

Notice is given that an ordinary meeting of the Tasman District Council will be held on:

Date: Thursday 28 March 2024
Time: 9:30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street, Richmond
Zoom conference link:
Meeting ID:
Meeting Passcode:

Tasman District Council
Kaunihera Katoa
LATE ITEMS AGENDA

LATE ITEMS

5 LATE ITEMS

That the late item, 7.16, Delegation to the Joint Committee of the Nelson City and Tasman District Councils to consider and make decisions on recommendations from the Saxton Field Committee regarding changes to the Saxton Field Management Plan in respect of alcohol advertising, be considered at today’s meeting. In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 9.12, the reason the item was not on the agenda is that it was not considered by Nelson City Council until after the agenda was distributed. The reason the item cannot be delayed until a subsequent meeting is so that the Saxton Field Committee can make recommendations to the Joint Committee of Nelson City and Tasman District Councils at it 16 April 2024 meeting.

That the confidential late item, 8.3, Waimea Water Limited – Contractor Matters, be considered at today's meeting. In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 9.12, the reason the item was not on the agenda is because it was not ready until after the agenda was distributed. The reason the item cannot be delayed until a subsequent meeting is to allow outstanding contract matters to be resolved.

7 REPORTS

- 7.16 Delegation to the Joint Committee of the Nelson City and Tasman District Councils to consider and make decisions on recommendations from the Saxton Field Committee regarding changes to the Saxton Field Management Plan in respect of alcohol advertising..... 4

8 CONFIDENTIAL SESSION

- 8.3 Waimea Water Limited - Contractor Matters

This report is confidential in accordance with the Local Government Official Information and Meetings Act 1987 (s7(2)(g)) (s7(2)(i)) - The withholding of the information is necessary to maintain legal professional privilege; AND The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

7 REPORTS

7.16 DELEGATION TO THE JOINT COMMITTEE OF THE NELSON CITY AND TASMAN DISTRICT COUNCILS TO CONSIDER AND MAKE DECISIONS ON RECOMMENDATIONS FROM THE SAXTON FIELD COMMITTEE REGARDING CHANGES TO THE SAXTON FIELD MANAGEMENT PLAN IN RESPECT OF ALCOHOL ADVERTISING

Decision Required

Report To: Tasman District Council

Meeting Date: 28 March 2024

Report Author: Tim King, Mayor

Report Authorisers:

Report Number: RCN24-03-21

1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 To delegate the decision on a Saxton Field Committee recommendation on alcohol advertising in the Saxton Field Management Plan to the Joint Committee of Nelson City and Tasman District councils.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 Nelson City and Tasman District Council have been approached by Nelson Cricket requesting that the Nelson City and Tasman District Councils review the joint Saxton Field Management Plan and particularly the provisions in respect of alcohol advertising for one-off major events such as the Black Caps/White Ferns games (**Attachment 1**).
- 2.2 Nelson Cricket's key concern is the uncertainty created by the current policy requiring a complex and cumbersome process of an exemption being required for major games. It believes we are unlikely to be allocated games in future as a consequence and that this contradicts the multi-million investment by ratepayers of both Councils in the Saxton Oval as an international class cricket venue. It has advocated that the policy be changed to allow temporary signage for sporting events of a regional or international nature where the body hosting the event has contractual commitments to a third party requiring such signage is permitted. We need to establish a timely process for considering this request.
- 2.3 The request is being considered by the Joint Saxton Field Committee and it will be making a recommendation to the two Councils. The proposal is that its recommendations go to a meeting of the Joint Committee of the two Councils. It makes sense for it to be a joint decision when Saxton is a joint facility. It is also more efficient in having a single process for consideration of any change. It is helpful for elected members to hear different perspectives from the other Council on the issue rather than them being debated separately. Councils cannot realistically have different policies for one facility. I have discussed the issue with Mayor Nick Smith, and I agree with his recommendation that the decision is best made by the Joint Committee of the full Councils.

- 2.4 Nelson City Council considered this matter at its 22 March 2024 meeting and agreed to make the delegation to the Joint Committee of the Nelson City and Tasman District Councils:

That the Council

1. *Receives the report Mayor's Report (R28445) and its attachment (118544611-7647); and*
2. *Delegates, subject to Tasman District Council approval, to the Joint Committee of the Nelson City and Tasman District Councils consideration and decisions on any recommendations from the Saxton Field Committee regarding changes to the Saxton Field Management Plan, in respect of alcohol advertising.*

3. Recommendation/s / Ngā Tūtohunga

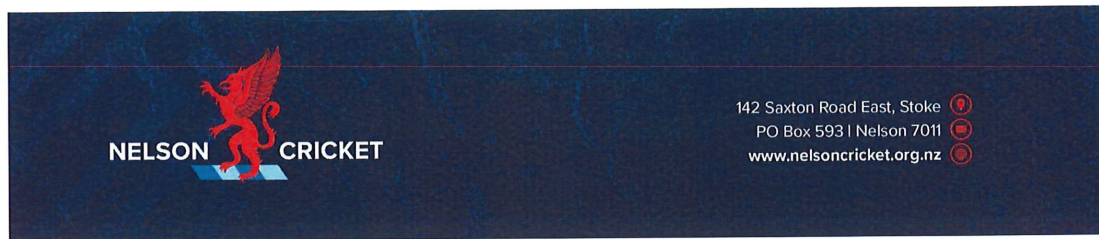
That the Tasman District Council

1. **receives the Delegation to the Joint Committee of the Nelson City and Tasman District Councils to consider and make decisions on recommendations from the Saxton Field Committee regarding changes to the Saxton Field Management Plan in respect of alcohol advertising report RCN24-03-21; and**
2. **delegates to the Joint Committee of Nelson City and Tasman District Councils consideration and decisions on any recommendations from the Saxton Field Committee regarding changes to the Saxton Field Management Plan, in respect of alcohol**

4. Attachments / Tuhinga tāpiri

1. [1](#) Nelson Cricket letter - Saxton Field Alcohol Advertising Policy

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The Mayor
Tasman District Council

The Mayor
Nelson City Council

20 February 2024

SAXTON FIELD - ALCOHOL ADVERTISING POLICY

Dear Sirs

Saxton Field is a world class sporting facility. It is the culmination of many years of investment by both councils and charitable bodies, particularly NZ Community Trust, which has provided millions of dollars in financial support to enable the facility to be developed to its current state, which is the envy of many regions throughout the country.

As a result of the confusion which arose prior to the One Day International New Zealand v Bangladesh cricket match last December and in the interests of the region and sporting codes with facilities at Saxton Field, we seek certainty about the alcohol advertising policy for Saxton Field and the scope of its applicability.

A. THE POLICY

1. Both councils have previously adopted the Saxton Field Joint Committee Policy restricting the advertising of alcohol at Saxton Field other than price and produce schedules at point of sale.
2. The Saxton Field Management Plan (the Plan) acknowledges that:
 - a. Saxton Field "is a significant regional sport and recreation venue"¹.
 - b. Saxton Field "supports national and international sporting events"².
 - c. The Plan is a "living document"³. (It should be interpreted accordingly.)
3. Clause 4.8.2.3 of the Plan provides

*"The advertising of alcohol shall not be permitted on Saxton Field, apart from price and product schedules at point of sale."*⁴
4. Although the Plan recognises and draws a distinction between sponsorship and advertising, the scope of clause 4.8.2.3 was the subject of controversy prior to the one day international. That controversy was unhelpful for the region as well as for the game.

B. THE PROBLEM

5. Central Districts Cricket Association (CDC) sought to play the ODI between the NZ Black Caps and Bangladesh at Saxton Field on 20 December 2023. There were extensive negotiations with the Nelson Regional Development Authority and the

¹ Plan, page 7, paragraph 2 (Introduction)

² Plan, page 7, paragraph 5 (Introduction)

³ Plan, page 7, paragraph 8 (Introduction)

⁴ Copy of clause 4.8.2.3 attached

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Nelson City Council to achieve this, the negotiations resulting in assistance from the Council and assistance, including financial assistance, by the Nelson Regional Development Agency. A submission to New Zealand Cricket (NZC) by CDC for the allocation of the match for Nelson was accordingly made and NZC allocated the ODI to Nelson, with CDC the host association.

6. NZC required CDC, like all other associations in NZ hosting a NZC event, to sign a hosting agreement with NZC. That agreement included, amongst other things, confirmation that CDC would ensure NZC's contractual commercial obligations would be fulfilled in the hosting of the event. One of those obligations was to allow Asahi, one of NZC's major sponsors, to promote their alcohol products at the match. (Asahi owns Boundary Road Brewery – which has been promoted at cricket venues around New Zealand and on TV throughout this summer.)
7. The non-promotion of alcohol policy was not raised or discussed during negotiations. Seemingly, the belief was that it did not apply to events of international significance, such as the proposed international match.
8. NZC would not have allocated the match to Nelson had they known of the policy. The allocation of future international matches to Nelson is unlikely if the policy is applied in a way that does not enable contractual commitments to be honoured.
9. When the policy was raised (late in the piece) with CDC, significant issues arose:
 - a. CDC, as the host union, could not sign NZC's hosting agreement as there was no certainty that it could comply with the necessary contractual obligation for Asahi to have the right to promote its products at all NZC fixtures.
 - b. The Saxton Field Committee confirmed their view that they did not think the policy was intended to apply to significant events at Saxton Field, such as sports internationals.
 - c. The match was placed in jeopardy. Alternative venues for the game that would enable NZC to fulfil its commercial obligations were explored, as the policy in question is unique to Nelson/Tasman region.
 - d. Contractual obligations made with local firms as part of the substantial planning for the match were also prejudiced, with liabilities arising.
 - e. Significant time spent by Tasman District Council and Nelson City Council staff seeking a compromise exemption from the policy, preparing a resolution and submissions to the Tasman District Council and the Nelson City Council and consideration of legal advice by council staff.
 - f. The Tasman District Council approved a compromised resolution allowing an exemption to the policy.
 - g. Nelson City Council voted to decline approval of the compromised exemption to the policy; that declination was subsequently rescinded, enabling the game to proceed on the basis of the approved compromise.
 - h. Extensive time was spent by Nelson City Council staff, Central Districts cricket and Nelson cricket in fulfilling their obligations under a local government official information request.
 - i. A significant consequence of the confusion, that cannot be ignored, was the prospect of the game being pulled from Saxton Field within days of the tickets

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going on sale, and the huge damage this would have done to the region's reputation nationally and internationally.

10. Although ultimately the game was able to proceed on the basis of the compromise the uncertainty created and the lack of clarity regarding the longer term position remains a significant threat to the grant of future internationals to the region. Certainty is required for all sporting bodies so that sports bodies can proceed with major events at Saxton Oval without uncertainty or fear of the policy.

C. THE SOLUTION

11. Ongoing uncertainty threatens future significant events at the venue, which in turn places the viability of the venue in jeopardy and potentially removes a significant recreational opportunity from the calendar of locals. (Over 4000 people attended the game without incident, it is noted, and the region received significant national and international television coverage. NRDA estimates the value to the region to be in the \$ millions.)

12. While recognising the desire, which NCA supports, to avoid wide-spread alcohol advertising on permanent fixtures, pragmatism is necessary to assist sporting codes to grow and to promote the region. It is suggested that the Plan include a clear and specific provision allowing existing contractual obligations that are integral to the hosting of a major event to be permitted. It is suggested that the following wording be adopted as an amendment to the Plan:

- 11.1. Add to the start of clause 4.8.2.3 the following:

"Except as set out in clause 4.8.2.4..."

- 11.2. Insert a new clause 4.8.2.4 as follows:

"Temporary signage for a sporting event of a regional or international nature where the body hosting that event has contractual commitments to a third party requiring such signage is permitted."

13. Such an approach is consistent with both the spirit of the Plan and the provision in clause 3.5.1.1 of the Plan that recognises commercial activities and signs that enhance public enjoyment of Saxton Field, its uses and capacity.

D. CONCLUSION

14. Saxton Field is a first class facility, of which the region can legitimately be proud. It provides a unique opportunity to showcase the region.
15. The key to ongoing games and sporting events of significance coming to the region is certainty – certainty of policy and certainty of ability to honour contractual commitments. Certainty is critical. NZC, and all codes, need certainty that contracts can, and will be, honoured – it is unreasonable and unworkable to expect events to be allocated to the region when certainty is absent.

Yours faithfully
Nelson Cricket Associated Inc.

A Leonard
Chair

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