



# AGENDA

Ordinary meeting of the

**Nelson City Council**

**Thursday 12 December 2013**

**Commencing at 9.00am**

**Council Chamber**

**Civic House**

**110 Trafalgar Street, Nelson**

Membership:

Her Worship the Mayor Rachel Reese, Councillors Luke Acland, Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton, Matt Lawrey, Brian McGurk, Paul Matheson (Deputy Mayor), Gaile Noonan, Pete Rainey, Tim Skinner, and Mike Ward

## **Opening Prayer**

## **Apologies**

### **1. Interests**

- 1.1 Updates to the Interests Register
- 1.2 Identify any conflicts of interest in the agenda

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

### **3. Public Forum**

### **4. Confirmation of Minutes**

- 4.1 12 November 2013 **11-20**

Document number A754447

Recommendation

***THAT the minutes of the meeting of the Nelson City Council, held on 12 November 2013, be confirmed as a true and correct record.***

- 4.2 21 November 2013 **21-22**

Document number A1106591

Recommendation

***THAT the minutes of the meeting of the Nelson City Council, held on 21 November 2013, be confirmed as a true and correct record.***

### **5. Consideration of Business from Adjourned Meetings**

- 5.1 Draft Local Alcohol Policy – Adjourned Business **23-62**

- 5.2 Document number A1113118

Recommendation

**THAT the report Draft Local Alcohol Policy – Adjourned Business (A1113118) and its attachments (A1113149, A1113409, A1113414, A1113151, A1112902, A1113842 and A1113748) be received and considered to be the response to the resolution adjourning the 26 November 2013 Council meeting to hear submissions to the draft Local Alcohol Policy;**

**AND THAT the meeting to hear submissions to the draft Local Alcohol Policy be closed.**

**6. Mayor’s Report**

**63-71**

**6.1 Document number A1107799**

Recommendation

**THAT the Mayor’s Report (A1107799) and its attachments (A1113602; A1113742) be received;**

**AND THAT Derek Shaw and Councillor \_\_\_\_\_ be appointed as Nelson City Council representatives on the Nelson Regional Sewerage Business Unit for the 2013-2016 triennium;**

**AND THAT the Mayor, the Deputy Mayor and the Chair of the Governance Committee be appointed as Nelson City Council representatives to the Joint Shareholders Committee;**

**AND THAT the delegations for the Nelson Regional Sewerage Business Unit and the Joint Shareholders Committee in Attachment 2 (A1113742) be adopted;**

**AND THAT the Council appoint the Deputy Mayor to the Cricket World Cup 2015 Regional Coordination Group;**

**AND THAT the Council appoint the Deputy Mayor to the Rocks Road Shared Pathway Steering Group;**

**AND THAT until Council resolves an updated policy and schedule of payments for meetings, Derek Shaw shall be remunerated at a rate of \$250 per meeting of the Regional Sewerage Business Unit.**

**7. Schedule of Council Meetings 2014 72-86**

Document number A1103869

Recommendation

**THAT the report Schedule of Council Meetings 2014 (A1103869) and its attachment (A1113468) be received.**

**8. Appointment of Trustee to the Nelson Municipal Band Trust 87**

Document number A1110293

Recommendation

**THAT the report Appointment of Trustee to the Nelson Municipal Band Trust (A110293) be received;**

**AND THAT Her Worship the Mayor of Nelson, Rachel Reese, be appointed as a trustee to the Nelson Municipal Band Trust.**

**9. Farmers Trading Company – Redevelopment 88-90**

Document number A1113508

Recommendation

**THAT the report Farmers Trading Company – Redevelopment (A1113508) be received.**

**REPORTS FROM COMMITTEES**

**10. Community Services Committee – 21 November 2013 91-93**

Document number A1107870

Recommendation

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Community Services Committee, held on 21 November 2013, be received.***

**11. Planning and Regulatory Committee –  
21 November 2013**

**94-99**

Document number A1107833

Recommendation

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Planning and Regulatory Committee, held on 21 November 2013, be received.***

11.1 Review of Nelson's Resource Management Plans

Recommendation to Council

***THAT the Council embarks on a full plan review, aiming to achieve notification within the term of the current Council, noting that where a specific resource management issue arises a targeted Plan Change may occur separately.***

11.2 Council Hearing – Plan Change 16 Inner City Noise

Recommendation to Council

***THAT the Planning and Regulatory Committee recommends to Council that an independent Commissioner chaired Council assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Change 16 Inner City Noise;***

***AND THAT the Planning and Regulatory Committee recommends to Council the membership of the Hearing Panel for Plan Change 16 Inner City Noise consists of an independent Commissioner as Chair and Councillor Copeland and Councillor Barker as Council Commissioners.***

**12. Works and Infrastructure Committee –  
28 November 2013**

**100-106**

Document number A1111685

Recommendation

**THAT the unconfirmed minutes of a meeting of the Nelson City Council Works and Infrastructure Committee, held on 28 November 2013, be received.**

**12.1 Bata Building Way Forward**

Recommendation to Council

**THAT Council re-confirms its decision to demolish the Bata building and develop (i.e. pavement seal) the land to car parking;**

**AND THAT Council notes that this decision does not limit future use of the site for other public works;**

**AND THAT demolition commences no earlier than late February 2014.**

**12.2 Backflow Prevention Programme**

Recommendation to Council

**THAT in line with the Long Term Plan 2012-2022 the proposed commencement be noted of the next stage of the Backflow Prevention Programme for existing commercial and industrial properties;**

**AND THAT in line with current practice owners of new or altered commercial/industrial activities be required to fit boundary backflow protection at their cost;**

**AND THAT Funding Option A be adopted (reflecting Council's current practice with all other water network upgrades) with the costs of retrofitting backflow preventers to existing activities recovered from all customers through the normal water charges, with the programme budget in 2013/14 being deferred to 2014/15 to allow for annual plan submissions;**

***AND THAT the costs of inspection, maintenance and replacement in future years be included in the appropriate Long Term Plan or Annual Plan and be recovered through Operation and Maintenance charges.***

**13. Governance Committee –  
28 November 2013**

**107-113**

Document number A1110925

Recommendation

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Governance Committee, held on 28 November 2013, be received.***

**13.1 Participation in Gigatown Competition**

Recommendation to Council

***THAT Council does not agree to lead an effort to participate in the Gigatown competition.***

**13.2 Finance Report for the Period Ending 30 September 2013**

Recommendation

***THAT Council approves the Events Contestable Funding being accrued and held in a Council reserve until such time as the Economic Development Agency require the funding for events.***

**PUBLIC EXCLUDED BUSINESS**

**14. Exclusion of the Public**

Mr Julian Ironside, of Fletcher Vautier Moore Lawyers, will be in attendance for Item 7 of the Public Excluded agenda to answer questions and, accordingly, the following resolution is required to be passed:

Recommendation

***THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Mr Julian Ironside remains after the public has been excluded, for Item 7 of the Public Excluded agenda (Works and Infrastructure Committee – 28 November 2013), as he had knowledge that will assist the Council;***

***AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Mr Julian Ironside possesses relates to legal advice to Council regarding the Trafalgar Centre – Follow Up Report section of this item.***

Recommendation

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

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

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	<p><b>Nelson City Council – Public Excluded Minutes – 12 November 2013</b></p> <p>These minutes contain information relating to:</p>	<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>
	<p>Appointment of District Licensing Committee</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	<p>Release of Information from Public Excluded – Strategic Land Purchases</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	<p>Chief Executive’s Report – Lewis Stanton</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>



<p><b>2</b></p>	<p><b>Farmers Trading Company – Redevelopment</b></p> <p>Following the distribution of this agenda, Council may receive information from third parties about proposals for a central city site for Farmers Trading Company.</p> <p>Should this information be subject to an obligation of confidence, it will require consideration by Council in public excluded session, in which case the provisions of s 46(7) or (7A) of the Local Government Act, and Standing Orders 3.7.5 or 3.7.6, will apply.</p>	<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)(c) To protect information that is subject to an obligation of confidence</li> </ul>
<p><b>3</b></p>	<p><b>Concluding Negotiations for the Suter Redevelopment Programme</b></p> <p>This report contains information relating to Council’s negotiating position with respect to the draft Heads of Agreement with the Bishop Suter Trust.</p>	<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)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
<p><b>4</b></p>	<p><b>Appointment of Sister Cities Coordinator 2013</b></p> <p>This report contains information regarding the proposed appointment of a Sister Cities Coordinator, and contains a recommendation to release the appointment to the public.</p>	<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</li> </ul>

5	<p><b>Reappointment of Trustees to the City of Nelson Civic Trust</b></p> <p>This report contains information regarding the proposed reappointment of trustees to the City of Nelson Civic Trust, and contains a recommendation to release the appointments to the public.</p>	<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</li> </ul>
6	<p><b>Works and Infrastructure Committee – Public Excluded Minutes – 28 November 2013</b></p> <p>These minutes contain information relating to:</p>	<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>
	<p>Trafalgar centre – Follow Up Report</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
7	<p><b>Governance Committee – Public Excluded Minutes – 28 November 2013</b></p> <p>These minutes contain information relating to:</p>	<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>
	<p>Nelmac Appointment of Director November 2013</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>

## 15. Re-admittance of the public

Recommendation

***THAT the public be re-admitted to the meeting.***

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

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

**On Tuesday 12 November 2013, commencing at 9.04am**

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**Present:** Her Worship the Mayor (R Reese), Councillors L Acland, I Barker, R Copeland, E Davy, K Fulton, M Lawrey, B McGurk, P Matheson, G Noonan, P Rainey, T Skinner and M Ward

**In Attendance:** Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Support Services/Acting Group Manager Community Services (H Kettlewell), Acting Group Manager Strategy and Environment (N McDonald), Chief Financial Officer (N Harrison), Kaihautuu (G Mullen), Manager Administration (P Langley), Manager Human Resources (S Gully), Manager Communications (A Ricker) and Administration Adviser (L Laird)

**Apology:** Councillor L Acland for early departure

### **Opening Prayer**

Councillor Skinner gave the opening prayer.

#### **1. Apologies**

No apologies were received.

#### **2. Interests**

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

#### **3. Confirmation of Order of Business**

##### **3.1 Late items**

Her Worship the Mayor explained that there were additional late items to be considered at the meeting, and that procedural resolutions were required before Council could deal with these items.

3.1.1 Chief Executive's Report

Resolved

***THAT the item regarding Chief Executive's Report be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, because it relates to a project currently being implemented that needs a Council decision in order to continue.***

Davy/Barker

Carried

3.1.2 Release of Information from Public Excluded – Strategic Land Purchases

Resolved

***THAT the public excluded item regarding Release of Information from Public Excluded – Strategic Land Purchase be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable officers to respond to a request made under the Official Information Act 1982.***

Davy/Barker

Carried

3.1.3 Public Excluded Chief Executive's Report – Lewis Stanton

Resolved

***THAT the public excluded item regarding Chief Executive's Report – Lewis Stanton be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable councillors to be fully briefed in a timely manner.***

Barker/Noonan

Carried

3.2 Amendments to items in the agenda

Her Worship the Mayor explained that there were amendments to be made to some items on the agenda, and that these would be discussed during each item.

#### 4. Public Forum

There were no public forums.

#### 5. Confirmation of Minutes

5.1 29 October 2013

Document number 1626648, agenda pages 6-11 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council, held on 29 October 2013, be confirmed as a true and correct record, subject to the following amendments:***

***the name of the Archdeacon Harvey Ruru to "Harvey Whakaruru" on page 6 of the agenda"; and***

***the addition of the words "Other invited guests and members of the public addressed the Council, and congratulated all elected members on their appointments to office" to page 8 of the agenda; and***

***the inclusion of the Mayor's inaugural speech in the minutes.***

Fulton/McGurk

Carried

#### 6. Mayor's Report

Document number 1631818, agenda pages 12-25 refer.

6.1 Committee delegations

The meeting discussed the committee delegations outlined in the report (attachment 1) and the proposed changes to these delegations as explained in the tabled document (1628984). Her Worship the Mayor explained why she proposed removing the terms 'co-opting' from committee delegations.

There was a discussion as to why committee delegations included various 'powers to decide'. It was explained that decision making powers would assist to streamline Council processes, but reserved any significant decision for full Council consideration only.

6.2 Chief Executive's Employment Committee and Resource Management Act Procedures Committee delegations and membership

The meeting then turned to consider the additional proposed committees and their delegations, as outlined in the tabled document (1634956). It was noted that this document referred to the Remuneration Review Committee; however its title would be the Chief Executive's Employment Committee.

Resolved

***THAT the Mayor's Report (1631818) and its attachment (1628984) be received;***

Davy/McGurk

Carried

***AND THAT the Committee Delegations as set out in Attachment 1 (1628984) be adopted, with the removal of the words 'or co-opted onto' from page 16, and removal of the words 'co-opted or' from pages 20, 22 and 24;***

Matheson/Rainey

Carried

***AND THAT Council establish two additional Committees as follows:***

<b><i>Committee</i></b>	<b><i>Chair</i></b>	<b><i>Membership</i></b>
<b><i>Chief Executive Employment Committee</i></b>	<b><i>Mayor</i></b>	<b><i>Mayor Deputy Mayor Councillor Acland</i></b>
<b><i>Resource Management Act Procedures Committee</i></b>	<b><i>Mayor</i></b>	<b><i>Mayor Deputy Mayor Councillor Fulton</i></b>

Davy/Rainey

Carried

***AND THAT the delegations for the Chief Executive Employment Committee and the Resource Management Act Procedures Committee, as set out in document 1634956, be adopted.***

Davy/Rainey

Carried

## 7. Application for Leave of Absence

### 7.1 Councillor McGurk

Resolved

***THAT Councillor McGurk's application for a leave of absence, from 21 August to 16 September 2014, be granted.***

Skinner/Acland

Carried

## 8. Schedule of Council Meetings 2014

The Chief Executive withdrew this item from the agenda.

## 9. Elected Members' Travel and Training Budget

Document number 1554994, agenda pages 41-46 refer.

It was noted that an additional criteria would be added to the 'Elected Members' Travel and Training Criteria 2013-2016 (1629741), as per attachment 1 of the report:

"That attendance to fulfil a civic or representative role usually undertaken by the Mayor, and at which they have been required to deputise. On that basis the expense would be deducted from the remaining funding pool."

The Council discussed the options available for allocating this budget and how approval for expenditure should be sought. The Chief Executive confirmed that there would be an appropriate way of reporting back to the Council after attending an event.

The Chief Executive confirmed that, if option 4 was approved, individual elected members would be expected to use their allocation to fund Resource Management Act training; and could approach the Council to use funding from the additional funding pool if required.

## 10. Acknowledgement of Past Service

### 10.1 Derek Shaw

Her Worship the Mayor welcomed Derek Shaw to the table and gave a speech to acknowledge his 30-year service as an elected member. Gail Collingwood was invited to speak and presented Derek Shaw with gifts.

There was significant acknowledgement of Derek Shaw from councillors noting his institutional knowledge, diligence and application to his work.

Derek Shaw spoke to the meeting about his key moments as an elected member.

Attendance: the meeting adjourned for morning tea from 10.47am to 11.08am

10.2 Aldo Miccio

Her Worship the Mayor acknowledged the previous service of Aldo Miccio. She said Aldo Miccio served as an elected member for six years, three of those as the Mayor of Nelson.

She said Aldo Miccio was unavailable for this meeting however she publicly acknowledged his contributions and said she would arrange an opportunity to deliver him a gift and acknowledgement letter.

**11. Elected Members' Travel and Training Budget (continued)**

Document number 1554994, agenda pages 41-46 refer.

Resolved

***THAT the report Elected Members' Travel and Training Budget (1554994) and its attachment (1629741) be received;***

***AND THAT Council approves the Elected Members' Travel and Training Criteria 2013-2016 (1629741), incorporating any amendments made at this meeting.***

***AND THAT Council approves the use of Option 4 - Whole of Triennium Approach as the most appropriate option for allocation of the elected members' travel and training budget.***

Acland/Rainey

Carried

**12. Amendment to Remuneration of Elected Members 2013-2016**

Document number 1630807, agenda pages 47-54 refer.

The Chief Executive explained the rules set by the Remuneration Authority and said job descriptions showing higher duties were required to approve a higher salary for Committee Chairs.

She said the remuneration rate for Committee Chairs was higher than previous Portfolio Holders, and that this resulted from the final determination from the Remuneration Authority. She further explained that it was not possible to reduce the remuneration of Committee Chairs in order to increase the funding allocated for Resource Management Plan hearings.



The meeting was informed that the Remuneration Authority no longer provided a remuneration pool for the Council to split, and instead operated a more prescriptive approach.

The meeting was informed of proposed amendments to the job descriptions:

- to remove part of the last sentence on page 52 of the agenda, 'but only if delegated to do so by council'
- to include an additional bullet point on page 52 of the agenda 'Ensuring the Deputy Chair of the committee has the opportunity to keep abreast of all issues facing the committee, to allow for relative ease when deputising for the Committee Chair, should the need arise.'
- to include an additional bullet point on page 54 of the agenda 'If the Mayor is absent or unavailable, commenting to the media (or other agencies) as the council spokesperson on issues arising that pertain to their committee or that are on the agenda in the areas of council activity and business within their area of responsibility'

Resolved

***THAT the report Amendment to Remuneration of Elected Members (1630807) and its attachment (1631835) be received;***

***AND THAT it be recommended to the Remuneration Authority that the Remuneration Authority's Local Government Elected Members (2013/14) (Certain Local Authorities) Determination 2013 be amended to remove the position of portfolio holder and to increase the number of Committee Chairs from two to four, and that these positions be paid at a rate of \$43,375 per annum.***

Matheson/Noonan

Carried

### **13. Chief Executive's Report**

Document number 1633452, late item refers.

#### **13.1 Modellers Pond**

The Group Manager Infrastructure, Alec Louverdis, provided an update about the upgrade of Modellers Pond as detailed in the report. He said immediate maintenance work was required to ensure the Pond was brought up to standard before the busy summer holiday period.

Mr Louverdis advised the Council that chemical dosing at this stage was still considered the best option available to achieve the desired outcomes for the Pond, however the long term viability of the Pond would be discussed during Annual Plan discussions in 2014.

### 13.2 Buxton Toilet Upgrade

Mr Louverdis updated the Council on the issues with the Buxton toilet upgrade and sought Council approval for officers to take a more hands on approach to re-instate the toilets.

Her Worship the Mayor added that officers sought further direction as to stage 1-3 of the upgrade project, as provided in the report.

Attendance: Councillor Acland left the meeting at 12.04pm and Councillor Davy left the meeting at 12.35pm.

Resolved

***THAT the Chief Executive's Report - Various issues - Modellers Pond; Buxton toilet upgrade and Bata Building demolition (1633452) and its attachments 1633611, 1482467, 1633231, and 1617997 be received;***

***AND THAT Council agrees that officers take the Buxton Toilet Upgrade project in house in order to make the facilities operational as a priority;***

***AND THAT stage 1 including:***

- ***the installation of new toilets, hand basins, and other hardware,***
- ***Two separate toilets (one disabled one unisex) be created and made available 24 hours,***
- ***Gates on the main facilities to be created and installed by volunteers***

***are proceeded with, with urgency;***

***AND THAT stage 2 including:***

- ***painting the front of the building in plain colours (warm red through to darker purple);***
- ***Mosaics on the main buildings;***
- ***Installation of two one-sided planters and benches***

***be approved;***

***AND THAT if any further questions arise in implementation of stage 1 or 2 that these be referred to Chair and Deputy Chair of Works and Infrastructure Committee;***

***AND THAT the motorcycle parking issue as it relates to the Buxton toilet upgrade be referred to the upcoming 28 November 2013 Works and Infrastructure Committee for deliberation.***

Matheson/Ward

Carried

Resolved

***THAT in light of public interest in the Bata building, the proposed demolition and conversion to carparking be discussed at the upcoming 28 November 2013 Works and Infrastructure Committee with the matter coming back to 12 December 2013 Council meeting for a decision.***

Her Worship the Mayor/Rainey

Carried

## REPORTS FROM COMMITTEES

### 14. Hearings Panel

Document number 1617627, agenda pages 55-59 refer.

Resolved

***THAT the minutes and decision of a hearing of the Hearings Panel, held on 2 October 2013, be received.***

Barker/McGurk

Carried

### 15. Exclusion of the Public

Resolved

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

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

**Information and Meetings Act 1987 for the passing of this resolution are as follows:**

<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>	Appointment of the District Licensing Committee  This report contains information relating to appointments to the District Licensing Committee.	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</li> </ul>
<b>2</b>	<b>Chief Executive's Report – Lewis Stanton</b>  This report contains information relating to the position of an individual with matters pending before the court.	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</li> </ul>

Her Worship the Mayor/Matheson

Carried

The meeting went into public excluded session at 12.40pm and resumed in public session at 1.30pm. During this time, Councillor Rainey left the meeting at 12.45pm and Councillor Davy returned to the meeting at 1.20pm.

**16. Re-admittance of the Public**

Resolved

**THAT the public be re-admitted to the meeting.**

Her Worship the Mayor/Matheson

Carried

There being no further business the meeting ended at 1.30pm.

Confirmed as a correct record of proceedings:

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

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## Minutes of a meeting of the Nelson City Council

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

**On Thursday 21 November 2013, commencing at 12.09pm**

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Present: Her Worship the Mayor R Reese, Councillors L Acland, E Davy, K Fulton, M Lawrey, B McGurk, P Matheson, G Noonan, P Rainey, T Skinner and M Ward

In Attendance: Chief Executive (C Hadley), Manager Human Resources (S Gully), Manager Communications (A Ricker), Senior Asset Engineer – Transport and Roading (R Palmer), NZTA Regional Director Central (J Chetwynd), NZTA Planning and Investment Regional Manager (L Hammond), NZTA Operations Manager (M Owen), NZTA Planning and Investment Manager (P Hookham), and Administration Adviser (L Canton)

Apologies: Councillors I Barker and R Copeland

### 1. Apologies

Resolved

***THAT apologies be received and accepted from  
Councillors Barker and Copeland.***

Davy/Her Worship the Mayor

Carried

### 2. Interests

There were no updates to the Interests Register and no conflicts of interest with items on the agenda were identified.

### 3. Confirmation of Order of Business

There was no change to the order of business.

### 4. Presentation from New Zealand Transport Agency

Her Worship the Mayor introduced representatives from the New Zealand Transport Agency (NZTA), Jenny Chetwynd, Regional Director Central; Lyndon Hammond, Planning and Investment Regional

Manager; Mark Owen, Operations Manager; and Peter Hookham, Planning and Investment Manager.

Ms Chetwynd and Mr Owen gave a presentation (A1108831), outlining the role of the NZTA and its objectives for the next three years.

Attendance: Councillor Fulton joined the meeting at 12.18pm.

In response to questions, Mr Owen outlined the speed limit criteria for state highways, and added that NZTA was currently considering all roads and the method for determining speed limits.

Ms Chetwynd advised that NZTA worked with heavy transport operators to encourage good driver behaviour, and this was an important factor in ensuring pedestrian safety on shared routes. She added that NZTA's objective was to provide a balanced network that offered its users a choice of transport mode.

Councillors agreed that the suggestion of a Joint Advisory Group was worth exploring with Tasman District Council. Mr Owen noted the intention was that this was initially undertaken by officers of both Councils.

In response to a request, Mr Owen advised that he would provide an average yearly cost for the maintenance of Rocks Road from Haven Road to the Tahunanui Roundabout, for circulation to councillors.

There being no further business the meeting ended at 1.08pm.

Confirmed as a correct record of proceedings:

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

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## **Draft Local Alcohol Policy – Adjourned Business**

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

- 1.1 To address the additional information requested during the Council meeting to hear submissions to the draft Local Alcohol Policy and to deal with adjourned business of that meeting.

### **2. Recommendation**

***THAT the report Draft Local Alcohol Policy – Adjourned Business (A1113118) and its attachments (A1113149, A1113409, A1113414, A1113151, A1112902, A1113842 and A1113748) be received and considered to be the response to the resolution adjourning the 26 November 2013 Council meeting to hear submissions to the draft Local Alcohol Policy;***

***AND THAT the meeting to hear submissions to the draft Local Alcohol Policy be closed.***

### **3. Background**

- 3.1 On 19 February 2013 Council resolved to proceed with the development of a Local Alcohol Policy (LAP).
- 3.2 On 6 August 2013 Council approved a draft LAP to be consulted on using the Special Consultative Procedure as outlined in section 83 of the Local Government Act 2002.
- 3.3 On 26 November Council met to hear submissions to the draft LAP.
- 3.4 All submitters who attended and spoke were asked upon arrival if they had any additional information that they would like tabled at the hearing. All information that was received was circulated to Council.
- 3.5 One submitter was in attendance to speak but due to time constraints chose to withdraw his option to speak and left the hearing.
- 3.6 After all submitters in attendance had spoken, Council requested the following information:

- Specific evidence relating to the effectiveness of a one way door policy;
- The Local Alcohol Policy adopted by Tasman District Council;
- Legal advice on the possibility of differentiating between supermarkets and bottle stores;
- Clarification by map of the area considered to be within the CBD;
- Whether, or for how long, any grandfather clauses would continue to apply when a new policy came into effect;
- An explanation of how a distinction was drawn between licensed premises in residential areas and licensed premises outside residential areas, when both were outside of the CBD;
- Whether the draft policy closing times referred to the time at which restaurants and taverns stopped serving alcohol, or the time they actually closed;
- A copy of the Doormens' Association training manual;
- A copy of the criteria by which bar staff assess intoxication.

3.7 This Council meeting was adjourned to allow the receipt of further information requested in relation to submissions.

3.8 Under Standing Orders 3.12.1 and 3.12.9 as no new date and time for this hearing to reconvene was provided, this item of business must be dealt with as the first item at this meeting of Council.

#### 4. Discussion

4.1 In order to draw this item of business to a close, the requested information is provided as follows.

4.2 The specific evidence relating to the effectiveness of a one way door policy is included as Attachment 1.

4.3 The Provisional Local Alcohol Policy approved by Tasman District Council on 28 November 2013 is included as Attachment 2. This will be publicly notified on 19 December 2013 in accordance with section 80 of the Sale and Supply of Alcohol Act 2012 which comes into force on 18 December 2013.

4.4 Advice on the possibility of differentiating between supermarkets and bottle stores is that the Sale and Supply of Alcohol Act 2012 does not preclude an LAP from doing this. This would require careful consideration however, as the draft LAP as consulted on did not propose any differentiation of off-licence hours based on premise type.



- 4.5 A map clarifying the area considered to be within the CBD is included as Attachment 3.
- 4.6 The detail around whether, or for how long, any grandfather clauses of existing licences would continue to apply when a new policy came into effect is yet to be gathered. This will be provided as part of the officer's report to be presented at the Council meeting to deliberate on the draft Local Alcohol Policy.
- 4.7 Regarding how the distinction is made in the draft LAP between licensed premises in residential areas and licensed premises outside residential areas when both were outside of the CBD (the particular example provided was the Speights Ale House in Annesbrook which is not in a residential area), the draft LAP makes no distinction by zoning outside of the CBD (or Inner City Zone). This was on the basis that provisions in the Nelson Resource Management Plan continue to apply whereby a resource consent is required for premises licensed to sell alcohol in the residential zone and that premises within 50 metres of a residential zone boundary can operate between 7am-11pm Sunday to Thursday and 7am-1am Friday and Saturday.
- 4.8 In answer to the question as to whether the draft policy closing times referred to the time at which restaurants and taverns stopped serving alcohol, or the time they actually closed, officers advise that the times relate to when premises must stop serving alcohol. Section 255 of the Sale and Supply of Alcohol Act 2012 goes on to say that, where a premise is used principally or exclusively for the sale, supply, or consumption of alcohol (which applies to pub/tavern/bar/nightclubs) it is an offence to remain on the premises more than 30 minutes after the premises are required to close for the sale of alcohol or a time when the premises are required to be closed for the sale of alcohol. This does not apply to restaurants/cafes as these premises are not used principally or exclusively for the sale, supply, or consumption of alcohol. Therefore restaurants/cafes could remain open beyond the hours when they can no longer serve alcohol.
- 4.9 A copy of the Doormens' Association training manual is included as Attachment 4.
- 4.10 A copy of the criteria by which bar staff assess intoxication is included as Attachment 5. The Sale and Supply of Alcohol Act 2012 contains the following definition (Section 5(1)):

***Intoxicated*** means observably affected by alcohol, other drugs, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:

- (a) appearance is affected;
- (b) behaviour is impaired;
- (c) co-ordination is impaired;
- (d) speech is impaired.

- 4.11 During the meeting, officer's became aware that submission 80 made by Tony Healy of the Turf Hotel and submission 86 made by Dr Mark Reeves of the Nelson Emergency Department referred to attachments which did not seem to have been circulated to Councillors. The attachment from Mr Healy was not supplied, but he has since advised (Attachment 6) that it was the same as that provided by Hospitality New Zealand. This can be found at Volume 3 – Pages 12-28 of the written submissions. The attachment from Dr Reeves is included here as Attachment 7.
- 4.12 The provision of this information and outline of that which is to be provided in the officer's report to be presented at the Council meeting to deliberate on the draft Local Alcohol Policy would appear to resolve the request for additional information.
- 4.13 Section 83 (1) of the Local Government Act 2002 outlines the requirements under a special consultative procedure for public access to the statement of proposal (SOP), a summary of the SOP, and all written submissions. In line with this requirement for transparency, Council is advised that should any further information need to be considered as part of the deliberations on the draft Local Alcohol Policy, in relation to the SOP or the submissions, this information would need to be incorporated to the process formally by means of resolution at a Council meeting.

## 5. Conclusion

- 5.1 That this report and the documents attached be received and considered to be the response to the resolution adjourning the 26 November 2013 Council meeting to hear submissions to the draft Local Alcohol Policy.

Penny Langley

**Manager Administration**

### Attachments

- Attachment 1: Summary of Evidence – One Way Door Policies [A1113149](#)
- Attachment 2: Tasman District Council Provisional Local Alcohol Policy [A1113409](#)
- Attachment 3: Map of the Inner City Zone [A1113414](#)
- Attachment 4: Doormen's Association Training Manual [A1113151](#)
- Attachment 5: Intoxication Assessment Tool [A1112902](#)
- Attachment 6: Response from T Healey submission 80 [A1113842](#)
- Attachment 7: M Reeves submission 86 attachment 'What works to reduce alcohol-related harm' [A1113748](#)

No supporting information follows.

## Summary of Evidence - One Way Door Policies

Research obtained is mostly from Australian studies. A summary is provided below.

### Christchurch, New Zealand

#### ***Evaluation of the Christchurch One Way Door Policy (A450676)***

*Alcohol Advisory Council of NZ and Accident Compensation Corporation*

This is the only New Zealand evaluation of one-way door policies. This was a pilot which was voluntary and had mixed results. There was no overall reduction in crime but some subsets of crime reduced slightly (including violent crime). There was an improvement in perceptions of safety and crime levels and the majority of licensees (70%) reported their turnover had not been adversely affected by the policy.

The essential components of the planned intervention were:

- An Alcohol Accord aimed at reducing alcohol-related harm in the Christchurch CBD
- A 3am one-way door on Thursday, Friday and Saturday nights
- The aim of reducing crime and violence in the inner city by 10%
- An Alcohol Accord based on a willing compliance model and a partnership approach between the agencies, licensees and other stakeholders.

The one-way door was delayed from the planned 3am to 4am and diluted somewhat by allowing licensed premises the option of operating a cover charge as an alternative to the one-way door.

The goal of a 10% reduction in alcohol-related crime and violence in the inner city was not met. Findings based on an analysis of offence data<sup>1</sup> showed a 75% increase in offences in 2006/7 compared with 2005/6, with most of that increase (93%) reflecting increases in liquor ban breach and disorder offences. With the exclusion of both liquor ban breaches and disorder offences, the increase was more contained at 8%.

However, there were reductions in some subsets of crime. For example, offences on Saturday-Sunday night decreased by 4% (after the exclusion of liquor ban breach and disorder data) in 2006/7 compared with 2005/6. Serious violence offences on Saturday-Sunday night decreased by 22% between 2005/6 and 2006/7.

There was some impact on perceptions of safety and crime levels. Key findings were as follows:

- A consistent shift toward improved perceptions of safety in the CBD at night
- Some indications that reduced incidents in the CBD although perceived problems remained
- Indications of an increased Police presence and Police acting on an increased number of low-level offences, and fewer high-level issues.

Approximately 70% of the survey respondents reported that licensed premises' turnover had not been adversely affected by the Alcohol Accord throughout the pilot timeframe. However, 10% reported a decrease in turnover. Comments suggested that for some licensed premises, trade had decreased between 3am and 5am.

### **Newcastle, Australia**

#### ***Effects of restricting pub closing times on night-time assaults in an Australian city***

*Kypri, Kypros; Jones Craig; McElduff, Patrick; Barker, Daniel*

*Addiction 2011 Feb; 106(2): 303-310*

Newcastle's 2008 alcohol intervention, which introduced reduced trading hours (from 5am to 3am), a lock out (1am), responsible service of alcohol provisions, management plans and audits resulted in (over a three year period):

- A sustained 35 per cent reduction in night-time alcohol-fuelled (non-domestic) assaults
- A 50 per cent reduction in night-time street crime
- A 26 per cent reduction in alcohol-related night time ED admissions
- About 80 per cent community support for the harm prevention measures.

A recent Deakin University study - ***Dealing with alcohol-related harm and the night-time economy*** found the benefits of the 2008 Newcastle intervention have surpassed any other Australian city's attempts to reduce alcohol-related harm. However, it was the package of interventions that was evaluated, rather than individual components.

## **Ballarat, Australia**

### ***The long-term effect of lockouts on alcohol-related emergency department attendances within Ballarat, Australia***

*Miller, Peter; Coomber, Kerri; Sonderlund, Anders; McKenzie, Stephen  
Drug and Alcohol Review 2012 Jun; 31(4): 370-376*

Conclusion: There is no discernible long-term impact on alcohol-related ED attendances of the lockout intervention in Ballarat. As such, other interventions may be more appropriate to reduce alcohol-related ED attendances.

## **Gold Coast/Brisbane, Australia**

### ***Perspectives on the effectiveness of the late night liquor trading lockout legislative provision***

*Palk G; Davey J; Freeman J; Morgan H  
Criminal Justice Policy Review 2011 23:4, pp.465-492*

This study is the first of its kind to comprehensively examine the impact of a lockout policy and provides supportive evidence for the effectiveness of the lockout policy as integrating positively with police enforcement to enhance public safety in some areas in and around late night liquor trading premises.

The effectiveness of the "lockout policy" integrated within a broader police enforcement strategy to reduce alcohol-related harm, in and around late night licensed premises, in major drinking precincts is examined.

First response operational police records all alcohol and non-alcohol-related incidents they attend in and around late night liquor trading premises. A before and after study design is used, with police completing modified activity logs prior to and following the introduction of the lockout policy in two policing regions: Gold Coast (n = 12,801 incidents) and Brisbane City/Fortitude Valley (n = 9,117 incidents).

Qualitative information from key stakeholders (e.g., police, security staff and politicians) is also obtained.

The number of alcohol-related offences requiring police attention is significantly reduced in some policing areas and for some types of offences (e.g., sex offences, street disturbances, traffic incidents). However, there is no variation for a number of other offence categories (e.g., assault).

Interviews with licensees reveal that although all were initially opposed to the lockout policy, most perceived benefits from its introduction.

### **Queensland, Australia**

#### ***Violence in and around Entertainment Districts: A Longitudinal Analysis of the Impact of Late-Night Lockout Legislation***

*Lorraine Mazerolle, Gentry White, Janet Ransley, Patricia Ferguson*

*Law & Policy 2012 Jan; 34(1): 55-79*

This study uses generalized linear models to analyse the impact of lockout legislation on recorded violent offences in two entertainment districts in the Australian state of Queensland.

Research shows that 3 a.m. lockout legislation led to a direct and significant reduction in the number of violent incidents inside licensed premises. Lockouts cut the level of violent crime inside licensed premises by half. Despite these impressive results for the control of violence inside licensed premises, no evidence was found that the lockout had any impact on violence on streets and footpaths outside licensed premises that were the site for more than 80 percent of entertainment district violence.

Overall, however, the analysis suggests that lockouts are an important mechanism that helps to control the level of violence inside licensed premises but that finely grained contextual responses to alcohol-related problems are needed rather than one-size-fits-all solutions.

## Tasman District Council Provisional Local Alcohol Policy (December 2013)

### 1.0 INTRODUCTION AND EXPLANATORY MATERIAL

1.1 The Sale and Supply of Alcohol Act 2012 (the Act) has the following objectives:

- (a) that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
- (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

1.2 Alcohol related harm is defined very widely and includes any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.

1.3 The Act allows territorial authorities to make a local alcohol policy (LAP). The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. Tasman District Council has decided to develop a LAP for its district and to set restrictions and conditions for licensed premises within the district.

1.4 Once the LAP comes into force, Council's District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.

1.5 Through a LAP the community is able to:

- Limit the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
- Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular area;
- Impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
- Recommend discretionary conditions for licences;
- Restrict or extend the default maximum trading hours set in the Act, which are:
  - 8am - 4am for on-licences (such as pubs and restaurants)
  - 7am - 11pm for off-licences (such as bottle stores and supermarkets).

1.6 Where the LAP does set maximum trading hours, the District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in the LAP.

1.7 The LAP can be more restrictive in its provisions relating to licensed premises, but cannot permit activities not allowed by the District Plan. The Tasman District Resource Management Plan provides for licensed premises either within the Central Business, Commercial and Tourist Services zones or by resource consent.

1.8 The Tasman Resource Management Plan also restricts the operating hours for licensed premises on Central Business, Commercial or Tourist Services zones that are adjacent to a residential zone to not later than 11pm.

1.9 Section 117 of the Act permits the District Licensing Committee and the Alcohol Regulatory Licensing Authority to issue any licence subject to "any reasonable conditions not inconsistent with this Act". The LAP includes policies to guide the District Licensing Committee and Alcohol Regulatory Licensing Authority as to the discretionary conditions that may be appropriate.

## CRITERIA FOR CONSIDERING LICENSING APPLICATIONS

- 1.10 The purpose of the LAP is to provide local guidance for the Council's District Licensing Committee in deciding whether to issue or renew a licence.
- 1.11 Under section 105 of the Act, the District Licensing Committee has to have regard to a range of matters in addition to any relevant local alcohol policy when considering a licence application. The types of matters include:
- the object of the Act;
  - the suitability of the applicant;
  - the design and layout of any proposed premises;
  - whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the licence;
  - whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences but—
    - it is nevertheless desirable not to issue any further licences.
- 1.12 The Act says that a licence may be refused or conditions applied if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108 and 109). Where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed (section 133).

## GOALS OF THE LAP

- 1.13 The Local Alcohol Policy provides direction for the District Licensing Committee so that licensing decisions:
- Contribute to Tasman being a safe and healthy District;
  - Reflect local communities' character and amenity and their values, preferences and needs;
  - Encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

## OBJECTIVES OF THE LAP

- 1.14 The objectives of the LAP are to provide a policy which:
- Reflects the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities;
  - Provides certainty and clarity for applicants and the public as to whether a proposed license application will meet the criteria of the LAP;
  - Provides effective guidance for the decisions of the District Licensing Committee and the Alcohol Regulatory Licensing Authority.

## DEFINITIONS USED IN THIS LAP

- 1.15 When reading this LAP, the following words and phrases have been used. For further details refer to the section of the Act referenced.

### Types of licences

- **on-licences** where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act)
- **off-licences** where the licensee sells alcohol from a premises for consumption somewhere else (see section 17 of the Act);
- **club licences** where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (see section 21 of the Act); and



- **special licences** which can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol for consumption there to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else to people attending an event described in it (see section 22 of the Act).

**Notes:**

Some premises hold more than one licence – for example a tavern may also hold an off-licence and be able to sell alcohol which is consumed off the premises.

The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence special licences are not subject to the Act's default maximum hours so can apply up to 24 hours a day. Special licences are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a "Club", "on" or "off" licence.

**1.16 Other terms**

- airport bar** means premises that are within or attached to an airport; and used or intended to be used in the course of business principally for selling or supplying alcohol to air travellers arriving at or departing from the airport (refer section 5(1))
- bottle store** means retail premises where (generally speaking) at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 32(1))
- bar** in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1))
- café** has the same meaning as restaurant in terms of the licence
- club** means a body that—
- (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
  - (b) is a body corporate whose object is not (or none of whose objects is) gain; or
  - (c) holds a permanent club charter (refer section 5(1))
- grocery store** grocery store means a shop that—
- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
  - (b) comprises premises where—
    - (i) a range of food products and other household items is sold; but
    - (ii) the principal business carried on is or will be the sale of food products (refer sections 5(1) and 33(1))
- hotel** means premises used or intended to be used in the course of business principally for providing to the public—
- (a) lodging; and
  - (b) alcohol, meals, and refreshments for consumption on the premises (refer section 5(1))
- restaurant** means premises that—
- (a) are not a conveyance; and
  - (b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises (refer section 5(1))
- night-club** a place of entertainment open at night which normally provides music and space for dancing and may provide a show e.g. of comedy or other 'acts'

**supermarket** means premises with a floor area of at least 1000 m<sup>2</sup> (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(1))

**tavern**

- (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but
- (b) does not include an airport bar (refer section 5(1)) i.e. an airport bar is not treated as a tavern for alcohol licensing purposes).

## 2.0 LICENCE CONDITIONS

### 2.1 Off-Licences

#### 2.1.1 Hours for off-licences

The following maximum trading hours apply to all off-licensed premises in the Tasman District territorial area and includes all off-licence sales including over the counter sales:

Monday to Sunday	7am to 10pm
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#### 2.1.2 Location of off-licences

From the date this LAP comes into force, no further off-licences are to be issued for any premises **unless** that premises is located on land zoned Central Business, Commercial and Tourist Services **or** a Resource Consent has been granted by Council for its operation.

#### 2.1.3 Discretionary conditions for off-licences

Conditions relating to the following matters may be appropriate for off licences:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores
- Display of safe drinking messages/material
- Application of the principles of Crime Prevention Through Environmental Design

### 2.2 On-licences

#### 2.2.1 Hours for On-licences

The following maximum trading hours apply to all on-licensed premises in the Tasman District territorial area (other than hotel in-bedroom (mini-bar) sales):

Monday to Sunday	8am to until 2am the following day.
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The following hours apply to hotel in-bedroom (mini-bar) sales:

Monday to Sunday	24 hours per day
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#### 2.2.2 Discretionary conditions for On-licences:

Conditions relating to the following matters may be considered generally appropriate for on-licensed premises such as night-clubs and late-night bars:

- 'One-way door' restrictions
- The time entertainment finishes
- Provision of additional security (staff) after 'x' hour

- The installation and operation of CCTV cameras on the exterior of, and within a premises
- Provision of effective exterior lighting
- Restrictions on the size of servings (e.g. 'doubles') and time of 'last orders'
- Management of patrons queuing to enter the licensed premises
- Restriction on the use of outdoor areas after 'x' hour
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP.
- Application of the principles of Crime Prevention Through Environmental Design

The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- The holder of a manager's certificate to be on duty during busy periods e.g. Thursday, Friday and Saturday nights
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP.

## 2.3 Special licences:

### 2.3.1 Hours for Special Licences

The hours (opening and closing) and duration of a special licence are set at the discretion of the District Licensing Committee for each event, having regard to the nature of the event or series of events. The following maximum trading hours apply to all special licenses in the Tasman District territorial area:

Monday to Sunday	Discretionary up to 24 hours a day
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2.3.2 Special licences may be issued both for off-site consumption (e.g. wine sales from a market stall) or for on-site consumption, e.g. at a community event or when a bar has a special licence to open earlier/close later for significant events. Generally for premises holding existing on-licences, the conditions of a special licence will specify a closing time no more than two hours later than permitted by their on-licence.

### 2.3.3 Discretionary Conditions

In addition to the discretionary conditions in Section 147 of the Act, the following conditions may be considered appropriate for special licences:

- Any special licence for a series of events should not be for a period exceeding 6 months
- No premises should have more than 25 events in any special licence
- 'One-way door' restriction to apply from a specified time
- No glassware is to be taken outside the building or onto grass or artificial grass surfaces
- Plastic containers or cans to be used for any event (except when it is being served and remains within the building)
- Areas to be clearly defined/ cordoned off/ demarcated where liquor is being sold/consumed outside of the building e.g. Beer tent. Where appropriate people are to remain within the defined area.
- Wine to be sold by the glass only and no bottle sales shall occur.
- The holder of a manager's certificate to be present when alcohol is available for sale, or the number of manager's certificate holders required may be specified.
- The maximum number of alcoholic drinks per sale transaction may be specified.
- No school fete, gala or similar event held on school grounds at which the participation of children can be reasonably expected shall allow for the consumption of alcohol on the premises.

- Careful consideration of appropriateness of alcohol associated with driving events shall be undertaken and such applications may be refused.

## **2.4 Club Licences**

### **2.4.1 Hours for Club Licences**

The following maximum trading hours apply to all club-licensed premises:

Monday to Sunday	8am until 2am the following day
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### **2.4.2 Discretionary conditions for club licences:**

Conditions relating to the following matters may be appropriate for Club licensed premises depending on the size and nature of the club:

- A requirement for the holder of a managers certificate to be present when alcohol is available for sale during busy periods e.g. more than 100 people are on the Club premises.



**DRAFT LOCAL ALCOHOL POLICY**

**INNER CITY ZONE**



- Inner City Zone
- Liquor Ban Area
- Inner City - Centre
- Inner City - Fringe
- Inner City - Intense Development



Scale 1:7,500 December 2013

The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial 3.0 New Zealand License. Nelson City Council data must not be sold without prior written consent.

NTCCA

# Crowd Controller Training System

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## Introduction

This system was started in response to the way the PSPLA was looking to set up its training regime. Its an extension of the training systems we have put in place for the Little Rock Bar in Nelson. A little history on the Little Rock first; We have been running this system for about 10 years now and since then a Little Rock Crowd Controller has taken the Outstanding Door Person category in the Nelson/Tasman Hospitality awards since the awards started 7 years ago. The Little Rock has also won the HANZ National award for Host Responsibility in 2009, a finalist in 2010 and won again in 2011 and 2012. So we know the system works.

The way we looked at the system and how it was put together was we wanted to keep training costs down, for one, and we think that local personnel already working in the job should be the ones training local staff. So we set it up so that it can be done under an Association type set up without the need of some expensive ITO. Its the basics but can be added to to fit your local needs. The other difference to most training systems from an ITO is the assessment phase where, if your training, you actually go on the job to see if that person is capable of doing our job or not and not someone who just sits some test and say they're a qualified Crowd Controller.

## How To Implement This System

The system was designed to be implemented through the set up of a local Crowd Controller Association. Once that has been set up then you can run training nights or weekends, how ever you want to run, Our initial run was to go though individual modules each week. Say Law Monday night and again on sunday afternoon for those that couldn't make the monday session. It took a month to get through it though. Or, you could run it as a 2 day course on the weekend or over two weekends. Its up to you and your association how you want to run it.

Once the theory side has been passed then the assessment phase should start. This is on the job assessments done over a period of time. People who have been in the job for a while and know what they are doing will need less time than those just starting out. Some will need to be told things they might need to brush up on. If they can do this to your satisfaction and you think they will make it then they can be signed off. Others that don't come up to spec or cant be trained are no good to our industry and should not be on the job.

All it needs is a couple of people to share the training duties and to spend a bit of time tailoring it to your local needs. Its not the sort of program that needs to be taught to the letter ( apart from the legal requirements) and can be redesigned to suit your needs.

## Training Setup

Training will be setup in 3 different stages.

1. Covering the theory of working on the door
2. On the job assessment over 2 months
3. A final certifying test that everything has been understood and recommendation for Application for C of A.

The reason for this type of training setup, with an assessment phase, being that applicants may have the theory knowledge and pass written test but may not have the aptitude or even the physical capabilities to be a crowd controller. This way only applicants capable and competent of doing the job will be passed. This would mean that each area would have to appoint its own assessor, that being a bonus also, as every different area has its own specific set of unique characteristics that only locals can teach.

The way applications are processed would need to be altered as well. On applying to do the course part of the course fee would be for an initial Temporary C of A. The reason for this is that why would anyone pay for a full application if there was a chance that they would not pass the course. This being different from most courses as other courses can train you to a passing level. You cannot train anyone to pass an aptitude test, which most good door staff are judged on. Aptitude and attitude are one of the main assessments that will be looked at to pass. Once they have passed they then put in a full application, minus the initial security clearance check fee for a C of A with a recommendation from the course instructor. By keeping the initial costs down we will attract more applicants. Costs of the full course have yet to be detailed. As this is usually a secondary job for most, costs will need to be kept to a minimum.

### Stage 1 Theory

Classroom based theory Instruction covering The Law, Communication and People skills that are needed to be an effective Crowd Controller. Applicants will be tested to demonstrate their knowledge of the various elements involved in door work.

### Stage 2 Assessment

Assessments will be done on the job, ideally where the applicant is hoping to work. This is part of the course and non paid ( an incentive for publicans to see what they are getting ) but extra to the bar's normal roster. The assessments will be done over a period of 2 months and the applicant will need to prove he can apply the theory to on the job applications. With the experience of the assessor and current staff the applicant would be gaining invaluable knowledge leading to a better qualified crowd controller. The assessor can point out weaknesses that need to be addressed that will go towards the final assessment.

## Stage 3 Final Recommendations

Once the assessment period has been completed the assessor can then put forward his recommendations whether the applicant has passed or not. The applicant can then apply for their full CofA with course results and recommendations from the assessor.

This sort of system will give a better qualified crowd controller with more understanding of the industry than just a basic knowledge course.

### Theory Elements

Every applicant must be able to show competency understanding all theory elements before moving into the assessment stage.

#### Laws

Demonstrate a competent understanding of the following Acts and how they can be applied to a crowd controller.

- Sale of Liquor Act 1989/ 2012
- Trespass Act 1990
- The Crimes Act 1961
- Security and Private Investigators Act Amendment 2011

#### House Rules/Safety Procedures

- Fire Safety
- Evacuation Plans
- Terrorist threats
- Dress codes and in-house standards
- First Aid

Must be able to demonstrate a workable knowledge of all points and adapt these points to fit different venues.

#### Communication Skills

- Interacting With Patrons
- Personal Body Language

Display competency interacting with differing types of patrons

#### Premises Entry Requirements (Legal)

1. ID's - Checks
  - Legal Requirements
  - What to Look For/ Spotting Fakes
  - What to do with Fake ID's
2. Intoxication
  - Legal Requirements
  - What to Look For
  - Communication

Understand and show competency checking ID's, Understand what intoxication is, its effects and how to deal with intoxicated patrons.

## Theory Element Cont.,

### What To Look for While On Duty

- Movement
- Body Language
- Eyes
- Speech

Must be able to demonstrate a competent understanding of how people carry themselves.

### Teamwork

- Working With the Duty Manager/Owner
- Working Within A Team

Must understand the duty managers/owners position and display an ability to work within a team environment.

### Physical Involvement

#### 1. Limitations

- The Law
- Perceptions

#### 2. How to Apply Locks, Holds, Put downs and Restraints (Practical Session)

Must show detailed understanding of the law and all its implications as well as an understanding of peoples perception of a crowd controller being physical.

Must be able to physically prove that they are capable of applying a number of restraints and holds.



# Intoxication Assessment Tool

Indicators may include but are not limited to:

	SOBER	INFLUENCED	INTOXICATED
<b>S</b> peech	Coherent, clear speech, normal tone/volume, may be talkative.	May be overly talkative, opinionated and interrupts, may stumble over words, becoming loud, inappropriate language, jokes, comments.	Slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible.
<b>C</b> oordination	Coordinated, balanced, standing without help or support.	Slowed or delayed reactions, swagger or occasional staggers or sways.	Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand un-aided or sit straight.
<b>A</b> pppearance	Tidy, clear eyes, alert.	Vacant or blank expression, smell of alcohol on breath, may look untidy.	Bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled.
<b>B</b> ehaviour	Behaving sensibly but may be more relaxed.	Over friendly or withdrawn, inappropriate or risky actions, argumentative, annoying, fading attention, increased consumption rate.	Seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers.
	<b>Monitor &amp; serve responsibly</b>	<b>Intervene</b>	<b>Deny &amp; remove</b>

## Intoxication definition

INTOXICATED means observably affected by alcohol, other drugs, or other substances (or a combination of two or all of those things) to such a degree that two or more of the following are evident: (a) appearance is affected; (b) behaviour is impaired; (c) coordination is impaired; (d) speech is impaired.

**Bev Mcshea**

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**From:** Tony Healey [AJH@rwcanelson.co.nz]  
**Sent:** Thursday, 5 December 2013 9:01 a.m.  
**To:** Administration Support  
**Subject:** FW: re turf hotel stoke

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**From:** Tony Healey  
**Sent:** Thursday, December 05, 2013 9:00 AM  
**To:** 'administrationsupport@ncc.govt.nz'  
**Subject:** re turf hotel stoke

The facts and fiction appendix is the same as j swift from hospitality nelson one.

Tony Healey BCom(Otago) CAPP

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# What Works to Reduce Alcohol-Related Harm and why aren't The Policies More Popular?

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## Abstract

There is a considerable body of research evidence documenting effective policies that reduce the harm a community incurs from alcohol. These effective policies include influencing accessibility to alcohol (including the price the consumer pays), drink-driving enforcement and marketing practices. Using evidence-based review as a template, an analysis of alcohol policy in New Zealand illustrates areas where New Zealand has failed to implement effective policy and some areas in which New Zealand compares favourably with overseas. An analysis of the policy-making process illustrates contestation within the policy arena similar to that commonly found in comparable jurisdictions. We conclude that increases in alcohol consumption in recent years, and in particular the high levels of consumption by younger drinkers, is an outcome of the policy decisions taken in New Zealand since the late 1980s.

## Background

In developed countries such as New Zealand, alcohol ranks third of 20 risk factors in its overall impact on disease, disability and death, according to the WHO Global Burden of Disease study (World Health Organization 2002). In addition to costs to the health sector there are substantial costs to the Police, Justice, Corrections and Social Development sectors, and there are also effects on productivity. Uptake of effective policies to alleviate this burden is therefore important.

New Zealand had in place a National Alcohol Strategy covering 2000–2003, which included targets set for consumption levels and self-reported harm (Alcohol Advisory Council and Ministry of Health 2001). These targets were based on survey data collected in 1995. When the measures were repeated in the National Alcohol Survey carried out in 2000, some of the measures, particularly those pertaining to the drinking of younger people, were trending in the wrong direction (Habgood et al. 2001). The next set of relevant data will become available next year in the National Alcohol Survey carried out by SHORE and Whariki on behalf of Public Health Intelligence of the Ministry of Health.

There is now a considerable amount of research evidence that documents policies likely to be effective in reducing alcohol-related harm. Generally, these are policies that alter the environment in which choices are made, such as limiting physical and economic accessibility to alcoholic beverages, strengthening drink-driving legislation and restricting the marketing of alcohol.

Many of these environmental policies are actively opposed by alcohol industry bodies. Industry-friendly policies are very different. Consistent with a policy approach most likely to maximise profits, they aim to ensure products are readily available and affordable. The strategies they promote centre around educating the individual drinker to make responsible decisions – an approach that fares least well in evidence-based ratings of policy effectiveness.

The ensuing policy debate is often played out in the media – where issues are "defined, solutions suggested and credibility of various commentators on current issues established" (Babor et al. 2003:247) – with significant influence on the policy outcome. The following analysis of some key events in alcohol policy making since the late 1980s in New Zealand draws on published and unpublished documents, including reports, submissions to government and coverage of the issues in the media, and illustrates this kind of debate.

This paper uses a framework for the effectiveness of alcohol policies established by an international project involving 15 scientists (Babor et al. 2003) utilising a systematic review approach. The project reviewed effectiveness in reducing alcohol consumption and harm at the population level, and assessed the breadth of the research support and the likely costs of implementing the policies. The effectiveness ratings indicated for specific interventions in this publication are broadly consistent with a previous international collaborative



review (Edwards et al. 1994) and a recent review of evidence commissioned to inform the prevention agenda in Australia (Loxley et al. 2004). The Babor et al. (2003) framework is used to gauge how New Zealand rates in its implementation of evidence-based policy to reduce alcohol-related harm.

### Pricing and Taxation

The effect of prices on consumption and consequent harm is one of the most extensively investigated alcohol-control measures (Osterberg 1995), with evidence overwhelmingly leading to the conclusion that alcohol prices have an effect on the level of alcohol consumption (Babor et al. 2003, Chisholm et al. 2004, Loxley et al. 2004). Heavy or problem drinkers appear to be no exception to this rule, and young drinkers appear to be especially sensitive to price increases (Chaloupka et al. 2002, Coate and Grossman 1988). Their revenue-generating ability also makes higher levels of taxation an attractive policy.

**Table 1 Pricing and Taxation Policy Assessment**

Policy	Effectiveness rating	Breadth of research support	Cost to implement
Pricing and taxation	+++	+++	low

Note: Ratings range from +++ (highest) to 0 (lowest).  
 Source: Babor et al. 2003:264.

Babor and colleagues (2003:264) give this policy the highest effectiveness rating and find it to be based on a wide breadth of research support. Its cost to implement is low, making taxation a key umbrella policy for most if not all jurisdictions (see Table 1).

### New Zealand Experience

In New Zealand, alcohol excise tax has been primarily justified by the health and welfare costs of alcohol products. Since 1989 the tax rates have been linked to the Consumer Price Index, and there is an additional separate levy to fund alcohol harm prevention, research and treatment. New Zealand compares favourably with many similar countries that do not have such a levy, many of which are not indexed to inflation and have experienced a drop in the real price of alcoholic beverages over the last decades (Babor et al. 2003).

New Zealand compares less favourably, however, with nations that have significantly higher excise tax rates for alcohol. For example, tax on beer as a percentage of retail price (10%) is lower than that of several comparable countries including the Netherlands (20%), Ireland (20%), Denmark (34%) and Australia (24%) (World Health Organization 2004).

Another less positive aspect of the policy is New Zealand's use of a banded excise tax system rather than one based directly on ethanol content of beverages. This creates opportunities for manufacturers to produce cheap, high-alcohol products in order to get the best tax advantage. Not surprisingly, excise tax on alcohol is one of the policy areas most vigorously opposed by industry groups, who continue to lobby for its complete abolition. Excise tax, said Nicki Stewart, Chief Executive of the Beer Wines and Spirits Council, is a "burden on the alcoholic beverage industry" (Stewart 2001).

The 1990s in New Zealand was a time of liberalisation of alcohol policies in keeping with a general pro-market ideology (Boston et al. 1999). There was extensive lobbying by alcohol industry representatives in New Zealand, and political statements suggested their efforts were bearing fruit. The Prime Minister at the time, Jim Bolger, promised that excise tax would decline, leaving only Goods and Services Tax (GST) (Hubbard 1996), which had been introduced in the mid-1980s. Treasury undertook a "zero-sum" review of alcohol taxation (Hall 1996), concluding that the weight of evidence indicated that it should not be reduced.

Illustrating the typical process in the "war of ideas" carried out in the policy arena (George 1997), an industry lobby group, the Beer Wine and Spirits Council, commissioned an "independent" review of Hall's paper which criticised these "doubtful analyses" (Tasman 2001, reported in Beer Wine and Spirits Council et al. 2001). Further, in their submission to a national tax review in 2001, combined industry groups argued that excise tax has "no sound economic and social rationale" and recommended that its progressive phasing out be examined. Instead, consistent with an approach that focuses on the individual drinker, they favoured "policies that target misuse" (Beer Wine and Spirits Council et al. 2001).

The 2001 national tax review concluded that excise taxes were difficult to justify on either tax efficiency or tax equity grounds. They recommended that "as a matter of tax principle" the general revenue component of

excise taxes should be replaced by an increase in GST (Tax Review Team 2001). This was followed in 2002 by a further Treasury paper which supported the case for a specific tax for alcohol, contending that the tax is "well-targeted" and should at least cover the total externality of alcohol consumption, which is likely to be significantly more than the revenue currently collected (Barker 2002). In support of this, a report commissioned by the Alcohol Advisory Council of New Zealand (ALAC) assessed that the revenue generated from the alcohol excise tax in New Zealand (approximately \$500 million) does not cover the public health costs of alcohol-related harm, let alone the enormous social costs, and recommended that the excise tax be increased to at least cover external costs (Easton 2002).

The most recent taxation policy change addressed the issue of New Zealand's banded excise tax system. In May 2003 an amendment was made to the Customs and Excise Act which increased the price of the cheap "light spirits" that had been linked to binge drinking by young people. This was strongly opposed by industry groups and opposition Members of Parliament, who labelled it a "tax grab".

### Future Policy Directions

While New Zealand national policy has stayed firm on taxation policy to date, history suggests the possibility of future threats to excise tax from industry lobbying. A new potential issue relates to the proliferation of trade treaties which, when they include alcohol, have been found throughout the world to lead, as part of the harmonisation process, to a reduction in taxation levels (Babor et al. 2003). The European Commission, for example, issued infringement proceedings against Sweden for its tax disparities between beer and wine which were said to discriminate against wine from other member states, forcing Sweden to comply by lowering taxes in 2001 (Ministry of Health and Social Affairs [Stockholm] 2002).<sup>1</sup>

Improvements to New Zealand's tax policy could move further towards tax being levied on ethanol content, possibly retaining a differential for spirits in order to maintain the price of spirits, as well as incorporating an overall increase to at least cover externalities (Easton 2002). One commentator in the area has suggested an increase of \$6 per litre of pure alcohol – which would raise the price of a can of beer by nine cents, bulk wine by 88 cents and a bottle of spirits by \$2.83 (Easton 2002). Manipulations targeted towards certain beverages (for example, making greater use of tax incentives for lower-strength beverages and considering an additional tax on alcopops to counter their inherent appeal as "transition drinks" for young teens) could also have public health gains. Public support for increasing tax to reduce harm will be strongest where increases are hypothecated for treatment and prevention purposes (Loxley et al. 2004), but must be directed towards evidence-based strategies.

### Regulating Physical Availability: Minimum Purchase Age

Evidence gained from countries that have changed their minimum purchase age, particularly the United States and Australia, indicates that an increase in minimum purchase age is one of the most effective measures to reduce alcohol-related harm. In the United States, for example, the lowering of the legal drinking age in most states in the 1970s was linked with an increase in alcohol consumption and alcohol-related traffic crashes involving young people. When the age was raised to 21 in 1984, the rates fell (Wagenaar 1981, O'Malley and Wagenaar 1991, Voas and Tippetts 1999).

Babor and colleagues (2003) rated this policy at the same level of effectiveness as taxation, with a good breadth of research evidence and a low cost to implement.

**Table 2 Higher Minimum Purchase Age Policy Assessment**

Policy	Effectiveness rating	Breadth of research support	Cost to implement
Higher purchase ages	+++	+++	low

Note: Ratings range from +++ (highest) to 0 (lowest).

Source: Babor et al. 2003:264.

### New Zealand Experience

New Zealand is now aligned with the majority of comparable countries – including Australia and most of Europe – which have a minimum purchase age of 18 years or younger. However, Sweden has an age limit of 20 (restaurants are 18), Japan has an age limit of 20 years for on-licences and off-licences, and the United States has an age limit of 21 years on purchase and consumption of alcohol (many states have exceptions for consumption on private property or with parental sanction).

Lowering the minimum purchase age to 18 years in New Zealand was narrowly defeated at a time of major liberalisation when the Sale of Liquor Act was rewritten in 1989. It was again an issue of vigorous debate in the late 1990s when the Act was again amended. The decision to lower the purchase age was passed in a close (59–55) vote despite strong evidence suggesting increased harm would follow, a united voice from the public health field against lowering the age, and public polling that supported retaining a 20-years age limit.

Industry groups argued that legalising the purchase of alcohol at 18 years of age was “normalising” drinking in a controlled and safe environment. “To suggest – as anti-alcohol groups do – that drinking at 18 years of age constitutes a major change with potentially unsafe consequences for society is alarmism with no basis in fact” (Beer Wines and Spirits Council 1999).

The Liquor Review Advisory Committee, which had been set up by the Ministry of Justice to review the Sale of Liquor Act, recommended an 18-years purchase age. They disagreed with the theory that the greater availability of alcohol provides the opportunity for greater abuse. Instead, their view concurred more with those presented by industry groups; that is, since many young people are already accessing alcohol through parents or other adults, the purchase age is immaterial. They stated: “Liquor abuse is a social problem which, in the end, will only be alleviated by social programmes which raise the level of public awareness and education about the dangers of excessive alcohol consumption” (Liquor Review Advisory Committee 1997:13).

Amendments in 1999 were designed to simplify the provisions around the purchase age and improve its enforceability. But while acceptable proof of age was stipulated in the Act, sighting it was not made a legal requirement. Enforcement resources were not increased and the promised “hard 18” culture has not become a reality. In a recent age-verification study, Huckle et al. (2004) found that 18-year-olds were able to purchase alcohol from Auckland off-licences in 56% of attempts without showing proof of age. The National Alcohol Survey (Habgood et al. 2001) and a number of controlled purchase operations run by the police have also confirmed that younger teens can readily purchase alcohol. There is evidence that alcohol-related hospitalisations increased among younger groups between 1990 and 2003, particularly among teenagers (Huckle et al. 2005), and of a significant increase in the number of intoxicated 18–19-year-olds presenting to Auckland Emergency Department in the year following the lowering of the purchase age (Everitt and Jones 2002). However, three Ministry of Justice reports on the impact of lowering the age have given “inconclusive” verdicts based on available statistics (Lash 2002a, 2002b, 2004).

### Future Policy Directions

A move to increase the purchase age, with adequate enforcement, could affect alcohol-related harm of those in the 18–19 years age group and may affect the access of those aged 17 years and younger. A return to a purchase age of 20 has had wide support, as is evident from informal public polls and statements from bodies such as the New Zealand Medical Association and some city councils. There are also advocates among Members of Parliament of raising the age, including two private members’ bills from smaller parties for a return to 20 years and a third supporting a 20-years age limit for off-licences only. A high level of enforcement is important, and strengthening the legal requirement to sight proof of age would help.

### Restriction on Hours of Sale and Density of Liquor Outlets

Restricted hours of sale and restricted density of liquor outlets both have good evidence for effectiveness, with the potential to reduce drinking and alcohol-related problems (Babor et al. 2003). While the effects of marginal changes, where there is already considerable availability of alcohol, are minor, large changes in outlet density, such as allowing beer in grocery stores, can have a substantial influence on consumption and problems (Noval and Nilsson 1984, in Babor et al. 2003). Restrictions were rated as having good evidence of effectiveness.

**Table 3 Restricted Trading Hours and Outlet Density Policy Assessment**

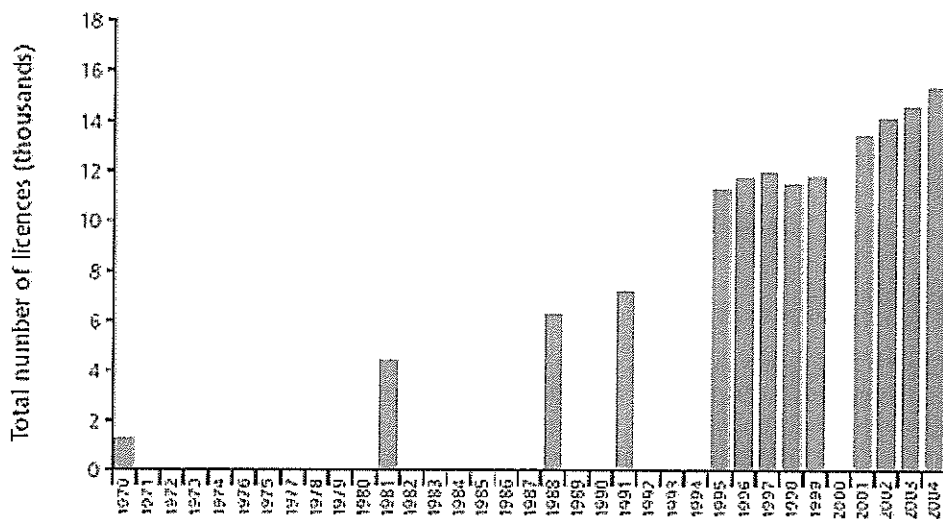
Policy	Effectiveness rating	Breadth of research support	Cost to implement
Restricting trading hours	++	++	low
Restricting outlet density	++	+++	low

Note: Ratings range from +++ (highest) to 0 (lowest).  
Source: Babor et al. 2003:264.

### New Zealand Experience

Since the late 1980s New Zealand has introduced a series of changes to the Sale of Liquor Act that have greatly increased the physical availability of alcohol in New Zealand. A major change was in 1989, when wine sales in supermarkets were allowed as well as wide extension of licensing hours, including the possibility of 24-hour licences. The criterion of community "need", which had effectively restricted the density of liquor outlets in the previous Act, was removed and market forces were allowed to determine the number of outlets. Amendments to the Act in 1999 allowed beer in supermarkets and Sunday trading. Un-opposed licensing was devolved to local government licensing agencies, making licensing a simpler procedure. Figure 1 shows the increased density of outlets in New Zealand, which has reached higher levels per head of population than comparable jurisdictions, such as New South Wales.

**Figure 1 Total Number of Liquor Licences in New Zealand 1970–2004\***



\* Includes on-licences, off-licences and club licences. Data not available for some years. Source: Liquor Licensing Authority 2004.

The most recent amendment in 2004 continued the reduction of restrictions, allowing Easter Sunday trading in wineries.

The gradual lifting of restrictions on trading hours over this time is also illustrated by the Auckland central business district: in the 1980s on-licences were required to close at 10.30 pm (1.30 am if providing a meal); in the mid-1990s closure for city bars was mostly 3 am; by 2004 the majority of the central business district's bars and clubs had been given 24-hour licences. Current proposals in Auckland City's draft Alcohol Strategy are for 24/7 trading for all licences within the central business district, as long as there are no recurring noise or crowd behaviour issues.

A brief analysis of the debate surrounding the introduction of the Sale of Liquor Act amendments in 1999 pertaining to this policy area provides yet another illustration of the often polarised views that represent commercial and public health interests. Public health groups at the time asserted that the changes would have major enforcement implications and possibly lead to price wars and other competitive promotional practices, including sales to minors (Justice and Law Reform Committee 1999), and they suggested that resulting behaviour would stretch police resources and have considerable impact on local residents. Beverage industry groups supported the changes and argued that the deregulatory process was consistent with the "normalisation" or "Europeanisation" of the drinking environment in New Zealand (Beer Wines and Spirits Council 1999:5).

The facilitation of greater community control, which was the intention of the devolution of licensing to local authorities, has not come to pass. Legislative amendments have left an effective gap between the planning and licensing acts, so that not only is there no effective control over density of liquor outlets, but the narrowly prescribed grounds for objection do not allow some community concerns over location to be addressed.

This area also illustrates the key role of enforcement and implementation in alcohol policy. Changes brought in under the 1989 Act were claimed to make licences "easy to gain", "easy to lose". The first part of the equation has eventuated, as illustrated in Figure 1. The key mechanism of control is now through

management requirements. While these were strengthened in the amendments, and short suspensions through the Liquor Licensing Authority have become more common in the past five years, licences have not yet proved to be easy to lose.

Police in many districts have reported that longer hours have led to disorder and stretched police resources (Adams, quoted in Liquor Licensing Authority 2004). It has also been the experience of the Liquor Licensing Authority that longer hours contribute to a greater degree of intoxication and, they say, migration to late opening bars has been "irrefutable" (Liquor Licensing Authority 2004).

The marked increase in availability of alcohol that has resulted from these policies is likely to have contributed to increased drinking by young people and women over this period.

### Future Policy Directions

Improved practice in the areas of trading hours and outlet density requires increased resources for monitoring and enforcement to keep pace with the increased hours and upsurge in the number of premises. The development of sound policy mechanisms for better control over density, location and hours is also a priority. Amendments of the Sale of Liquor Act could require the development of policies that enable more effective means of control and meaningful community input, and greater use could be made of the potential for social impacts of premises to be considered through the Resource Management Act. The recent gambling and prostitution reform acts, that allow for consideration of issues of density, neighbouring land use and the social impacts of the activity in planning, may provide models.

### Managing the Drinking Environment

The evidence relating to different approaches to managing the drinking environment illustrates the importance of enforcement in achieving an impact on alcohol-related harm. Where there has been reliance on voluntary codes, in-house policies and training of staff, these have been less effective than where enforcement of legislation and regulation against selling to intoxicated patrons has taken place (Babor et al. 2003). The costs involved when enforcement is implemented are assessed as high. There have been some successful examples of community mobilisation aimed at reducing problems associated with licensed premises, but the sustainability of these changes has yet to be demonstrated (Babor et al. 2003).

**Table 4 Assessment of Environmental Policies**

Policy	Effectiveness rating	Breadth of research support	Cost to implement
Enforcement of on-premise regulations and legal requirements	++	+	high
Bar staff training	+	+	moderate
Outlet policy not to serve intoxicated patrons	+	+++	moderate
Voluntary codes of bar practice	0	+	low
Community mobilisation	++	++	high

Note: Ratings range from +++ (highest) to 0 (lowest).  
Source: Babor et al. 2003:265.

### New Zealand Experience

New Zealand, like similar jurisdictions, has long had legislation in place prohibiting the sale of alcohol to intoxicated patrons or serving people to a state of intoxication. The 1989 Sale of Liquor Act included new provisions directed at encouraging healthier drinking environments, including the requirement for food and non-alcoholic beverages in all on-licensed premises. These host-responsibility provisions were strengthened in 1999. Host-responsibility training for managers became mandatory, and promotions, competitions and pricing structures that encourage fast or excessive drinking were expressly prohibited. However, it is unlikely that any major increase in resources deployed towards enforcement have occurred.

Neither of the two mechanisms available to monitor and report on licensed premises – community control and inspection by council and police – have been resourced adequately. For example, the Auckland City

police district had, as of 2005, approximately 1,500 licensed premises, for which it had available four district licensing inspectors and five liquor licensing police (Auckland City district licensing inspector, personal communication, 4.2.05).

There has, however, been some improvement in this area. Coordination of existing district-level resources has occurred as police data linking alcohol-related offences to the place of last drink is fed back to statutory agencies (health, council inspectors and liquor-licensing police) and used to better target "problem premises" for enforcement and staff-training purposes (Marriot-Lloyd and Webb 2002). More recently a stronger stance on intoxication in licensed premises has been taken in Liquor Licensing Authority decisions: "Allowing a person to be or to become intoxicated in licensed premises are among the more serious examples of a failure to contribute to the reduction of liquor abuse" (Liquor Licensing Authority 2003). There has been no active lobbying by the industry interests against these actions.

### Future Policy Directions

The evidence on effectiveness and New Zealand's current practice shows the need for more resources for enforcement and to ensure the consistent use of penalties, rather than reliance on voluntary policies and education of licensees. An increase in licence fees (currently costing around \$5 a week for renewed licences) to recover more of the cost of more adequately monitoring premises might facilitate this.

### Measures to Reduce Drink-Driving

Several measures to reduce drink-driving, and associated injury and death, have strong evidence for effectiveness. Increasing the frequency and visibility of random testing and administrative licence suspension can have an impact, and lowering legal blood alcohol concentration (BAC) levels also has strong evidence for being a positive and cost-effective strategy. Returns diminish at lower levels (.05-.02 mg/ml), but they are still significant. A lower BAC limit near zero has been shown to be very effective in reducing alcohol-related crashes in young drivers (Babor et al. 2003). However, designated driver programmes show no evidence of being a cost-effective strategy.

**Table 5 Assessment of Drink-Driving Policies**

Policy	Effectiveness rating	Breadth of research support	Cost to implement
Lower BAC for driving	+++	+++	low
Lowered BAC for young drivers	+++	++	low
Random breath testing	+++	++	moderate
Administrative licence suspension	++	++	moderate
Designated driver and ride services	0	+	moderate

Note: Ratings range from +++ (highest) to 0 (lowest).  
Source: Babor et al. 2003:266.

### New Zealand Experience

Many effective measures have been introduced in New Zealand since the late 1980s. A lower legal breath/blood alcohol limit for drivers aged under 20 years was introduced in 1993, as was compulsory (random) breath testing. Immediate 28-day suspension of a licence for a high breath test reading was introduced in 1998. A recently passed Land Transport Amendment Bill includes tougher penalties for serious and recidivist drink-drivers, including lowering the legal BAC level for roadside licence suspension.

On BAC level, however, New Zealand's policy rates less favourably. At .08 mg/ml for adults (.03 for under 20 years), New Zealand shares with the United Kingdom, Ireland, the United States and Canada one of the highest BAC levels among comparable countries. Australia, Japan and most of Europe have .05 mg/ml legal limits for adults and some (for example, Sweden at .02 mg/ml) have lower levels.

The introduction of compulsory (random) breath testing sparked fears, as reported in the media, that the hospitality industry would be "devastated", but following its introduction 76% of the population now believe it works (Land Transport Safety Authority 2004).

A recent attempt in New Zealand to lower the legal BAC for driving to .05 mg/ml in late 2003, was not supported at Cabinet. Media analysis of the lead-up to the Cabinet decision not to pass the 0.05 level shows that policy is unlikely to be adopted in the face of ambivalence and lack of cohesion on the part of the public health sector and a strong media representation of the industry position that "the proposal is incomprehensible when the majority of New Zealanders drive responsibly and keep under the limit" (Stewart, quoted in Smith 2003).<sup>2</sup>

### Future Policy Directions

The downward trend in alcohol-related deaths and crashes experienced during the 1990s has plateaued, supporting the call for a 0.05 mg/ml BAC level for drivers and a near-zero level for young drivers. The perceived risk of detection requires more resources. Although public awareness of the presence and value of enforcement has increased, a third of New Zealanders still believe the risk of being caught drink-driving is small (Land Transport Safety Authority 2004). In 2004, 46% of New Zealand drivers reported being stopped at an alcohol checkpoint, whereas a survey of Australian motorists in 1999 showed 82% reported being stopped (Williams et al. 2000).

### Regulating Alcohol Promotion

Unlike other aspects of alcohol production and distribution that have been subject to policy for centuries, marketing is a rapidly evolving area with new technologies providing new opportunities to influence behaviour in unhealthy ways. Most research has focused on restrictions on the advertising of alcohol, and bans are rated as having some evidence for effectiveness and being of low cost to implement. Evidence comes from cross-country studies of the effects of bans (Saffer 1991, Saffer and Dave 2002), and also from measures of the impact of advertising, particularly on young people. For example, New Zealand longitudinal research has shown that recall and positive responses to beer advertising predicts later heavier drinking (Connolly et al. 1994, Casswell and Zhang 1998, Casswell et al. 2002, Wyllie et al. 1998a, 1998b).

Although there is no research on the effectiveness of advertising content controls, when these are implemented through industry self-regulation evidence suggests they are unlikely to be implemented adequately.

**Table 6 Assessment of Policies Regulating Promotion**

Policy	Effectiveness rating	Breadth of research support	Cost to implement
Advertising bans	+	++	low
Advertising content controls	?	0	moderate

Note: Ratings range from +++ (highest) to 0 (lowest).

Source: Babor et al. 2003:265.

### New Zealand Experience

Regulation of the promotion of alcohol is another area in which major liberalising changes have occurred. In 1992 the ban on broadcast brand-alcohol advertising in New Zealand was lifted and self-regulation allowed – a system that has been shown to be "fragile and largely ineffective" (Babor et al. 2003:183). An amendment to the Broadcasting Act in 1993 gave total jurisdiction over the content of alcohol advertising, including the conducting of its own code reviews, to the Advertising Standards Authority, an organisation representing the advertising and media industries.

This was followed by an increase in exposure of alcohol advertising to young people. Between 1991 and 1993 there was a more than four-fold increase in expenditure on television alcohol advertising. Annual broadcast expenditure on all alcohol advertisements increased from less than \$5 million pre-1990 to nearly \$35 million in 1995 (Wyllie et al. 1996). In 1999 this had increased to over \$45 million (Inter-Agency Committee on Drugs 2000). In addition to this is the wide range of unmeasured marketing that is taking place, estimated in the United States to be two to three times as much as measured promotions (Federal Trade Commission 1999).

Restricting the marketing of alcohol is a contentious policy area, with public health advocates and industries with vested interests holding strongly opposing views. Unlike a policy area such as taxation (which only affects the producers and retailers), the area of marketing is important for the financial wellbeing of the advertising and media industries. The major change in policy in 1991 occurred in the context of an economic

downturn that affected the advertising industry and at a time when government was looking to move broadcast media towards greater reliance on advertising revenue (Casswell et al. 1993).

Three reviews over the past 10 years by the Advertising Standards Authority of its Code for Advertising Liquor, which have sought submissions on further restriction or liberalisation of advertising, have resulted in a tweaking of the voluntary codes. The most recent review, in 2003, resulted in the previous restriction of televised alcohol advertisements after 9 pm being revised to 8.30 pm, as well as recommendations to harmonise the liquor codes with those of Australia. The only public health representative on the panel publicly voiced disappointment at the review outcome, but his dissenting view was not published in the final report (Tukuitonga 2003).

The advertising issue also illustrated the marked influence of a change in policy position by a key organisation, ALAC. ALAC, which had opposed alcohol advertising on the broadcast media in their policy documents in the 1980s, shifted position in the 1990s. In the policy change of 1991, ALAC received free television and radio broadcast time to show their "moderation" ads. In 1998 their position on advertising policy changed in a submission in which they stated that they had taken into account the social and political climate of the time (Alcohol Advisory Council of New Zealand 1998). The view of ALAC was given considerable weight, since it is "specifically empowered by parliament to make recommendations to any review body considering liquor advertising and its regulation" (Advertising Standards Authority 1998). ALAC subsequently commented: "there is no doubt that this change weakened the position of public health lobby groups that alcohol advertising on radio and television should be banned" (Alcohol Advisory Council of New Zealand 2003a).

In 2003 ALAC submitted that "there be no further liberalisation of advertising in the broadcast media, given the emerging link between alcohol advertising and the drinking culture of a country" (Alcohol Advisory Council of New Zealand 2003b). ALAC now is of the view that any further liberalisation of broadcast advertising of alcohol would be unwise. However, ALAC went on to state a preference for self-regulation codes for broadcasting and a strengthening of the regulatory focus on "'new' media" (Alcohol Advisory Council 2003b:2).

Industry attempts to influence public opinion in the media have claimed that "restricting advertising would divert attention from the real issues of education and the role of the family" (Stewart, quoted in New Zealand Herald 2002). The industry's key position is reiterated internationally: "There is insufficient evidence to support an association between advertising and levels or patterns of drinking, either among adults or young people. Other factors – especially parental and peer influences – appear more important" (International Centre for Alcohol Policy 2003).

Contemporary marketing has almost certainly contributed to increases in youth drinking. New Zealand has experienced an especially marked increase in consumption of spirits-based drinks, as have other countries, following the introduction of alcopop and ready-to-drink beverages, which are clearly marketed with young people in mind (Brain 2000).

### **Future Policy Directions**

There is increasing awareness of the contribution of alcohol marketing to the drinking culture. A private member's bill currently in the ballot seeks to restrict broadcast advertising of alcohol to after 10.30 pm and place all broadcast liquor advertising under the jurisdiction of the Broadcasting Standards Authority. Another bill in the queue intends to ban broadcast advertising of alcohol. The Government has agreed to lead a review of the current voluntary regime in 2005, the result of a petition calling for an inquiry into the effects of alcohol promotion (Group Against Liquor Advertising 2004).

The proliferation of new modes of marketing suggests the need to look beyond the more visible broadcast advertising for effective marketing, particularly to young people (Casswell 2004). In response to this there is a need for new developments in marketing policy, such as a statutory body to oversee and regulate all marketing developments, exposure and content.

### **Education and Persuasion: School-Based Education**

School-based education programmes, which aim to modify young people's beliefs, attitudes and behaviours, have generally not been found to lead to any lasting effects on drinking behaviour despite a considerable breadth of research support (Foxcroft et al. 1997, Babor et al. 2003). Such a finding is in line with theoretical understanding and empirical evidence of the effect of similar education with similar behaviours (White and Pitts 1998). Despite their relative ineffectiveness and high cost for training and implementation, education as



a strategy to reduce alcohol and illicit drug use in young people has widespread support, probably in large part because it does not affect any vested interest groups (Babor et al. 2003).

**Table 7 Assessment of School-Based Education Policy**

Policy	Effectiveness rating	Breadth of research support	Cost to implement
School-based education	0	+++	high

Note: Ratings range from +++ (highest) to 0 (lowest).  
Source: Babor et al. 2003:265.

**New Zealand Experience**

New Zealand has had a number of private providers of alcohol and other drug education in the schools during the 1990s. Some of these are still active and are invited into schools at the discretion of the boards of trustees. However, there is now a greater consensus on best practice that advocates for information about alcohol provided in a school setting to be taught by the schools' regular teachers and for the material to be taught as part of the school curriculum. Alcohol is now a key area of learning in the Health and Physical Education Curriculum, with 81% of primary and secondary schools (90% of the non-primary schools) providing a drug education programme in 2001 (Education Review Office 2002). Identifying and encouraging best practice for school-based education is also a major strategy of the Government's Action Plan on Alcohol and Illicit Drugs (Ministerial Committee on Drug Policy 2004).

As a strategy that is clearly aimed at the individual drinker and unlikely to affect sales adversely, education is strongly advocated by industry groups around the world. In New Zealand, the Beer Wine and Spirits Council lobbies for education as a key strategy and supports several programmes aimed at educating young people about responsible drinking behaviour (Beer Wines and Spirits Council 2003).

**Future Policy Directions**

While the public health sector is well aware of its lack of efficacy, school-based education is a popular strategy in the minds of the industry and politicians and is likely to continue. The current New Zealand policy of containing it within the school curriculum will probably utilise fewest resources and reduce the chance of high-profile education campaigns, which may give the erroneous idea that these in isolation provide an adequate response to the situation.

**Mass Media Messages**

Mass media public information campaigns were assessed as having no effectiveness. "While it is expected that these public service messages have a direct effect on the target audience, this is seldom the case" (Babor et al. 2003:189).

**Table 8 Assessment of Public Service Messages**

Policy	Effectiveness rating	Breadth of research support	Cost to implement
Public service messages	0	+++	moderate

Note: Ratings range from +++ (highest) to 0 (lowest).  
Source: Babor et al. 2003:265.

**New Zealand Experience**

Since large-scale media campaigns require considerable resources, and are helped by access to the free broadcast time (provided as a quid pro quo to the advertising policy change in 1991), their provision in New Zealand has largely been confined to the Land Transport Safety Authority and ALAC. They have generally not been used in conjunction with stronger strategies, such as enhanced enforcement, although there is evidence that they may be more effective when supporting policy change, for example, the use of media campaigns to support public awareness of compulsory (random) breath testing (Homel 1988, 1993).

In June 2004 the Government announced a major new programme funded by a "small levy increase" on alcohol (between one and five cents a bottle) that would go to ALAC for a three-year Culture Change Campaign and a range of associated initiatives (Wilson 2004). Information to date has not shown clear links

between the social advertising campaign and effective policy, or how it will deal with the level of alcohol marketing, which influences the drinking culture and provides a hostile environment for health promotion messages (Wallack 1983).

Supporting high-profile campaigns is a key public relations strategy of the industry. Industry groups have voiced support for the Culture Change programme and the opportunity to "work with ALAC and other industry colleagues in its implementation" (Stewart in O'Connor 2004) and absorbed the increased costs of the levy as a gesture of support for the campaign (O'Connor 2004). It is worth noting, perhaps, that weeks prior to the announcement, the two major breweries had independently raised the wholesale price of beer by between 3% and 6% (Southland Times 2004).

### Future Policy Directions

Communication campaigns should be confined to the support of effective policies. The extent to which marketing can be restricted will be relevant to the likely impact of the proposed social marketing Culture Change campaign. So, too, given the evidence, will be the extent to which it is designed to support the implementation of existing and new policy aimed at reducing intoxication. Such use of a public information campaign is currently underway in Norway and could provide a useful model (Lunde 2004).

### Conclusion

Alcohol policies that increase the price of alcohol, limit access to alcoholic beverages, alter the drinking environment and deter drinking and driving are likely to be the most effective, and enforcement of these policies is essential. Restricting marketing is also likely to influence the climate of tolerance around alcohol and alcohol policies.

As has been seen in this analysis, however, policy making in the alcohol arena is a complicated process. Lobbying by commercial interests has influenced policy, and the focus of their efforts has been to make alcohol as "normal" a commodity as possible.

The 1990s and early 2000s have seen a large increase in the availability of alcohol, together with a rise in the sophistication and pervasiveness of alcohol promotion messages. These changes have undoubtedly been contributory factors in the increased levels of consumption and associated harms seen in young people (Habgood et al. 2001).

With mounting visibility of alcohol-related problems, particularly among young people, there is acknowledgement from many sectors that the increasingly liberal policies have allowed this situation to develop. Recent policy responses, however, have been small and uncoordinated and, aside from the minor change to excise tax structure, largely confined to public and industry-friendly interventions such as the social marketing campaign. Consultation on the review of the National Drug Policy and, falling out of that, the National Alcohol Strategy, is imminent.

There has been a proliferation of liquor bans in public places<sup>3</sup> in response to the public disorder associated with intoxication. Some of this will be linked to access by under-age patrons to takeaway alcohol and can be improved by a change in age legislation and by enforcement of the existing law. Some is linked to drinking on licensed premises and, once again, enforcement is the key requirement.

Many local governments have been active in developing policies guiding their responsibilities under the Sale of Liquor Act and some are developing wider-based strategies to reduce alcohol-related harm. However, without effective cross-sector policy their ability to achieve significant change is likely to be limited.

Given the evidence of lack of effectiveness of both educational programmes and public information campaigns, any developments involving industry funds and cooperation are best evaluated in the light of the industry's public relations goals. Alcohol policy development now takes place in an international context, as does alcohol marketing and trade, and increasingly the influence of international lobbying is being felt in New Zealand. The legitimate objectives of the industry – to sell as much of their product as possible – conflict with the objectives of public health. It is not surprising, therefore, that those policies for which there is evidence for greatest effectiveness receive the least support and that instead there is greater willingness to support the least effective policies and initiatives.

This brief review of New Zealand's recent history and current policy has revealed a period of consistent liberalisation and (not surprising) consequent increases in drinking by some sectors, and related harm. The evidence for effectiveness reported in this paper provides a framework for evaluating future policy directions

and provides the opportunity for strategic planning that utilises the most effective policy options consistently over a period of time, rather than adopting a broad-brush approach which includes the least effective policies and allows resources to be wasted in those activities.

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<sup>1</sup> However, in New Zealand's context the bigger public health issue may be more about the impact of our exporting behaviour on the health and welfare of developing neighbours. At World Spirits Alliance talks with the World Trade Organisation this year, New Zealand representative Thomas Chin (Distilled Spirits Association) pressed for enhanced access to export markets through the reduction and preferably elimination of tariffs and non-tariff barriers that are "hobbling" potential export earnings (O'Connor 2004). Key markets include north and south Asia and the Pacific (Distilled Spirits Council of New Zealand 2004).

<sup>2</sup> References to "Stewart" are to Nicki Stewart, Chief Executive, Beer Wine and Spirits Council.

<sup>3</sup> Approximately 30 of the country's 72 district or city councils now have year-round bans and a further 15 councils have seasonal bans for selected holiday spots or events (Webb et al. 2004).



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## **Mayor's Report**

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

- 1.1 To update Council on progress towards further appointments relating to Council committees and to recommend certain appointments.
- 1.2 To update Council on woodburners.

### **2. Recommendation**

**THAT the Mayor's Report (A1107799) and its attachments (A1113602; A1113742) be received;**

**AND THAT Derek Shaw and Councillor \_\_\_\_\_ be appointed as Nelson City Council representatives on the Nelson Regional Sewerage Business Unit for the 2013-2016 triennium;**

**AND THAT the Mayor, the Deputy Mayor and the Chair of the Governance Committee be appointed as Nelson City Council representatives to the Joint Shareholders Committee;**

**AND THAT the delegations for the Nelson Regional Sewerage Business Unit and the Joint Shareholders Committee in Attachment 2 (A1113742) be adopted;**

**AND THAT the Council appoint the Deputy Mayor to the Cricket World Cup 2015 Regional Coordination Group;**

**AND THAT the Council appoint the Deputy Mayor to the Rocks Road Shared Pathway Steering Group;**

**AND THAT until Council resolves an updated policy and schedule of payments for meetings, Derek Shaw shall be remunerated at a rate of \$250 per meeting of the Regional Sewerage Business Unit.**

### **3. Governance Committee and Planning and Regulatory Committee**

- 3.1 Four committees have been created to consider the business of Council. The terms of reference for two of those committees suggest that the appointment of external members, with particular skills would be useful.
- 3.2 The Governance Committee may benefit from two appointees with financial skills and experience.
- 3.3 The Planning and Regulatory Committee may benefit from an appointee who has a good knowledge of Te Ao Maori me tikanga (the Maori World and processes) and is a qualified Resource Management Commissioner.
- 3.4 It is suggested that the breadth of business for those committees warrants remuneration appropriate to the considerable workload.
- 3.5 Initial scoping of the skills and experience appropriate to the external membership for the Governance Committee is being prepared by the Chief Executive. In discussion with the Mayor and the Chair of the Governance Committee, an appointments process will commence in the New Year with a recommendation to Council to follow.
- 3.6 In discussion with Council's Kaihauutu expressions of interest for the external appointment to the Planning and Regulatory Committee have been sought. Attachment 1 is a copy of the letter that was sent to Maori organisations and the Resource Management Law Association for your information. In discussion with the Mayor, the Chair of the Planning and Regulatory Committee, and Council's Kaumatua, an appointments process will commence in the New Year with a recommendation to Council to follow.

### **4. Joint Committees, Other Committees and Groups**

- 4.1 In August 2013, Council held a joint council meeting with Tasman District Council. At that meeting the potential to create a new forum for those matters which both councils have interest in was discussed. However, until further discussions are held with Tasman District, it is appropriate to make some appointments to ensure business can continue.
- 4.2 Set out below are the proposed appointments to the individual committees.

#### **Nelson Regional Sewerage Business Unit**

- 4.3 The Nelson Regional Sewerage Business Unit exists to manage the treatment facilities comprising the Bell Island Treatment Plant and supporting network, efficiently and in accordance with resource consent conditions to meet the needs of its customers, and to plan for the future needs of the community in a cost efficient and environmentally sustainable manner. It is comprised of seven members, two from each Council, an independent Chairperson, an industry representative and an



- iwi representative (these latter two representatives have no voting rights). It typically meets 4-5 times per year.
- 4.4 This committee has ongoing business and appointments are required now to allow business to be transacted in a timely way.
  - 4.5 Traditionally Council representation has been undertaken by Councillors. Mr Derek Shaw has had a long involvement with Nelson Regional Sewerage Business Unit during his time as a Nelson City Councillor. Mr Shaw holds considerable knowledge and experience that is of value to Nelson City Council.
  - 4.6 Mr Shaw has been approached and would be willing to hold this position.
  - 4.7 It is recommended that Derek Shaw and a Councillor be appointed as Nelson City Council representatives on the Nelson Regional Sewerage Business Unit for the 2013-2016 triennium. Nominations will be taken at the meeting for the Councillor position.
  - 4.8 Once appointments are made to a Committee that committee can commence meetings. For this reason is it prudent to adopt delegations for the Nelson Regional Sewerage Business Unit at this time. Attachment 2 provides proposed delegations which are identical to the delegations for this Committee from the previous triennium.

### **Joint Shareholders Committee**

- 4.9 The business of the Joint Shareholders Committee is to oversee those entities which the councils have joint ownership or interests in: Nelson Airport Ltd, Port Nelson Ltd, Nelson Tasman Tourism and Tasman Bays Heritage Trust. The Committee comprises three members from Nelson City and three members from each Council. This committee typically meets 3-4 times per year.
- 4.10 The practice has been for the membership of this Committee to be the Mayor, Deputy Mayor and one other member. It is recommended that this practice continue.
- 4.11 As a result of the August 2013 joint meeting with Tasman District Council, a new method of cross council oversight and reporting may emerge. In the interim, given the significant investment that these entities represent, the Joint Shareholders Committee needs to continue to address any issues that may arise.
- 4.12 The Chair of the Governance Committee has already indicated in his Chair's report of 28 November 2013 the intent to invite Council Controlled Organisations and Council Controlled Trading Organisations to present to the Governance Committee. The purpose of these presentations is to develop a better understanding of the work of these entities at Councillor level. It is not a mechanism for undertaking the functions of the Joint Shareholders Committee.

- 4.13 To ensure synergy between the Governance Committee and the Joint Shareholders Committee it is recommended that the Chair of the Governance Committee be appointed as the third member of the Joint Shareholders Committee.
- 4.14 Once appointments are made to a Committee that committee can commence meetings. For this reason is it prudent to adopt delegations for the Joint Shareholders Committee at this time. Attachment 2 provides proposed delegations which are identical to the delegations for this Committee from the previous triennium.

### **Regional Transport Committee**

- 4.15 The primary function of the Regional Transport Committee is to prepare a Regional Land Transport Plan for approval by Council. This committee is required under Section 105 of the Land Transport Management Act 2003 to have four persons representing council and one person representing the New Zealand Transport Agency (NZTA). This committee typically meets around six times per year.
- 4.16 After discussions between the Mayor, the Chief Executive and NZTA representatives it is recommended that appointments to this committee wait until the start of 2014. In the interim the Mayor and Deputy Mayor wish to discuss with the Mayor and Deputy Mayor of Tasman District Council opportunities for closer alignment between our respective Regional Land Transport Committees. A meeting for these parties to discuss this matter is timetabled to occur on 20 December 2013.

### **Saxton Field Working Party**

- 4.17 The Saxton Field Working Party Acts as a liaison between the two Councils, so that both Councils are aware of the reasons for officer recommendations that come to each Council regarding Saxton Field facilities, and the funding for these. In essence, a 'work-shopping' forum to ensure that recommendations come to each Council in the most informed manner possible. Nelson City Council has had three members on this group. It typically meets 4-5 times per year.
- 4.18 Council has indicated a desire to progress with urgency both governance and management of Saxton Field. It is proposed that this issue be raised with the Mayor and Deputy Mayor of Tasman District Council at the 20 December 2013 meeting and reported back to Council in the New Year. At that point Council can resolve how it wishes to advance an appropriate governance and management structure for Saxton Field.
- 4.19 Therefore, it is recommended that appointments are not made at this time.

## **Regional Funding Forum**

- 4.20 The Regional Funding Forum exists to determine whether a project is worthwhile and a regional project; and if so, discusses how the funding requirements will be allocated between the two councils and the community in order to make a recommendation back to each Council. This group has not met regularly, only twice last triennium and it is not proposed to make any appointments at this time.
- 4.21 Appointments can be made if the need arises or as a result of the delegations review.

## **Council Representative on Cricket World Cup 2015 Regional Coordination Group**

- 4.22 The Cricket World Cup (CWC) Regional Coordination Group will act in a coordination, advisory and strategic planning capacity to assist in delivery of Nelson City's role in Cricket World Cup 2015. The focus of the group is coordination, advice and planning between agencies. The Group is comprised of a Chairperson and Project Officers from Nelson City Council, Representatives from Nelson Cricket Association, Police, Tasman District Council, Nelson Tasman Regional Economic Development Agency, Nelson Tasman Tourism and CWC 2015.
- 4.23 Given this is a flagship event for Nelson, the Mayor has requested governance input into the Group. The Mayor will remain the Council spokesperson on CWC 2015 but it is unrealistic for her to undertake a role within the Group given workload pressures. The person appointed to this role will need to liaise with the Mayor on a regular basis (more than once a week as we get closer to the event) and as such the Deputy Mayor's role is best suited to the appointment.

## **Council Representative on Rocks Road Shared Pathway Steering Group**

- 4.24 The Rocks Road Shared Pathway Steering Group's role is to oversee and deliver the investigation phase of the Rocks Road Shared Pathway Project.
- 4.25 Similar to the CWC 2015, the Rocks Road Shared Pathway is a flagship project for Nelson. The Mayor has requested governance input into the Group. The Mayor will remain the Council spokesperson on the Rocks Road Shared Pathway but it is unrealistic for her to undertake a role within the Group given workload pressures. The person appointed to this role will be updating the mayor on a regular basis and as such the Deputy Mayor's role is best suited to the appointment.

## **Remuneration of Externally Appointed members of Committees**

- 4.26 The current guidelines provide a payment of \$160 per day (excluding GST) for external appointments on Committees. This rate was prior to the last triennium of Council and is due for review.
- 4.27 A rate of remuneration needs to be resolved for the appointment of an external member to the Nelson Regional Sewerage Business Unit. Given the length of time since the rate of remuneration was reviewed, it is recommended that Council increases the payment to \$250 per meeting (GST exclusive) until such time as a policy review is undertaken.
- 4.28 A policy on appropriate remuneration for external appointments to Council committees (Governance and Planning and Regulatory) needs to be developed and brought back to Council. The breadth of business for those committees warrants remuneration appropriate to the considerable workload. As part of that policy review a per meeting rate for other appointments can be confirmed.
- 4.29 It is recommended that this policy be developed as part of the review of the Delegations Register.

## **5. Woodburners**

- 5.1 A number of concerns have been raised recently about the approach Council is taking to enforcing its woodburner standards. While there have been great gains made in Nelson's air quality over the last decade through significant investment by Council and the community it is timely to stop and review our current approach to woodburners. Alternative technologies need to be further investigated and the Mayor will be asking for help from the Ministry for the Environment to give us guidance on which new technologies might be applicable to Nelson. Council officers will be looking at our current approach to see whether phase out dates could be extended for people who have not yet changed over to a more efficient system. Environment Canterbury is considering use of ultra low emission woodburners via resource consents with conditions controlling fuel and maintenance of appliances. Council will not be reconsidering open fires as this will certainly be a backward step in the air quality gains that Council has worked hard to achieve. It is hoped to have a clear direction on this matter before winter 2014.

## **6. Conclusion**

- 6.1 That updates provided in this report be received and the recommended appointments be made at this time.

Rachel Reese  
**Mayor**

### **Attachments**

Attachment 1: Expression of interest letter to iwi [A1113602](#)

Attachment 2: Proposed Delegations [A1113742](#)

No supporting information follows.



22 November 2013

Tena Koutou katoa

I am seeking expressions of interest for a member of the public to be co-opted to our Planning and Regulatory komiti.

As a council we have identified some areas of expertise that would assist us with our decision making on environmental matters.

We are seeking expressions of interest from those that have:

- a) Current Resource Management Commissioner training
- b) A very good knowledge of the Treaty of Waitangi Settlement for Te Tau Ihu (Top of the South)
- c) A good knowledge of Te Ao Maori me tikanga ( the Maori World and processes) particularly in relation to Environmental matters
- d) A good knowledge of the Resource Management Act and the Local Government Act
- e) Experience in operating practices at a governance level

Please register your interest with our Kaihautu Geoff Mullen:  
[geoff.mullen@ncc.govt.nz](mailto:geoff.mullen@ncc.govt.nz).

I thank you in advance for your expressions of interest and will advise you all of our progress in this matter

Naku Noa iti

Rachel Reese  
**Mayor of Nelson**

## **Proposed Delegations for the Nelson Regional Sewerage Business Unit and the Joint Shareholders Committee**

### **Nelson Regional Sewerage Business Unit**

#### Delegations

Power to represent the Nelson City Council on all matters of management, administration and operation of the Nelson Regional Sewerage Business Unit.

### **Joint Shareholders Committee (with Tasman District Council)**

#### Specific Delegations

The power to review and negotiate amendments to the Statements of Corporate Intent and Business Plans relating to the jointly owned Council Controlled Organisations, and to recommend the adoption by the Council of such documents.

The power to add to or remove names from any list of potential directors/trustees for Council Controlled Organisations.

The power to recommend persons for appointment to the position of Director/Trustee of jointly owned Council Controlled Organisations.

The power to represent the Council in all matters relating to shareholder interest in the jointly owned Council Controlled Organisations and joint ventures within policy set by the Council.

The power to discuss any other matters that relate to the Joint shareholdings.

The authority to discuss and make recommendations to the Council on any matter that relates to the Council's Joint Shareholding.

The power to represent each Council in all matters relating to shareholder interest in the jointly owned Council Controlled Organisations and Joint ventures.

#### Procedure

No matter shall be referred from the Committee to the two Councils unless the vote at the Committee is carried by no less than 2 members from each Council.

Any matter referred from the Committee, if not adopted as recommended by the Committee, shall be referred back to the Committee for further consideration.

Any matter referred from the Committee, which is adopted by the Council shall carry the rider that it shall be subject to adoption by the Tasman District Council and if not also adopted by that Council, shall be referred back to the Committee.

Standing Orders to be applied at each meeting shall be Model Standing Orders NZS 9202:2003.

The Chairperson shall alternate each meeting between Nelson City Council and Tasman District Council and the Chairperson shall not have a casting vote.

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## **Schedule of Council Meetings 2014**

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

- 1.1 To adopt a schedule of Council meetings for the 2014 calendar year, in accordance with clause 19(6), Schedule 7 of the Local Government Act 2002.

### **2. Recommendation**

***THAT the report Schedule of Council Meetings 2014 (A1103869) and its attachment (A1113468) be received.***

### **3. Background**

- 3.1 A draft schedule of meetings for 2014 is included as Attachment 1. This schedule can also be viewed in the Councillors' Meetings Outlook calendar.
- 3.2 Adoption of a schedule of meetings in accordance with clause 19(6), Schedule 7 of the Local Government Act 2002 constitutes notification of 2014 meetings to councillors, and provides a degree of certainty by which councillors can plan other activities around Council business.

### **4. Discussion**

#### **Council and Committee meetings**

- 4.1 The draft schedule of meetings includes full Council and Committee meetings generally occurring in a six weekly cycle. The meeting cycle proposed is: Works and Infrastructure Committee in week one, Planning and Regulatory Committee in week two, Community Services Committee in week three, Governance Committee in week four, and a full Council meeting in week six.
- 4.2 Council and Committee meetings have generally been scheduled for Thursdays, commencing at 9.00am (or at 1.00pm where two Committee meetings are scheduled for the same day).
- 4.3 Some adjustments to this cycle have been made to allow for deadlines around the Annual Plan, Local Alcohol Policy, and the Local Approved Products Policy for Psychoactive Substances consultations to be



achieved. This means that in some cases extra Council or Committee meetings are required in the normal six weekly cycle.

- 4.4 The focus of the 2014 calendar is largely on the first half of the year, to account for work required to be undertaken in preparation of the Annual Plan 2014/15. Once the Annual Plan has been released for consultation, focus will shift to the meetings required in the second half of the year.
- 4.5 In the month of September 2014, the Community Services Committee will meet before the Planning and Regulatory Committee to accommodate Councillor McGurk's approved leave of absence.
- 4.6 The draft schedule also includes dates for the Community Assistance Funding round and the Chief Executive Employment Committee.
- 4.7 The draft schedule also includes dates for joint committees including the Nelson Regional Sewerage Business Unit, Joint Shareholders Committee and the Civil Defence Emergency Management Group. These dates are also required to be approved by Tasman District Council and are subject to change.

### **Workshops**

- 4.8 Council workshops have generally been set on Thursdays, following Committee meetings. Best attempts have been made to link workshops with Committee meetings to which the subject matter of the workshop most closely relates.
- 4.9 Long Term Plan workshops have been scheduled on Thursdays in week five of the cycle, and on other Thursdays after the scheduled Council or Committee meeting. Additionally, workshops have been scheduled on some Tuesdays.
- 4.10 The purpose of these workshops is to allow sufficient time throughout the year for preliminary work for the Long Term Plan 2015-2025. It is possible that not all of these dates will be required, and every effort will be made to ensure that councillors are given as much notice as possible if these dates are not to be utilised.

### **Hearings Panel Meetings**

- 4.11 The schedule includes fortnightly Hearings Panel meetings, occurring on Wednesdays. These recurrent bookings allow for matters requiring a decision of the Hearings Panel – Resource Management Act to occur in a timely manner. These bookings may also be utilised for Resource Management Act matters heard by independent commissioner(s).
- 4.12 Every fourth Hearings Panel meeting (that is, roughly once every two months) has been reserved for considering matters outside of the Resource Management Act 1991, for example the fencing of swimming pools, or hearing applications for street naming. It is anticipated that there will be a relatively large number of applications for exemptions to

the Fencing of Swimming Pools Act 1987, and these specific dates have been provided to ensure this process moves as efficiently as possible.

### **Council-free Weeks**

- 4.13 Three weeks free of Council meetings and workshops have been set during the year to coincide with school holidays. The first week is that starting 3 February, the second starting 21 April and the third starting 7 July 2014.

### **What is not included**

- 4.14 The draft schedule of meetings currently does not include meetings of the Regional Transport Committee. Dates for these meetings depend on the availability of New Zealand Transport Agency committee members and will be set shortly.
- 4.15 Council has recently appointed a District Licensing Committee. It is intended that regular scheduled dates will be reserved in anticipation of any applications for which District Licensing Committee hearings are required. Dates for these will also be scheduled shortly.
- 4.16 The draft schedule of meetings also currently does not include meetings of external agencies to which councillors have been appointed. These dates are currently being gathered, and will be added to the meetings calendar as they become available.
- 4.17 Relevant training dates for councillors will also be added to the meetings calendar as they become available.

## **5. Conclusion**

- 5.1 The attached draft schedule of meetings for 2014 provides a degree of certainty for councillors, and is recommended to be adopted.

Penny Langley  
**Manager Administration**

### **Attachments**

Attachment 1: Draft Schedule of Meetings for 2014 [A1113468](#)

# January 2014

January 2014							February 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28		

	Monday	Tuesday	Wednesday	Thursday	Friday
	30 Dec	31	1 Jan 14	2	3
30 Dec - 3 Jan					
	6	7	8	9	10
6 - 10 Jan					
	13	14	15	16	17
13 - 17 Jan			8:30a.m. 5:00p.m. Hearings Panel		9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman
	20	21	22	23	24
20 - 24 Jan		9:00a.m. 4:00p.m. Council Workshop - Annual Plan 2014/15 - all elected members		9:00a.m. 4:00p.m. Council Workshop - Annual Plan 2014/15 - all elected members	
	27	28	29	30	31
27 - 31 Jan			8:30a.m. 5:00p.m. Hearings Panel	9:00a.m. 12:00p.m. Works and Infrastructure Committee - membe 1:00p.m. 4:00p.m. Council Workshop - RMA Significant Issues/FAR Review 1:00p.m. 4:00p.m. Planning and Regulatory Committee - members	1:00p.m. 5:00p.m. NRSBU

# February 2014

February 2014							March 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
3	4	5	6	7	8	9	3	4	5	6	7	8	9
10	11	12	13	14	15	16	10	11	12	13	14	15	16
17	18	19	20	21	22	23	17	18	19	20	21	22	23
24	25	26	27	28			24	25	26	27	28	29	30
							31						

	Monday	Tuesday	Wednesday	Thursday	Friday
3 - 7 Feb	<b>3 Feb</b> Nelson Anniversary	<b>4</b>	<b>5</b> 9:00a.m. 5:00p.m. Hearings Panel	<b>6</b> Waitangi Day	<b>7</b>
10 - 14 Feb	<b>10</b> 9:00a.m. 4:00p.m. Training - Financial Governance	<b>11</b>	<b>12</b> 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killman	<b>13</b> 9:00a.m. 12:00p.m. Community Services Committee - members Crs Rainey, Noonan, Copeland, Lawrey, Matheson, Skinner, Ward 1:00p.m. 4:00p.m. Council Workshop - Parking Strategy - all elected members	<b>14</b>
17 - 21 Feb	<b>17</b>	<b>18</b> 9:00a.m. 4:00p.m. Potential Council Workshop - FAR Review - all elected members 7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman	<b>19</b>	<b>20</b> 9:00a.m. 12:00p.m. Governance Committee - members Crs Barker, Acland, Davy, Fulton, McGurk, Matheson, Noonan, Rainey 1:00p.m. 4:00p.m. Planning and Regulatory Committee meeting to hear LAPP submissions - Councillors McGurk, Fulton, Barker,	<b>21</b> 9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman
24 - 28 Feb	<b>24</b> 12:00p.m. 2:00p.m. Chief Executive's Employment Committee - Mayor, Matheson, Acland 1:00p.m. 3:00p.m. Positive Ageing Forum - Cllr Noonan (Richmond Libraries Constance Barnicoat Room) - Ruth Killman	<b>25</b> 9:00a.m. 4:00p.m. Training - Media - Mayor, Deputy Mayor and Committee Chairs	<b>26</b> 9:00a.m. 5:00p.m. Hearings Panel - non-RMA matters	<b>27</b> 9:00a.m. 4:00p.m. Council Meeting - all elected members	<b>28</b>

# March 2014

March 2014							April 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

	Monday	Tuesday	Wednesday	Thursday	Friday
3 - 7 Mar	<b>3 Mar</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
				9:00a.m. 12:00p.m. Council Meeting - all elected members 1:00p.m. 4:00p.m. Planning and Regulatory Committee meeting - Councillors McGurk, Fulton, Barker, Copeland, Davy, Lawrey, Ward	
10 - 14 Mar	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
		9:00a.m. 4:00p.m. Council Workshop - LTP	9:00a.m. 5:00p.m. Hearings Panel 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killma	9:00a.m. 12:00p.m. Works and Infrastructure Committee - members Crs Davy, Lawrey, Acland, 1:00p.m. 4:00p.m. Council Workshop - Water and Wastewater Bylaw - all elected members	1:00p.m. 5:00p.m. NRSBU
17 - 21 Mar	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>
	9:00a.m. 4:00p.m. Potential Training - RMA	9:00a.m. 4:00p.m. Potential Training - RMA 7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman		9:00a.m. 12:00p.m. Council Meeting - all elected members 1:00p.m. 4:00p.m. Planning and Regulatory Committee meeting - Councillors McGurk, Fulton, Barker, Copeland, Davy, Lawrey, Ward	9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman
24 - 28 Mar	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>
		9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members	9:00a.m. 5:00p.m. Hearings Panel	9:00a.m. 12:00p.m. Community Services Committee - members Crs Rainey, Noonan, Copeland, Lawrey, 1:00p.m. 4:00p.m. Council Workshop - Art and Parks and Reserves AMP - all elected members	1:30p.m. 5:00p.m. Joint Shareholders Committee followed by CDEM
31 Mar - 4 Apr	<b>31</b>	<b>1 Apr</b>	<b>2</b>	<b>3</b>	<b>4</b>

# April 2014

April 2014							May 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

	Monday	Tuesday	Wednesday	Thursday	Friday
31 Mar - 4 Apr	<b>31 Mar</b>	<b>1 Apr</b>	<b>2</b>	<b>3</b>	<b>4</b>
				9:00a.m. 12:00p.m. Governance Committee - members Crs Barker, Acland, Davy, Fulton, McGurk, Matheson, Noonan, Rainey 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	
7 - 11 Apr	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>
			9:00a.m. 5:00p.m. Hearings Panel 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killma	9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members	
14 - 18 Apr	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
		9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members 7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman		9:00a.m. 4:00p.m. Council Meeting - all elected members	<b>Good Friday</b> 8:00a.m. 8:30a.m. School holidays begin 9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meetin
21 - 25 Apr	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
	Easter Monday		9:00a.m. 5:00p.m. Hearings Panel - non-RMA matters		
28 Apr - 2 May	<b>28</b>	<b>29</b>	<b>30</b>	<b>1 May</b>	<b>2</b>

# May 2014

May 2014							June 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

	Monday	Tuesday	Wednesday	Thursday	Friday
28 Apr - 2 May	<b>28 Apr</b>	<b>29</b>	<b>30</b>	<b>1 May</b>	<b>2</b>
				9:00a.m. 12:00p.m. Works and Infrastructure Committee - members Crs Davy, Lawrey, Acland, 1:00p.m. 4:00p.m. Council Workshop - Solid Waste AMP - all elected members	8:00a.m. 8:30a.m. School holidays end
5 - 9 May	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
			9:00a.m. 5:00p.m. Hearings Panel	9:00a.m. 12:00p.m. Planning and Regulatory Committee meeting - Councillors McGurk, Fulton, Barker, Copeland, Davy, Lawrey, Ward 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	
12 - 16 May	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>
		9:00a.m. 4:00p.m. Council Meeting - Annual Plan 2014/15 hearings - all elected members	9:00a.m. 4:00p.m. Council Meeting - Annual Plan 2014/15 hearings - all elected members	9:00a.m. 12:00p.m. If required - Council Meeting - Annual Plan Hearings 2014/15 - all elected me 1:00p.m. 4:00p.m. Community Services Committee - members Crs Rainey, Noonan, Copeland, Lawrey,	9:00a.m. 4:00p.m. If required - Council Meeting - Annual Plan 2014/15 hearings - all elected members 9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meetin
19 - 23 May	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>
		7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman	9:00a.m. 5:00p.m. Hearings Panel 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killma	9:00a.m. 12:00p.m. Governance Committee - members Crs Barker, Acland, Davy, Fulton, McGurk, Matheson, Noonan, Rainey 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	
26 - 30 May	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>
	1:00p.m. 3:00p.m. Positive Ageing Forum - Cllr Noonan (Richmond Libraries Constance Barnicoat Room) - Ruth Killman	9:00a.m. 4:00p.m. Council Meeting - Annual Plan 2014/15 deliberations - all elected members	9:00a.m. 4:00p.m. If required - Council Meeting - Annual Plan 2014/15 deliberations - all elected members	9:00a.m. 12:00p.m. If required - Council Meeting - Annual Plan 2014/15 deliberations - all elected members	

# June 2014 - July 2014

June 2014							July 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
2	3	4	5	6	7	8	7	1	2	3	4	5	6
9	10	11	12	13	14	15	14	8	9	10	11	12	13
16	17	18	19	20	21	22	21	15	16	17	18	19	20
23	24	25	26	27	28	29	28	22	23	24	25	26	27
30							29	29	30	31			

	Monday	Tuesday	Wednesday	Thursday	Friday
2 - 6 Jun	<b>2 Jun</b> Queen's Birthday	<b>3</b>	<b>4</b> 9:00a.m. 5:00p.m. Hearings Panel	<b>5</b> 9:00a.m. 12:00p.m. Council Meeting - all elected members 1:00p.m. 4:00p.m. Council Workshop - Transport and Community Facilities AMP - all elected members	<b>6</b>
9 - 13 Jun	<b>9</b>	<b>10</b> 9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>11</b> 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killma	<b>12</b> 9:00a.m. 12:00p.m. Works and Infrastructure Committee - members Crs Davy, Lawrey, Acland, Barker, Copeland, Noonan, Skinner	<b>13</b> 1:30p.m. 5:00p.m. Joint Shareholders Committee followed by CDEM
16 - 20 Jun	<b>16</b> 12:00p.m. 2:00p.m. Chief Executive's Employment Committee - Mayor, Matheson, Acland	<b>17</b> 9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members 7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centr	<b>18</b> 9:00a.m. 5:00p.m. Hearings Panel - non-RMA matters	<b>19</b> 9:00a.m. 12:00p.m. Council Meeting - all elected members 1:00p.m. 4:00p.m. Planning and Regulatory Committee meeting - Councillors McGurk, Fulton, Barker,	<b>20</b> 9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman 1:00p.m. 5:00p.m. NRSBU
23 - 27 Jun	<b>23</b>	<b>24</b> 9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>25</b>	<b>26</b> 9:00a.m. 12:00p.m. Council Meeting - all elected members 1:00p.m. 4:00p.m. Community Services Committee - members Crs Rainey, Noonan, Copeland, Lawrey,	<b>27</b>
30 Jun - 4 Jul	<b>30</b>	<b>1 Jul</b>	<b>2</b>	<b>3</b>	<b>4</b>
7 - 11 Jul	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>



# July 2014

July 2014							August 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

	Monday	Tuesday	Wednesday	Thursday	Friday
30 Jun - 4 Jul	<b>30 Jun</b>	<b>1 Jul</b>	<b>2</b> 9:00a.m. 5:00p.m. Hearings Panel	<b>3</b> 9:00a.m. 12:00p.m. Governance Committee - members Crs Barker, Acland, Davy, Fulton, McGurk, Matheson, Noonan, Rainey 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>4</b>
7 - 11 Jul	<b>7</b> 8:00a.m. 8:30a.m. School holidays begin	<b>8</b>	<b>9</b> 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killman	<b>10</b>	<b>11</b>
14 - 18 Jul	<b>14</b>	<b>15</b> 7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman	<b>16</b> 9:00a.m. 5:00p.m. Hearings Panel	<b>17</b> 9:00a.m. 4:00p.m. Council Meeting - all elected members	<b>18</b> 8:00a.m. 8:30a.m. School holidays end 9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman
21 - 25 Jul	<b>21</b> 8:00a.m. LGNZ Conference - Mayor 5:00p.m.	<b>22</b>	<b>23</b>	<b>24</b> 9:00a.m. 12:00p.m. Works and Infrastructure Committee - members Crs Davy, Lawrey, Acland, Barker, Copeland, Noonan, Skinner 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>25</b>
28 Jul - 1 Aug	<b>28</b>	<b>29</b>	<b>30</b> 9:00a.m. 5:00p.m. Hearings Panel	<b>31</b> 9:00a.m. 12:00p.m. Planning and Regulatory Committee meeting - Councillors McGurk, Fulton, Barker, Copeland, Davy, Lawrey, Ward 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>1 Aug</b>

# July 2014 - August 2014

August 2014							September 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30					

	Monday	Tuesday	Wednesday	Thursday	Friday
28 Jul - 1 Aug	28 Jul	29	30	31	1 Aug
4 - 8 Aug	4	5	6	7 9:00a.m. 12:00p.m. Community Services Committee - members Crs Rainey, Noonan, Copeland, Lawrey, Matheson, Skinner, Ward 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	8
11 - 15 Aug	11	12	13 9:00a.m. 5:00p.m. Hearings Panel 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killman	14 9:00a.m. 12:00p.m. Governance Committee - members Crs Barker, Acland, Davy, Fulton, McGurk, Matheson, Noonan, Rainey 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	15 9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman
18 - 22 Aug	18 12:00p.m. 2:00p.m. Chief Executive's Employment Committee - Mayor, Matheson, Acland	19 7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman	20	21 9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members	22

# September 2014

September 2014						
Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2014						
Mo	Tu	We	Th	Fr	Sa	Su
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

	Monday	Tuesday	Wednesday	Thursday	Friday
1 - 5 Sep	<b>1 Sep</b>	<b>2</b>	<b>3</b>	<b>4</b> 9:00a.m. 12:00p.m. Works and Infrastructure Committee - members Crs Davy, Lawrey, Acland, Barker, Copeland, Noonan, Skinner 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>5</b>
8 - 12 Sep	<b>8</b> 9:00a.m. 4:00p.m. Community Assistance Funding - all elected members	<b>9</b> 9:00a.m. 4:00p.m. Community Assistance Funding - all elected members	<b>10</b> 9:00a.m. 5:00p.m. Hearings Panel 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killma	<b>11</b> 9:00a.m. 12:00p.m. Community Services Committee - members Crs Rainey, Noonan, Copeland, Lawrey, Matheson, Skinner, Ward 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>12</b>
15 - 19 Sep	<b>15</b>	<b>16</b> 7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman	<b>17</b>	<b>18</b> 9:00a.m. 12:00p.m. Planning and Regulatory Committee meeting - Councillors McGurk, Fulton, Barker, Copeland, Davy, Lawrey, Ward 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>19</b> 9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman
22 - 26 Sep	<b>22</b>	<b>23</b>	<b>24</b> 9:00a.m. 5:00p.m. Hearings Panel	<b>25</b> 9:00a.m. 12:00p.m. Governance Committee - members Crs Barker, Acland, Davy, Fulton, McGurk, Matheson, Noonan, Rainey 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>26</b>
29 Sep - 3 Oct	<b>29</b> 8:00a.m. 8:30a.m. School holidays begin	<b>30</b>	<b>1 Oct</b>	<b>2</b>	<b>3</b>

# October 2014

October 2014							November 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	8	9	10	11	12	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

	Monday	Tuesday	Wednesday	Thursday	Friday
29 Sep - 3 Oct	29 Sep	30	1 Oct	2	3
				9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members	
6 - 10 Oct	6	7	8	9	10
			9:00a.m. 5:00p.m. Hearings Panel 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killma	9:00a.m. 12:00p.m. Council Meeting - all elected members 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	8:00a.m. 8:30a.m. School holidays end
13 - 17 Oct	13	14	15	16	17
				9:00a.m. 12:00p.m. Works and Infrastructure Committee - members Crs Davy, Lawrey, Acland, Barker, Copeland, Noonan, Skinner	9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman
20 - 24 Oct	20	21	22	23	24
		7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman	9:00a.m. 5:00p.m. Hearings Panel - non-RMA matters	9:00a.m. 12:00p.m. Planning and Regulatory Committee meeting - Councillors McGurk, Fulton, Barker, Copeland, Davy, Lawrey, Ward	
27 - 31 Oct	27	28	29	30	31
	Labour Day			9:00a.m. 12:00p.m. Community Services Committee meeting - Councillors Rainey, Noonan, Copeland, Lawrey, Matheson, Skinn 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	

# November 2014

November 2014							December 2014						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

	Monday	Tuesday	Wednesday	Thursday	Friday
3 - 7 Nov	<b>3 Nov</b>	<b>4</b>	<b>5</b> 9:00a.m. 5:00p.m. Hearings Panel	<b>6</b> 9:00a.m. 12:00p.m. Governance Committee meeting - Councillors Barker, Acland, Davy, Fulton, McGurk, Matheson, Noonan, Rainey 1:00p.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>7</b>
10 - 14 Nov	<b>10</b>	<b>11</b>	<b>12</b> 12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killman	<b>13</b> 9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members	<b>14</b>
17 - 21 Nov	<b>17</b>	<b>18</b> 7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman	<b>19</b> 9:00a.m. 5:00p.m. Hearings Panel	<b>20</b> 9:00a.m. 4:00p.m. Council Meeting - all elected members	<b>21</b> 9:30a.m. 12:00p.m. Broadgreen Society Meeting - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman

# December 2014

December 2014							January 2015						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30	31	

	Monday	Tuesday	Wednesday	Thursday	Friday
1 - 5 Dec	<b>1 Dec</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
			9:00a.m. 5:00p.m. Hearings Panel	9:00a.m. 12:00p.m. Community Services Committee meeting - Councillors Rainey, Noonan, Copel 1:00p.m. 4:00p.m. Governance Committee meeting - Councillors Barker, Acland, Davy, Fulton, McGu	1:00p.m. 5:00p.m. NRSBU
8 - 12 Dec	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
			12:00p.m. 1:30p.m. Community and Whanau Network - Cllrs Noonan and Rainey (Upstairs at the Salvation Army Rooms, Montgomery Square) - Ruth Killman	9:00a.m. 4:00p.m. Council Workshop - LTP - all elected members	9:30a.m. 12:00p.m. Broadgreen Society - Cllr Noonan (Broadgreen Historic House Meeting Room) - Ruth Killman
15 - 19 Dec	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
		7:00p.m. 9:00p.m. Tahunanui Beach Holiday Park Incorporated Society - Cllr Davy (Tahuna Function Centre) - Ruth Killman	8:00a.m. 8:30a.m. School holidays begin 9:00a.m. 5:00p.m. Hearings Panel - non-RMA matters	9:00a.m. 4:00p.m. Council Meeting - all elected members	
22 - 26 Dec	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
29 Dec - 2 Jan	<b>29</b>	<b>30</b>	<b>31</b>	<b>1 Jan 15</b>	<b>2</b>

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## **Appointment of Trustee to the Nelson Municipal Band Trust**

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

- 1.1 To appoint Her Worship the Mayor as trustee of the Nelson Municipal Band Trust.

### **2. Recommendation**

***THAT the report Appointment of Trustee to the Nelson Municipal Band Trust (A1110293) be received;***

***AND THAT Her Worship the Mayor of Nelson, Rachel Reese, be appointed as a trustee to the Nelson Municipal Band Trust.***

### **3. Background**

- 3.1 Nelson City Council established the Nelson Municipal Band Trust in 1980 to assist the Band to develop a capital fund, to provide an annual income to help support the Band.

### **4. Discussion**

- 4.1 The trust deed provides that the Nelson City Council may, by resolution, appoint three trustees to administer the fund. Historically the three trustees have been the Mayor of Nelson, the President of the Band, and the Manager of the Council's bank (Westpac Nelson).
- 4.2 The current trustees of the Trust are Cataldo Miccio, Pat Heaphy (President of the Band) and Jane McSpirit (Manager of Westpac Nelson). Following the recent election, it is appropriate that Council resolve to appoint her Worship the Mayor as a trustee to the Trust.

### **5. Conclusion**

- 5.1 That Her Worship the Mayor of Nelson, Rachel Reese, be appointed as a trustee to the Nelson Municipal Band Trust.

Hugh Kettlewell

**Group Manager Support Services**

No supporting information follows.

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## **Farmers Trading Company – Redevelopment**

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

- 1.1 To update the Council on discussions with Farmers Trading Company (FTC).
- 1.2 To gain direction on any action from here.

### **2. Recommendation**

***THAT the report Farmers Trading Company – Redevelopment (A1113508) be received.***

### **3. Background**

- 3.1 Farmers Trading Company (FTC) currently operate from two stores in Nelson: leased premises in Trafalgar Street, and a Home Store from premises they own in Bridge Street. For some time they have been seeking one, larger store in Nelson. A site which meets all their requirements appears to have been elusive to date.
- 3.2 In late 2012, Council was approached by Windermere Holdings Ltd (WHL), an Auckland property development company, seeking to purchase land in Wakatu Square for a 5500m<sup>2</sup> FTC store over two floors.
- 3.3 The proposal located the store at the Trafalgar Street end of Wakatu Square. Carparks lost as a result of the development were to be relocated to the Council-owned land at the Rutherford Street end of Wakatu Square, necessitating the demolition of the Hunting & Fishing building.
- 3.4 Council resolved to consult on the proposal to sell the land, with consultation occurring in August 2013. Submitters against the proposal expressed concern around the price; the impact on parking in the area; shading of surrounding sites; the location and overall design of the development. Submitters supporting the proposal generally felt that retaining FTC in the City Centre was vital.
- 3.5 At the hearing, FTC confirmed they were considering a proposal to relocate to Nelson Junction (the development around Mitre10 Mega, and WOW) but had a preference to remain in the City Centre if a site could be found within their timeframes.



- 3.6 In deliberating on the proposal at a meeting on 19 September 2013, Council resolved:

*THAT Council advise all submitters this Statement of Proposal will not be proceeding; and*

*THAT Council thank all submitters for their efforts, and acknowledge the strong support from the community of Nelson, including many of those who opposed parts of the Statement of Proposal, for Farmers Trading Company to be retained in the City Centre;*

*AND THAT the Chief Executive be requested to travel to Auckland prior to the election to meet with Farmers Trading Company management to set out Council's clear support for retaining Farmers Trading Company in the central business district and Council's desire to find a solution acceptable to them no later than 20 December 2013;*

*AND THAT the Chief Executive report to the incoming Council, and that any Council involvement in achieving a solution, including the consideration of any of its own landholdings, be addressed as a priority;*

*AND THAT if a subsequent proposal for Wakatu Square comes forward, consultation using the special consultative procedure be undertaken.*

#### **4. Discussion**

- 4.1 Since that time, discussions have taken place with a number of local parties. Officers understand that no alternative proposal has yet been put before FTC. Inquiries are being made as to what level of detail can be shared with Council in public, and what information may be subject to an obligation of confidence. (An item has been listed within the public-excluded part of the agenda, as a placeholder.)
- 4.2 FTC has indicated it is waiting to hear from Council regarding the section of the above resolution which states Council's desire to find a solution acceptable to FTC no later than 20 December. Council had a preference for a commercial (i.e. private sector) solution to be found, and is waiting to hear if any proposal has been accepted by FTC.
- 4.3 It would seem all parties are in a static process, waiting for another to initiate a resolution. It may be that by the time of the meeting, there will be something to report. Alternatively Council could consider whether, in light of a possible failure of the private sector to reach a solution with FTC, it should put the possible sale of Wakatu Square 'back on the agenda'.
- 4.4 It has been made clear to FTC that any progression of sale of land in Wakatu Square would be subject to special consultative process again.

- 4.5 Before going to consultation with the public on a possible sale, Council could seek expressions of interest from parties to purchase a parcel(s) of land in Wakatu Square, subject to certain conditions. Such conditions could include future use; successful resource consent application; outcome of any special consultation process, etc.
- 4.6 The purpose of this report is to gain direction from Council on what action it would like officers to take/prepare for, as we move into the holiday period.
- 4.7 In accordance with Council policy, this report does not reference the possible sale of Wakatu Square for any purpose other than an FTC store development.

## **5. Conclusion**

- 5.1 FTC continue to seek a site for one, larger store in Nelson. Their preference is for this to be within the City Centre, meeting a number of other objectives.
- 5.2 Council has earlier considered selling part of Wakatu Square for such a development.
- 5.3 Council needs to determine the appropriate action now. This may range from taking no action; to seeking expressions of interest on Wakatu Square; to consulting again on selling Wakatu Square.

Clare Hadley  
**Chief Executive**

### **No Attachments**

No supporting information follows.

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## **Minutes of a meeting of the Community Services Committee**

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

**On Thursday 21 November 2013, commencing at 11.00am**

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**Present:** Councillor P Rainey (Chairperson), Her Worship the Mayor R Reese, and Councillors M Lawrey, P Matheson, G Noonan (Deputy Chairperson), T Skinner and M Ward

**In Attendance:** Councillors E Davy, L Acland and B McGurk, Chief Executive (C Hadley), Acting Group Manager Community Services (H Kettlewell), Group Manager Infrastructure (A Louverdis), Manager Communications (A Ricker), Manager Human Resources (S Gully), Kaihautū/Acting Manager Community Partnerships (G Mullen), Manager Libraries (I Littleworth), Team Leader Festivals (S Kelly), Administration Adviser (L Canton), and Youth Councillors Carla Lindley and John Gibson

**Apology:** Councillor R Copeland

### **1. Apologies**

The apology was noted.

### **2. Interests**

There were no updates to the Interests Register and no conflicts of interest with items on the agenda were noted.

### **3. Confirmation of Order of Business**

The Chairperson outlined guidelines for councillors attending the meeting who were not members of the committee.

He noted that, since the agenda had been issued, two additional public forums had been added to the public forum part of the meeting.

## 4. Public Forum

### 4.1 Waahi Taakaro Golf Course

Don Welch, Course Custodian at Waahi Taakaro Golf Course, spoke about ways to leverage the golf course. He tabled a document with supporting information (A1106577). He said that the Golf Course was a city asset with approximately \$500,000 worth of excess capacity which could be used to benefit Nelson's community and economy.

In response to questions, Mr Welch said that in order to attract tourists and business groups, the Golf Course needed better amenities, such as changing and catering facilities. He added that better promotion of all of Nelson's golf courses would increase the profile of Nelson as a golfing destination.

It was requested that Council officers provide councillors with an update on the golf course.

### 4.2 Trafalgar Park Sports and Recreation Group

Pat Heaphy, Brendon Monk and Colin Sutherland spoke to the meeting. Mr Heaphy explained that the group represented 11 sporting and community bodies with an interest in the development of Trafalgar Park.

Mr Sutherland gave a Powerpoint presentation (A1105493), which he spoke to, outlining the group's objectives.

In response to questions, Mr Heaphy said that each entity in the group had committed funding towards the project, and they envisioned a similar partnership with Council as that for Saxton Field. He added that the intention was that Council would take back all of the land relating to the existing facilities in return for developing a new consolidated facility in Trafalgar Park to which they could relocate.

### 4.3 Nelson Food Security

Karen Driver gave a presentation (A1105959) outlining the Nelson Food Security group and its plans for a project focusing on food security for the Nelson community. On behalf of the group, Ms Driver asked Council to provide an indication of funding support for the project before the end of 2013.

The Chairperson explained that Council could not commit funding to projects outside of the Annual Plan process, and invited the group to make a submission to the Annual Plan 2014/15. The Committee requested a report from Council officers to provide advice on the matter.

**5. Chairperson's Report**

There was no Chairperson's report.

**ARTS, FESTIVALS AND EVENTS**

**6. Festivals Interim Report**

Document number A1103909 (1636801), agenda pages 3-7 refer.

Resolved

***THAT the report Festivals Interim Report (1636801) be received.***

Ward/Skinner

Carried

**7. Cricket World Cup 2015 Project Update**

Document number A1103917 (1637856), agenda pages 8-15 refer.

Manager Libraries, Ian Littleworth, joined the meeting. He gave a brief update to the report, noting that Councillor Matheson had been invited to join the Regional Coordinating Group (RCG). He also outlined the communication and media protocols required of Council by Cricket World Cup, including that all public statements must be approved in advance, and that the Mayor was spokesperson for Nelson's part of the event. He added that officers would make best efforts to keep councillors informed as the project progresses.

In response to questions, Mr Littleworth explained that the RCG had oversight of operational arrangements for the event and aimed to ensure all parties could maximise the benefit to Nelson.

Resolved

***THAT the report Cricket World Cup project Update (1637856) and its attachment (1637899) be received.***

Ward/Noonan

Carried

There being no further business the meeting ended at 12.05pm.

Confirmed as a correct record of proceedings:

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

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**Minutes of a meeting of the Planning and Regulatory Committee**

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

**On Thursday 21 November 2013, commencing at 1.37pm**

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Present: Councillor B McGurk (Chairperson), Her Worship the Mayor (R Reese), Councillors R Copeland, E Davy, K Fulton (Deputy Chairperson), M Lawrey, and M Ward

In Attendance: Councillors P Matheson and G Noonan, Chief Executive (C Hadley), Acting Group Manager Strategy and Environment (N McDonald), Group Manager Infrastructure (A Louverdis), Manager Human Resources (S Gully), Manager Communications (A Ricker), Administration Adviser (E-J Ruthven), and Youth Councillors (C Lindley and J Gibson)

Apologies: Councillor I Barker, and Councillor E Davy for lateness

**1. Apologies**

Resolved

***THAT the apologies be received and accepted from Councillor Barker, and Councillor Davy for lateness.***

Copeland/Ward

Carried

**2. Interests**

There were no updates to the Interests Register.

Councillor Noonan declared a conflict of interest in relation to item 6 (Council Hearing – Plan Change 16 Inner City Noise).

**3. Confirmation of Order of Business**

The Chairperson outlined guidelines for councillors attending the meeting who were not members of the committee.

**4. Public Forum**

There were no public forum presentations.

## 5. Chairperson's Report

There was no Chairperson's report.

## PLANNING

### 6. Review of Nelson's Resource Management Plans

Document number A1102454 (1628749), agenda pages 5-21 refer.

Principal Planner, Matt Heale, joined the meeting and presented the report. He explained the options available for carrying out a review of the Nelson Resource Management Plan, and gave a PowerPoint presentation that indicated the different timelines for a full Plan review option and a rolling review option (A1109004).

In response to questions, Mr Heale explained the costs and benefits of adopting the full-Plan approach over the rolling-review approach, and highlighted opportunities that the Council would have for input into developing a draft and final plan prior to notification. In response to further questions, he outlined the opportunities for community consultation.

Attendance: Councillor Davy joined the meeting at 1.44pm.

Councillor Fulton, seconded by Councillor Copeland, moved the following motion, and recommendation to Council:

*THAT the report Review of Nelson's Resource Management Plans and its attachments (1628749) be received;*

*AND THAT a Council workshop be held to identify Nelson's significant resource management issues;*

*AND THAT issues and options papers for Nelson's significant resource management issues be brought back to the Committee by mid 2014.*

Recommendation to Council

*THAT Council embarks on a full plan review, aiming to achieve notification within the term of the current Council.*

Councillors discussed whether it was preferable to adopt a full-Plan review approach or a rolling-review approach, with the majority view favouring a full-Plan review approach. There was further discussion around whether to allow for targeted Plan Changes should specific resource management issues arise, and a variety of views were expressed.

Her Worship the Mayor, seconded by Councillor Fulton, moved an amendment:

*THAT the report Review of Nelson's Resource Management Plans and its attachments (1628749) be received;*

*AND THAT a Council workshop be held to identify Nelson's significant resource management issues;*

*AND THAT issues and options papers for Nelson's significant resource management issues be brought back to the Committee by mid 2014.*

Recommendation to Council

*THAT the Council embarks on a full plan review, aiming to achieve notification within the term of the current Council, noting that where a specific resource management issue arises a targeted Plan Change may occur separately.*

The amendment was carried, and became the substantive motion.

Councillor Davy requested that his vote against the amendment be recorded.

Resolved

***THAT the report Review of Nelson's Resource Management Plans and its attachments (1628749) be received;***

***AND THAT a Council workshop be held to identify Nelson's significant resource management issues;***

***AND THAT issues and options papers for Nelson's significant resource management issues be brought back to the Committee by mid 2014***

Fulton/Copeland

Carried

Recommendation to Council

***THAT the Council embarks on a full plan review, aiming to achieve notification within the term of the current Council, noting that where a specific resource management issue arises a targeted Plan Change may occur separately.***

Fulton/Copeland

Carried



Councillor Davy requested that his vote against the motion be recorded.

Attendance: The meeting adjourned from 2.26pm to 2.28pm.

## 7. Council Hearing – Plan Change 16 Inner City Noise

Document number 1627440/A1103816, agenda pages 22-53 refer.

Attendance: Councillor Noonan declared a conflict of interest, and left the meeting at 2.28pm.

Principal Planner, Matt Heale, and Planning Adviser, Reuben Peterson, joined the meeting and presented the report. They explained that a small number of submissions had been received, and outlined the hearings process.

There was a discussion regarding whether the Hearings Panel would be best served by councillors who had been involved in the working party to develop the Plan Change, or by councillors who had had no involvement in the process to date.

Attendance: Her Worship the Mayor left the meeting at 2.41pm, having seconded the motion.

Resolved

***THAT the report Council Hearing – Plan Change 16 Inner City Noise (1627440) and its attachments (1292769 and 1636624) be received.***

Davy/Her Worship the Mayor

Carried

Recommendation to Council

***THAT the Planning and Regulatory Committee recommends to Council that an independent Commissioner chaired Council assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Change 16 Inner City Noise;***

***AND THAT the Planning and Regulatory Committee recommends to Council the membership of the Hearing Panel for Plan Change 16 Inner City Noise consists of an independent Commissioner as Chair and Councillor Copeland and Councillor Barker as Council Commissioners.***

Davy/Her Worship the Mayor

Carried

## REGULATORY

### 8. Regulatory Report for 1 July to 30 September 2013

Document number 1622238/A697446, agenda pages 54-64 refer.

Manager Building, Martin Brown; Manager Environmental Inspections Limited, Stephen Lawrence; and Team Leader Resource Consents, Carl Jenkins joined the meeting and provided verbal updates to the report.

Resolved

***THAT the Regulatory Report for 1 July to 30 September 2013 (1622238) be received.***

Fulton/Ward

Carried

### 9. Environmental Inspections Limited Annual Report 2012/2013

Document number 1573590/A676356, agenda pages 65-89 refer.

Manager Environmental Inspections Limited, Stephen Lawrence, presented the report.

In response to a question, he outlined the steps taken by Council and a land-owner to rectify a source of on-going contamination into York Stream.

Resolved

***THAT the Environmental Inspections Limited Annual Report 2012/2013 (1573590) and its attachments (1574763, 1573779, and 1574925) be received;***

***AND THAT the Planning and Regulatory Committee adopt the Nelson City Council Dog Control Activity Report 2012/2013 (1573779);***

***AND THAT the Planning and Regulatory Committee confirm the report sent to the Secretary for Local Government, as required under the Dog Control Act 1996, s.10A(3) and (4) is the Nelson City Council Dog Control Activity Report 2012/2013;***

***AND THAT the Planning and Regulatory Committee adopt the Nelson District Licensing Agency Report 2012/2013 (1574925);***

**AND THAT the Planning and Regulatory Committee confirm the report sent to the Alcohol Regulatory and Licensing Authority is the Nelson District Licensing Agency Report 2012/2013.**

McGurk/Davy

Carried

There being no further business the meeting ended at 3.00pm.

Confirmed as a correct record of proceedings:

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

UNCONFIRMED

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**Minutes of a meeting of the Works and Infrastructure Committee**

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

**On Thursday 28 November 2013, commencing at 9.02am**

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**Present:** Councillor E Davy (Chairperson), Her Worship the Mayor R Reese, Councillors L Acland, I Barker, R Copeland, M Lawrey, G Noonan and T Skinner

**In Attendance:** Councillors P Matheson and M Ward, Group Manager Infrastructure (A Louverdis), Chief Financial Officer (N Harrison), Acting Group Manager Strategy and Environment (N McDonald), Kaihautū/Acting Manager Community Partnerships (G Mullen), Manager Human Resources (S Gully), Manager Communications (A Ricker), Manager Administration (P Langley), Senior Asset Engineer – Utilities (P Ruffell), Senior Asset Engineer – Transport and Roading (R Palmer), Administration Adviser (L Canton), and Youth Councillors C Rumsey and S Stephens

**1. Apologies**

There were no apologies.

**2. Interests**

There were no updates to the Interests Register and no conflicts of interest with items on the agenda were noted.

**3. Confirmation of Order of Business**

The Chair noted that an update to page 1 of the report Backflow Prevention Programme (A205968) had been tabled.

**4. Chairperson's Report**

There was no Chairperson's report.

## INFRASTRUCTURE

### 5. Bata Building Way Forward

Document number A1102263, agenda pages 7-13 refer.

Group Manager Infrastructure, Alec Louverdis presented the report.

Attendance: Councillor Copeland joined the meeting at 9.08am.

In response to questions Mr Louverdis said that demolition was intended for late January-early February 2014 and, if any demolition was to be deferred to a later period or indefinitely, additional maintenance cost would be incurred.

Resolved

***THAT the Bata Building Way Forward report (A1102263) and its attachment (A748889) be received.***

Lawrey/Barker

Carried

Councillor Davy, seconded by Her Worship the Mayor, moved a recommendation to Council:

*THAT Council re-confirms its decision to demolish the Bata building and develop (i.e. pavement seal) the land to car parking;*

*AND THAT Council notes that this decision does not limit future use of the site for other public works;*

*AND THAT demolition commences no earlier than late February 2014.*

It was suggested that, if it became apparent during the demolition that part of the panels or any part of the artwork could be saved at no additional cost, this should be done through discussions with the contractor at the time, rather than being included in the contract.

The Committee also considered the timing of the demolition, noting that January and February were peak trade times for surrounding businesses.

It was noted that the recommendation retained future options for development while achieving the best cost benefit for Nelson at the current time.

Recommendation to Council

**THAT Council re-confirms its decision to demolish the Bata building and develop (i.e. pavement seal) the land to car parking;**

**AND THAT Council notes that this decision does not limit future use of the site for other public works;**

**AND THAT demolition commences no earlier than late February 2014.**

Davy/Her Worship the Mayor

Carried

## UTILITIES

### 6. Backflow Prevention Programme

Document number A205968, agenda pages 14-22 refer.

Senior Asset Engineer – Utilities, Phil Ruffell, presented the report.

Resolved

**THAT the Backflow Prevention Programme report (A205968) and its attachments A236037 and A236172 be received.**

Noonan/Acland

Carried

In response to questions, Mr Ruffell explained that the degree of risk to the network varied with each commercial property, and accordingly, higher risk properties would be addressed first.

It was noted that, on balance, cost recovery Option A was the most reasonable option, as the whole community benefitted from the services of many of the larger commercial users.

Recommendation to Council

**THAT in line with the Long Term Plan 2012-2022 the proposed commencement be noted of the next stage of the Backflow Prevention Programme for existing commercial and industrial properties;**

**AND THAT in line with current practice owners of new or altered commercial/industrial activities be required to fit boundary backflow protection at their cost;**

***AND THAT Funding Option A be adopted (reflecting Council's current practice with all other water network upgrades) with the costs of retrofitting backflow preventers to existing activities recovered from all customers through the normal water charges, with the programme budget in 2013/14 being deferred to 2014/15 to allow for annual plan submissions;***

***AND THAT the costs of inspection, maintenance and replacement in future years be included in the appropriate Long Term Plan or Annual Plan and be recovered through Operation and Maintenance charges.***

Davy/Skinner

Carried

## **TRANSPORT AND ROADING**

### **7. Use of Public Car Parking Spaces for Placemaking Trial**

Document number A692911, agenda pages 23-33 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report. In response to questions, Mr Louverdis advised that the Parking Strategy would be completed for reporting to Council towards the end of the current financial year.

He added that the proposal from the two businesses outside of the CBD was of a more temporary nature than the existing licenses granted inside the CBD. Therefore, he said, if fees were not waived, the charges to the two businesses would be likely to be in the lower range of standard license charges.

Councillor Copeland, seconded by Councillor Lawrey, moved the recommendation in the officer report.

During discussion, it was noted that whilst placemaking had a public good aspect, it also raised issues of unfair commercial advantage. It was also suggested that charging the two businesses an appropriate fee and limiting the trial to 12 months would help to address issues of consistency and unfair commercial advantage.

Concerns were expressed that the spaces should meet urban design standards, and that Council should consider the Parking Strategy before it approved any further placemaking trials.

Her Worship the Mayor, seconded by Councillor Acland, moved an amendment to the fourth clause to reflect that an application fee, a licence fee and a bond would apply.

In response to a question, Mr Louverdis advised that consultation with neighbouring businesses was required, and approval by 50% of those businesses was set as an acceptable limit.

The amendment was put and carried and became the substantive motion:

*THAT the report Use of Public Car Parking Spaces for Placemaking Trial (A692911) and its attachments (A852474, A852560, A852734) be received;*

*AND THAT up to five individual public car parking spaces, outside of the City Centre, be used to trial placemaking;*

*AND THAT the current 'Licence To Occupy for Outdoor Dining on Carparks' be used for those car park allocations for placemaking;*

*AND THAT for the period of the trial the 'Licence To Occupy for Outdoor Dining on Carparks' application fee, licence fee and the bond would apply;*

*AND THAT the occupation of public car parking spaces for placemaking be reviewed by officers following a trial period of 12 months;*

*AND THAT the following alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (2011) be approved in order to temporarily discontinue public use of three car parking spaces for the current requests to trial placemaking:*

- *Schedule 8 – Time Limited Parking Areas*
  - *P15 – Alton Street – Temporarily Discontinue;*
  - *P60 – Nile Street West – Temporarily Discontinue.*

The motion was put and lost on a show of hands, due to a tied vote.

Attendance: The meeting adjourned for morning tea from 11.00am to 11.13am, during which time Her Worship the Mayor left the meeting.

## **8. The Brook Area Walking and Cycling Improvements Project – Public Feedback**

Document number A941176, agenda pages 34-42 refer.

Senior Asset Engineer – Transport and Roading, Rhys Palmer, presented the report. In response to questions, he explained the



locations of the shared path and the 'share with care' routes in the Brook area.

Mr Palmer gave a PowerPoint presentation (A1114030) showing how the 'share with care' areas proposed for Seymour Avenue, Tasman Street and Westbrook Avenue could appear.

Councillor Lawrey, seconded by Councillor Copeland moved the recommendation in the officer report.

Resolved

***THAT the report The Brook Area Walking and Cycling Improvements – Public Feedback (A941176) and its attachments (A580995 and A925591) be received;***

***AND THAT the proposals shown in Attachment 1 (A580995) be approved for implementation in 2014/15.***

Lawrey/Copeland

Carried

**9. Exclusion of the Public**

Resolved

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

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

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	<p><b>Trafalgar Centre – Follow up report</b></p> <p>This report contains information relating to the earthquake prone issues of the building and its long-term future.</p>	<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</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>

		exists under section 7	<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
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Davy/Lawrey

Carried

The meeting went into public excluded session at 11.35am and resumed in public session at 12.37pm.

**10. Re-admittance of the Public**

Resolved

***THAT the public be re-admitted to the meeting.***

Davy/Acland

Carried

There being no further business the meeting ended at 12.38pm.

Confirmed as a correct record of proceedings:

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

UNCONFIRMED

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## **Minutes of a meeting of the Governance Committee**

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

**On Thursday 28 November 2013, commencing at 1.03pm**

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**Present:** Councillor I Barker (Chairperson), Her Worship the Mayor (R Reese), Councillors L Acland, E Davy, K Fulton, B McGurk, P Matheson, and G Noonan

**In Attendance:** Councillor M Lawrey, Chief Executive (C Hadley), Chief Financial Officer (N Harrison), Acting Group Manager Strategy and Environment (N McDonald), Group Manager Support Services/Acting Group Manager Community Services (H Kettlewell), Group Manager Infrastructure (A Louverdis), Kaihautū/Acting manager Community Partnerships (G Mullen) Manager Administration (P Langley), Administration Adviser (E-J Ruthven), and Youth Councillors (S Stephens and C Rumsey)

**Apologies:** Councillor P Rainey, and Councillor E Davy (for lateness)

### **1. Interests**

There were no updates to the Interests Register, and no conflicts of interest with any agenda items were declared.

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

There was no change to the order of business

**Attendance:** Her Worship the Mayor and Councillor Noonan joined the meeting at 1.06pm.

### **3. Public Forum**

#### **3.1 Video in Council Chamber**

Graeme O'Brien requested that a video link be installed in the Council Chamber, to allow people who were unable to attend Council meetings to view proceedings at a later time. He said that videos of Council meetings could then be uploaded to the Council website.

Mr O'Brien said that the benefits to be gained with regards to transparency around Council activities outweighed the cost of installing video link in the Council Chamber.

In response to questions, Mr O'Brien suggested that there would be a high level of interest from all sectors of the community in viewing videos of Council meetings.

#### 4. Apologies

Resolved

***THAT apologies be received and accepted from Councillor Rainey; from Councillor Davy for lateness; and from Councillor Fulton for early departure.***

McGurk/Noonan

Carried

#### 5. Chairperson's Report

The Chairperson spoke about the important role that the Governance Committee played in providing financial oversight for the city.

### GOVERNANCE

#### 6. Psychoactive Substances – Draft Local Approved Products Policy

Document number A1103811, agenda pages 6-21 refer.

Acting Executive Manager Strategy and Environment, Nicky McDonald, presented the report. She explained that paragraph 3.1 of the draft Policy should be amended to clarify that the central city zone was the 'Nelson Inner City Zone', as defined in the Nelson Resource Management Plan.

Ms McDonald explained the scheme of the Psychoactive Substances Act 2013, which allowed local authorities to develop policies regarding where psychoactive substances could be sold. She said that, if Council were minded to have a local policy, it should be in place prior to central Government regulations being released in approximately March 2014.

In response to questions, Ms McDonald explained that it was likely that anyone applying for a licence to sell psychoactive substances would also need to apply for a resource consent. However, she said that a resource consent would not necessarily be declined on the basis of 'sensitive sites', such as schools, being in the nearby vicinity.

Councillors discussed whether to develop a local policy, and if so, whether to exclude Stoke Town Centre as a location for retail outlets.

Some concern was noted that the proposed period of consultation would have to run through the summer holiday period in order for the policy to be in place prior to the central government regulations being released.

A discussion followed regarding whether it was preferable to wait for central Government regulations to be released, rather than develop a local policy now. During this discussion, councillors considered the extent of the risk posed by the prospect that the Ministry of Health may approve further licenses to sell psychoactive substances in the absence of a local policy.

Councillor Fulton, seconded by her Worship the Mayor, moved

*THAT the report Psychoactive Substances - Draft Local Approved Products Policy (A1103811) and its attachments (A375102, A375469 and A662745) be received;*

*AND THAT the Statement of Proposal be approved and advertised for consultation in accordance with section 83 of the Local Government Act 2002, with the following amendments to the Statement of Proposal and draft Policy:*

- remove Stoke Town Centre as a location for retail outlets; and*
- clarification of the "Inner City Zone" within the Nelson Resource Management Plan;*

*AND THAT the consultation period runs from 3 December 2013 to 20 January 2014;*

*AND THAT the hearings and deliberations on the Draft Local Approved Products Policy be carried out by the Planning and Regulatory Committee, with a recommendation made to Council for a final decision.*

Attendance: Councillor Lawrey departed the meeting 1.44pm.

Councillor Acland, seconded by Councillor Matheson moved an amendment

*THAT the report Psychoactive Substances - Draft Local Approved Products Policy (A1103811) and its attachments (A375102, A375469 and A662745) be received;*

*AND THAT the Council wait until regulations are issued under the Psychoactive Substances Act 2013 and then review whether to have a Local Approved Products Policy.*

Councillors discussed the amendment. During discussion, councillors acknowledged the difficulty in developing a local policy prior to central Government regulations being released, but balanced this against the strong community support for limiting the sale and use of psychoactive substances.

The amendment was put and lost. The meeting returned to consider the original motion.

Resolved

***THAT the report Psychoactive Substances - Draft Local Approved Products Policy (A1103811) and its attachments (A375102, A375469 and A662745) be received;***

***AND THAT the Statement of Proposal be approved and advertised for consultation in accordance with section 83 of the Local Government Act 2002, with the following amendments to the Statement of Proposal and draft Policy:***

- ***remove Stoke Town Centre as a location for retail outlets; and***
- ***clarification of the "Inner City Zone" within the Nelson Resource Management Plan;***

***AND THAT the consultation period runs from 3 December 2013 to 20 January 2014;***

***AND THAT the hearings and deliberations on the Draft Local Approved Products Policy be carried out by the Planning and Regulatory Committee, with a recommendation made to Council for a final decision.***

Fulton/Her Worship the Mayor

Carried

Councillors noted their disappointment that local authorities were unable to ban psychoactive substances entirely.

Resolved

***THAT a letter be written to the Government, expressing the Committee's disappointment that the Psychoactive Substances Act 2013 did not include an option for local authorities to ban psychoactive substances in their entirety.***

Matheson/Noonan

Carried

## 7. Participation in Gigatown Competition

Document number A1102924, agenda pages 22-27 refer.

Group Manager Support Services, Hugh Kettlewell, presented the report.

In response to a question, he clarified that the officer recommendation did not prevent Council from participating in the competition, but rather recommended that Council should not lead such an effort.

Resolved

***THAT the report Participation in Gigatown competition (A1102924) be received.***

Fulton/Acland

Carried

Recommendation to Council

***THAT Council does not agree to lead an effort to participate in the Gigatown competition.***

Fulton/Acland

Carried

## FINANCE

### 8. Finance Report for the Period Ending 30 September 2013

Document number A484035, agenda pages 28-48 refer.

Chief Financial Officer, Nikki Harrison, presented the report.

Attendance: Her Worship the Mayor departed the meeting at 2.15pm, and Councillor Davy joined the meeting at 2.17pm.

In response to questions, Ms Harrison explained the costs related to remediating damage caused in recent flood events, and outlined the reasons for proposing that the Events Contestable Fund be held by Council until such time that the Economic Development Agency required it for funding for events.

Attendance: Councillor Fulton departed the meeting at 2.25pm.

In response to questions, Ms Harrison explained the graph detailing budgeted and actual capital expenditure. She said that the actual figures reflected the fact that many tenders had recently been let and that invoices would shortly be expected for such work. She also noted that delays relating to the transfer of assets from the Theatre Royal and Nelson School of Music had resulted in lower actual capital expenditure to date than budgeted.

There was a discussion regarding the cost of Council's debt. In response to questions, Ms Harrison explained that Council's AA- credit rating, the use of swaps, and access to the Local Government Funding Agency had led to Council having one of the lowest weighted average costs of debt across all local authorities.

At the Chairperson's invitation, Ms Harrison explained Council's practice of repaying debt when cash was available, and otherwise funding depreciation, in order to achieve inter-generational equity across current and future ratepayers.

Attendance: Her Worship the Mayor returned to the meeting at 2.39pm.

In response to a question, Ms Harrison explained the challenges faced in collecting marina fees, and the steps being taken by officers to ensure greater security around recovering marina debts.

A suggestion was made that an update on marina activities be presented to a future Community Services Committee meeting.

Resolved

***THAT the Finance Report for the Period Ending 30 September 2013 (A484035) and its attachments (1633361, 1634497 and 1234107) be received and the variations noted.***

Barker/Noonan

Carried

Recommendation to Council

***THAT Council approves the Events Contestable Funding being accrued and held in a Council reserve until such time as the Economic Development Agency require the funding for events.***

Barker/Noonan

Carried

## 9. Exclusion of the Public

Resolved

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

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



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	<p>Nelmac Appointment of Director November 2013</p> <p>This report contains information relating to the final list of candidates for a Nelmac directorship.</p>	<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</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

Barker/Noonan

Carried

The meeting went into public excluded session at 2.45pm and resumed in public session at 2.53pm.

#### 10. Re-admittance of the Public

Resolved

***THAT the public be re-admitted to the meeting.***

Davy/McGurk

Carried

There being no further business the meeting ended at 2.54pm.

Confirmed as a correct record of proceedings:

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