



Minutes of a meeting of the

Nelson City Council

Te Kaunihera o Whakatū

Held via Zoom on Wednesday 23 March 2022, commencing at 11.01a.m.

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

In Attendance: Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (A White), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald), Team Leader Governance (R Byrne) and Governance Adviser (T Kruger)

Apology: An apology has been received from Councillor G Noonan

Karakia and Mihi Timatanga

Her Worship the Mayor advised that Council required time for a briefing and adjourned the meeting at 11.03a.m.

The meeting reconvened at 11.45a.m.

1. Apologies

Resolved CL/2022/023

That the Council

- 1. Receives and accepts an apology from Councillor G Noonan.***

McGurk/Bowater

Carried

2. Confirmation of Order of Business

Her Worship the Mayor advised there was an additional speaker for Public Forum, Labour MP Rachel Boyack. She advised that the meeting would be adjourned to another date if business was not complete in the time made available.

Her Worship the Mayor advised of a Major Late Item for the Confidential part of the meeting, and that a resolution for the item to be considered would be passed after the lunch break, to provide members time to read the document.

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

4. Public Forum

- 4.1. The Nelson Accommodation Sector and Hospitality NZ - AirBnB and short-term accommodation providers

Document number R26731

Kim Odendaal, Hospitality NZ, Andrew Millener and Stacie Warren from and the Nelson Accommodation Sector spoke to a presentation (tabled A2859381) and answered questions on their proposal for rates income, a register of AirBnb properties, and resource consents.

Attachments

- 1 A2859381 Commercial Accommodation vs Short Term Rental Accommodation

- 4.2. Bev Webster - Airbnb in Aotearoa

Document number R26764

Bev Webster spoke to a presentation on her experiences as an Airbnb host (tabled A2860140) and answered questions on occupancy rates, insurance and confirmed the income was taxable.

Attachments

- 1 A2860140 Airbnb in Aotearoa Presentation

- 4.3. Rachel Boyack MP for Nelson

Document number R26766

MP for Nelson, Rachel Boyack spoke on Airbnb's in Nelson, acknowledging the research Stacie Warren had completed. She asked Council to consider

it's responsibility to the existing accommodation sector to ensure fairness, and noted the impact renting entire houses for AirBnb had on the housing crisis.

The meeting adjourned at 12.42p.m. and resumed at 1.45p.m.

5 Major Late Item

Update on Chief Executive Employment Contract

Resolved CL/2022/024

That the Council

- 1. Considers the Confidential item regarding Update on Chief Executive Employment Contract at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.***

Edgar/Bowater

Carried

6. Central Library Development - Community Engagement Strategy (Agenda Item 6)

Document number R26717, agenda pages 6 - 19 refer.

Library Redevelopment Project Manager, Alice Heather, presented the report, supported by consultant Shelley Crestani. They answered questions on the engagement strategy, confirming the strategy set the broad brush and the detailed plan would follow this, and that the work was included in the budget.

Group Manager Community Services, Andrew White, noted the decision being sought was to approve the strategy which was the first stage of the engagement. It focused on developing the information to establish a brief for the concept, and to open the conversation for future planning.

Ms Heather and Mr White answered further questions on climate change, sustainability objectives, timing of engagement and further engagement as the project moved forward.

Attendance: Councillor O'Neill-Stevens left the meeting at 2.30p.m.

Resolved CL/2022/025

That the Council

- 1. Receives the report Central Library Development - Community Engagement Strategy (R26717) and its attachment (A2853918); and***

2. ***Approves the Central Library Development Community Engagement Strategy as set out in report (R26717) and its attachment (A2853918); and***
3. ***Delegates any minor amendments to the Chair, Her Worship the Mayor, and Group Manager Community Services.***

Edgar/McGurk

Carried

7 Exclusion of the Public

Prior to moving into the confidential session, the Chairperson asked that all present for the confidential session confirm that they were in a confidential space where they could not be overlooked or overheard.

Resolved CL/2022/026

That the Council

1. ***Excludes the public from the following parts of the proceedings of this meeting.***
 1. ***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)
		Her Worship the Mayor/Edgar	Carried
2	Restraint of trade approval	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
4	Update on Chief Executive Employment Contract	Section 48(1)(a) The public conduct of this matter would be likely to result in	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a)

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		disclosure of information for which good reason exists under section 7	To protect the privacy of natural persons, including that of a deceased person
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The meeting went into confidential session at 2.36p.m. and resumed in public session at 2.50p.m. at which time the meeting was adjourned to be reconvened on Thursday 24 March 2022 at 11.45a.m.



Minutes of a meeting of the

Nelson City Council

Te Kaunihera o Whakatū

Reconvened via Zoom on Thursday 24 March 2022, commencing at 11.52a.m.

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

In Attendance: Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (A White), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald), Team Leader Governance (R Byrne) and Governance Adviser (K McLean)

Apology: An apology has been received from Councillor G Noonan

Karakia Timatanga

Resolved CL/2022/023

That the Council

- 2. Receives and accepts an apology from Councillor G Noonan.***

McGurk/Bowater

Carried

8. On-Line Accommodation Providers (Agenda Item 7)

Document number R26576, agenda pages 20 - 36 refer.

Group Manager Environment, Clare Barton presented the report and responded to questions raised by speakers in Public Forum. She

confirmed the rules (providing accommodation for more than four guests, no owner on the site) being referred to were pre-existing in the Nelson Regional Management Plan (NRMP), circa 2000, and were not designed specifically for online accommodation providers. A speaker had asked that the rule be applied to whole of house rentals, however this would be difficult to enforce as addresses were not available, information on the guest numbers would need to be requested, and reinforcing rules based on trade competition could not be considered under the Resource Management Act. She advised that other matters raised regarding mobility, healthy homes and fire regulations were a matter for Central Government legislation and not matters that Council could alter. However Council could seek a determination of commercial status through the Ministry for Business, Innovation and Employment.

Group Manager Corporate Services, Nikki Harrison confirmed that Council would not receive more income from rates and any changes to rating charges would require Rates review and a special consultative procedure.

Ms Barton confirmed that it was possible to do a Plan Change and noted that Christchurch City Council were currently working through this, with a lot of push back. Council could provide further education on the rule for the requirement of a resource consent if accommodation was being provided for more than four people visiting at any one time. She confirmed, should Council prefer Option 3 (proactively enforce the NRMP only) and resolve to actively enforce, an additional 1.5FTE would be required, noting that this was confined to the resource consent process.

Councillor Skinner moved Option 2 (proactively enforce the NRMP and apply a higher rate to the property) seconded by Councillor Brand.

Attendance: Councillor Edgar left the meeting from 12.30p.m. until 12.38p.m.

The meeting adjourned from 12.55p.m. until 2.05p.m.

That the Council

1. *Receives the report On-Line Accommodation Providers (R26576) and its attachment (A2615399); and*
2. *Agrees to take steps to be able to proactively enforce and act on the Nelson Resource Management Plan we already have in place on this matter*
3. *Agrees to take steps to make changes to apply higher rates for those properties that are renting out their entire site as an Online Accommodation Provider.*

Skinner/Brand

The motion was put and lost

Councillor McGurk moved a recommendation to request reports for further investigation, seconded by Councillor Courtney.

That the Council

1. *Receives the report On-Line Accommodation Providers (R26576) and its attachment (A2615399); and*
2. *Requests a report from the Chief Executive on the resourcing requirements to proactively enforce the current standards in the NRMP in relation to stand alone on-line accommodation providers*
3. *Requests a further report on the steps required to amend rating policy to achieve consistency between on-line accommodation providers and other commercial accommodation operators.*
4. *Agrees to correspond with the Chief Executive of the Ministry for Business, Innovation and Employment and request Central Government provide a consistent nationwide approach to regulation (including building regulation) and charging/taxing for On-Line Accommodation Providers.*

McGurk/Courtney

The motion was put and lost.

Councillor O'Neill-Stevens moved Option 3, with a request for further information and engagement.

Resolved CL/2022/027

That the Council

1. ***Receives the report On-Line Accommodation Providers (R26576) and its attachment (A2615399); and***
2. ***Directs staff to initiate proactive enforcement for Online Accommodation Providers under the NRMP, including education and publicization of existing rules; and***
3. ***Requests staff bring a report to a future council meeting on rating options for Online Accommodation Providers; and***
4. ***Agrees to correspond with the Chief Executive of the Ministry for Business, Innovation and Employment and request Central Government urgently provide a consistent nationwide approach to regulation (including building regulation) and charging/taxing for On-Line Accommodation Providers.***

- 5. Notes that if additional resources are required to initiate proactive enforcement then a report will be brought to a future council meeting for approval of funding.**

O'Neill-Stevens/Sanson

Carried unanimously

9. Mayor's Report

Document number R26735

There was no Mayor's report.

10 Additional Major Late Item

Housing Reserve Grant.

Resolved CL/2022/028

That the Council

- 3. Considers the Confidential item regarding Housing Reserve Grant at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.**

Her Worship the Mayor/Edgar

Carried

11. Exclusion of the Public

Prior to moving into the confidential session, the Chairperson asked that all present for the confidential session confirm that they were in a confidential space where they could not be overlooked or overheard.

Resolved CL/2022/029

That the Council

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

Edgar/Bowater

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
3	Māori Representation - nominations	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
5	Housing Reserve Grant	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into confidential session at 3.13p.m. and resumed in public session at 4.06p.m.

Karakia Whakamutanga

12. Restatements

It was resolved while the public was excluded:

1 CONFIDENTIAL: Restraint of trade approval

Agrees that the report (R21448) and its attachments (A2854899 and A2854910) and the decision remain confidential at this time.

2 CONFIDENTIAL: Māori Representation - nominations

Agrees that Report (R26750), Attachment A2337456, and the decision only be made publicly available following the whakatau and completion of the appointment process; and

Agrees that Attachment A2857387 remain confidential at this time

3 CONFIDENTIAL: Update on Chief Executive Employment Contract

Agrees that Report (R26776), and the decision remain confidential at this time

3 CONFIDENTIAL: Housing Reserve Grant

Agrees that the decision only be made publicly available once negotiations are concluded; and

Agrees that Report (R26779) remain confidential at this time.

There being no further business the meeting ended at 4.06p.m.

Confirmed as a correct record of proceedings by resolution on 10 May 2022.

Resolved CL/2022/030

That the Council

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