



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 Thursday 23 September 2021, commencing at 9.05a.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, 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 Governance Adviser (E Stephenson)

Apologies : Nil

Karakia and Mihi Timatanga

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

Her Worship the Mayor noted that the order of items would change to accommodate external presenters.

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 - Three Waters Reform

Document number R26254

Steve Cross spoke about the Three Waters Reform. He provided a PowerPoint presentation (A2751881) and answered questions regarding amalgamations.

Attachments

- 1 A2751881 - Steve Cross 3 Waters PowerPoint Presentation

4.2. Tony Haddon - Request for a Private Plan Change (PPC)

Document number R26255

Tony Haddon spoke against the request for a PPC and urged for the request to be rejected.

4.3. Susan MacAskill - Request for a Private Plan Change

Document number R26256

Susan MacAskill spoke against the request for a PPC and asked that the request be rejected. She noted the enormous impacts of the proposed subdivision, which she felt should be considered as part of the broader context.

4.4. Nelson Citizens Alliance - Three Waters Reform

Document number R26261

Chief Executive, Pat Dougherty, noted that he had accepted a petition from Neville Male, on behalf of the Nelson Citizens Alliance. The text of which was:

"This petition containing 1828 signatures demands that Nelson City Council makes no commitment to transfer the City's water assets valued at \$685M without the consent of ratepayers, and also demands that the opportunity for full consultation with ratepayers is immediately provided, including the calling of submissions, without further delay. "

Her Worship the Mayor accepted the submission. Mr Male was not available to speak to the petition at this time.

Attachments

- 1 A2755624 - Nelson Citizens Alliance - Three Waters Reform Petition

4.5. Save the Maitai - Request for Private Plan Change

Document number R26264

Monica Pausina spoke on behalf of Save the Maitai against the request for a PPC. She felt the potential rezoning would allow a huge subdivision in the most popular part of Maitai Valley, which would change the valley forever, affecting its high visual appeal. She noted the lack of airshed modelling and opportunity for community engagement. In response to a question, she felt that if the Future Development Strategy (FDS) had included the word "Maitai", thousands of Nelsonians would have submitted on it.

5. Confirmation of Minutes

5.1 12 August 2021

Document number M18862, agenda pages 15 - 35 refer.

Two amendments were noted - that the word 'unanimous' needed to be removed from page 11 of the minutes (agenda page 25) and that Councillor Edgar was to be listed as present in all of the minutes for confirmation.

Resolved CL/2021/183

That the Council

- 1. Confirms the amended minutes of the meeting of the Council, held on 12 August 2021, as a true and correct record.***

Courtney/Edgar

Carried

5.2 26 August 2021

Document number M18883, agenda pages 36 - 41 refer.

Resolved CL/2021/184

That the Council

- 1. Confirms the amended minutes of the meeting of the Council, held on 26 August 2021, as a true and correct record.***

Her Worship the Mayor/Edgar

Carried

5.3 2 September 2021

Document number M18892, agenda pages 42 - 52 refer.

Resolved CL/2021/185

That the Council

- 1. Confirms the amended minutes of the meeting of the Council, held on 2 September 2021, as a true and correct record.***

McGurk/Bowater

Carried

The meeting was adjourned from 9.55am until 10.00am, at which time Councillor Skinner was not present.

6. Request for a Private Plan Change: Maitahi/Bayview

Document number R26202, agenda pages 53 - 83 refer.

Group Manager, Environmental Management, Clare Barton, introduced John Massen, Environmental Bannister, representing the Maitahi Bayview Consortium, and Hemi Toia, Koata Ltd. A presentation was provided (A2752898).

Attendance: Councillor Skinner returned to the meeting at 10.08am.

Mr Massen spoke in support of the request for a PPC, noting that this was a gateway decision and Council should not have any regard to material not included in the PPC proposal.

Mr Toia asked that Council follow due process to make an informed decision. He noted that the PPC was about much-needed housing, but also protecting that environment for generations through environmental enhancements and sustainable design.

The meeting was adjourned at 10.24am until 10.38am, at which time, Councillor Lawrey was not present.

A video presentation on the Maitahi Village was provided -

<https://vimeo.com/610376320/6187795e67>

Attendance: Councillor Lawrey returned to the meeting at 10.41am.

Mr Toia spoke of the vision of the proposal and asked that Council accept the PPC request.

Ms Barton introduced Kerry Anderson and Gina Sweetman of DLA Piper, who provided a short presentation giving an overview of PPC rules (A2753164). It was clarified that both Ms Barton and Ms Sweetman were satisfied with the level of information provided at this stage of the

process and that climate change matters and details around effects would be considered at the substantive hearing on the matter, where there would be an opportunity for everyone to speak.

Ms Sweetman advised that the National Policy Statement for Urban Design 2020 policy (NPSUD) required councils to be responsive to any PPC requests. It was noted that Council was working on an updated FDS and that the rules did allow for councils to put PPC requests on hold, but that the timeframe for the FDS review was a Joint Committee decision and given the length of time until that would occur, the applicant did not agree to a time extension.

Questions and discussion took place on the PPC request process and Council's obligations.

During questions, Councillor Skinner raised a Point of Order against Councillor Sanson for irrelevant questioning. The Point of Order was not upheld.

Questions and discussion continued.

During debate, the following Points of Order were raised:

- Councillor Sanson against Councillor Fulton for misrepresentation, in that she had not said the existing plan was obsolete, but had mentioned a High Court ruling that referred to a plan being obsolete. The Point of Order was upheld.
- Councillor Edgar against Councillor Lawrey for irrelevance in that the FDS was not a substantive matter for today's decision. The Point of Order was upheld.

Resolved CL/2021/186

That the Council

- 1. Receives the report Request for a Private Plan Change: Maitahi/Bayview (R26202) and its attachment (A2737849); and***
- 2. Accepts the Request for the Private Plan Change for Maitahi/Bayview as Private Plan Change 28; and***
- 3. Agrees independent accredited commissioners will be appointed to consider Private Plan Change 28 and to make recommendations to Council; and***
- 4. Agrees that the decision-making options are set out in clause 25 of the First Schedule of the Resource Management Act and that this clause 25 decision is a process decision in Council's capacity as regulator; and***
- 5. Agrees the significance of this process decision is low to medium because it is the substantive decision on the***

Private Plan Change that has the potential impact and that substantive decision will be subject to a public process, prescribed by the Resource Management Act. Accordingly, consultation under the Local Government Act on this clause 25 process decision under the Resource Management Act is neither necessary nor appropriate.

The motion was put and a division was called:

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

The motion was carried 9 - 4.

McGurk/Noonan

Carried

Attachments

- 1 A2752898 John Massen - Request for a Private Plan Change Presentation
- 2 A2753164 - DLA Piper Request for a Private Plan Change Presentation

The meeting was adjourned from 12.37pm until 1.34pm.

7. Three Waters Reform Update (Agenda Item 13)

Document number R26075, agenda pages 176 - 233 refer.

An updated draft Government response letter was tabled (A2745300).

Chief Executive, Pat Dougherty, spoke to the report, noting minor corrections. Mr Dougherty advised that there were indications of proposed amendments declining to take part in the reform and calling for a referendum on the issue, and invited Jonathan Salter of Simpson Grierson to provide advice on those courses of action.

Mr Salter noted that this was a big issue for all of local government, and provided context regarding Council's obligations, advising that to make a decision to opt out at this time would be premature and contrary to those obligations, that a binding referendum would be premature and unlawful, and a non-binding referendum would be pre-emptive and, in his opinion, not the best use of ratepayers' money.

Questions and discussion took place on the Three Waters Reform, including:

- National democracy had the primacy and there was limited merit in undertaking a referendum when Parliament had the final say and had indicated that there would be a consultation process
- The Government appeared to be committed to reform
- A decision to opt in or to opt out would be a significant decision, requiring consultation
- The recommendations today did not entail making a definitive decision
- Involvement in the process did not equate to a conflict of interest.

Attendance: Councillor O'Neill-Stevens left the meeting at 2.01pm.

During questions, Councillor Edgar raised a Point of Order against Councillor Skinner for misrepresenting the position of the Mayor, the Point of Order was upheld.

The meeting was adjourned from 2.14pm until 2.29pm, at which time Councillor O'Neill-Stevens returned to the meeting.

Changes to the officer's recommendations were:

- An alternative recommendation clause 5 was provided to ensure clarity - *Notes that a decision to definitively support or not support the Government's preferred three waters delivery option is not required at this time, and would be premature and contrary to the Council's decision-making obligations in relation to significant decisions*
- Recommendation clause 8 was amended to replace the words "it would be desirable..." with the words "Council would need..."
- The reference number of the draft Government response letter (A2745300) was added to recommendation clauses 9 and 10

Discussion on the Three Waters Reform Update was suspended to allow the meeting to hear Mr Male's public forum input, as he had not been available earlier.

4.4. Nelson Citizens Alliance – 3 Waters Reform

Neville Male joined the meeting via phone and spoke on behalf of The Nelson Citizens Alliance regarding the Three Waters Reform. He felt that it was a big decision being made today, and that the situation was that the whole deal had not yet been sold well enough for the public to buy into it, although it was not to say that it might not get to that point. He felt the current model was unacceptable to most people. He had looked at the recommendations and draft Government response letter and requested that a provisional intent to opt out be added as he felt that every council would be included by default.

Discussion on the Three Water Reform continued, and Councillor Edgar, seconded by Councillor McGurk, moved the amended officers' recommendations.

That the Council

1. *Receives the report Three Waters Reform Update (R26075) and its attachments (A2734504, A2734513, A2734630, A2736353, A2734616, A2745775, A2745300, A2748814, and A2748820); and*
2. *Notes the Government's 30 June and 15 July 2021 Three Waters Reform announcements; and*
3. *Notes Morrison Low's advice on the accuracy of the information provided to Council in June and July 2021 as a result of the Request for Information and Water Industry Commission for Scotland modelling processes; and*
4. *Notes the analysis of three water service delivery options available to Council at this time; and*
5. *Notes that a decision to definitively support or not support the Government's preferred three waters delivery option is not required at this time, and would be premature and contrary to the Council's decision-making obligations in relation to significant decisions; and*
6. *Notes that Council cannot make a formal decision on a regional option for three waters service delivery without doing a Long Term Plan amendment and ensuring it meets section 130 of the Local Government Act 2002; and*
7. *Notes that Council intends to make further decisions about the three waters service delivery model after 30 September 2021; and*
8. *Notes that Council would need to gain an understanding of the community's views once Council has further information from the Government on the next steps in the reform process; and*
9. *Approves the draft letter (A2745300) to the Government outlining where Council seeks guidance and gives feedback on the proposed Three Waters Reform programme; and*
10. *Agrees that the Mayor, Infrastructure Committee Chair and Chief Executive be delegated authority to approve minor editorial amendments to the Government response letter (A2754300); and*
11. *Notes that the Chief Executive will report back once staff have received further information and guidance from Government, Local Government New Zealand and Taituarā on what the next steps look like and how these should be managed; and*

12. *Notes that Council has considered the decision-making requirements of Part 6 of the Local Government Act 2002 and determined that they have been adequately complied with for the purposes of this report, taking into account that a) no decisions are being made at this stage to agree to the Government's proposal and b) the low to medium significance under the Significance and Engagement Policy of the decision to request the Chief Executive to seek further information from and give feedback to the Government on the reform proposal.*

Edgar/McGurk

Attendance: Councillor Fulton left the meeting at 3.34pm.

Extension of Meeting Time

Resolved CL/2021/187

That the Council

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

Her Worship the Mayor/Edgar

Carried

Following further questions and discussion, Councillor Courtney, seconded by Councillor Brand, moved an amendment by way of addition.

That the Council

1. *Undertakes a public referendum on the Government's Three Waters proposal, prior to it making a final decision to either retain or divest of the assets.*

Courtney/Brand

Closure Motion

Resolved CL/2021/188

That the Council

1. ***Puts the amendment under debate, pursuant to Standing Order 23.2(b).***

Rainey/Edgar

Carried

That the Council

1. Undertakes a public referendum on the Government's Three Waters proposal, prior to it making a final decision to either retain or divest of the assets.

The amendment was put and a division was called:

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

The amendment was lost 3 - 9.

Courtney/Brand

A further amendment proposed by Councillor Skinner lapsed for the want of a seconder, as Council's Standing Orders did not allow the mover or seconder of the previous amendment to second a further amendment.

Resolved CL/2021/189

That the Council

1. ***Receives the report Three Waters Reform Update (R26075) and its attachments (A2734504, A2734513, A2734630, A2736353, A2734616, A2745775, A2745300, A2748814, and A2748820); and***
2. ***Notes the Government's 30 June and 15 July 2021 Three Waters Reform announcements; and***
3. ***Notes Morrison Low's advice on the accuracy of the information provided to Council in June and July 2021 as a result of the Request for Information and Water Industry Commission for Scotland modelling processes; and***
4. ***Notes the analysis of three water service delivery options available to Council at this time; and***

5. ***Notes that a decision to definitively support or not support the Government's preferred three waters delivery option is not required at this time, and would be premature and contrary to the Council's decision-making obligations in relation to significant decisions; and***
6. ***Notes that Council cannot make a formal decision on a regional option for three waters service delivery without doing a Long Term Plan amendment and ensuring it meets section 130 of the Local Government Act 2002; and***
7. ***Notes that Council intends to make further decisions about the three waters service delivery model after 30 September 2021; and***
8. ***Notes that Council would need to gain an understanding of the community's views once Council has further information from the Government on the next steps in the reform process; and***
9. ***Approves the draft letter (A2745300) to the Government outlining where Council seeks guidance and gives feedback on the proposed Three Waters Reform programme; and***
10. ***Agrees that the Mayor, Infrastructure Committee Chair and Chief Executive be delegated authority to approve minor editorial amendments to the Government response letter (A2754300); and***
11. ***Notes that the Chief Executive will report back once staff have received further information and guidance from Government, Local Government New Zealand and Taituarā on what the next steps look like and how these should be managed; and***
12. ***Notes that Council has considered the decision-making requirements of Part 6 of the Local Government Act 2002 and determined that they have been adequately complied with for the purposes of this report, taking into account that a) no decisions are being made at this stage to agree to the Government's proposal and b) the low to medium significance under the Significance and Engagement Policy of the decision to request the Chief Executive to seek further information from and give feedback to the Government on the reform proposal.***

The substantive motion was put and a division was called:

For

Against

Absent

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

Cr Brand
Cr Courtney
Cr Skinner

Cr Fulton

The substantive motion was carried 9 - 3.

Attachments

- 1 A2745300 - letter re NCC's response to the Government's Three Waters proposal

Edgar/McGurk

Carried

The meeting was adjourned from 4.51pm until 5.00pm.

8. Nelson Central Library - Flood Mitigation Plan (Agenda Item 10)

Document number R26048, agenda pages 102 - 136 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report and introduced Activity Engineer Flood Protection, Toby Kay, and Contractor, Damian Velluppillai. Mr Louverdis clarified that the report confirmed there were no detrimental effects to adjacent properties and outlined the methodologies and scenarios considered. The rationale for the additional recommendation was clarified, in that there was no assumption of a two-building scenario.

Questions were answered regarding flood levels, the timeframe for community consultation and exceedance events. It was confirmed that Ministry for the Environment guidance had been considered for the scenarios used and that the modelling would be re-run when it was known what the building would look like, and if anything had changed this would be brought back to Elected Members.

Attendance: Councillor Bowater left the meeting at 5.22pm.

The motion was taken in parts.

Resolved CL/2021/190

That the Council

1. ***Receives the report Nelson Central Library - Flood Mitigation Plan (R26048) and its attachment (A2733041); and***

2. ***Agrees that the flood modelling presented in the Nelson Central Library Redevelopment - Flood Mitigation Plan (A2733041) demonstrates that the proposed Nelson Central Library development (corner of Trafalgar/Halifax Streets) has negligible effect on adjacent properties if design and landscape features are incorporated into the design brief; and***
4. ***Notes that further community consultation is programmed to be carried out in relation to the wider issue of central city flood risk and possible mitigation options; and***
5. ***Notes that there is no commitment to the two-building footprint that has been modelled, or to specific building shapes or site layout .***

Her Worship the Mayor/Brand

Carried

Resolved CL/2021/191

That the Council

3. ***Approves the Nelson Central Library Development Flood Mitigation Plan (A2733041).***

Her Worship the Mayor/Brand

Carried

9. Recommendations from Committees (Agenda Item 7)

9.1 Audit, Risk and Finance Subcommittee - 14 September 2021

9.1.1 Bad Debts Writeoff - Year Ending 30 June 2021

Resolved CL/2021/192

That the Council

1. ***Approves the balance of \$41,990.31 owed by the Brook Valley Community Group Inc be written off as at 30 June 2021.***

Edgar/Skinner

Carried

9.1.2 Carry Forwards 2020/21

It was noted that, as requested at the last Council meeting, officers were preparing a report to look at the overall impacts of COVID-19 and it was agreed that further discussion was required to monitor carry forwards across the whole Council work programme.

Resolved CL/2021/193

That the Council

1. ***Approves the carry forward of \$2.6 million unspent capital budget for use in 2021/22: and***
2. ***Notes that this is in addition to the carry forward of \$4.8 million approved during the Long Term Plan 2021-31, taking the total carry forward to \$7.4 million of which \$827,000 is for the 2022/23 year, \$349,000 is for the 2023/24 year and the balance of \$6.2 million is for the 2021/22 year; and***
3. ***Notes that the total savings and reallocations in 2020/21 capital expenditure of \$1.7 million including staff time which is in addition to the \$2.3 million savings and reallocations already recognised in the May 2021 deliberations; and***
4. ***Notes that the total 2021/22 capital budget (including staff costs and excluding consolidations and vested assets) will be adjusted by these resolutions from a total of \$67.1 million to a total of \$69.7 million; and***
5. ***Approves the carry forward of \$567,000 unspent operating budget for use in 2021/22.***

Skinner/Rainey

Carried

9.2 Community and Recreation Committee - 16 September 2021

9.2.1 Adoption of the Community Partnerships Activity Management Plan 2021-31

Resolved CL/2021/194

That the Council

1. ***Adopts the Community Partnerships Activity Management Plan 2021-2031 (A2654351).***

Skinner/Brand

Carried

9.2.2 Adoption of the Arts, Heritage and Events Activity Management Plan 2021-31

Resolved CL/2021/195

That the Council

- 1. Adopts the Arts, Heritage and Events Activity Management Plan 2021-2031 to reflect the Long Term Plan 2021 – 31 (A2657126).***

Skinner/Bowater

Carried

9.2.3 Adoption of the Parks and Reserves Activity Management Plan 2021-31

Resolved CL/2021/196

That the Council

- 1. Adopts the revised Parks and Reserves Activity Management Plan 2021-31 to reflect the Long Term Plan 2021 -31 (A2414207).***

Skinner/Brand

Carried

9.2.5 Community and Recreation Quarterly Report to 30 June 2021

Resolved CL/2021/197

That the Council

- 1. Notes the unbudgeted grant income of \$460,000 from the successful Ministry of Business Innovation and Employment application towards the Montgomery Toilet Upgrade (paragraphs 8.21 to 8.26); and***
- 2. Agrees to bring forward \$100,000 budgeted for 2024/25 of the Long Term Plan 2021-31 for the Montgomery Toilet Upgrade, to enable design, consents and consultation to occur in 2021/22.***

Skinner/Her Worship the Mayor

Carried

10. Mayor's Report (Agenda Item 8)

Document number R26217, agenda pages 84 - 88 refer.

In request to a question regarding Mayoral correspondence, Her Worship the Mayor clarified how Mayoral correspondence was managed. The Mayor's Report was adjourned until the meeting reconvened on 5 October 2021.

Exclusion of the Public

Resolved CL/2021/198

That the Council

- 1. Excludes the public from the following parts of the proceedings of this meeting.**
- 2. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

Her Worship the Mayor/Noonan

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 - Confidential Minutes - 12 August 2021 | 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 • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |
| 2 | Council Meeting - Confidential Minutes - 2 September 2021 | 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)(a) To protect the privacy of natural persons, including that of a deceased person • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or |

| | | | |
|----------|---|---|--|
| | | | disadvantage, negotiations (including commercial and industrial negotiations) |
| 3 | Confidential Recommendations from Committees Audit Risk and Finance Subcommittee – 14 September 2021 IT Funding Request | 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)(a) To protect the privacy of natural persons, including that of a deceased person |
| 4 | Mayor's Report - Confidential | 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)(a) To protect the privacy of natural persons, including that of a deceased person |
| 6 | Nelson Central Library Development Land Exchange Negotiating Team | 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)(a) To protect the privacy of natural persons, including that of a deceased person |
| 8 | Release of Nelson Marina - Land Development Plan | 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) |

The meeting went into confidential session at 5.47pm and resumed in public session at 6.05pm.

The meeting was adjourned at 6.06pm to be reconvened on 5 October 2021.



**Minutes of a meeting of the Nelson City Council -
Te Kaunihera o Whakatū**

Reconvened in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson on Tuesday 5 October 2021, commencing at 11.48a.m.

Present: Her Worship the Mayor R Reese (Chairperson), Councillors Y Bowater, T Brand, M Courtney, J Edgar (Deputy Mayor), M Lawrey, R O'Neill-Stevens, B McGurk, G Noonan, 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 Governance Adviser (E Stephenson)

Apologies : Councillors Fulton and Rainey

Apologies

Resolved CL/2021/211

That the Council

- 1. Receives and accepts the apologies from Councillors Fulton and Rainey for attendance.***

Her Worship the Mayor/Bowater

Carried

11. Mayor's Report (Agenda Item 8 continued)

Document number R26217, agenda pages 84 - 88 refer.

Manager Governance and Support Services, Devorah Nicuarta-Smith, summarised the submission to the Department of Internal Affairs - Māori

ward process alignment phase 2, and answered questions regarding the issues covered in Council's submission.

Resolved CL/2021/212

That the Council

- 1. Receives the report Mayor's Report (R26217) and its attachment (A2724500); and***
- 2. Approves, retrospectively, Council's submission to the Department of Internal Affairs - Māori ward process alignment phase 2 (A2724500).***

Her Worship the Mayor/Edgar

Carried

12. Council - Status Report - September 2021 (Agenda Item 9)

Document number R26080, agenda pages 89 - 101 refer.

Group Manager Infrastructure, Alec Louverdis, noted that an item had been missed from the status report - Adoption of Treasury Management Plan, relating to the Forestry review. He advised that officers were working towards preparing costs for the required work and aimed to present these costs, in the first instance, to the December Forestry Subcommittee. Subject to approval, the next steps would be to commission the work in the current financial year to guide a future Forestry Activity Management Plan.

Resolved CL/2021/213

That the Council

- 1. Receives the report Council - Status Report - September 2021 (R26080) and its attachment (A1168168).***

Her Worship the Mayor/Noonan

Carried

13. Nelson Central Library – Decision-making Timeline (Agenda Item 11)

Document number R26167, agenda pages 137 - 142 refer.

Group Manager, Community Services, Andrew White spoke to the report, explaining the rationale for the changes in the recommendation. He answered questions regarding risk in terms of the land exchange

Councillor Sanson foreshadowed an amendment.

Mr White answered further questions regarding negotiations and due diligence regarding climate change and noted that none of the work undertaken was site based. The Chief Executive noted that comprehensive flood modelling work, including an independent climate based risk assessment, had been done as part of the Long Term Plan.

Her Worship the Mayor, seconded by Councillor Bowater, moved the officer's recommendation.

That the Council

1. *Receives the report Nelson Central Library – Decision-making Timeline (R26167); and*
2. *Amends clause 4 of resolution CL/2021/090 made during the 18-20 May 2021 Council meeting, to:*

Confirms that:

- *Council will approve the community engagement process (including a communication strategy and engagement plan), project management and governance approach, procurement process, financial management, and reporting and approvals processes for the proposed new library building and landscaping, noting that this work will run in parallel with land exchange negotiations; and*

Her Worship the Mayor/Bowater

Councillor Sanson, seconded by Councillor O'Neill-Stevens, moved an amendment by way of addition.

During debate, the following Points of Order were raised:

- Councillor Sanson against Her Worship the Mayor for misrepresentation, in that Council's Activity Engineer Flood Protection, Toby Kay, was not a climate financial risk assessment expert, the Point of Order was not upheld and it was reiterated that the modelling would be run again.
- Councillor Sanson against Her Worship the Mayor for misrepresentation, as there was no attempt to halt the process, which would run in parallel, the Point of Order was not upheld.
- Councillor Lawrey against Her Worship the Mayor for irrelevance in that the Kainga Ora project was completely different, the Point of Order was not upheld.

That the Council

2. Agrees to undertake an independent climate-related financial risk assessment, noting that this will run in parallel with land exchange negotiations; and

The amendment was put and a division was called:

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

The amendment was lost 3 - 8.

Sanson/O'Neill-Stevens

Lost

Resolved CL/2021/214

That the Council

1. ***Receives the report Nelson Central Library – Decision-making Timeline (R26167); and***
2. ***Amends clause 4 of resolution CL/2021/090 made during the 18-20 May 2021 Council meeting, to:***

Confirms that:

- ***Council will approve the community engagement process (including a communication strategy and engagement plan), project management and governance approach, procurement process, financial management, and reporting and approvals processes for the proposed new library building and landscaping, noting that this work will run in parallel with land exchange negotiations; and***

The substantive motion was put and a division was called:

| <u>For</u> | <u>Against</u> | <u>Absent</u> |
|-------------|----------------|---------------|
| Cr Bowater | Cr Sanson | Cr Fulton |
| Cr Brand | | Cr Rainey |
| Cr Courtney | | |

Cr Edgar
Cr Lawrey
Cr O'Neill-Stevens
Cr McGurk
Cr Noonan
Cr Skinner
Her Worship the Mayor Reese
(Chairperson)

The substantive motion was carried 10 - 1.

Her Worship the Mayor/Bowater

Carried

The meeting was adjourned from 12.35pm until 3.40pm, at which time, Councillors Sanson and Edgar were not present.

14. Uniquely Nelson - Annual Report 2020/21 (Agenda Item 12)

Document number R23760, agenda pages 143 - 175 refer.

It was agreed to defer the Uniquely Nelson – Annual Report 2020/21 to the 28 October Council meeting, in order to allow Uniquely Nelson representatives sufficient time to speak to the Annual Report.

Defer item of business

Resolved CL/2021/215

That the Council

- 1. Defers the item Uniquely Nelson – Annual Report 2020/21 to be considered at the Council meeting to be held on 28 October 2021.***

Her Worship the Mayor/Noonan

Carried

15. Strategic Development and Property Quarterly Report to 30 June (Agenda Item 14)

Document number R25980, agenda pages 234 - 250 refer.

Updated agenda pages 235 – 237 were tabled (A2751844)

Resolved CL/2021/216

That the Council

- 1. Receives the report Strategic Development and Property Quarterly Report to 30 June (R25980) and its attachments (A2711975, A2712692).***

Noonan/Skinner

Carried

Attachments

- 1 A2751844 - tabled replacement graphs agenda pages 235 - 237

16. Exclusion of the Public

Resolved CL/2021/217

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:***

Noonan/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) |
|-------------|--|---|--|
| 5 | Council - Status Report - Confidential - September 2021 | 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) |
| 7 | Directors Remuneration 2021 - Nelmac Limited | 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) |

The meeting went into confidential session at 3.43pm. and resumed in public session at 3.50pm.

Karakia Whakamutunga

RESTATEMENTS

It was resolved while the public was excluded:

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| 2 | IT Funding Request |
| | <i>That the Council</i> 3. <i>Agrees that the Report R26200, its attachment (A2735415) and the decision remain confidential at this time.</i> |

| | |
|----------|--|
| 3 | Mayor's Report - Confidential |
| | <i>That the Council</i> 3. <i><u>Agrees</u> that Attachment 2 (A2699327) and the decision be made publicly available; and</i> 4. <i><u>Agrees</u> that Report (R26177) and Attachment 1 (A2731116) remain confidential at this time.</i> |

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| 4 | Nelson Central Library Development Land Exchange Negotiating Team |
| | <p><i>That the Council</i></p> <ol style="list-style-type: none"> 1. <u>Receives</u> the report Nelson Central Library Development Land Exchange Negotiating Team (R26047) and its attachment (A2741022); and 2. <u>Approves</u> the Nelson Central Library Development Land Exchange Negotiation Team, consisting of the Group Manager Community Services (Team Lead), Group Manager Infrastructure, John Murray and Sam Cottier (Lead Negotiator); and 3. <u>Notes</u> that John Murray's appointment to the panel is subject to approval of the Office of the Auditor General under the Local Authorities (Members' Interests) Act (1968); and 4. <u>Agrees</u> that the decision be made publicly available, but the report (R26047) and its attachment (A2741022) remain confidential at this time. |

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| 5 | Release of Nelson Marina - Land Development Plan |
| | <p><i>That the Council</i></p> <ol style="list-style-type: none"> 1. <u>Receives</u> the report Release of Nelson Marina - Land Development Plan and its attachment (A2749027); and 2. <u>Receives</u> the letter of support from the Nelson Marina Advisory Group (NMAG)(A2749017); and 3. <u>Agrees</u> that Report (R26250), Attachment (A2749027) and the decision be made publicly available. |

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| 7 | Directors remuneration 2021 - Nelmac Limited |
| | <p><i>That the Council</i></p> <ol style="list-style-type: none"> 3. <u>Agrees</u> that the report Directors remuneration 2021 – Nelmac Limited (R26238) and decision be made publicly available once the 2021 Nelmac Annual General Meeting has taken place. |

There being no further business the meeting ended at 3.55pm.

Confirmed as a correct record of proceedings by resolution on 28 October 2021.

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| <i>Resolved CL/2021/218</i> |
| <i>That the Council</i> |
| <i>1. <u>Confirms</u> the minutes of the meeting of the Council, held on 23 September 2021, as a true and correct record.</i> |