
Minutes of an extraordinary meeting of the Nelson City Council

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

On Thursday 30 June 2016, commencing at 10.00am

Present: Her Worship the Mayor R Reese (Chairperson), I Barker, R Copeland, K Fulton, M Lawrey, P Matheson (Deputy Mayor), B McGurk, G Noonan, P Rainey, T Skinner and M Ward

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Strategy and Environment (C Barton), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), Development Projects Planner (L Gibellini), Senior Asset Engineer – Transport and Roading (R Palmer), Communications Adviser (C Crick), Administration Adviser (E-J Ruthven), External Legal Adviser (K Anderson), and Youth Councillors (F Sawyer and J Stallard)

Apologies: Councillors Eric Davy and Luke Acland

Opening Prayer

Councillor Noonan gave the opening prayer.

1. Apologies

Resolved CL/2016/192

***THAT apologies be received and accepted from
Councillors Eric Davy and Luke Acland.***

Her Worship the Mayor/Fulton

Carried

2. Confirmation of Order of Business

Her Worship the Mayor advised that a late item regarding an additional Special Housing Area application had been tabled, and said a resolution needed to be passed for the item to be considered.

2.1 Special Housing Areas - Late Item

Resolved CL/2016/193

THAT the item regarding Special Housing Areas - Late Item be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

Copeland/Fulton

Carried

2.2 Public Forum

Her Worship the Mayor noted that there were eight additional public forum presentations to those listed on the agenda. She said that the order of speakers would be changed, with all Special Housing Area (SHA) applicants or their representatives to speak first.

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 Jose Gay-Cano, Brian Riley and David Wallace - Arthouse Architects

Jose Gay-Cano, along with Brian Riley and David Wallace of Arthouse Architects spoke about the proposed changes to the Barcelona Lofts SHA, at 237 Haven Road. They gave a Power Point presentation (A1572846).

They explained that, in order to keep the apartments on levels 1 and 2 affordable, an extra storey was needed to generate additional return from the upper level apartments. They displayed the proposed façade of the building, noting that the proposed top storey would be set back.

In response to a question, they explained that the development focused on 1-2 bedroom apartments.

Attachments

- 1 A1572846 - Power Point Presentation - Jose Gay-Cano, Brian Riley and David Wallace - Barcelona Lofts SHA, 237 Haven Road

4.2 Natalia Harrington - Hybrid Homes and Living Ltd

Natalia Harrington and Jamie Harrington, of Hybrid Homes and Living Ltd, and Andrew Stanger, of Jones and Stanger, spoke about the proposed SHA at 35 Farleigh Street. They gave a Power Point presentation (A1573144) and tabled a document (A1574486).

They explained why they thought that the proposed development met the Housing Accord criteria to become a SHA, and noted their intention to provide stormwater infrastructure to Q100 levels. They highlighted their focus on sustainable, green development.

In response to questions, they explained their intention to utilise a greywater detention system onsite, as well as a stormwater detention pond to minimise the development's impact on the current downstream infrastructure. They said they were confident that geotechnical issues would not prevent the creation of the sections.

In response to further questions, they said they had spoken with immediate neighbours and were happy to engage with the wider Farleigh Street community.

Attachments

- 1 A1573144 - Power Point Presentation - Natalia Harrington, Jamie Harrington and Andrew Stanger - Farleigh Street proposed SHA
- 2 A1574486 - Tabled Document - Natalia Harrington, Jamie Harrington and Andrew Stanger - Farleigh Street proposed SHA

4.3 Tony Alley from Davis Ogilvie and Bernard Downey - Saltwater Creek Investments Ltd

Tony Alley, from Davis Ogilvie, and Bernard Downey spoke about the proposed SHA at 81-83 Haven Road, and tabled a document (A1573065).

They explained the proposed development, noting that it would provide a mix of one and two bedroom units.

In response to questions, they said they had spoken with the immediate neighbour, who had not noted any objections. They said the building would orientate north, rather than north-east, to reduce any impact on the neighbour, and noted it would use sustainable practices such as solar energy and rainwater collection. They added their intent to make the building aesthetically pleasing, given its location at the entrance to the city.

In response to further questions, they explained that the development would be marketed as residential living, and would appeal to active retirees and young professionals. They added that they were aware of historical Māori sites in the immediate area.

Attachments

- 1 A1573065 - Tabled Document - Tony Alley and Bernard Downey - 81-83 Haven Road proposed SHA

4.4 Jeremy Butler and Granville Dunstan - Landmark Lile Ltd

Jeremy Butler and Granville Dunstan, from Landmark Lile Ltd, spoke about the proposed SHA at 371 Wakefield Quay, and gave a Power Point presentation (A1573101).

They explained the proposed development of three townhouses, and noted their intent to push the building frontage back as much as possible, to limit the effect of the development on neighbours and provide a terracing effect in line with the Wakefield Quay precinct, but noted that in doing, the development would breach daylight angle rules at the rear of the development, with minimal effect on neighbours. They explained discussions they had had with immediate neighbours to date, and tabled a letter from the neighbour behind the development, indicating their support (A1578470).

Attendance: Councillor Copeland left the meeting from 10.53am to 10.58am.

In response to questions, they explained their constraint in providing three dwellings on the site, due to the need to provide carparks. They said that they were happy to consider design solutions to mitigate the effect of large concrete slabs at each end of the development.

Attendance: Councillors Matheson and Rainey left the meeting at 11.03am and returned at 11.05am.

In response to further questions, they said that building back into the site would effectively improve the stability of the hill.

Attendance: Councillor Ward left the meeting at 11.08am.

Attachments

- 1 A1573101 - Power Point Presentation - Granville Dunstan and Jeremy Butler - 371 Wakefield Quay proposed SHA
- 2 A1578470 - Tabled Document - Granville Dunstan and Jeremy Butler - 371 Wakefield Quay proposed SHA

4.5 Aaron Smail - Summerset Group Holdings Ltd

Aaron Smail, from Summerset Group Holdings Ltd, spoke about the proposed SHA at Saxton (Option 2), and gave a Power Point presentation (A1572965).

He explained Summerset Group's intention to build a retirement village consisting of 285 villa/apartments and a 50-bed rest-home. He said that the development was unlikely to put any additional traffic loading onto the three roundabouts, and suggested that a link road through to Ngati Rārua Street was unnecessary, and would result in the loss of dwellings from the village.

Attendance: Councillor Ward returned to the meeting at 11.14am.

In response to questions, he said that, anecdotally, most retirement village residents tended to move from within the region. He added that the village only became a gated community at night.

Attachments

- 1 A1572965 - Power Point Presentation - Aaron Smail - proposed Saxton SHA

4.6 Aaron Walton - Aaron Walton Architecture and Design Ltd, and Rachel Dodd - Arthouse Architects Ltd

Aaron Walton from Aaron Walton Architecture and Design Ltd, and Rachel Dodd from Arthouse Architects Ltd, spoke about the proposed SHAs at 1 & 5 Tahunanui Drive and 19-21 Beach Road.

Ms Dodd gave a Power Point presentation with regards to the proposed SHA at 1 & 5 Tahunanui Drive (A1572874). She explained the proposed development for the site, and measures that had been taken to increase affordability.

In response to questions, she said the proposed height was approximately 13 metres, but could not be confirmed until detailed design was undertaken. She said a maximum height within the qualifying development criteria of at least 14m would be required. She said the building would be set back from the boundary line, and that plans allowed for a landscaping strip.

Attendance: The meeting adjourned from 11.36am to 11.41am. Councillor Skinner left the meeting during the adjournment and returned at 11.42am.

Mr Walton gave a Power Point presentation with regards to the proposed SHA at 19 - 21 Beach Road (A1572958). He outlined the proposed development for the site, including the intention to retain the current set-back from the road, and proposed landscaping of the area.

In response to questions, he confirmed the proposed height of the building to be 15 metres, with approval sought for a maximum of 16 metres. He confirmed that the height of the water table prevented underground car-parking as an option.

In response to further questions, he confirmed that neighbouring properties had not yet been approached regarding the proposed development, but that as neighbouring properties were zoned commercial, daylight angle rules would not be applicable.

Attachments

- 1 A1572874 - Power Point Presentation - Aaron Walter and Rachel Dodd - 1 & 5 Tahunanui Drive proposed SHA
- 2 A1572958 - Power Point presentation - Aaron Walton and Rachel Dodd - 19 & 21 Beach Road proposed SHA

4.7 Judith Ritchie

Judith Ritchie spoke about the proposed SHA at 69 Newman Drive, and tabled a document (A1573045).

She outlined the proposed development, noting that her focus was on affordability and sustainable building design. She explained that her title currently contained a covenant limiting the number of dwellings to one, and tabled a letter from a neighbour consenting to an easement to allow driveway access to her land (A1584785).

In response to a question, she explained she would like Council's assistance with gaining the appropriate approvals from neighbouring property owners to lift the covenant from her land. She confirmed that the NRMP permitted three-four residential dwellings on site, but that the covenant currently restricted this.

Attachments

- 1 A1573045 - Tabled Document - Judith Ritchie - 69 Newman Drive proposed SHA
- 2 A1584785 - Tabled Document - letter - Judith Ritchie - 69 Newman Drive proposed SHA

4.8 Dolly and Mike Brennan

Dolly and Mike Brennan spoke about the proposed SHA at 42 Domett Street, and gave a Power Point presentation (A1573090).

They explained they were neighbours to 42 Domett Street, and noted their concerns regarding the proposed development, in relation to the historic significance of the area and the proximity to Maitai School. They tabled a statement from Maitai School in relation to the proposed development (A1578126).

They noted that up to four dwellings could be developed on the property under the NRMP, and suggested there was no need to make the area an SHA.

In response to questions, they explained they were not adverse to development on the site, but suggested any development should be within the parameters of the NRMP. They also noted concerns regarding daylight angles in relation to the proposed development.

Attachments

- 1 A1573090 - Power Point Presentation - Dolly and Mike Brennan - 42 Domett Street proposed SHA
- 2 A1578126 - Tabled Document - Dolly and Mike Brennan - 42 Domett Street proposed SHA

4.9 Steve Cross – Nelson Residents' Association

Steve Cross spoke about the proposed SHA at 1 & 5 Tahunanui Drive.

He explained his concerns that Council was re-considering the proposal, given that a motion regarding the application had previously been lost at the Council meeting of 2 June 2016.

Mr Cross said that the developer had not undertaken any consultation with nearby residents, and suggested that the officer report was biased towards approving SHAs featuring apartment blocks. He noted that the correct height limit in the NRMP for the eastern side of Tahunanui Drive was 8 metres, and added his concerns that the site was of significant historical importance to iwi, and would be archeologically significant.

Mr Cross explained that he had spoken with many people in the community who were against the proposed development, and he tabled a petition against the development (A1576246).

In response to questions, he explained how he initially became aware of the proposed development. He added that he would accept any planned development for the site that was within the NRMP parameters.

Attachments

- 1 A1576246 - Tabled Document - Steve Cross - 1 & 5 Tahunanui Drive proposed SHA

Attendance: Councillor Lawrey left the meeting at 12.34pm.

4.10 Chris Lewis

Chris Lewis spoke about Special Housing Areas (42 Domett Street). He gave a Power Point presentation (A1574506) and tabled a document (A1574502).

Attendance: Councillor Lawrey returned to the meeting at 12.36pm.

He explained that he was a neighbour to 42 Domett Street. He noted the flood, earthquake and kink boundary overlays on the property under the NRMP, as well as being the historic location of Charles Heaphy's house. He noted the trees on the property and expressed concern regarding the proposed removal of the non-heritage listed trees on the property.

In response to questions, he suggested that development on the property could be carefully managed through the NRMP process.

Attachments

- 1 A1574506 - Power Point presentation - Chris Lewis - 42 Domett Street proposed SHA
- 2 A1574502 - Tabled Document - Chris Lewis - 42 Domett Street proposed SHA

Attendance: Councillor Rainey left the meeting at 12.42pm.

4.11 Gary Davis

Attendance: Councillor Copeland left the meeting from 12.47pm to 12.49pm.

Gary Davis spoke about the proposed SHA at 1 and 5 Tahunanui Drive. He said he lived just above the proposed development, and explained his concerns regarding the proposed accessway to the development from Bisley Avenue. He added that The Sands development had proceeded through the resource consent process, and had included engagement between the developer and nearby residents, resulting in a satisfactory conclusion.

In response to questions, Mr Davis said that he was not opposed to development on the site, but would prefer for the developer to engage with nearby residents to ensure that the development fit the area.

Attendance: Councillor Lawrey left the meeting at 12.56pm, and Councillor Rainey returned to the meeting at 12.56pm.

4.12 David James

David James spoke about the proposed SHA at 1 and 5 Tahunanui Drive. He said he lived in The Sands apartment, and explained his concerns in relation to additional traffic accessing the proposed development from Bisley Avenue. He suggested that a commercial development of up to two storeys would be appropriate for the site.

In response to questions, he explained traffic congestion issues, and noted difficulties turning right out of The Sands carpark onto Bisley Avenue.

4.13 Alistair Cotterill

Attendance: Councillor Barker left the meeting from 1.08pm to 1.10pm.

Alistair Cotterill spoke about the proposed SHA at 1 and 5 Tahunanui Drive. He explained that he lived next to the proposed development, and noted that the developer had not yet consulted any neighbouring property owners with regards to the proposed development.

Mr Cotterill explained his concerns regarding the commercial tenancies proposed for the ground floor of the development, and suggested that insufficient parking was provided within the development to support these. He added his concerns that the development would impose on the immediate area, especially when lit up at night. He also noted that there would likely be items of archaeological interest on the site.

Attendance: Councillor Matheson left the meeting from 1.15pm to 1.16pm, and Councillor Lawrey left the meeting from 1.15pm to 1.17pm.

4.14 John Molyneux

John Molyneux spoke about the proposed SHAs at 1 & 5 Tahunanui Drive and 19 – 21 Beach Road. He noted the current parameters provided for development in Tahunanui under the NRMP, and suggested that the proposed SHAs for the Tahunanui area were not aimed at increasing the supply of affordable housing.

Mr Molyneux noted his concerns that high rise developments in Tahunanui would dominate the area, and suggested that such developments were not in keeping with the nature of the area. He suggested that declining to make the areas SHAs would not result in development not occurring on each site, and urged Council to reject the recommendations in respect of the proposed SHAs for Tahunanui Drive and Beach Road.

4.15 Kevin Hunter spoke about Special Housing Areas (1 and 5 Tahunanui Drive)

Kevin Hunter spoke about the proposed SHA at 1 & 5 Tahunanui Drive. He explained that his apartment in The Sands complex looked out over 1 & 5 Tahunanui Drive, and explained the affect the proposed development would have on the views from apartments on the Bisley Avenue side of The Sands development. He added his concerns regarding the effect the proposed development may have on traffic on Bisley Avenue and the Tahunanui Drive intersection.

In response to questions, he said he supported development taking place on the site in the future. He suggested commercial development, or apartments developments at a lower height may be appropriate for the site.

4.16 Trevor Chang spoke about Special Housing Areas (1 and 5 Tahunanui Drive)

Trevor Chang spoke about the proposed SHA at 1 & 5 Tahunanui Drive. He explained that he had lived at the neighbouring property for 60 years. He explained his concern regarding the proposed ingress and egress of the proposed development, given that he already experienced issues with vehicles parking in his property. He added his concerns regarding stormwater entering his property from 1 & 5 Tahunanui Drive, and suggested that appropriate infrastructure be installed prior to development taking place on site.

In response to a question, he outlined his concerns regarding the effect of daylight angles from the proposed development on his property.

Attendance: The meeting adjourned for lunch from 1.46pm to 2.24pm, during which time Councillors Fulton and Rainey left the meeting.

4. Mayor's Report

There was no Mayor's Report.

Attendance: Councillor Fulton returned to the meeting at 2.25pm, and Councillor Rainey returned to the meeting at 2.26pm.

5. Special Housing Areas

Document number R6101, agenda pages 5 - 71 refer.

Group Manager Strategy and Planning, Clare Barton, and Development Projects Planner, Lisa Gibellini, presented the report.

Ms Gibellini explained a correction to the report, noting that, under the Nelson Resource Management Plan (NRMP), the permitted height for the site at 1 and 5 Tahunanui Drive was 8 metres, rather than 10 metres as specified in the report.

Ms Barton introduced external legal adviser, Kerry Anderson, who provided a summary of the criteria for Special Housing Areas (SHAs) under the Housing Accord and Special Housing Areas Act 2013 (HASHA).

She explained that Council was required to abide by the decision-making principles of the Local Government Act 2002 in making each decision to recommend areas as SHAs under HASHA, but that in each case, aside from Bett Carpark, the decision had been assessed as being of low-medium significance. She said that, as a result, there was no requirement for formal community consultation. She added that the current zoning of the majority of sites meant that the community could expect development on those sites to occur.

Attendance: Councillor Matheson left the meeting from 2.32pm to 2.36pm.

In response to a question, Ms Anderson explained that recent case law had confirmed that Council could consider resource consent-related issues in relation to decisions to recommend an SHA, and was also entitled to decline SHA applications on the same basis.

Attendance: The meeting adjourned from 2.37pm to 2.38pm.

In response to a further question, Ms Anderson explained that Council could include special conditions for approved SHA sites. She confirmed that some local authorities around the country, such as Queenstown Lakes District Council, had utilised a legal deed agreed with the applicant in respect of each SHA to specify particular conditions for the development. She added that the SHA designation would remain with the land if sold, unless Council had a subsequent agreement with the applicant that the land would not be on-sold.

Attendance: Councillor Matheson left the meeting from 2.43 pm to 2.46pm.

Her Worship the Mayor advised that the meeting would consider item 7, Trafalgar Centre – Main Building Roof Replacement, and return to item 6, Special Housing Areas, later in the meeting.

6. Trafalgar Centre - Main Building Roof Replacement

Document number R6110, agenda pages 72 - 76 refer.

Attendance: Councillor Rainey left the meeting at 2.50pm.

Capital Projects Contractor, Richard Kirby, presented the report.

Resolved CL/2016/194

Receive the report Trafalgar Centre - Main Building Roof Replacement (R6110).

Her Worship the Mayor/Noonan

Carried

In response to questions, Mr Kirby noted details of the proposed roof gauge, and said that a new roof would allow an equivalent weight of items, such as lighting, to be hung as the current roof allowed.

Attendance: Councillor Copeland left the meeting from 2.51pm to 2.53pm.

Resolved CL/2016/195

Receive the report Trafalgar Centre - Main Building Roof Replacement (R6110);

Revoke, in accordance with Standing Order 3.9.18, the following part of the Council resolution CL/2016/078 made on 14 April 2016:

AND THAT funding of \$250,000 be approved to install a new roof over the current roof on the main building on the understanding that \$70,000 is already allocated in the budget and available;

Approve funding of \$240,000 to replace the roof cladding over the main building on the understanding that \$70,000 is already allocated in the budget and is available.

Fulton/Copeland

Carried

Attendance: Councillor Rainey returned to the meeting at 2.56pm, and Councillor Matheson left the meeting at 2.57pm.

7. Special Housing Areas (continued)

The meeting returned to consider Special Housing Areas.

In response to questions, Ms Anderson outlined the resource consent process under HASHA and explained the differences from the usual resource consent process. She added that the resource consent process required Council, as consenting authority, to be sure that adequate infrastructure would be provided prior to issuing consent.

Attendance: Councillor Matheson returned to the meeting at 3.01pm.

There was a discussion regarding the use of deeds to specify conditions attached to the approval of SHAs, and an example of a draft deed was tabled (A1575651).

In response to questions, Ms Anderson confirmed that Council could specify conditions to attach to its approval of an SHA through a deed, but noted that concluding a deed would add additional time pressure to the process, given that resource consent applications for SHAs were required to be submitted to Council by 16 September 2016.

She added that, in considering whether to utilise deeds to specify conditions for the SHA applications currently before it, Council should be mindful that it had previously approved SHAs without doing so. In response to a question, she said that utilising deeds for the current applications may give rise to issues regarding consistency.

Her Worship the Mayor advised that the meeting would now consider each of the specific SHA applications in turn.

Attendance: Councillor Skinner left the meeting from 3.25pm to 3.29pm.

Attachments

1 A1575651 - Tabled Document - Example of draft Deed

7.1 19 & 21 Beach Road

Her Worship the Mayor reminded councillors that the following motion in relation to 19 & 21 Beach Road had been moved and seconded at the Council meeting of 2 June 2016, before being left to lie on the table:

AND THAT Council approve 19 & 21 Beach Road (A1548015) as a potential Special Housing Area.

Ms Gibellini displayed a Power Point slide illustrating the current permitted baselines under the Nelson Resource Management Plan (A1584992).

There was a discussion regarding the proposed development should the area be made an SHA. Some concern was expressed that the developer had not yet engaged with neighbouring property owners and occupiers regarding the proposed development, and regarding the proposed height of the development and the shading effect it may have on nearby properties.

A suggestion was made that, should Council proceed with this area as an SHA, that the Urban Design Panel should be involved to ensure good design outcomes for the site. In response to a question, Ms Barton explained that engagement with the Urban Design Panel was not compulsory under the normal resource consent process, but could be included as a condition if the application were approved as an SHA under HASHA.

During discussion it was suggested that, while the qualifying development criteria for this application were similar for that approved for the Ocean Lodge site, the two sites were different in that the Tahunanui community had anticipated development on the Ocean Lodge site for many years, whereas no such development had been anticipated for 19 & 21 Beach Road.

Her Worship the Mayor advised that the motion would temporarily lie on the table, in order for the report to be received, and a procedural motion passed to extend the length of the meeting.

Resolved CL/2016/196

Receive the report Special Housing Areas (R6101) and its attachments (A1568203, A1570355, A1565848, A1566195, A1567418, A1570343, A1569049, A1570300, A1570087, and A1563031).

Her Worship the Mayor/Matheson

Carried

Resolved CL/2016/197

Extend the meeting beyond six hours, pursuant to Standing Order 3.3.7.

Her Worship the Mayor/Noonan

Carried

Attendance: The meeting adjourned from 4.15pm to 4.27pm.

The meeting returned to consider the application for an SHA at 19 & 21 Beach Road.

Her Worship the Mayor advised that Ms Anderson would provide Council with legal advice in respect of this application, and that the meeting would temporarily move into public excluded session to enable Council to consider this.

Resolved CL/2016/198

THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Kerry Anderson remain after the public has been excluded, for the Item Special Housing Areas, as she has knowledge that will

assist the Council;

AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Kerry Anderson possesses relates to legal advice in respect of the potential use of legal deeds in relation to the applications for Special Housing Areas currently before the meeting.

Copeland/Noonan

Carried

Resolved CL/2016/199

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

Copeland/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	Special Housing Areas	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.

The meeting went into public excluded session at 4.30pm and resumed in public session at 4.51pm.

8. Re-admittance of the Public

Resolved CL/2016/200

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Noonan

Carried

9. Special Housing Areas (continued)

Her Worship the Mayor advised that the meeting would return to consider the Special Housing Application in relation to 19 & 21 Beach Road.

Attendance: Councillor Rainey left the meeting from 4.52 to 4.53pm.

9.1 19 & 21 Beach Road (continued)

In response to a question, Ms Gibellini explained how officers ascertained whether there was ongoing demand for housing, when considering SHA applications.

Councillor Ward, seconded by Councillor Copeland, moved an amendment:

AND THAT Council approve 19 & 21 Beach Road (A1548015) as a potential Special Housing Area, subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.

The amendment was put and a division was called:

Councillor Acland	Apology
Councillor Barker	No
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	No
Councillor McGurk	Aye
Councillor Noonan	No
Councillor Rainey	No
Councillor Skinner	No
Councillor Ward	Aye
Her Worship the Mayor	No

The amendment was lost 6-5, with two apologies.

The meeting returned to consider the original motion.

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	No
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	No
Councillor Lawrey	Aye
Councillor Matheson	No
Councillor McGurk	Aye
Councillor Noonan	No
Councillor Rainey	No
Councillor Skinner	No
Councillor Ward	No
Her Worship the Mayor	No

The amendment was lost, 8-3, with two apologies.

Attachments

- 1 A1584992 - Power Point Presentation - 19-21 Beach Road

9.2 Barcelona Lofts

Councillor Lawrey, seconded by Councillor Noonan, moved the recommendation in the officer report in respect of the amendment to the qualifying development criteria in relation to the Barcelona Lofts SHA.

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	Aye
Councillor McGurk	Aye
Councillor Noonan	Aye
Councillor Rainey	Aye
Councillor Skinner	Aye

Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was passed 11-0, with two apologies.

Resolved CL/2016/201

Approve the amendment to the qualifying development criteria for the number of storeys from 4 to 5 storeys for the Barcelona Lofts (237 Haven Road) Special Housing Area (A1568203).

Lawrey/Noonan

Carried

9.3 81 - 83 Haven Road

Ms Gibellini displayed a Power Point slide illustrating the current permitted baselines under the Nelson Resource Management Plan (A1585009). She said that the slope of the site resulted in the permitted baseline allowing a rolling height for the proposed development.

Councillor Matheson, seconded by Councillor Lawrey moved the recommendation in the office report in respect of the SHA application at 81 – 83 Haven Road.

Councillor Fulton, seconded by Councillor Lawrey, moved an amendment:

AND THAT Council approve 81 – 83 Haven Road (A1566195) as a potential Special Housing Area, subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.

The amendment was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	No
Councillor McGurk	Aye
Councillor Noonan	No
Councillor Rainey	Aye

Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The amendment was passed 9-2, with two apologies, and became the substantive motion.

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	No
Councillor McGurk	Aye
Councillor Noonan	No
Councillor Rainey	Aye
Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was passed 9-2, with two apologies.

Resolved CL/2016/202

Approve 81 – 83 Haven Road (A1566195) as a potential Special Housing Area subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.

Matheson/Lawrey

Carried

Attachments

- 1 A1585009 - Power Point Presentation - 81-83 Haven Road

Councillor Rainey, seconded by Councillor Copeland, moved a procedural resolution:

THAT the meeting be adjourned to 7 July 2016 at 11am.

The motion was put and lost.

Attendance: Councillor Rainey left the meeting at 5.18pm.

9.4 42 Domett Street

Resolved CL/2016/203

Not Approve 42 Domett Street (A1567418) as a potential Special Housing Area.

Fulton/Matheson

Carried

9.5 1 & 5 Tahunanui Drive

Councillors discussed the application. It was noted that residential development might be appropriate for the site at a future time, however concern was expressed regarding the height of the proposed development, and that the developer had not yet engaged with neighbouring property owners and occupiers.

Councillor Ward, seconded by Councillor Lawrey moved a motion:

Not Approve 1 & 5 Tahunanui Drive (A1570343) as a potential Special Housing Area;

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	Aye
Councillor McGurk	Aye
Councillor Noonan	Aye
Councillor Rainey	Apology
Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was passed 10-0, with three apologies.

9.6 35 Farleigh Street

Ms Gibellini explained the reasons for the officer recommendation and advice that the application did not meet the tests to be considered an SHA under HASHA. She said that there were uncertainties with regards to the provision of wastewater, stormwater and water supply infrastructure to the site, and that as a result, officers could not conclude that the relevant infrastructure was likely to be provided, as was required before a site could be recommended as an SHA. She added that, as the area was currently zoned rural, the community may not have anticipated that development would take place in this area.

Attendance: Councillor Copeland left the meeting from 5.40pm to 5.42pm.

In response to a question, Ms Gibellini explained that, in order to provide adequate infrastructure to the site, it was likely that the developers would need to reduce the number of dwellings built, and that this would result in the application no longer meeting the qualifying development criteria.

Councillors discussed the application and some support for the application proceeding was expressed, despite the uncertainties regarding the provision of infrastructure. A suggestion was made that the qualifying development criteria be altered to specify a minimum of 14 dwellings, rather than 19 as stated in the application.

The Chief Executive, Mrs Hadley, added that if a deed were agreed with the applicant, it should specify that additional infrastructure be designed and constructed in accordance with the Nelson Resource Management Plan and Council's Land Development Manual.

Councillor Fulton, seconded by Councillor Ward moved a motion:

Approve 35 Farleigh Street potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:

- That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria with a minimum dwelling or residential site capacity of 14.*
- That the landowner files Urban Design Panel approval with their resource consent application.*
- That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Council's infrastructure, required to support the development of the SHA.*
- That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to*

the zoning of the SHA land or any applications for resource consent.

- *That the Deed does not bind, restrict or in any other way fetter the Council's powers and obligations under the RMA, HASHA, or any other relevant legislation.*

Councillors discussed the motion and a variety of views for and against were expressed.

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	Aye
Councillor McGurk	No
Councillor Noonan	No
Councillor Rainey	Apology
Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was passed 8-2, with three apologies.

Resolved CL/2016/204

Approve 35 Farleigh Street potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:

- ***That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria with a minimum dwelling or residential site capacity of 14.***
- ***That the landowner files Urban Design Panel approval with their resource consent application.***
- ***That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils***

infrastructure, required to support the development of the SHA.

- **That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to the zoning of the SHA land or any applications for resource consent.**
- **That the Deed does not bind, restrict or in any other way fetter the Council's powers and obligations under the RMA, HASHA, or any other relevant legislation.**

Fulton/Ward

Carried

Attendance: Councillor Fulton left the meeting from 6.10pm to 6.12pm.

9.7 Saxton SHA – Reduced Extent – Options 1 and 2

Attendance: Councillor Copeland left the meeting at 6.11pm

It was clarified that officers had not yet been advised by applicants as to whether they intended to pursue option 1 or option 2.

It was noted that the land was currently zoned rural, however development in this area had been expected to occur.

During discussion a suggestion was made that a deed should be entered into with regards to this application, regarding issues including transport connectivity and design.

Attendance: Councillor Ward left the meeting at 6.14pm, and the meeting adjourned from 6.16pm to 6.26pm, during which time Councillor Ward returned to the meeting.

Her Worship the Mayor, seconded by Councillor Barker, moved a motion

Approve either Saxton Option for a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:

- *That the developer provide for roading connectivity between the SHA and Ngati Rārua St (or such other connectivity as satisfies Council's transport asset manager).*
- *And the developer provide for wastewater, water and stormwater connectivity of sufficient capacity to adjoining properties.*
- *And that the developer provide open space/esplanade connectivity with the Saxton Creek upgrade.*

- *That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria.*
- *That the landowner files Urban Design Panel approval with their resource consent application.*
- *That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA.*
- *That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to the zoning of the SHA land or any applications for resource consent.*
- *That the Deed does not bind, restrict or in any other way fetter the Council's powers and obligations under the RMA, HASHA, or any other relevant legislation.*

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Apology
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	No
Councillor Matheson	Aye
Councillor McGurk	No
Councillor Noonan	Aye
Councillor Rainey	Apology
Councillor Skinner	Aye
Councillor Ward	No
Her Worship the Mayor	Aye

The motion was passed 6-3, with four apologies.

Resolved CL/2016/205

Approve either Saxton Option for a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:

- ***That the developer provide for roading connectivity between the SHA and Ngati Rārua St (or such other connectivity as satisfies Council’s transport asset manager).***
- ***And the developer provide for wastewater, water and stormwater connectivity of sufficient capacity to adjoining properties.***
- ***And that the developer provide open space/esplanade connectivity with the Saxton Creek upgrade.***
- ***That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria.***
- ***That the landowner files Urban Design Panel approval with their resource consent application.***
- ***That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA.***
- ***That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to the zoning of the SHA land or any applications for resource consent.***
- ***That the Deed does not bind, restrict or in any other way fetter the Council’s powers and obligations under the RMA, HASHA, or any other relevant legislation.***

Her Worship the Mayor/Barker

Carried

9.8 69 Newman Drive (late item)

Ms Gibellini displayed a Power Point slide illustrating the current permitted baselines under the Nelson Resource Management Plan (A1585026).

There was a discussion regarding the covenant currently on the title limiting the number of dwellings on the section to one. In response to questions, Ms Barton said that officers would not be able to assist the applicant with negotiating with the relevant landowners regarding lifting the covenant on her title. She clarified that, if the covenant remained in place following the resource consent application, any resource consent subsequently issued may be frustrated.

Councillor McGurk, seconded by Councillor Ward, moved the recommendation in the officer report.

There was a discussion regarding whether the applicants should engage with the Urban Design Panel, and the mover and seconder agreed to incorporate this within the motion.

Resolved CL/2016/206

Receive the report Special Housing Areas – Late Item (R6110) and its attachment (A1573116);

Approve 69 Newman Drive (A1573116) as a potential Special Housing Area subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application;

Approve that Her Worship the Mayor recommend the potential Special Housing Area at 69 Newman Drive, approved as a result of considering report R6164, to the Minister of Building and Housing for consideration as a Special Housing Area under the Housing Accord and Special Housing Areas Act 2013.

McGurk/Ward

Carried

Attachments

1 A1585026 - Power Point Presentation - 69 Newman Drive

9.9 371 Wakefield Quay

Attendance: Councillor Noonan left the meeting at 6.56pm.

Councillor Matheson, seconded by Councillor Skinner moved the recommendation in the officer report in respect of the application for an SHA at 371 Wakefield Quay.

There was a discussion regarding whether the applicants should engage with the Urban Design Panel, and the mover and seconder agreed to incorporate this within the motion.

Resolved CL/2016/207

Approve 371 Wakefield Quay (A1565848) as a potential Special Housing Area subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.

Matheson/Skinner

Carried

Attendance: Councillor Noonan returned to the meeting at 7.02pm.

Resolved CL/2016/208

Approve that Her Worship the Mayor recommend all potential Special Housing Areas approved as a result of considering report R6101 to the Minister of Building and Housing for consideration as Special Housing Areas under the Housing Accord and Special Housing Areas Act 2013.

Ward/Noonan

Carried

Resolved CL/2016/209

Delegate authority to the Chief Executive to finalise and sign deeds reflecting resolutions passed at the Council meeting on 30 June 2016, relating to Special Housing Areas.

Skinner/Fulton

Carried

Attendance: Councillor Ward left the meeting at 7.03pm.

There being no further business the meeting ended at 7.05pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date