



# AGENDA

**Ordinary meeting of the**

**Nelson City Council**

**Thursday 20 September 2018**

**Commencing at 9.00a.m.**

**Council Chamber**

**Civic House**

**110 Trafalgar Street, Nelson**

**Pat Dougherty  
Chief Executive**

Membership: Her Worship the Mayor Rachel Reese (Chairperson), Councillors Luke Acland, Ian Barker, Mel Courtney, Bill Dahlberg, Kate Fulton, Matt Lawrey, Paul Matheson, Brian McGurk, Gaile Noonan, Mike Rutledge, Tim Skinner and Stuart Walker

Quorum: 7

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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**Opening Prayer****1. Apologies**

- 1.1 An apology has been received from Councillor Walker as he is away on Council business.

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

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

**4. Public Forum**

- 4.1 Sharon Webber - Hearing Nelson , will speak about the Silent Leadership Challenge.
- 4.2 Steve Cross will speak about the Notice of Motion in relation to recording of public workshops.
- 4.3 Graeme O'Brien will speak about his research relating to public notification of workshops.

**5. Confirmation of Minutes**

- 5.1 9 August 2018 **10 - 29**

Document number M3667

Recommendation

***That the Council***

***Confirms the minutes of the meeting of the Council,  
held on 9 August 2018, as a true and correct record.***

## **6. Recommendations from Committees**

### **6.1 Audit, Risk and Finance Subcommittee - 14 August 2018**

#### **6.1.1 Draft Governance Members' Protected Disclosure Policy**

Recommendation to Council

***That the Council***

***Adopts the Governance Members' Protected Disclosure Policy (R9579).***

### **6.2 Works and Infrastructure Committee - 16 August 2018**

#### **6.2.1 Solid Waste Asset Management Plan 2018 - 2028**

Recommendation to Council

***That the Council***

***Adopts the Solid Waste Asset Management Plan 2018 - 2028 (A1828548).***

#### **6.2.2 Water Supply Asset Management Plan 2018 - 2028**

Recommendation to Council

***That the Council***

***Adopts the Water Supply Asset Management Plan 2018-28 (A1620958), amended to reflect the approved Long Term Plan 2018 - 2028 including the renewal of existing residential water meters with manual read meters.***

#### **6.2.3 Paxster Use on Nelson Footpaths**

Recommendation to Council

***That the Council***

***Approves the use of Paxsters on selective routes for a period of 24 months and works with NZ Post to finalise exclusion zones as shown on Attachment A1990504 of Report R8928.***

### **6.3 Joint Shareholders Committee - 21 August 2018**

#### **6.3.1 Nelson Airport Limited - Changes to Constitution**

Recommendation to Council

***That the Council***

***Votes respective shareholding in support of the amended Constitution at the Company's 2018 Annual Shareholder Meeting***

### **6.4 Sports and Recreation Committee - 21 August 2018**

#### **6.4.1 Adoption of the Parks and Reserves Asset Management Plan 2018-28**

Recommendation to Council

***That the Council***

***Adopts the Parks and Reserves Asset Management Plan 2018-28 (A2004774) amended to reflect the approved Long Term Plan 2018 – 2028.***

### **6.5 Planning and Regulatory Committee - 23 August 2018**

#### **6.5.1 Review of Council's Gambling Policy**

Note: an amended Statement of Proposal is attached for reference. **30 - 44**

Recommendation to Council

***That the Council***

***Approves the amended Statement of Proposal to Amend the Gambling Policy (A2008367) for public consultation; and***

***Agrees that a summary of the Statement of Proposal Gambling Policy Review is not required; and***

***Approves the proposed process and timeframes for consultation set out in the report Review of Council's Gambling Policy (R9358).***

## **6.6 Hearings Panel - Other - 28 August 2018**

### **6.6.1 Summerset: Proposed Water Easement over Part of Saxton Field**

Recommendation to Council

***That the Council***

***Confirms the easement in gross over the area shown in red on the plan (A2019437) of Saxton Field be agreed to under section 48(1)(d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.***

## **6.7 Community Services Committee - 30 August 2018**

### **6.7.1 Nelson Festivals Trust - Transition and Trust Deed Update**

Recommendation to Council

***That the Council***

***Approves the amended Nelson Festivals Trust Deed (A2029206).***

## **6.8 Governance Committee - 6 September 2018**

### **6.8.1 Nelson Enterprise Loan Trust - rollover of loan due July 2018**

Recommendation to Council

***That the Council***

***Approves rolling over the interest free loan to Nelson Enterprise Loan Trust for a further one year through to September 2019 while a sustainable business model is developed by the Board.***

6.8.2 Nelson Centre of Musical Arts - Funding

Recommendation to Council

***That the Council***

***Approves the allocation of \$25,000 unbudgeted expenditure to increase the operational grant of the Nelson Centre of Musical Arts from \$125,000 to \$150,000 for financial year 2018/19.***

6.8.3 Event funding - Septura Residency for Brass Instrument Performers

Recommendation to Council

***That the Council***

***Approves unbudgeted funding of \$15,000 for the Septura Residency for Brass Instrument Performers event to support the Nelson Centre of Musical Arts as it seeks to maximise its newly renovated venue.***

**7. Mayor's Report**

**45 - 46**

Document number R9684

Recommendation

***That the Council***

***Receives the report Mayor's Report (R9684).***

**8. Live-streaming Workshops**

This report was not available when the agenda went to print and will be distributed separately.

**9. Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops**

**47 - 49**

Document number R9691

Recommendation

***That the Council***

***Receives the report Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops (R9691) and its attachment (A2018993); and***

**Confirms live-streaming of all Nelson City Council public meetings and workshops, including public meetings and public workshops held by all committees and sub-committees ; and**

**Confirms that Nelson City Council live-streams all Regional Transport Committee's public meetings and public workshops.**

Lawrey/Acland

**10. Amendment to resolution regarding Upper Trafalgar Street closure 2018/19 50 - 54**

Document number R9658

Recommendation

***That the Council***

**Receives the report Amendment to resolution regarding Upper Trafalgar Street closure 2018/19 (R9658); and**

**Amends the section of resolution CL/2018/186 that relates to the time during which Upper Trafalgar Street will be closed to traffic so that the street will be closed to all vehicles, apart from emergency vehicles and other vehicles specifically authorised by Council's network coordinator, from 07:00am every day to 07:00am on each following day.**

**11. Amendment to Special Housing Area at 2 City Heights 55 - 60**

Document number R9638

Recommendation

***That the Council***

**Receives the report Amendment to Special Housing Area at 2 City Heights (R9638) and its attachment (A1922971); and**

**Approves the change in qualifying development criteria from 2 storeys to 3 storeys as shown in Attachment 1 (A1922971).**

## 12. Bay Dreams Update and Camping Request

This report was not available when the agenda went to print and will be distributed separately.

## PUBLIC EXCLUDED BUSINESS

### 13. Exclusion of the Public

Recommendation

***That the Council***

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

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	<b>Council Meeting - Public Excluded Minutes - 9 August 2018</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)(g) To maintain legal professional privilege</li><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>
2	<b>Recommendations from Committees  Community Services Committee 30 Aug 2018</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which	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>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
	<p>Greenmeadows Centre - Progress Update</p> <p><b>Governance Committee 6 September 2018</b></p> <p>Bishop Suter Trust – reappointment of Trustees</p> <p>Nelmac Director Reappointment</p> <p>Nelmac Matters</p>	good reason exists under section 7	<ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>
<b>3</b>	<b>Policy for the appointment and remuneration of jointly-appointed independent members to committees</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
<b>4</b>	<b>NRSBU independent member appointment</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>

**Note:**

- **This meeting is expected to continue beyond lunchtime.**
- **Lunch will be provided.**
- **Youth Councillors Lutai Funaki and Christiane Leper will be in attendance at this meeting.**



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## **Minutes of a meeting of the Nelson City Council**

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

**On Thursday 9 August 2018, commencing at 9.09a.m.**

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**Present:** Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, M Courtney, B Dahlberg, K Fulton, M Lawrey, P Matheson, B McGurk, G Noonan, M Rutledge, T Skinner and S Walker

**In Attendance:** Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (R Ball), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald), Team Leader Governance (R Byrne), Governance Adviser (E Stephenson) and Youth Councillors Alex Hunter and Nico Frizell.

**Apologies :** Nil

### **Opening Prayer**

Councillor Noonan gave the opening prayer.

#### **1. Apologies**

#### **2. Confirmation of Order of Business**

Her Worship the Mayor advised that the meeting would need to move into public excluded session at mid-morning and after lunch to provide for the travel schedules of external advisers.

#### **3. Interests**

There were no updates to the Interests Register; Councillor Matheson declared an interest with the item relating to 1 Kinzett Tce on the Public Excluded Agenda.

Attendance: Councillor Acland left the meeting at 9.12a.m.

#### **4. Public Forum**

##### **4.1 Graeme O'Brien**

Mr O'Brien spoke about transparency of process and the rights of Nelson residents to participate in local government processes.

He thanked Councillor Lawrey for the Notice of Motion on the agenda to live-stream public workshops. He felt that reasons given for holding workshops with the public excluded were flimsy. He further noted that once workshops were live-streamed he expected more would be held outside the Chambers.

Mr O'Brien outlined that he had asked Council for a schedule of workshops and which were open to the public and was not satisfied that he been provided with sufficient information.

Attendance: Attendance: Councillor Acland returned to the meeting at 9.16a.m.

##### **4.2 Harry Morrison, Harrys Nelson Restaurant and Bar, and Nick Widley, Cod and Lobster Brasserie - Upper Trafalgar Street Closure for Summer**

Mr Morrison thanked Council for the trial in closing Upper Trafalgar Street over the previous summer. He noted that with the capital investment businesses had made, they hoped this would be ongoing. Mr Morrison indicated that locals and visitors had a place to congregate and instantly felt like a community.

Mr Morrison and Mr Widley advised that communication between all businesses in area had become a lot more cohesive over the trial period and also suggested that Council could invest in more tables and chairs in the public area. They noted 1903 square was under-utilised and Council could promote better use of this public space.

##### **4.3 Michelle Hunt, Centre Manager for Cancer Society Nelson, and Miraka Norgate, Health Promoter Smokefree, Public Health**

Michelle Hunt spoke to the Upper Trafalgar Street closure for summer and suggested making the area Smokefree, if possible, for the period of the closure.

Michelle gave a presentation on a smokefree pilot that the Cancer Society and Public Health had been working on (tabled) and asked for Council's support in progressing smoke free outdoor dining in public spaces.

#### **Attachments**

- 1 Fresh Air Project Tabled Document Public Forum Council 09Aug2018 (A2024373)
- 2 A2026895 Michelle Hunt Cancer Society Nelson and Miraka Norgate Public Health Upper Trafalgar Street Smoke Free Powerpoint

4.4 Amme Hiser - compostable materials disposal within Nelson for events

Amme Hiser spoke to Council on providing compostable materials at Council events rather than recyclable materials. She noted that mixing recyclable and non-recyclable material was currently an issue and if products were mixed they went to landfill. She noted that while compostable products do need an aerobic environment to be composted (hot composted) this was significantly better than the mixed waste that would go landfill. Ms Hiser was working with Greenwaste to Zero to work on compostable event waste. Foodscraps were a resource consent issue and she asked that this be addressed as well.

**Attachments**

- 1 Amme Hiser Compostable Materials Disposal within Nelson for Events Tabled Document Public Forum Council 09Aug2018 (A2027573)

**5. Confirmation of Minutes**

5.1 21 June 2018

Document number M3572, agenda pages 13 - 34 refer.

Resolved CL/2018/166

***That the Council***

***Confirms the minutes of the meeting of the Council, held on 21 June 2018, as a true and correct record.***

Courtney/Barker

Carried

5.2 2 July 2018 - Extraordinary Meeting

Document number M3601, agenda pages 35 - 37 refer.

Resolved CL/2018/167

***That the Council***

***Confirms the minutes of the extraordinary meeting of the Council, held on 2 July 2018, as a true and correct record.***

Her Worship the Mayor/Walker

Carried

**6. Recommendations from Committees**

**6.1 Works and Infrastructure Committee - 28 June 2018**

6.1.1 Joint Waste Management and Minimisation Plan

Resolved CL/2018/168

***That the Council***

***Approves the draft Joint Waste Management and Minimisation Plan (A1987259 of report R8965) and the Statement of Proposal (A1987256 of report R8965) that will allow the Special Consultative Procedure to commence; and***

***Approves, following the decision by the Tasman District Council's Engineering Services Committee on 21 June 2018 to add two additional Tasman councillors to the Nelson Tasman Joint Waste Working Party to hear and deliberate on submissions to the Joint Waste Management and Minimisation Plan, that in addition to Nelson City Councillors Walker, Barker and Lawrey that Nelson City Councillors Matheson and Dahlberg be added to the Working Party; and***

***Approves that the Nelson Tasman Joint Waste Working Party Terms of Reference (A1831374) be amended to reflect the additional Nelson City Councillors of Matheson and Dahlberg as well as the addition of Tasman District Councillors Ogilvie and Wensley.***

Walker/Rutledge

Carried

6.1.2 Recycling - Effect on International Markets

Council discussed the recent notification that a market in Indonesia had been found for some recyclable materials. Senior Asset Engineer – Solid Waste, Johan Thiart reassured Council that contrary to a recent TV documentary, products from Nelson were very clean and were marketed by reliable commercial entities. He was confident that Nelson recyclables were going to remanufacturing.

Attendance: Councillor Matheson left the meeting from 10.05a.m. until 10.08a.m.

Chief Executive, Pat Dougherty, advised that there would be an update on the status of the recycling market as part of the 2019/20 Annual Plan discussions.

Resolved CL/2018/169

***That the Council***

***Approves the funding resulting from the global drop in commodity prices for the 2018/19 financial year at an estimated cost of between \$88,500 and \$94,500, funded from current reserves in the Solid Waste account.***

Walker/Rutledge

Carried

The meeting adjourned at 10.15a.m. to recognise Mr Bill Findlater's contribution to Nelson Regional Development Agency. Her Worship the Mayor presented Mr Findlater with a plaque of the City of Nelson crest to acknowledge his service to the city, along with a gift from Nelson City Council.

The meeting reconvened at 10.53a.m.

## **7 Late Item**

A public excluded report titled Legal Advice - Greenmeadows was to be considered as a late item. The information was time sensitive and had come to hand after the agenda had been distributed.

Resolved CL/2018/171

***That the Council***

***Considers the public excluded item regarding Legal Advice - Greenmeadows at this meeting as an item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, as the legal advice is time sensitive.***

Courtney/Matheson

Carried

## **8. Exclusion of the Public**

Kerry Anderson and Rachel Taylor of DLA Piper were in attendance for Item 3 of the Public Excluded agenda to answer questions and, accordingly, the following resolution was required to be passed.

Resolved CL/2018/172

***That the Council***

**Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Kerry Anderson and Rachel Taylor from DLA Piper remain after the public has been excluded, for Item 3 of the Public Excluded agenda (Statement of Understanding – update and legal advice), as they have knowledge that will assist the Council;**

**Notes, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Kerry Anderson and Rachel Taylor possess relates to legal advice.**

Walker/Rutledge

Carried

Resolved CL/2018/173

***That the Council***

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

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

Dahlberg/Rutledge

Carried

<b>Agenda Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>3</b>	<b>Statement of Understanding - update and legal advice</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)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i)</li> </ul>

<b>Agenda Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
			To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
<b>Late Item</b>	<b>Legal Advice - Greenmeadows</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)(g)</li> </ul> To maintain legal professional privilege

The meeting moved into Public Excluded at 10.58a.m. and reconvened at 12.56p.m. at which time the legal adviser and Trust members providing advice on Item 4 of the Public Excluded Agenda were present at the meeting.

Stuart Ritchie from Fletcher Vautier & Moore and Trust members Peter Dawson, Andy Joseph and Buzz Falconer were in attendance for Item 4 of the Public Excluded agenda to answer questions and, accordingly, the following resolution was required to be passed.

Resolved CL/2018/174

***That the Council***

***Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Stuart Ritchie from Fletcher Vautier & Moore and Peter Dawson, Andy Joseph and Buzz Falconer remain after the public has been excluded, for Item 4 of the Public Excluded agenda (1 Kinzett Terrace Lease), as they have knowledge that will assist the Council;***

***Notes, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Stuart Ritchie , Peter Dawson, Andy Joseph and Buzz Falconer possess relates to legal advice and the lease.***

Her Worship the Mayor/Dahlberg

Carried



Resolved CL/2018/175

***That the Council***

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

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

Her Worship the Mayor/Dahlberg

Carried

Agenda Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
4	1 Kinzett Terrace Lease	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 into Public Excluded at 12.58a.m. and reconvened at 3.00p.m.

## **9. Recommendations from Committees (Agenda item 6 Reconvened)**

### **6.2 Sports and Recreation Committee - 3 July 2018**

#### **6.2.1 Fees and Charges 2018/2019 - Parks and Facilities**

Resolved CL/2018/176

***That the Council***

**Approves the revised fees and charges for Community Facilities and Parks for 2018/19 outlined in the report R9397 and its attachment (A1984651).**

Skinner/Courtney

Carried

### **6.3 Planning and Regulatory Committee - 5 July 2018**

#### **6.3.1 Environmental Monitoring Charges - Statement of Proposal**

##### **6.3.1 Environmental Monitoring Charges – Statement of Proposal**

An administrative error had been identified with the table on Page 2 of the Statement of Proposal which would be corrected. This correction was for charges to be comprehensive. Changes were outlined and tabled.

Resolved CL/2018/177

***That the Council***

**Approves the establishment of charges for its Environmental Monitoring and Science programme as provided for under Section 36 of the Resource Management Act 1991; and**

**Approves the amended Statement of Proposal Draft Fees and Charges for Environmental Monitoring and Science – Resource Consents Activity (A1979547) and commences a Special Consultative Procedure under section 83 of the Local Government Act 2002, for feedback on the proposed charges; and**

**Agrees that a summary of the Statement of Proposal is not required.**

McGurk/Her Worship the Mayor

Carried

#### **Attachments**

- 1 A2025625 Amendment to Recommendations from Committees P&R 05Jul201818

#### **6.3.2 Nelson Tasman Land Development Manual - Authority to Complete Review**

Resolved CL/2018/178

***That the Council***

***Considers all matters relating to***

- ***the Draft Nelson Tasman Land Development Manual and its release for public feedback; and***
- ***the Draft Nelson Resource Management Plan change for public feedback.***

McGurk/Her Worship the Mayor

Carried

## **6.4 Governance Committee - 26 July 2018**

### **6.4.1 Nelson Regional Development Agency - Events Contestable Fund**

Resolved CL/2018/179

***That the Council:***

***Approves an overdraft of the following amounts from the Events Contestable Fund by the Nelson Regional Development Agency:***

***2017/18 \$47,296***

***2018/19 \$206,838***

***2019/20 \$66,467***

***with the result that the Events Contestable Fund reserve will be overdrawn until 2020/21; and***

***Requires the Nelson Regional Development Agency to ensure the Events Contestable Fund is operated within the yearly allocation by 2020/21.***

Barker/Dahlberg

Carried

## **10. Mayor's Report**

Document number R9386, supplementary agenda pages 4 - 74 refer.

Her Worship the Mayor tabled an addendum to the Mayor's report which outlined travel to join a visit to Denmark and required Council approval.

Her Worship the Mayor presented her report and answered questions on the proposed Committee structure, the visit to Denmark and a proposed southern hemisphere Climatorium.

Resolved CL/2018/180

***That the Council***

***Receives the report Mayor's Report (R9386) and its attachments (A1986249, A1183061, A1739267, A1667136, A1702206, and A2019677); and***

***Ceases the operation of the Commercial Subcommittee and transfers its functions and responsibilities to the Governance Committee from 1 July 2018; and***

***Amends the membership of the Governance Committee as follows:***

<b>Chair</b>	<b>Deputy Chair</b>	<b>Membership</b>
Cr Barker (no change)	Cr Dahlberg (no change)	Her Worship the Mayor Reese Cr Acland Cr Noonan Cr Skinner Cr Rutledge Cr Courtney Cr Walker External Appointees x2

***Appoints John Murray and John Peters as External Appointees of the Governance Committee.***

***Adopts the updated delegations for the Governance Committee, as outlined in Attachment 1 (A1986249); and***

***Adopts the amended Terms of Reference for the Forestry Advisory Group as outlined in Attachment 3 (A1739267); and***

***Confirms that with the dissolution of the Commercial Subcommittee John Murray be retained as an external appointment and Chair of the Forestry Advisory Board; and***

***Confirms the amendments to external members' remuneration in accordance with Selection, Appointment and Remuneration Policy for External Appointees on Council Committees and Selection Appointment and Remuneration of External Appointees on Council Subcommittees Policy 2017-2019 with effect from 1 July 2018; and***

**Notes that the Delegations Register and Governance Statement will be updated accordingly to reflect these changes.**

Her Worship the Mayor/Matheson

Carried

Resolved CL/2018/181

***That the Council:***

**Confirms the Mayor will act as Nelson City Council's representative at the Climatorium Market Visit to Denmark; and**

**Approves unbudgeted expenditure of \$6,500**

Matheson/Walker

Carried

**Attachments**

- 1 A2032748 Addendum to Mayors Report 09Aug2018.

## **11. Brook Reserve - Classification and Road Stopping Processes**

Document number R9522, agenda pages 38 - 51 refer.

Group Manager Strategy and Communications, Nicky McDonald and Senior Legal Adviser, Fiona McLeod presented the report. Chief Executive, Pat Dougherty explained that a potential legal risk had been identified with the classification of local purpose reserve, recreation. The classification was proposed to be updated to local purpose reserve, outdoor leisure, conservation and education.

Attendance: Councillor Acland left the meeting from 3.30p.m until 3.36p.m.

Attendance: Councillor Noonan left the meeting from 3.37p.m. until 3.39p.m.

Ms McLeod explained that there were legal tests on how to choose a specified purpose and it must not be duplicating the primary purpose of the reserve so by using the word 'recreation' Council was introducing legal risk. Using the word outdoor leisure was still aimed at picking up the same activities.

Attendance: Councillor Rutledge left the meeting from 3.45p.m. until 3.48p.m.

Ms McDonald answered questions on the reserve management plan vision and advised that 'camping' could be included in the classification to ensure the existing use of the campground be addressed.

The meeting adjourned from 3.55pm until 4.07pm

The number of Panel members were discussed and Councillors Acland and Skinner volunteered to be available; Councillor Fulton offered to chair the Panel.

Resolved CL/2018/182

**Receives the report Brook Reserve - Classification and Road Stopping Processes (R9522) and its attachments (A1903135 and A1693973); and**

**Notes the Environment Court's ruling that the road as marked purple on Attachment 1 (A1903135) can be stopped subject to Council resolving to declare the land reserve under the Reserves Act 1977 so as to amalgamate it into the Brook Recreation Reserve; and**

**Approves that the Chief Executive be delegated authority to proceed with public notification under section 14 of the Reserves Act 1977 of the intention to declare the stopped road land to be reserve to be held as Local Purpose (Outdoor Leisure, Camping, Conservation and Education) Reserve, so as to amalgamate it into the adjoining reserve; and**

**Approves that the Chief Executive be delegated authority to proceed with public notification under section 24A of the Reserves Act 1977 to change the classification of the Local Purpose (Recreation) Reserve as marked green on Attachment 1 (A1903135) to Local Purpose (Outdoor Leisure, Camping, Conservation and Education) Reserve; and**

**Approves that the two public notification processes to declare stopped road land to be reserve and change the specific local purpose of Local Purpose Reserve run concurrently; and**

**Approves the appointment of the Brook Reserve Hearings Panel to hear, deliberate and make recommendations back to Council on any submissions received as part of the public notification processes; and**

**Approves the Brook Reserve Hearings Panel membership be comprised of three members from Councillors Fulton, McGurk, Noonan Acland, Skinner and, Deputy Mayor Matheson depending on availability; and**

**Approves the Terms of Reference for the Hearings Panel as set out in Attachment 2 (A1693973).**

Fulton/Noonan

Carried

**12. Nelson Tasman Land Development Manual**

Document number R9387, agenda pages 80 - 218 refer.

Team Leader City Development, Lisa Gibellini presented the report.

Resolved CL/2018/183

***That the Council***

***Receives the report Nelson Tasman Land Development Manual (R9387) and its attachment/s (A2013438, A2013398, A2013457, A2013449, A1988205); and***

***Approves the draft Nelson Tasman Land Development Manual (A2013438), draft practice notes (A2013398, A2013457, A2013449) and draft plan change to the Nelson Resource Management Plan (A1988205) for release on 13 August 2018 for public feedback under the Local Government Act and public comment under clause 34 First Schedule Resource Management Act; and***

***Delegates the hearing of feedback under section 78 of the Local Government Act and comments under clause 34 First Schedule of the Resource Management Act to a joint hearing panel comprising Councillors Lawrey and McGurk as members of the Steering Group plus Councillor Fulton together with three Tasman District Council Councillors (Councillors King and Bryant plus one other).***

***Delegates to the hearing panel the power to make recommendations to the Nelson and Tasman Councils to adopt or amend the Nelson Tasman Land Development Manual and associated practice notes.***

Her Worship the Mayor/Matheson

Carried

**13. Future Development Strategy**

Document number R9508, agenda pages 76 - 79 refer.

Team Leader City Development, Lisa Gibellini presented the report and noted that the reference of 30-50 years in paragraph 2.8 should read '30 years'.

Resolved CL/2018/184

***That the Council***

***Receives the report Future Development Strategy (R9508); and***

***Approves the preparation of a Future Development Strategy for the Nelson and Tasman Regions in partnership with Tasman District Council.***

Noonan/Barker

Carried

**14. Brook Waimarama Sanctuary Trust: Memorandum of Understanding**

Document number R9392, agenda pages 52 - 62 refer.

Group Manager Strategy and Communications, Nicky McDonald, presented the report.

Resolved CL/2018/185

***That the Council***

***Receives the report Brook Waimarama Sanctuary Trust: Memorandum of Understanding (R9392) and its attachment (A1941842); and***

***Adopts the Memorandum of Understanding, delegating the Mayor to sign on behalf of Council; and***

***Delegates to the Mayor and Chief Executive to make any necessary minor editorial amendments prior to signing.***

McGurk/Fulton

Carried

**15. Upper Trafalgar Street - Summer Closure 2018/19**

Document number R9197, agenda pages 63 - 75 refer.

Executive Officer, Michelle Joubert presented the report and answered questions on the practicality of including smokefree requirements in leases for outdoor dining areas and noted that lease agreements already existed and these could not be changed. New small lease agreements



would be prepared for additional space that businesses would be using for closure but there would be a risk that one business had outdoor dining not covered by a new lease.

Group Manager Environment, Clare Barton, advised that Council officers had been meeting with landlords and retailers in the CBD over previous weeks and acknowledged that some businesses would gain more benefit from the closure. Outdoor dining leases had been valued and were adjusted in relation to proximity to upper Trafalgar St so the benefits businesses gained from their location and closure of Trafalgar St would be proportional.

Attendance: Councillor Acland left the meeting from 4.55p.m. until 5.00p.m.

Resolved CL/2018/186

***That the Council***

***Receives the report Upper Trafalgar Street - Summer Closure 2018/19 (R9197) and its attachments (A1935325, A1944077, A2008577); and***

***Approves the temporary closure of Upper Trafalgar Street (between Selwyn Place and Hardy Street) in accordance with section 342 and schedule 10 clause 11(d) of the Local Government Act 1974 with the following conditions:***

- ***The closure will commence on 8 November 2018 and conclude on 30 April 2019; and***
- ***From 09:00am every day to 7:00am on each following day, the street will be closed to all vehicles apart from emergency vehicles and other vehicles specifically authorised by Council's network coordinator***

***Confirms that the capital (\$20,000) and operational (\$53,000) expenditure required for the 2018/19 closure of Upper Trafalgar Street will be funded through the CBD Enhancement budget and that all fees generated through Upper Trafalgar Street licences to occupy additional space during the closure, will be credited back to this budget; and***

***Notes that the summer 2018/19 closure of Upper Trafalgar Street will require net capital expenditure of \$12,000, which will be funded from the CBD Enhancement budget.***

Lawrey/Barker

Carried

Resolved CL/2018/187

***That the Council***

***Requests officers to report to the Planning and Regulatory Committee on options to make Upper Trafalgar Street smoke free via Council's Smokefree Policy, following discussion with businesses and retailers in the area.***

McGurk/Fulton

Carried

It was noted that smokefree included vape-free.

Attendance: Councillor Noonan and Councillor Walker left the meeting at 5.07p.m.

## **16. Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops**

Document number R9572, agenda pages 219 - 221 refer.

Councillor Lawrey presented his Notice of Motion to live-stream all public meetings and workshops and to live-stream the Regional Transport Committee. He noted this was a simple step to increase transparency, give greater access for the public to Council processes and hopefully lead to a greater interest into workings of local government.

Recommendation

*That the Council*

*Receives the report Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops (R9572) and its attachment (A2018993); and*

*Confirms live-streaming of all Nelson City Council public meetings and workshops, including public meetings and public workshops held by all committees and sub-committees ; and*

*Confirms that Nelson City Council live-streams all Regional Transport Committee's public meetings and public workshops.*

*Lawrey/Acland*

Attendance: Councillor Walker returned to the meeting at 5.09p.m.

Her Worship the Mayor updated Council that after the last Regional Transport Committee, officers discussed live-streaming with Mr Jim

Harland, the LTSA representative on the Committee. He had checked with the Agency there were no issues with participating while in a live-streamed meeting.

Business Unit Manager Governance and Support Services, Mary Birch was called upon to provide some advice on the practice of other councils. Ms Birch advised that officers had sought feedback from the sector and it was clear that no other councils live-streamed and the few that did publicly notify workshops included this generically in a Council meeting schedule. She noted that if Council chose to live-stream guidelines and protocols would need to be created and reiterated that workshops were not meetings because no resolutions or decisions were made.

Group Manager Strategy and Communication, Nicky McDonald answered questions on constraint of discussion for officers and elected members and possible misreporting of comments taken out of context.

Councillor Rutledge noted that no information had been received and this would not satisfy the proper decision making process. He moved a procedural motion that the matter be left to lie until an officer's report on further information was brought to the Council meeting on 20 September 2018.

**Item of business to lie on the table**

Resolved CL/2018/188

***That the Council***

***Leaves the item Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops to lie on the table until an officer's report with further information is brought to the Council meeting on 20 September 2018.***

Rutledge/Barker

Carried

Attendance: Councillor Acland left the meeting at 5.39p.m.

**17. Exclusion of the Public**

Resolved CL/2018/189

***That the Council***

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

***The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under***

***section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

Her Worship the Mayor/Matheson

Carried

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<b>Council Meeting - Public Excluded Minutes - 21 June 2018</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) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>2</b>	<b>Extraordinary Council Meeting - Public Excluded Minutes - 2 July 2018</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>3</b>	<b>Recommendations from Committees</b>  <b>Chief Executive Employment Committee 10 July 2018</b>  Recommendations:  Chief Executive Performance to 30 June 2018  Chief Executive Performance Agreement 2018/19	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> <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>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<p>Chief Executive Remuneration Review</p> <p><b>Governance Committee 26 July 2018</b></p> <p>Recommendation:</p> <p>Council Support for One-Day International Cricket Games in 2019</p>		

The meeting went into public excluded session at 5.39p.m. and resumed in public session at 6.11p.m.

There being no further business the meeting ended at 6.11p.m.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date



## **Statement of Proposal**

### **Proposed Amendments to the Gambling Policy (Class 4 and TAB venues)**

## Nelson City Council's proposed changes to its Gambling Policy

The Nelson City Council (the Council) has reviewed its Gambling Policy and is now proposing to amend it. The Council would like to know what you think of the proposed amendments. The purpose of the policy is to minimise harm caused by gambling in the Nelson district.

### 1. Introduction

The Gambling Act 2003 and the Racing Act 2003 require the Council to have a Gambling Policy setting out certain requirements for consent applications for new gaming venues for Class 4 (electronic gaming machines (EGMs), commonly called pokie machines) and/or Totalisator Agency Board (TAB) venues in its district.

Under the Gambling Act 2003 the Council's policy;

- *must specify whether or not class 4 venues may be established and, if so, where they may be located; and*
- *may specify any restrictions on the maximum number of gaming machines that may be operated at a venues; and*
- *may include a relocation policy.*

Under the Racing Act the Policy;

- *must specify whether or not new Board venues may be established and, if so, where they may be located.*

The legislation requires that policies are reviewed every three years. The Council adopted its first Gambling Policy in 2004 as a combined policy covering both Class 4 and TAB venues. The policy was last reviewed in 2016 and has just been reviewed again recently.

The Racing and Gambling Acts (2003) both require the Council to undertake a special consultative procedure when amending or replacing their gambling venue policies. This Statement of Proposal relates to proposed amendments to the Council's current policy and has been prepared to fulfil the requirements of the special consultative procedure as outlined in section 83 and 87 of the Local Government Act 2002. The amendments are being proposed as a result of a review of the policy.

This Statement of Proposal sets out Council's proposal to reduce the cap on the number of gaming machines allowed to operate in the district. Nelson City Council's original Gambling Policy placed a cap on the number of EGMs in Nelson at 328. The cap reduced to 301 in 2007, and 273 in 2013. Council now proposes to reduce the cap to 162 EGMs, the number of machines licensed at 20 September 2018.

The Council also proposes to introduce location requirements for new venues, which would prevent them from being located in areas of high deprivation. In general, the greatest harm from gambling occurs in areas of high deprivation.

The Council is also proposing to introduce a limit to the number of Class 4 gaming machines allowed at new venues. Under the Gambling Act 2003, new venues are allowed a maximum of nine gaming machines and Council is proposing to reduce the number allowed in Nelson to five.

In addition, the Council proposes a number of editorial improvements to be made to the Policy.

The public is invited to submit on the proposal. You can make a submission online at [nelson.govt.nz](http://nelson.govt.nz) or in writing by using the submission form at the end of this document.

Submissions must be received by 24 October 2018.

## 2. The Proposal

The Council is proposing to:

- a) reduce the cap on the number of EGMs allowed to operate in the district from 273 to 162 which is the number of machines licensed at 20 September 2018, the date the Statement of Proposal was approved; *and*
- b) prevent the location of new venues in areas of high deprivation, being the following areas, which are mostly in residential suburbs and classified in the New Zealand Deprivation Index as having a high level of deprivation: Tahunanui (including the area zoned suburban commercial at the Tahunanui-Rock's Road corner), Broad's, Nelson Airport, Isel Park, Kirks, Grampians, Toi Toi and Washington (refer to maps contained within this Statement of Proposal).  
Note: the Central Business District (CBD) is also classified as an area of high deprivation. However, as the main entertainment and commercial centre with low residential housing it is not included in this list of prohibited locations; *and*
- c) introduce a limit on the number of Class 4 gaming machines allowed at a new Class 4 or TAB venue. The limit would be a maximum of five gaming machines at new venues; *and*
- d) make a number of editorial changes to the Policy. The proposed changes along with the reasons for the proposed change are set out in the table on page four.

A track change version of the Policy that includes these editorial changes and gives effect to the Council's proposal is attached.

Outcomes of this special consultative procedure could include:

- adopting the proposal; *or*
- retaining the current Policy without any changes other than the proposed editorial amendments; *or*
- based on community feedback, adopting one of the alternative options considered by Council and outlined in section 3 of this Statement of Proposal.

Consideration of submissions may also give rise to further editorial or other changes consistent with the aims Council is seeking to achieve through this Statement of Proposal.

Council's proposal is in line with Council's objective to minimise harm from gambling by limiting the number of machines able to operate in the Nelson district.

Under the Gambling Act s4 harm is defined as: *harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling and includes personal, social or economic harm suffered by the person; their spouse, family or wider community; in the workplace or by society at large.*

Research from the Health Promotion Agency's Gambling Report 2016 suggests that although the prevalence of gambling harm is relatively low for the total population, it continues to be high among those who gamble regularly.

Additionally, the report's findings highlight a correlation between people who live in areas of high deprivation with an increased risk of problem gambling. Being impacted by someone else's gambling was also significantly higher for those living in an area of high



## Item 6: Recommendations from Planning & Regulatory Committee: Attachment 1

deprivation.

Proposed editorial changes:

Section	Proposed change	Reason for change
Policy title	Amend the title from <i>Gambling Policy</i> to <i>Gambling Venue Policy</i>	Better describes the intent and function of the Policy
1. Objective <i>To support and promote harm minimisation principles for gaming activities within the Nelson city area</i>	Amend the clause to: <i>To have regard to the social impact of gambling within the Nelson City Council district in determining applications for consent relating to new Class 4 and TAB venues</i>	The proposed objective is more closely aligned to the purpose of the legislation as set out in the Gambling Act 2003 and the Racing Act 2003
1.1.6 / 1.1.7 / 1.3.3 / 1.3.4	Provide a definition of how the 100 metre rule is to be measured as follows; <i>a 100 metre radius from any public entrance of the venue</i>	Application of the policy to new venue applications is clearer for both the applicant and Council
1.1.4 <i>The venue not being primarily used for operating gaming machines</i>	Remove the clause	It is an existing requirement of the Department of Internal Affairs in granting approvals and regulating ongoing compliance with licensed operators. Refer to Gambling Act 2003 <a href="#">(s65(2)(j))</a>
1.1.5 <i>No more than 25% of the venue floor area being dedicated to Class 4 gambling activities</i>	Remove the clause	This rule does not obviously fit within the scope of a policy as allowed under section <a href="#">101(3)</a> of the Gambling Act 2003
1.1.8 <i>Operators having measures in place to ensure that people under the age of 18 cannot access the gambling machines</i>	Remove the clause	It is an existing requirement of the Department of Internal Affairs in granting approvals and regulating ongoing compliance with licensed operators. Refer to the Gambling Act 2003 <a href="#">(s67(1)(b))</a>
1.1.9 <i>Best practice being demonstrated in the applicants proposed harm minimisation policy including the gaming machines being sited where there is natural light and clocks visible</i>	Remove the clause	Regulation of harm minimisation is the role of the Department of Internal Affairs. Refer to the Gambling Act 2003 <a href="#">(s65(2)(d))</a>
1.3.5 <i>Operators having measure in place to ensure that people under the age of 18 cannot access the premises</i>	Remove the clause	Underage betting is currently an offence under the Racing Act (s63(2)(a)) and is the responsibility of the NZ Racing Board to oversee

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## Item 6: Recommendations from Planning & Regulatory Committee: Attachment 1

1.3.6 <i>Best practice being demonstrated in the applicant's proposed harm minimisation policy</i>	Remove the clause	It is a function of the NZ Racing Board to develop or implement, or arrange for the development or implementation of, programmes for the purposes of reducing problem gambling and minimising the effects of that gambling. Refer to the Racing Act <a href="#">(s9(1)(f))</a>
1.4 <i>Application fees will be set by Council from time to time and shall include:</i> 1.4.1 <i>The cost of processing the new application, including any consultation and hearing involved</i> 1.4.2 <i>The cost of reviewing the Policy every three years</i>	Remove the clause from the table and reinsert as standalone amended text as follows:  <i>Application fees will be set by Council from time to time and shall include the cost of processing the new application. The Council will comply with section 150 of the Local Government Act 2002 in setting such fees</i>	Fees are not something that is specifically within the scope of the policy (under section 101(3) of the Gambling Act and 65D(3) of the Racing Act), hence they have been removed from the list of rules. That said, it is helpful to still mention fees in the policy, so that potential applicants are alerted to them, and so they have been moved to be stand-alone text.

### 3. Alternatives considered by Council

In reviewing the Policy, Council also considered the following options.

<b>Retain the current Policy</b>	
Advantages	<ul style="list-style-type: none"> <li>Does not require the resources from the community and Council of a special consultative procedure</li> <li>Policy continues to provide regulation which allows the establishment of new venues while controlling others</li> </ul>
Disadvantages	<ul style="list-style-type: none"> <li>Would not provide the community with an opportunity for input. This would be deferred until the next review which is not expected until 2021/22 and would be nine years without community input</li> </ul>
<b>Introduce a sinking lid. A sinking lid policy would result in no new venues being able to be established and therefore a reducing number of machines if existing venues relinquished their licences</b>	
Advantages	<ul style="list-style-type: none"> <li>In alignment with Council's objective to support harm minimisation principles as no new venues could be established within the Nelson district</li> </ul>
Disadvantages	<ul style="list-style-type: none"> <li>May, over time, reduce the money returned to the community through grants</li> <li>This approach may require further analysis of the impact of gambling in Nelson which would probably require a change to the proposed timetable</li> <li>Existing venues may be more reluctant to relinquish their licences knowing these could not be reinstated</li> </ul>

<b>Introduce a relocation policy. A relocation policy is a policy setting out if and when a territorial authority will grant a consent to allow existing venues to relocate within its district</b>	
Advantages	<ul style="list-style-type: none"> <li>• Would allow for relocation of machines in the event of a natural disaster and create more certainty for venue operators and corporate societies</li> <li>• Would allow venue operators and corporate societies operating in high deprivation areas to consider moving their machines without losing their machine licences</li> </ul>
Disadvantages	<ul style="list-style-type: none"> <li>• In practice is unlikely to lead to the relocation of venues in high deprivation areas (such as Tahunanui and Stoke) as these are longstanding venues serving their local communities</li> <li>• Would not result in a reduction in the number of venues or EGMs operating in Nelson</li> </ul>
<b>Remove any existing requirements of the Policy (e.g. rules relating to proximity) such as, remove the requirement for venues to only be established;</b> <b>- in land not zoned Residential or Open Space and Recreation (refer to 1.1.3 and 1.3.2)</b> <b>- within 100 metres of an ATM (refer to 1.1.5 and 1.3.4)</b> <b>- within 100 metres of a community facility or a facility involved with children (refer to 1.1.5 and 1.3.4)</b>	
Advantages	<ul style="list-style-type: none"> <li>• May simplify the Policy and make it easier to use and understand</li> </ul>
Disadvantages	<ul style="list-style-type: none"> <li>• May remove current protections provided by the rules in the Policy</li> </ul>
<b>Changing the Cap</b>	
Council considered all options for changing the cap including whether the cap should stay the same, be increased or decreased.	

#### 4. Submission

Anyone may make a submission about any aspect of Council's proposal and the other options that have been considered. Council, in making its decision, will take account of all submissions made.

A submission form is included at the end of this document.

All submissions, including the name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details be kept private and explain why it is necessary to protect your privacy. Council will not accept any anonymous submissions.

Submissions can be made:

- Online at [nelson.govt.nz](http://nelson.govt.nz)
- By post to Gambling Policy, PO Box 645, Nelson 7010
- By dropping off to Civic House, 110 Trafalgar Street, Nelson

**Submissions must be received no later than 24 October 2018.**

Any person who wishes to speak to the Council in support of their submission will be given the opportunity to address the Council at the hearings on 13 November 2018.



## DRAFT FOR CONSULTATION

### Gambling **Venue** Policy (Year)

#### INTRODUCTION

~~In September 2003~~ The Gambling Act 2003 and the Racing Act 2003 ~~came into force.~~ require territorial authorities to have Class 4 and Totalisator Agency Board (TAB) venue policies. Nelson City Council adopted its first policy, which combined both statutory policies, in early 2004.

#### **Gambling Act**

The ~~key purposes of the~~ Gambling Act ~~is to act are:~~

- ~~To control the growth of gambling; and~~
- ~~To prevent and minimise the harm caused by gambling, including problem gambling; and~~
- ~~authorise some gambling and prohibit the rest; and~~
- ~~facilitate responsible gambling; and~~
- ~~ensure the integrity and fairness of games; and~~
- ~~limit opportunities for crime and dishonesty associated with gambling and the conduct of gambling; and~~
- ~~ensure that money from gambling benefits the community; and~~
- ~~ensure~~ ~~facilitate~~ community involvement in ~~some~~ decisions about the provision of gambling.

The Act requires territorial authorities to develop Class 4 and Totalisator Agency Board (TAB) venue policies in consultation with their communities ~~within six months of the commencement of the Act.~~ Class 4 gambling is the term used to describe non-casino gaming machines (pokies).

Under the Act, the Department of Internal Affairs is responsible for gaming licensing. ~~However,~~ Section 65(2)(b) provides that some applications to the Department for a Class 4 venue licence must be accompanied by territorial authority consent. ~~The Council must consider an application for territorial authority consent in accordance with this policy (section 100).~~

The Act prescribes limits on the number of non-casino gaming machines in venues. The limits are:

- If the venue had a licence on 17 October 2001 a society can operate up to 18 gaming machines (Section 92).
- If the venue had its licence granted between 17 October 2001 and the commencement of the Act it can operate up to 9 machines (Section 93).
- Sections 92 and 93 can be overridden by Ministerial discretion of the territorial authority consents.
- If the venue is granted a licence after the commencement of the Act it can operate up to 9 machines (Section 94).
- No society can operate more machines at a venue that were operated at the commencement of the Act unless the local authority consents to the increase.

The Gambling (Gambling Harm Reduction) Amendment Act 2013 introduced the requirement for territorial authorities to consider a 'relocation policy' at its next review. Relocation considers whether the territorial authority will grant consent for a venue within its district that requests to move to and operate from another site. ~~In 2016 Council The~~

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Council **has** considered the issue of relocation but opted **not** to ~~retain~~ **include a relocation policy in** the current Policy ~~without change~~.

### **Racing Act**

The purpose of the Racing Act 2003 is to:

- *provide effective governance arrangements for the racing industry; and*
- *facilitate betting on galloping, harness, and greyhound races, and other sporting events; and*
- *promote the long-term viability of New Zealand racing.*

A territorial authority consent is required if the TAB proposes to establish a new venue (section 65D). The Council must consider an application for territorial authority consent in accordance with this policy (section 65C).

### **NELSON CITY COUNCIL GAMBLING VENUE POLICY**

<b>OBJECTIVE</b>		
1. To <del>support and promote harm minimisation principles for gaming activities within the Nelson City area</del> <b>To have regard to the social impact of gambling within the Nelson City Council district in determining applications for consent relating to Class 4 and TAB venues</b>		
<b>Definitions</b>		<b>Class 4 Gambling Venues:</b> Venues where non-casino gaming machines or 'pokies' are operated and whose net proceeds are applied to or distributed for authorised purposes  <b>100 metre rule:</b> To be measured as a 100 metre radius from any public entrance to the venue
<del>GOAL</del> <b>Rules</b>		
1.1	<b>Class 4 Gambling Venues</b> may be established within the City <b>Nelson</b> district subject to: <del>(NB. Class 4 Gambling Venues are venues where non-casino gaming machines or 'pokies' are operated)</del>	1.1.1 The applicant meeting the application and fee requirements 1.1.2 The number of gaming machines within the venue being able to be met within the overall Nelson City cap ( <b>currently 162</b> ) 1.1.3 The venue being sited in any land zone as included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation 1.1.4 <b>The venue not being sited in areas as identified in the attached maps, broadly being the mesh block areas of: Tahunanui (including the area zoned suburban commercial at the Tahunanui Rocks Road corner), Broads, Nelson Airport, Isel, Kirks, Grampians, Toi Toi and Washington</b> 1.1.5 <b>The venue not being:</b> <ul style="list-style-type: none"> <li>• within 100 metres of any playground, kindergarten, early childhood centre, school, place of worship, or Automatic Teller machine.</li> <li>• primarily associated with family or children's activities</li> </ul> <del>1.1.4 The venue not being primarily used for</del>



		<p>operating gaming machines</p> <p><del>1.1.5 No more than 25% of the venue floor area being dedicated to Class 4 gambling activities</del></p> <p><del>1.1.6 The venue not being within 100 metres of any playground, kindergarten, early childhood centre, school or place of worship. The venue not being primarily associated with family or children's activities</del></p> <p><del>1.1.7 The venue not being within 100 metres of any Automatic Teller machine</del></p> <p><del>1.1.8 Operators having measures in place to ensure that people under the age of 18 cannot access the gambling machines including the gaming machines being sited where there is natural light and clocks visible</del></p> <p><del>1.1.9 Best practice being demonstrated in the applicants proposed harm minimisation policy</del></p>
1.2	<p>The total number of gaming machines in operation in the city <del>Nelson district</del> shall be capped at <del>273-162</del></p>	<p><del>1.2.1</del> The number of gaming machines within the venue application shall be able to be met within the overall Nelson City cap. If the cap allows for consideration of a new venue application clauses 1.2.2 to 1.2.6 apply and need to be met</p> <p><del>1.2.2</del> New venues shall be allowed a maximum of no more than <del>nine-five</del> gaming machines</p> <p><del>1.2.3</del> Existing venues with licences issued on or after 17 October 2001 shall be able to increase the number of machines operated in the venue to nine</p> <p><del>1.2.4</del> Existing venues with licences issued before 17 October 2001 shall be able to increase the number of gaming machines operated in the venue to 18</p> <p><del>1.2.5</del> Clubs licensed after 2001 shall be able to increase their machine numbers to a maximum of nine</p> <p><del>1.2.6</del> Where clubs will merge, the number of machines permitted will be considered on a case by case basis and will not exceed a maximum 30 machines per venue</p>
1.3	<p><b>Totalisator Agency Board (TAB) venues</b> may be established in the <del>Nelson district City</del> subject to: <del>(TAB-owned and operated venues)</del></p>	<p><del>1.3.1</del> The applicant meeting the application and fee requirements</p> <p><del>1.3.2</del> The venue being sited in any land zone included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation</p> <p><del>1.3.3</del> The venue not being sited in areas as identified in the attached maps, broadly being the mesh block areas of: Tahunanui</p>

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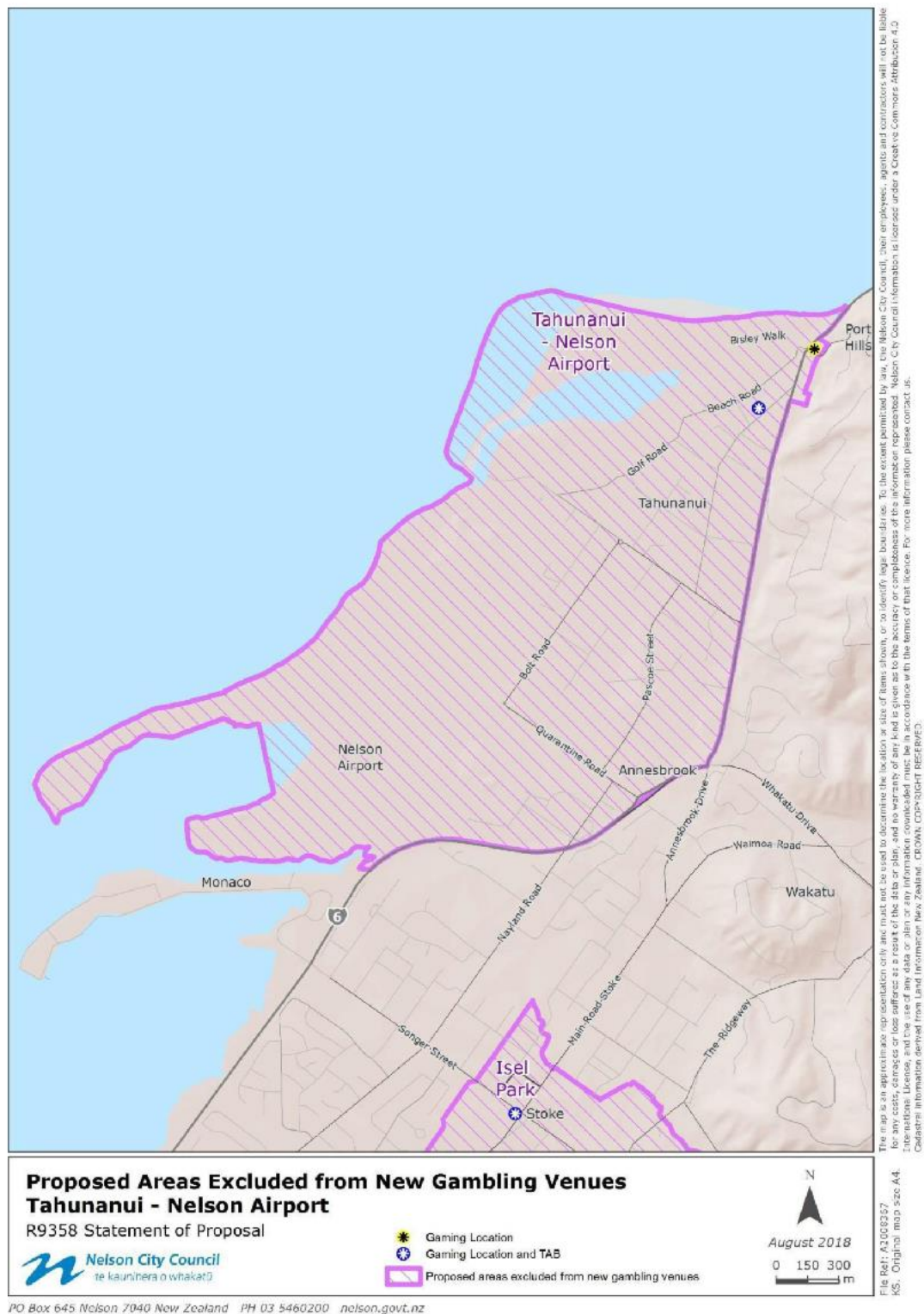
Item 6: Recommendations from Planning & Regulatory Committee: Attachment 1

		<p>(including the area zoned suburban commercial at the Tahunanui Rocks Road corner), Broads, Nelson Airport, Isel, Kirks, Grampians, Toi Toi and Washington</p> <p>1.3.3<del>4</del> The venue not being within 100 metres of any playground, kindergarten, early childhood centre, school, <del>or</del> place of worship, <del>or</del> Automatic Teller machine</p> <p><del>1.3.3 The venue not being within 100 metres of any Automatic Teller machine</del></p> <p><del>1.3.4 Operators having measures in place to ensure that people under the age of 18 cannot access the premises</del></p> <p><del>1.3.6 Best practice being demonstrated in the applicant's proposed harm minimisation policy</del></p>
1.4	Application fees will be set by Council from time to time and shall include:	<p><del>1.4.1 The cost of processing the new application, including any consultation and hearing involved</del></p> <p><del>1.4.2 The cost of reviewing the Policy every three years</del></p>

**APPLICATION FEES**

Application fees will be set by Council from time to time and shall include the cost of processing the new application. The Council will comply with section 150 of the Local Government Act 2002 in setting such fees.

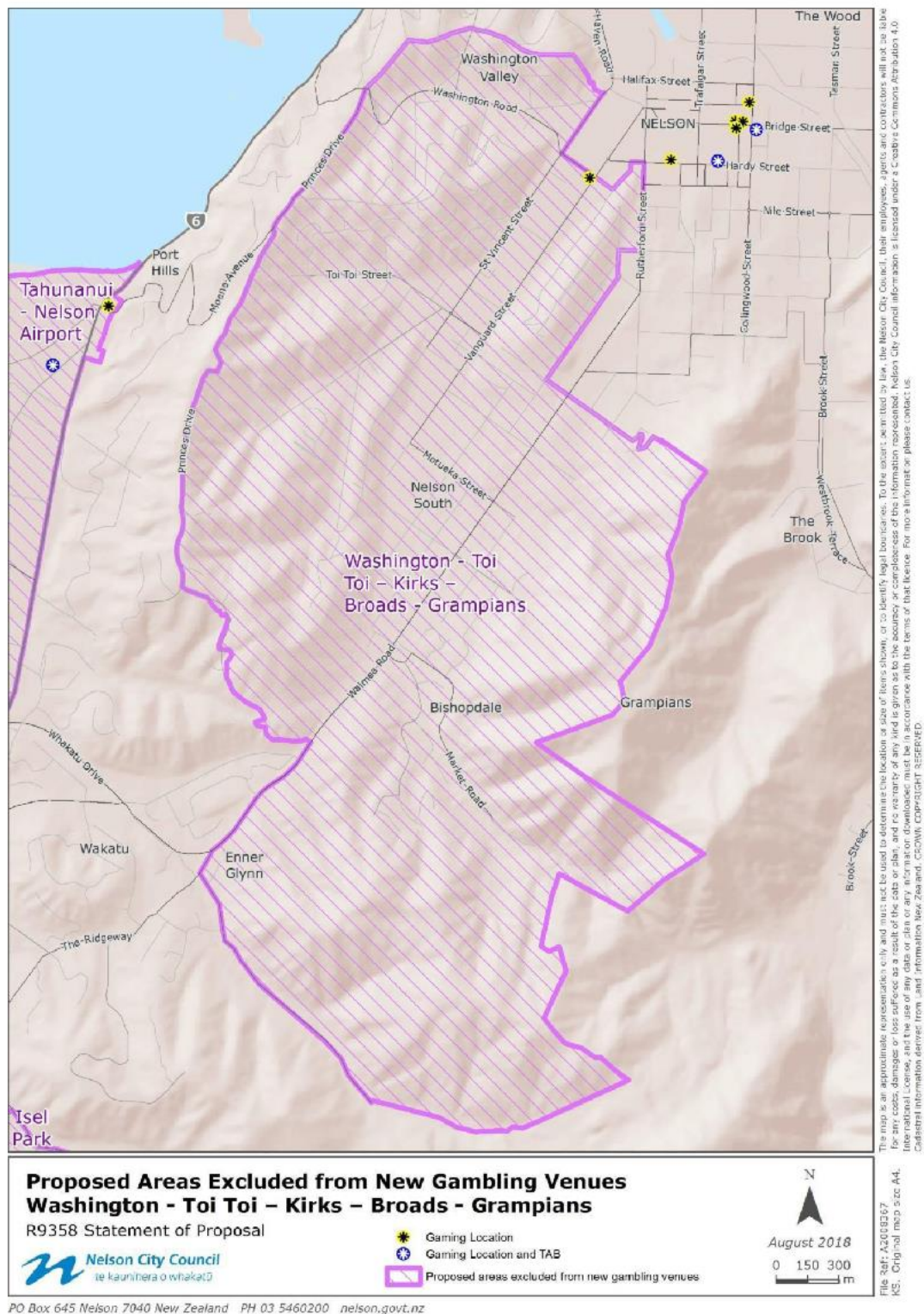




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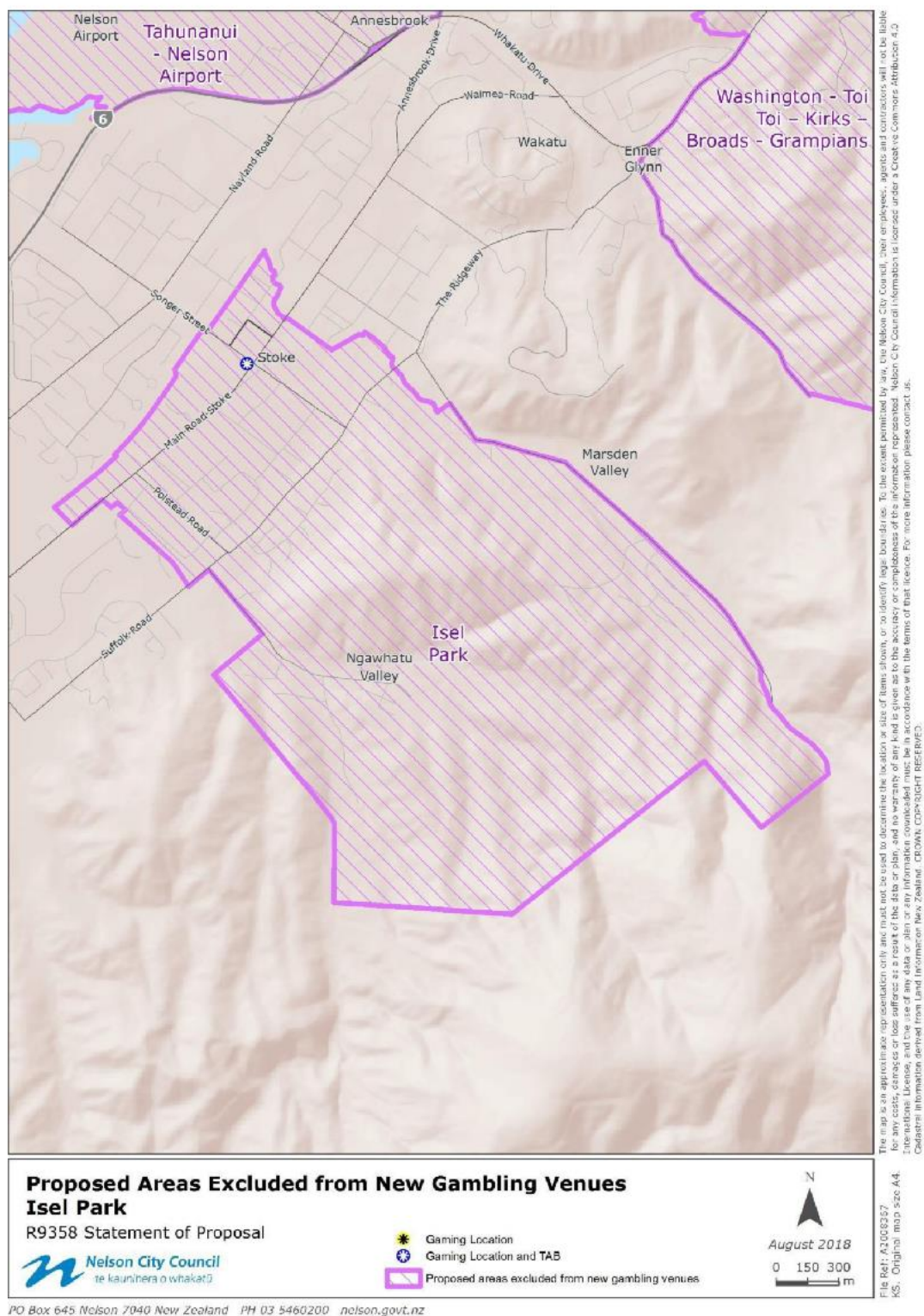
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## Nelson City Council's proposed draft Gambling Policy

**Public Information:** All submissions (including the names and contact details of submitters) are public information and will be available to the public and media in various reports and formats including on the Nelson City Council website. Personal information will also be used for administration relating to the subject matter of submissions. Submitters have the right to access and correct any personal information included in any reports, information or submissions.

[illegible]

Online at **nelson.govt.nz**  
By post to **Gambling Policy, PO Box 645, Nelson 7010**  
By dropping off to **Civic House, 110 Trafalgar Street, Nelson**

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## **Mayor's Report**

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### **1. Purpose of Report**

- 1.1 To update Council on a number of current matters.

### **2. Recommendation**

***That the Council***

***Receives the report Mayor's Report (R9684).***

### **2. Updates**

#### **Mayoral Discretionary Fund**

- 2.1 The Mayor donated \$464.00 from the Mayoral Discretionary Fund for the cost of venue hire of Trafalgar Park for the 'Get Ballsy' charity football match which is being held on Saturday 29 September. This charity match is to raise money for Testicular Cancer New Zealand for the purpose of furthering awareness and supporting men and families living through a testicular cancer experience.
- 2.2 The Mayor donated \$500.00 from the Mayoral Discretionary Fund to the Te Huinga Whetū Kapa Haka competitions which are being held in Nelson on 27 September. Te Huinga Whetū is the Te Tauihu o te Waka a Māui (Nelson/Marlborough) biennial kappa haka event for primary and intermediate aged students. This event will be held at the Trafalgar Centre and 19 teams from across Te Tauihu are expected to enter.

Due to time constraints the following reports were not available at the time the agenda went to print.

#### **Successful All Blacks Test held in Nelson on 8 September 2018**

- 2.3 An update will be provided at the meeting.

## Item 7: Mayor's Report

### **Business trip to Denmark**

- 2.4 A presentation will be provided at the meeting.

### **Suffrage 125**

- 2.5 An update on the acknowledgement of the anniversary of 125 years of the Suffrage movement will be provided at the meeting.

**Author:** Rachel Reese, Mayor of Nelson

### **Attachments**

Nil

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**REPORT R9691**

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**Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops**

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**1. Purpose of Report**

- 1.1 At the Council meeting on 9 August 2018 this item was left to lie pending an officer's report. This report has been included in the Agenda.
- 1.2 To consider the notice of motion from Councillor Matt Lawrey requesting that all Council public meetings and workshops be live-streamed.

**2. Recommendation from Councillor Lawrey**

***That the Council***

***Receives the report Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops (R9691) and its attachment (A2018993); and***

***Confirms live-streaming of all Nelson City Council public meetings and workshops, including public meetings and public workshops held by all committees and sub-committees ; and***

***Confirms that Nelson City Council live-streams all Regional Transport Committee's public meetings and public workshops.***

Lawrey/Acland

**2. Background**

- 2.1 The procedure for a Notice of Motion is dealt with in Council's Standing Orders. The relevant portions of the Standing Orders relating to this Notice of Motion are set out below:

**"Standing Order 25.1 Notices of Intended Motion to be in writing**

Item 9: Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops

- 2.2 Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the Chief Executive at least 5 clear working days before such meeting.”
- 2.3 A copy of the Notice of Motion received by the Chief Executive from Councillor Lawrey is attached.

**Author: Robyn Byrne, Team Leader Governance**

**Attachments**

Attachment 1: A2018993 Notice of Motion Cr Lawry Council meeting 09Aug2018.pdf [↓](#)



## NOTICE OF MOTION

July 25<sup>th</sup> 2018

For: Nelson City Council meeting August 9<sup>th</sup> 2018

From: Cr Matt Lawrey

Seconder: Cr Luke Acland

In a move to increase the transparency of Council's processes, I propose that from today (August 9th 2018):

Nelson City Council live-streams all its public meetings and public workshops, including public meetings and public workshops held by all committees and sub-committees.

And that Nelson City Council live-streams all the Regional Transport Committee's public meetings and public workshops.

A handwritten signature in black ink, reading "Matt Lawrey". The signature is stylized with a large, sweeping 'M' and a long horizontal line extending from the end of the name.

Matt Lawrey

## **Amendment to resolution regarding Upper Trafalgar Street closure 2018/19**

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### **1. Purpose of Report**

- 1.1 To amend a section of a resolution made on 9 August 2018 in relation to Upper Trafalgar Street.

### **2. Summary**

- 2.1 On 9 August 2018, Council approved the temporary closure of Upper Trafalgar Street over summer 2018/19. The time during which the street will be closed every day, is stated in the resolution as, "From 09:00am every day to 07:00am on each following day..." but it should be from 07:00am every day until 07:00am on each following day. A further resolution is required to amend this.

### **3. Recommendation**

***That the Council***

***Receives the report Amendment to resolution regarding Upper Trafalgar Street closure 2018/19 (R9658); and***

***Amends the section of resolution CL/2018/186 that relates to the time during which Upper Trafalgar Street will be closed to traffic so that the street will be closed to all vehicles, apart from emergency vehicles and other vehicles specifically authorised by Council's network coordinator, from 07:00am every day to 07:00am on each following day.***

### **4. Background and discussion**

- 4.1 On 9 August 2018, Council approved the temporary closure of Upper Trafalgar Street over summer 2018/19. Council resolved as follows:

Item 9: Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops

*Resolved CL/2018/001*

*That the Council*

*Receives the report Upper Trafalgar Street - Summer Closure 2018/19 (R9197) and its attachments (A1935325, A1944077, A2008577); and*

*Approves the temporary closure of Upper Trafalgar Street (between Selwyn Place and Hardy Street) in accordance with section 342 and schedule 10 clause 11(d) of the Local Government Act 1974 with the following conditions:*

- The closure will commence on 8 November 2018 and conclude on 30 April 2019; and*
- **From 09:00am every day to 7:00am** on each following day, the street will be closed to all vehicles apart from emergency vehicles and other vehicles specifically authorised by Council's network coordinator*

*Confirms that the capital (\$20,000) and operational (\$53,000) expenditure required for the 2018/19 closure of Upper Trafalgar Street will be funded through the CBD Enhancement budget and that all fees generated through Upper Trafalgar Street licences to occupy additional space during the closure, will be credited back to this budget; and*

*Notes that the summer 2018/19 closure of Upper Trafalgar Street will require net capital expenditure of \$12,000, which will be funded from the CBD Enhancement budget.*

*Lawrey/Barker*

*Carried*

- 4.2 The time during which the street will be closed every day was mistakenly set from 09:00am every day until 07:00am on each following day, in the above resolution.
- 4.3 The result is that the street will be open to all traffic for two hours every morning. This is contrary to the intent of the August report, that a pedestrianised area be created in Upper Trafalgar Street by temporarily closing the street to traffic for 24 hours a day from 8 November 2018 until 30 April 2019. It is suggested that the resolution be amended in order to achieve the intent of the August report.
- 4.4 During the trial closure over summer 2017/18, Upper Trafalgar Street was open to delivery vehicles for two hours every morning. This was in order to enable the delivery of stock to restaurants. However, this two-hour slot

## Item 9: Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops

is not required as all but one of the hospitality businesses take delivery of goods in the laneways running on either side of Upper Trafalgar Street.

- 4.5 The one hospitality business that cannot take deliveries in the laneway will be able to make use of the short-term parking space that will be created in Selwyn Place during the closure or other nearby parking spaces for their deliveries. The other businesses in Upper Trafalgar Street (for example real estate businesses) that do not take deliveries of stock, but do receive post/parcels via couriers throughout the day, will also be able to make use of the short-term parking space for their courier deliveries.
- 4.6 Closing the street to traffic for 24 hours a day would increase pedestrian safety. Pedestrians in Upper Trafalgar Street may be unaware that delivery vehicles can enter the street at certain times of the day, and therefore there is a risk that pedestrians would not check for vehicles in this area. During the trial closure, officers were notified by business owners of a safety risk to pedestrians from courier drivers, who were observed driving down the street at speed.
- 4.7 Accordingly, it is proposed that the street be closed to traffic (except emergency vehicles and vehicles specifically authorised by Council's network coordinator) from 07:00am every day until 07:00am on each following day for the 2018/19 closure.

## 5. Options

- 5.1 The recommended approach is option 1, to amend the resolution made on 9 August 2018 so that Upper Trafalgar Street is closed to traffic (except emergency vehicles and vehicles specifically authorised by Council's network coordinator) for 24 hours a day from 8 November 2018 until 30 April 2019.
- 5.2 The second option is to amend the resolution in order to allow delivery vehicles in Upper Trafalgar Street for two hours every morning. This will require an amendment to the resolution and officers can provide suggested wording if this is the supported option.

<b>Option 1: Preferred - Amend resolution - close street to traffic (except emergency vehicles and vehicles specifically authorised by Council's network coordinator) for 24 hours a day.</b>	
Advantages	<ul style="list-style-type: none"><li>• As originally intended, Upper Trafalgar Street would be a pedestrianised zone for 24 hours a day from 8 November 2018 until 30 April 2019.</li><li>• Increases pedestrian safety.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• A small number of businesses would have to make use of the short-term parking in Selwyn Place or other parking spaces nearby for deliveries.</li></ul>

Item 9: Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops

<b>Option 2: Amend resolution – allow delivery vehicles in Upper Trafalgar Street for two hours every day.</b>	
Advantages	<ul style="list-style-type: none"><li>• The small number of businesses that cannot take deliveries in the laneways would be able to take deliveries at their doors in Upper Trafalgar Street during a 2-hour slot every morning.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Increases risk of harm to pedestrians who may be unaware that delivery vehicles may enter the street at certain times of the day.</li><li>• Upper Trafalgar Street would not fully pedestrianised.</li></ul>

**Author:** Michelle Joubert, Executive Officer

**Attachments**

Nil

<p><b>Important considerations for decision making</b></p>
<p><b>1. Fit with Purpose of Local Government</b></p> <p>Council has already decided to close Upper Trafalgar Street temporarily over the coming summer 2018/19. A decision to close Upper Trafalgar Street is a discretionary activity which is expected to enhance Nelson's CBD and contribute to the economic prosperity of businesses.</p>
<p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>The decision to close Upper Trafalgar Street aligns with the following Community Outcomes:</p> <ul style="list-style-type: none"> <li>- Our communities have opportunities to celebrate and explore their heritage, identity and creativity; and</li> <li>- Our urban and rural environments are people-friendly, well-planned and sustainably managed.</li> </ul>
<p><b>3. Risk</b></p> <p>A decision to allow delivery vehicles to use Upper Trafalgar Street during the closure period increases risks to pedestrians.</p>
<p><b>4. Financial impact</b></p> <p>None</p>
<p><b>5. Degree of significance and level of engagement</b></p> <p>This decision to close Upper Trafalgar Street temporarily is a matter of low significance to the community as a whole but of high significance to hospitality businesses in Upper Trafalgar Street and other parts of the city.</p> <p>Community views were sought on the 2017/18 closure and a total of 321 submissions were received. Of these, 314 are positive about the closure and seven are not. Of those who are positive, 132 would like the street to be closed permanently. Further community consultation is not considered necessary.</p>
<p><b>6. Inclusion of Māori in the decision making process</b></p> <p>No consultation with Māori was undertaken for this report.</p>
<p><b>7. Delegations</b></p> <p>The decision relates to CBD enhancement, business, economic development and tourism, a temporary road closure, and temporary unavailability of parking. Responsibility for these areas does not fall clearly to a single Council committee. Therefore, the decision is referred to the Council.</p>

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## **Amendment to Special Housing Area at 2 City Heights**

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### **1. Purpose of Report**

- 1.1 To consider a request to change the qualifying development criteria of the SHA approved at 2 City Heights from 2 storeys to 3 storeys.

### **2. Recommendation**

***That the Council***

***Receives the report Amendment to Special Housing Area at 2 City Heights (R9638) and its attachment (A1922971); and***

***Approves the change in qualifying development criteria from 2 storeys to 3 storeys as shown in Attachment 1 (A1922971).***

### **3. Background**

- 3.1 On 20 March 2018 Council approved a Special Housing Area at 2 City Heights. The Qualifying Development Criteria provided for a minimum of 5 units, a maximum height of 12m, and a maximum number of 2 storeys.
- 3.2 Since March the applicant has been working up a design and considering the Deed requirements. The SHA has not been gazetted yet as the Deed has not been entered into.

### **4. Discussion**

- 4.1 The site is steep and the only viable development form involves a piled construction that steps down the slope below the road. A 12m maximum height was provided for in the qualifying development criteria but only two storeys. The applicant seeks to modify the qualifying development criteria from 2 storeys to 3 storeys. This will enable a better dwelling design within the 12m maximum height already approved.

Item 9: Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops

**5. Options**

- 5.1 Council has two options, the request can either be approved or declined. The maximum height approved was 12m which is greater than the 7.5m in the Nelson Resource Management Plan which is associated with a 2 storey development. Changing the qualifying development criteria to 3 storeys is consistent with the maximum height Council has already approved. The applicant is still required to take the proposal to the urban design panel for approval as part of the Deed. There will be no overall height or adverse amenity effects created by a decision to approve.
- 5.2 If Council was to decline the request, it is unlikely that the applicant would be able to provide an economically feasible and practical design across the steep slope, and the site would likely remain undeveloped.
- 5.3 Officers recommend that the request is approved.

**Author:** Lisa Gibellini, Team Leader City Development

**Attachments**

Attachment 1: SHA Summary Form 2 City Heights A1922971 [↓](#)



<b>Important considerations for decision making</b>
<p><b>1. Fit with Purpose of Local Government</b></p> <p>This recommendation is consistent with Local Government’s role to provide efficient and effective performance of regulatory functions appropriate to present and anticipated future circumstances by using the enhanced regulatory powers afforded under the HASHAA and the Nelson Housing Accord to enable the release of additional land for housing.</p>
<p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>The recommendation is consistent with the Nelson Housing Accord and the Community Outcome: <i>Our urban and rural environments are people-friendly, well planned and sustainably managed.</i></p>
<p><b>3. Risk</b></p> <p>If the SHA amendment recommended in this report is not approved then there is a risk that development of that site is not enabled, and the goal of furthering the supply of residential units as part of the Housing Accord is not met.</p>
<p><b>4. Financial impact</b></p> <p>There is no financial impact of the SHA request to amend the number of storeys apart from administration costs covered by business as usual. The costs of processing qualifying development consents are recovered from the applicants through charges, which are applied similarly to other consent fees.</p>
<p><b>5. Degree of significance and level of engagement</b></p> <p>This matter is of low significance because it is an amendment to an already approved SHA which can still be accommodated in the overall approved building envelope.</p>
<p><b>6. Inclusion of Māori in the decision making process</b></p> <p>No engagement with Māori has been undertaken in preparing this report.</p>
<p><b>7. Delegations</b></p> <p>No committee of the Council has delegations for the Housing Accord and Special Housing Areas Act 2013 and therefore the matter needs to be considered by the Council. Under Section 85 of the HASHAA, the Council’s Chief Executive is <i>"a consent authority under the RMA and has all associated powers required to effectively carry out his or her functions for the purposes of [the HASHAA]."</i></p>

**Nelson City Housing Accord –  
Special Housing Area**



<b>Recommendation</b>	suitable
<b>SHA Name</b>	City Heights SHA
<b>Address</b>	2 City Heights, Nelson Part of Lot 2 DP 430993 and Lot 8 DP 409312 (CT 520180)
<b>Approximate size</b>	5200m <sup>2</sup> more or less
<b>Landowner</b>	Cleveland Heights Limited
<b>Developer</b>	Cleveland Heights Limited
<b>SHA request received</b>	26 January 2018
<b>Brownfield/Greenfield</b>	Inner city greenfield, zoned Residential
<b>Approximate yield</b>	5 units (0 existing, 5 growth)

<b>Qualifying Development Criteria</b>
<ul style="list-style-type: none"> <li>• <i>Maximum number of storeys that building may have: 3</i></li> <li>• <i>Maximum calculated height that building must not exceed: 12m</i></li> <li>• <i>Minimum dwelling or residential site capacity: 5</i></li> </ul>

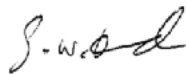

<b>Criteria</b>	<b>Summary</b>	<b>Notes</b>
Consistent with Nelson City Housing Accord	yes	Aligns with principle aim to increase the supply of housing in Nelson with a preference for development in urban zoned land that is serviced.
Alignment with the District Plan	yes	Aligns with objectives of the existing zone; although request is for greater height than is a permitted activity under that zone.
Infrastructure availability/readiness, including available capacity.  (Note: this criterion relates to Section 16 HASHAA which requires that the Minister must be satisfied that adequate infrastructure either exists or is likely to exist having regard to relevant planning documents, strategies, policies and any other relevant information. The onus will still be on the developer under section 34 HASHAA to	yes	<p>The area is likely to have suitable provision for infrastructure to support the development. This will be a mix of Council supplied capacity currently available to the site and developer supplied infrastructure capacity/connection where there is currently insufficient capacity/connection and it is not provided for in the Long Term Plan.</p> <p><b>Water</b></p> <p>The existing water line in the ROW is a 40mm diameter ridermain. Any work required to ensure flow and pressure is available to the site to support the 5 additional dwellings shall be designed, constructed and funded by the developer.</p> <p><b>Stormwater</b></p> <p>The downstream stormwater system will need to be investigated to determine whether it has adequate capacity or whether stormwater will need to be detained</p>

A1922971

Item 11: Amendment to Special Housing Area at 2 City Heights: Attachment 1

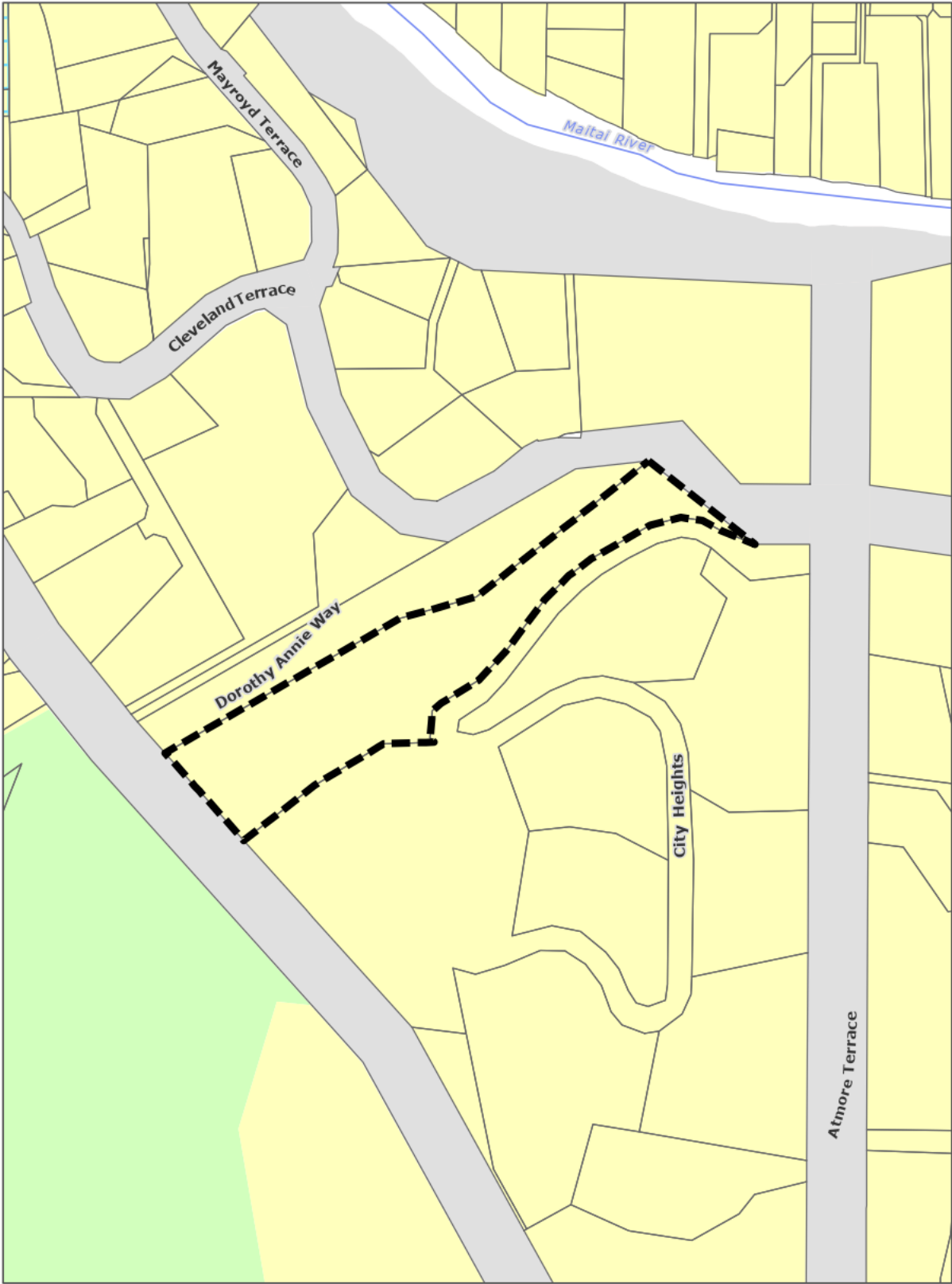
satisfy Council that there will be sufficient and appropriate infrastructure to support the development through the HASHAA resource consent process).		<p>on site. Any works required to provide stormwater infrastructure to serve the site will need to be designed, constructed and funded by the developer.</p> <p><b>Wastewater</b></p> <p>The network this site discharges into has potential wastewater capacity issues under wet weather conditions due to inflow and infiltration. Council has an Inflow and Infiltration Strategy for the city which is expected will address these issues in the medium term (next 10 years). The scale of this development proposal is not considered to have more than minor effects on inflow and infiltration or wet weather discharges in the immediate area.</p> <p>The land is lower than the nearest sewer main. For this reason a pumped system will be required. The pump system should incorporate individual, private pumps for each dwelling with Consent Notices setting out the obligations of each landowner for the ongoing costs and maintenance requirements. Any works required to provide suitable wastewater reticulation to the site will need to be designed, constructed and funded by the developer.</p> <p><b>Transport</b></p> <p>City Heights is a private right of way serving more than 6 lots. There are 9 existing lots. This proposal for five dwellings at 2 City Heights would result in a total of 13 dwellings on the right of way. The maximum permitted by the LDM is 6. The applicant should provide an assessment of the capacity/safety of the ROW to accommodate the additional traffic from a suitably experienced Transport Professional. Any work required to the access to ensure adequate transport infrastructure to support the development of the site shall be designed, constructed and funded by the Developer.</p> <p>All internal infrastructure will be provided by the developer in accordance with the NCC Land Development Manual 2010.</p>
Landowner views	yes	Supportive of SHA
Demand to build	yes	There is ongoing demand to build
Demand for housing	yes	There is ongoing demand for housing

<b>Other Comments</b>	There appears to be in a natural gully in this area and potentially a secondary, overland flood route. A flood risk assessment undertaken by a suitably experienced Chartered Professional Engineer should be provided.
<b>Reasons for using SHA process</b>	To further incentivise development in this area.
<b>Planning history</b>	

<b>Reviewed by:</b>	Shane Overend and Sue McAuley
Transport	 
Stormwater	
Waste water/water	

A1922971


Item 11: Amendment to Special Housing Area at 2 City Heights: Attachment 1



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


### 2 City Heights

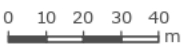
Special Housing Area



te kaunihera o whakatū


**Legend**

	Special Housing Area		Residential - Lower Density
	Residential		Rural



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Scale 1:1,750



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March 2018

File Ref: A1913521  
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