Confirms the minutes of the extraordinary meeting of the Council, held on 26 May 2022, as a true and correct record.***

O'Neill-Stevens/Edgar

Carried

5.4 7 June 2022, agenda pages 49 - 51 refer.

Resolved CL/2022/122

***That the Council***

- 1. Confirms the minutes of the meeting of the Council, held on 7 June 2022, as a true and correct record.***

Edgar/Bowater

Carried

5.5 14 June 2022

Document number M19544, agenda pages 52 - 66 refer.

Resolved CL/2022/123

***That the Council***

- 1. Confirms the minutes of the meeting of the Council, held on 14 June 2022, as a true and correct record.***

McGurk/O'Neill-Stevens

Carried

5.6 23 June 2022

Document number M19586, agenda pages 67 - 69 refer.

Resolved CL/2022/124

***That the Council***

- 1. Confirms the minutes of the meeting of the Council, held on 23 June 2022, as a true and correct record.***

Edgar/Courtney

Carried

**6. Recommendations from Committees**

**6.1 Infrastructure Committee - 23 June 2022**

**6.1.1 Infrastructure Quarterly Report**

Group Manager Infrastructure, Alec Louverdis confirmed that coal tar found at the Washington Valley site was significant, it was likely to have been from the gasworks and used for fill in the 1970's, that the requested budget was for removal and disposal and any savings would not be diverted to other projects.

Recommendation to Council CL/2022/125

***That the Council***

- 2. Approves unbudgeted additional capital funding of \$2 million in 2022/23 for the Washington Valley Infrastructure Upgrade project to cover the cost of previously unidentified and unknown coal tar, a hazardous material, to be disposed of at York Valley Landfill.***

McGurk/O'Neill-Stevens

Carried

**6.2 Community and Recreation Committee - 30 June 2022**

**6.2.1 Joint Regional Cemetery – Memorandum of Understanding and draft Site Selection Criteria**

Recommendation to Council CL/2022/126

***That the Council***

- 1. Approves the Memorandum of Understanding between Nelson City Council and Tasman District Council for the***

***development of a joint regional cemetery (A2876360) for signing; and***

- 2. Delegates responsibility for agreeing to any minor changes to the Memorandum of Understanding (A2876360) to the Nelson City Councillor who is Co-Chairperson of the Joint Regional Cemetery Working Group, in consultation with the Co-Chairperson counterpart from Tasman District Council.***

Skinner/Brand

Carried

6.2.2 Adoption of the Out and About - On Tracks Strategy 2022

Recommendation to Council CL/2022/127

***That the Council***

- 1. Adopts the Out and About – On Tracks Strategy 2022 (A2471811); and***
- 2. Delegates responsibility for agreeing to any minor amendments to the Out and About – On Tracks Strategy 2022 (A2471811) to the Chair of the Community and Recreation Committee and the Group Manager Community Services.***

Skinner/Brand

Carried

6.2.3 Follow Up Review on the Nelson Centre of Musical Arts

Recommendation to Council CL/2022/128

***That the Council***

- 1. Revokes the decision CL/2019/261 made at the Council meeting on 12 December 2019:***

*That the Council*

*Agrees to provide business advice to support the Nelson Centre of Musical Arts over January - June 2019/20 up to the value of \$10,000 in unbudgeted expenditure, on the understanding that the Nelson Centre of Musical Arts will contribute \$5,000 (up to a total value of \$15,000).*

Skinner/Brand

Carried

The meeting adjourned from 10.00a.m. until 10.10a.m.

## **7. Supplementary information - Holding Company decision (Agenda Item 9)**

Document number R26983, agenda pages 136 - 213 refer.

Group Manager Corporate Services, Nikki Harrison presented the report and addressed questions raised by the Public Forum presenter, noting that the matter of uncalled capital was raised by submitters and considered in the deliberation report; this was the formalisation of the current arrangement and not material to risk that Council already held in relation to the strategic assets. She advised that, with regard to credit rating assumptions, Standard and Poor's took into account Council's 50% share of debt in the Airport and Port, and that Council would not let those entities fail.

Ms Harrison answered questions on:

- The stability of debt within the entities and the authorisation process for additional borrowing
- 10 year forecasting
- The composition and term of the interim and operational board
- Benefits of the 1% reduction in the interest rate
- Confirmed the assumption that the runway extension for the airport would happen within the first 10 years of the plan

Her Worship the Mayor welcomed Chief Executive Officer, Hugh Morrison, and Chief Financial Officer, Daryl Wehner, from Port Nelson Limited.

Mr Morrison answered questions on Port Nelson's strong relationship with Westpac and the revolving credit facility it worked with, diversification with investment in the Science and Technology Precinct, the lease swap in Marlborough which would provide a better strategic position and confirmed a 1% reduction in interest would equate to an approximate increase of \$500,000 (after tax) annually in dividend to the two councils.

Port Nelson Ltd had provided confidential supplementary information and the meeting excluded the public to consider this.

### **Exclusion of the Public**

Resolved CL/2022/129

#### **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 Hugh Morrison and Daryl Wehner from Port Nelson Limited remain after the public has been excluded, for the Confidential agenda, as they have knowledge relating to Item 4:***

**Confidential Attachment to Report 26950 that will assist the meeting.**

- 2. Excludes the public from the following parts of the proceedings of this meeting.**
- 3. 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/McGurk

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)
8	<b>Confidential Attachment to Report R26950: Supplementary information - Holding Company decision</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>

The meeting moved in to confidential session at 11.04a.m. and returned at 11.40a.m.

The recommendation was moved by Councillor McGurk, seconded by Her Worship the Mayor Reese.

Ms Harrison answered further questions on:

- Council's contribution to the Science and Technology Precinct in the Long Term Plan, confirming it was an economic decision for the city.
- The Statement of Expectation (SOE) process, noting if shareholding councils were not happy with the Statement of Intent (SOI) they had the ability to go back to the underlying subsidiary and force changes required. The SOE would go to the

IHL Board and would cover specific issues the councils had with the underlying subsidiaries.

- Reporting on the SOI and clear accountability lines
- Confirmed the benefit to the community was in interest savings and the potential for an increased dividend which would reduce the rates Council had to collect
- Confirmed that Tasman District Council had confirmed the resolution on 30 June 2022.

The meeting adjourned from 12.22p.m. and reconvened at 1.09p.m.

Clause 1 was taken separately and a division was called on the remainder of the motion.

Resolved CL/2022/130

***That the Council***

- 1. Receives the report Supplementary information - Holding Company decision (R26983) and its attachments (A2907846 DLA Piper signoff incl 7 June JSC changes to constitution and SHA, and A2904604 Summary of constitution - changes incl 7 Jun JSC).***

Her Worship the Mayor/McGurk

Carried

Recommendation to Council

*Recommendation from the Joint Shareholders Committee:*

*The Council notes that:*

*Purpose*

A. *The purpose of these resolutions is to seek the Council's approval of the documents and transactions necessary to approve the:*

a) *Restructuring Proposals (including the Initial Share Issue); and*

b) *Financing Proposals (including the New Share Issue).*

B. *The Restructuring Proposals, Initial Share Issue, Financing Proposals and New Share Issue are explained below.*

*A new holding company for Port Nelson Limited and Nelson Airport Limited*



- C. Nelson City Council and Tasman District Council (together, the Shareholders) have together been investigating the incorporation of a holding company which they will own in equal shares. The holding company will hold and administer investments in entities in which the Shareholders have a substantial interest for the benefit of the Nelson and Tasman regions, being Port Nelson Limited (PNL) and Nelson Airport Limited (NAL).*
- D. Nelson City Council and Tasman District Council through their Long Term Plan process and Joint Shareholders Committee (JSC), have each received and reviewed advice from Deloitte about operational synergies of holding investments, being PNL and NAL, in a holding company, and tax structure options.*
- E. The name agreed for the holding company is Infrastructure Holdings Limited (IHL).*
- F. The initial directors approved for IHL are Catherine Taylor, Paul Steere, Gerrard Wilson and Paul Zealand and an independent chairperson is being recruited.*

#### *Restructuring Proposals*

- G. As part of the proposal to incorporate IHL, it is proposed that each of the Shareholders transfer all their shares in PNL and NAL to IHL (Share Sale) for \$8,446,000 in total (Purchase Price). The Purchase Price will be owed to the Shareholders in equal portions (being \$4,223,000 each). The Crown holds, and will continue to hold, one special "Kiwi Share" in NAL.*
- H. The Purchase Price allocation is:*
  - a) \$2,400,000 for the shares in NAL; and*
  - b) \$6,046,000 for the shares in PNL.*
- I. Nelson City Council and Tasman District Council will each subscribe for 42,230 ordinary shares in IHL (being 84,460 ordinary shares in total) (Initial Shares), at an issue price of \$100.00 per share (Initial Share Issue). The total subscription amount for the Initial Shares is therefore \$8,446,000 (Initial Subscription Amount), which is equal to the Purchase Price.*
- J. Accordingly, the Purchase Price will be satisfied on a cashless basis by set-off against the Initial Subscription Amount.*
- K. The sale of shares in PNL and NAL and the subscription for the Initial Shares will be referred to in these resolutions as the "Restructuring Proposals".*

*Financing Proposals*

- L. The New Zealand Local Government Funding Agency Limited (LGFA) is a limited liability company owned by central government and local authorities. It was established to borrow funds and then on-lend those funds to local authorities and (now) council-controlled trading organisations (CCTOs) at lower margins than those local authorities and council-controlled organisations would otherwise pay.*
- M. Currently, PNL and NAL service their debt requirements through ordinary bank borrowing from Westpac New Zealand Limited (Westpac). However, it is projected that PNL's and NAL's debt requirements and financing costs may increase over the next 10+ years to meet infrastructure-upgrade demands.*
- N. Given the projected increase in PNL's and NAL's debt requirements and financing costs, IHL's primary purpose is to operate as a treasury vehicle for PNL and NAL. To achieve this purpose, it is further proposed that (Financing Proposals) IHL will:*
  - a) join the LGFA borrowing programme (LGFA Accession) as a CCTO, following which, IHL will be able to borrow funds directly from LGFA by issuing securities to LGFA;*
  - b) enter into borrowing and risk hedging facilities with Westpac, which is PNL's and NAL's current bank; and*
  - c) on-lend amounts borrowed from the LGFA borrowing programme and Westpac to PNL and NAL under intra-group funding arrangements.*
- O. Joining the LGFA borrowing programme will enable IHL to access cheaper core debt on behalf of PNL and NAL. As a "port company" under the Port Companies Act 1988, PNL is not permitted to join LGFA and NAL does not have the scale to make joining LGFA economical. It is considered that, once implemented, the Financing Proposals will deliver considerable financial benefits, including savings in financing costs for PNL and NAL and, consequently, increased dividend return to Nelson City Council and Tasman District Council (as the ultimate owners of PNL and NAL). Nelson City Council and Tasman District Council through their Long Term Plan process and the JSC have each received and reviewed advice from Deloitte about LGFA funding benefits.*
- P. PNL and NAL will continue to require the flexibility offered by Westpac's transactional banking products. IHL will also enter into borrowing and risk hedging facilities with Westpac for*

*working capital requirements and risk-management (such as interest-rate hedging).*

*The LGFA Accession and Westpac facilities*

- Q. LGFA and Westpac will require certain credit support as conditions to the LGFA Accession and the availability of the Westpac facilities. Such credit support will include:*
- a) a subscription from the Shareholders for an agreed amount of uncalled and unpaid equity capital in IHL (further details are described below);*
  - b) IHL, PNL and NAL will each cross-guarantee each other's obligations to LGFA, Westpac as lender under borrowing facilities and Westpac as counter-party to risk-management facilities (together, the Finance Parties); and*
  - c) IHL, PNL and NAL will each grant general security over all of their personal property in favour of the Finance Parties. In the case of IHL, this will include security over its right to call for uncalled and unpaid equity capital.*
- R. As mentioned above, it will be a condition to the LGFA Accession and the availability of the Westpac facilities that the Shareholders subscribe for, and IHL issues to the Shareholders (New Share Issue), a further 1,165,000 ordinary shares each (totalling 2,330,000 ordinary shares) in IHL (New Shares) for an issue price of \$100.00 per share. The total amount payable for the New Shares will therefore be \$233,000,000 (Issue Amount). The Issue Amount will remain uncalled and unpaid until such time as the directors of IHL make a call on the New Shares for the Issue Amount.*

*Shareholder approvals*

- S. The Restructuring Proposals and the Financing Proposals will require the approval of the Shareholders as:*
- a) the proposals are, or may be, "major transactions" (as defined in section 129 of the Companies Act 1993 (Act));*
  - b) the Initial Share Issue and the New Share Issue require the agreement of IHL's entitled persons (as that term is defined in the Act) for the purposes of section 107(2) of the Act. The only entitled persons of IHL will be the Shareholders; and*
  - c) Nelson City Council and Tasman District Council (as the shareholders of IHL) must consent, for the purposes of*

*section 50 of the Act and for all other purposes, to becoming the holder of the Initial Shares and the New Shares.*

- T. Accordingly, IHL's board of directors will, at the relevant times, separately request that Tasman District Council and Nelson City Council (as shareholders and entitled persons of IHL) confirm and approve IHL's entry into, execution and performance, of the:*
- a) Restructuring Proposals (including the Initial Share Issue); and*
  - b) Financing Proposals (including the New Share Issue),*
- by separate unanimous resolutions and entitled persons' agreements. The unanimous resolutions and entitled persons' agreements for the Restructuring Proposals and the Financing Proposals are together referred to as the "Unanimous Shareholder Resolutions and Entitled Persons' Agreements".*

*Next steps*

- U. In order to incorporate IHL and give effect to the Restructuring Proposals, the Shareholders will need to:*
- a) register IHL as a limited liability company on the New Zealand Companies Office and each complete the Companies Office requirements in relation to the incorporation of IHL (such as shareholder consent forms) (Companies Office Forms);*
  - b) appoint directors to the board of IHL (including an independent chairperson);*
  - c) cause IHL to adopt the constitution in the form attached (the Constitution);*
  - d) enter into a shareholders' agreement (which will include the subscription provisions for the Initial Shares) with IHL, in the form attached (the Shareholders' Agreement);*
  - e) enter into a sale and purchase agreement with IHL relating to the transfer of shares in PNL and NAL in the form attached (the Sale and Purchase Agreement);*
  - f) execute and deliver the share transfer forms (in the form attached) in relation to the Sale and Purchase Agreement (the Share Transfer Forms); and*

- g) any other documents necessary or desirable in connection with the Restructuring Proposals.*

*The Companies Office Forms, Shareholders' Agreement, Sale and Purchase Agreement, Share Transfer Forms and any other documents captured by paragraph U.g) above, are together referred to as the "Restructuring Documents", and the transactions contemplated by the Restructuring Documents are referred to as the "Restructuring Transactions".*

- V. In order to give effect to the Financing Proposals, each of the Shareholders will need to enter into:*

- a) a subscription agreement (in the form attached) with IHL, under which the Shareholders will subscribe for the New Shares (Subscription Agreement);*
- b) (as part of the LGFA Accession) accession deeds to the multi-issuer deed and notes subscription agreement (which Tasman District Council and Nelson City Council are each already a party to) (Accession Deeds); and*
- c) any other documents necessary or desirable in connection with the Financing Proposals.*

*The Subscription Agreement, the Accession Deeds and any other documents captured by paragraph 0 are together referred to as the "Financing Documents" and the transactions contemplated by the Financing Documents are referred to as the "Financing Transactions".*

#### *Documents*

- W. The Council tables the most recent drafts of the Restructuring Documents, the Subscription Agreement and the Unanimous Shareholder Resolutions and Entitled Persons' Agreements.*
- X. The Council has not tabled copies of the Accession Deeds because they are not yet available for the Council to review and approve. However, the Accession Deeds will be based on the standard form for accession deeds scheduled to the LGFA Multi-Issuer Deed and Notes Subscription Agreement respectively.*

*That the Council resolves:*

- 1. the Council consents, for the purposes of section 50 of the Act and for all other purposes, to being the joint owner in equal shares of the Initial Shares and the New Shares;*
- 2. the form of the Constitution be approved, and the Shareholders will cause IHL to adopt the Constitution;*
- 3. the Restructuring Documents and the Restructuring Transactions (including, specifically, the Initial Share Issue) are approved, and any pre-emptive rights available to the Shareholders in relation to the Share Sale are to be waived in the Sale and Purchase Agreement;*
- 4. the Financing Documents and the Financing Transactions (including, specifically, the New Share Issue) are approved;*
- 5. the forms of the Unanimous Shareholder Resolutions and Entitled Persons' Agreements are approved;*
- 6. the Council enters into and, following execution, delivers and performs its obligations under, each of the Restructuring Documents and the Financing Documents and that these documents may be executed by:*
  - a) (in the case of agreements) the Chief Executive; and*
  - b) (in the case of deeds) two elected members,**on behalf of the Council, subject to any minor amendments cleared by both Tasman District Council's and Nelson City Council's legal advisors;*
- 7. when requested to do so by the board of IHL, the Chief Executive is authorised to sign the Unanimous Shareholder Resolutions and Entitled Persons' Agreements on behalf of the Council, subject to any minor amendments cleared by both TDC's and NCC's legal advisors;*
- 8. the Chief Executive is authorised on behalf of the Council to, subject to clearance by both Tasman District Council's and Nelson City Council's legal advisors:*
  - a) approve any further minor amendments to the Restructuring Documents, the Financing Documents and the Unanimous Shareholder Resolutions and Entitled Persons' Agreements prior to their execution; and*
  - b) enter into, execute, and deliver such other agreements, instruments, notices, communications, and other documents; and*

- c) *do such other things, in connection with the Restructuring Documents and the Restructuring Transactions, the Financing Documents and the Financing Transactions, and the Unanimous Shareholder Resolutions and Entitled Persons' Agreements, as the Chief Executive may consider necessary.*

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Apology</u>
Cr Edgar	Cr Bowater	Cr Lawrey
Cr Fulton	Cr Brand	
Cr McGurk	Cr Courtney	
Cr Noonan	Cr O'Neill-Stevens	
Her Worship the Mayor	Cr Rainey	
Reese (Chairperson)	Cr Sanson	
	Cr Skinner	

The motion was lost 5 - 7.

Her Worship the Mayor/McGurk

Lost

The meeting adjourned from 2.01p.m. until 2.15p.m. at which time Councillor Fulton left the meeting.

## **8. Water Services Entities Bill Submission (Agenda Item 10)**

Document number R27006, agenda pages 214 - 221 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report and noted that 87% of the feedback received was against the Water Services Entities Bill, reasons given were loss of ownership, control, accountability and lack of strategic oversight.

Mr Louverdis answered questions on Te tai Ihu representation and Her Worship the Mayor Reese advised that she had received an indication that neighbouring councils did not support the split of boundaries, which did not follow local government boundaries. She noted that this had been a decision of Cabinet which followed Ngai Tahu rohe (entity D). Tasman District Council had advised it supported the boundaries associated with the Health reform as it amalgamated all of the South Island. She noted that there was the opportunity for Council to provide comment on the boundary split and it was agreed to reference this in the motion.

Attendance: Councillor Edgar left the meeting at 2.40p.m.

The meeting adjourned from 2.50p.m. until 2.56p.m.

Following discussion on the Water Services Entities objective, Agenda Attachments page 499 (proposed change to 11c) it was agreed that the document should reflect that 'enable' should be driven by councils' planning documents. It was agreed to change the submission for 11(c) from 'Support and enable housing and urban development' to '*Support and enable housing and urban development in accordance with overarching planning documents.*'

Attendance: Councillor Edgar returned to the meeting at 3.10p.m.

The motion was taken in parts and a division was called on clause 2.

Resolved CL/2022/131

***That the Council***

- 1. Receives the report Water Services Entities Bill Submission (R27006) and its attachments the Engagement Summary (A2919612) and Complete Feedback (A2919617).***

McGurk/Her Worship the Mayor

Carried

Councillors Courtney and Skinner requested their vote against the motion be recorded in the minutes.

Resolved CL/2022/132

***That the Council***

- 2. Approves the draft Council submission (A2918988) to the Finance and Expenditure Select Committee on the Water Services Entities Bill, subject to the Mayor seeking the views of iwi, Marlborough District Council and confirming the position with elected members with respect to either remaining in Entity C or moving to Entity D and including that feedback in Council's submission; and***

The motion was put and a division was called:

For

Cr Bowater  
Cr Edgar  
Cr O'Neill-Stevens  
Cr McGurk  
Cr Noonan  
Cr Rainey  
Cr Sanson  
Her Worship the Mayor Reese  
(Chairperson)

The motion was carried 8 - 3.

Against

Cr Brand  
Cr Courtney  
Cr Skinner

Apologies

Cr Lawrey

Absent

Cr Fulton

McGurk/Her Worship the Mayor

Carried

Resolved CL/2022/133

***That the Council***



3. ***Agrees that the Mayor, Infrastructure Committee Chair and Chief Executive be delegated authority to approve minor editorial amendments to the Council submission (A2918988).***

McGurk/Her Worship the Mayor

Carried

Councillors Courtney and Skinner requested their vote against the motion be recorded in the minutes.

#### **Extension of Meeting Time**

Resolved CL/2022/134

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

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

Courtney/Her Worship the Mayor

Carried

### **9. Status Report (Agenda Item 7)**

Document number R26688, agenda pages 70 - 109 refer.

Attendance: Councillor Rainey left the meeting at 3.35p.m.

Resolved CL/2022/135

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

1. ***Receives the report Status Report (R26688) and its attachment (A1168168).***

Noonan/Courtney

Carried

### **10. Acting Mayor's Report (Agenda Item 8)**

Document number R26978, agenda pages 110 - 135 refer.

Members reviewed the Remits to the Local Government New Zealand (LGNZ) conference and provided input on whether to support or otherwise. It was agreed to ask LGNZ for further information on Remit 3: Illegal street racing, clarifying whether this was the role of Waka Kotahi or local government.

Resolved CL/2022/136

***That the Council***

- 1. Receives the report Acting Mayor's Report (R26978) and its attachment (A2909891 and A2913709); and***
- 2. Supports the proposed Remits to the Local Government New Zealand AGM 2022, as discussed:***
  - a. Remit 1 – support***
  - b. Remit 2 - support***
  - c. Remit 3 – to be confirmed at the AGM***
  - d. Remit 4 - support***
  - e. Remit 5 - support***
  - f. Remit 6 - not support***
- 3. Approves, Council's submission to the Electoral (Māori Electoral Option) Legislation Bill.***

Edgar/Her Worship the Mayor

Carried

**11. Tahunanui off-street parking**

Document number R26497, agenda pages 222 - 242 refer.

**Defer item to another meeting**

Resolved CL/2022/137

***That the Council***

- 1. Defers the item Tahunanui off-street parking to be considered at the Council meeting to be held on 25 August at 9.00a.m. in the Council Chamber.***

Her Worship the Mayor/McGurk

Carried

**12. Outdoor Dining Structure on Hardy Street**

Document number R26987, agenda pages 243 - 250 refer.

**Defer item to another meeting**

Resolved CL/2022/138

***That the Council***

- 1. Defers the item Outdoor Dining Structure on Hardy Street to be considered at the Council meeting to be held on 25 August at 9.00a.m. in the Council Chamber.***

Her Worship the Mayor/Courtney

Carried

**13. Exclusion of the Public**

Resolved CL/2022/139

***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:***

Skinner/Bowater

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)
<b>1</b>	<b>Council Meeting - Confidential Minutes - 10 May 2022</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:
<b>2</b>	<b>Council Meeting - Confidential Minutes - 19 May 2022</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason	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)
		exists under section 7.	<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> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> <li>• Section 7(2)(c)(ii) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</li> </ul>
<b>3</b>	<b>Extraordinary Council Meeting - Confidential Minutes - 26 May 2022</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>
<b>4</b>	<b>Council Meeting - Confidential Minutes - 7 June 2022</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)</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)
			To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
<b>5</b>	<b>Council Meeting - Confidential Minutes - 14 June 2022</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>
<b>6</b>	<b>Recommendations from Committees</b> <b>Environment and Climate Committee - 16 June 2022</b> Harbourmaster vessel	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>7</b>	<b>Status Report - Confidential</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)(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</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)
			commercial and industrial negotiations)
9	<b>Nelson Tasman Regional Landfill Business Unit Iwi Representative 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>

The meeting went into confidential session at 4.02p.m. and Councillor Rainey joined the meeting at 4.12p.m. The meeting resumed in public session at 4.14p.m.

## Karakia Whakamutanga

### 14. Restatements

It was resolved while the public was excluded:

#### 2 **Recommendation from Committee:**

##### **Harbourmaster vessel**

*Agrees that Report (R26944), Attachments (A2895733, A2895734) and the decision remain confidential at this time, until negotiations for the purchase of the replacement vessel have been concluded.*

#### 5 **Nelson Tasman Regional Landfill Business Unit Iwi Representative Reappointment**

Agrees that the report and decision be made public once the representative has been advised of both councils' decision.

There being no further business the meeting ended at 4.16p.m.

Confirmed as a correct record of proceedings by resolution on 25 August 2022.

*That the Council*

1. *Confirms the amended minutes of the meeting of the Council, held on 12 July 2022, as a true and correct record.*