

Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 25 June 2015, commencing at 9.02am

Present: Councillor B McGurk (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker, R Copeland, K Fulton (Deputy Chairperson), M Lawrey and M Ward, and Ms G Paine

In Attendance: Councillor P Matheson, Group Manager Strategy and Environment (C Barton), Manager Administration (P Langley), Manager Communications (P Shattock), Administration Adviser (S McLean), and Nelson Youth Councillors (K Phipps and H George)

Apologies: Councillor E Davy for attendance and Her Worship the Mayor for lateness

1. Apologies

Resolved PR/2015/009

THAT apologies be received and accepted from Councillor Davy for attendance and Her Worship the Mayor for lateness.

McGurk/Fulton

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

4.1 Carolyn Hughes and Andrew Goldsworthy - Nelson Environment Centre

Carolyn Hughes provided background information on Advancing Sustainability Education (ASE), as summarised in her handout provided with the agenda (A1365579).

Ms Hughes asked Council to consider writing a letter to the Education Review Office (ERO) in support of ASE. She suggested the programme was in line with Council's Nelson 2060 goals.

Ms Hughes suggested that internships or placements for students working on sustainability could be provided by Council.

Andrew Goldsworthy spoke about the opportunity for Nelson to be a leader in sustainability education. He gave details on the credits available to students, and how the ERO would be assessing ASE.

Ms Hughes suggested that systems for recognition could involve Council, such as a letter to students from the Mayor.

Attendance: Councillor Barker left the meeting from 9.20am to 9.21am.

5. Confirmation of Minutes

5.1 14 May 2015

Document number M1219, agenda pages 9 - 16 refer.

Resolved PR/2015/010

THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 14 May 2015, be confirmed as a true and correct record.

McGurk/Paine

Carried

6. Status Report - Planning and Regulatory Committee - 25 June 2015

Document number R4432, agenda pages 17 - 19 refer.

Resolved PR/2015/011

THAT the Status Report Planning and Regulatory Committee 25 June 2015 (R4432) and its attachments (A1155974) be received.

McGurk/Lawrey

Carried

7. Chairperson's Report

There was no Chairperson's Report.

REGULATORY

8. Submission to the Rules Reduction Taskforce

Document number R4254, agenda pages 20 - 33 refer.

Manager Consents and Compliance, Mandy Bishop, and Manager Environmental Inspections Ltd, Stephen Lawrence, presented the report.

Concerns were raised about needing to know why the list of rules in Attachment 1 to the officer report had been set in the first place. Ms Barton advised that central government would consider this in its assessment of any recommendations from the Rules Reduction Taskforce.

There was discussion on the Health (Hairdressers) Regulations 1980, with some councillors in support of making no change to the rule as it may encourage a reduction in areas such as sterilisation.

In response to a question, Mr Lawrence advised there was very little crossover between the Ministry of Health and Council-enforced health regulations.

In response to a question, Ms Bishop advised the submission had already been sent in as an unconfirmed submission, to be confirmed once the Committee had provided feedback.

Concern was raised about the Freedom Camping Act 2011, and the officer recommendation to increase the level of regulation. It was felt this went against the purpose of rules reduction. Ms Bishop said the point had been to highlight the difficulty in administering this legislation.

Group Manager Strategy and Environment, Clare Barton, advised that the submission prepared by officers was in line with the Local Government New Zealand and Tasman District Council submissions.

It was pointed out that industries had trended towards taking on the responsibility of health and safety.

It was suggested the cover letter to the submission include comment on ensuring the intentions of the withdrawn rules were covered elsewhere.

Councillor Barker, seconded by Councillor Copeland, moved a motion:

THAT the report Submission to the Rules Reduction Taskforce (R4254) and its attachments (A1349652 and A1366848) be received;

AND THAT the submission in Attachment 1 of this report (R4254) be confirmed by the Committee as the position of the Council for submissions to the Rules Reduction Taskforce.

Councillor Fulton, seconded by Councillor Ward, moved an amendment to remove reference to the Freedom Camping Act 2011:

THAT the report Submission to the Rules Reduction Taskforce (R4254) and its attachments (A1349652 and A1366848) be received;

AND THAT the submission in Attachment 1 of this report (R4254), with the removal of reference to the Freedom Camping Act 2011, be confirmed by the Committee as the position of the Council for submissions to the Rules Reduction Taskforce

Several councillors were not in support of removing the reference to the Freedom Camping Act 2011.

The Chief Executive, Clare Hadley, highlighted that the matter of freedom camping had been included because it was one area where the community was asking Council for an increase in rules.

In response to concerns, Mrs Hadley advised the focus on rules reduction was not a political matter. She said the list of rules provided was simply an assessment by experienced officers on rules which no longer provided any value to Council, the community, or officers.

It was suggested that the Freedom Camping Act 2011 was a political matter and should be dealt with as a separate issue.

The amendment was put and became the substantive motion.

Resolved PR/2015/012

THAT the report Submission to the Rules Reduction Taskforce (R4254) and its attachments (A1349652 and A1366848) be received;

AND THAT the submission in Attachment 1 of this report (R4254), with the removal of reference to the Freedom Camping Act 2011, be confirmed by the Committee as the position of the Council for submissions to the Rules Reduction Taskforce.

Copeland/Barker

Carried

Attendance: Her Worship the Mayor joined the meeting at 10.01am.

9. Sandwich Boards

Document number R4332, agenda pages 34 - 47 refer.

Manager Planning, Matt Heale, presented the report.

Mr Heale said that clarification had been sought from the Nelson branch of the Blind Citizens Association, who had advised they preferred the status quo, which was to have sandwich boards predominantly along the shop front. Group Manager Strategy and Environment, Clare Barton, said the clarification had been sought due to a discrepancy between the Associations submission and the hearing minutes which recorded their presentation.

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

THAT the report Sandwich Boards (R4332) and its attachments (A1372336, A1372341, and A1369029) be received;

AND THAT the Committee review its recommended bylaw provisions regarding sandwich boards in Nelson.

Recommendation to Council

THAT the Bylaw provisions for Sandwich Boards, as detailed in report R4332, include Option B – Status quo plus controls on flashing, illuminated signs;

AND THAT this approach to sandwich boards be adopted by Council.

In response to questions, Mr Heale advised that sandwich boards were placed at the kerb in Tasman. He said resource consent could be applied for by shop owners if required.

There was some support to revert the bylaw provisions for sandwich boards back to how they were before the draft Urban Environments Bylaw (the Bylaw) was consulted on.

Attendance: Councillor Ward left the meeting at 10.17am.

Point of order: A point of order was raised in accordance with Standing Order 3.13.4(c) noting that questions about Tasman District Council were irrelevant.

Attendance: The meeting adjourned from 10.19am to 10.22am, during which time Councillor Ward returned.

The Chairperson accepted the point of order.

In response to questions, Mr Heale said the matter had been consulted on with Tasman District Council. He advised the issues with illuminated signs had been discussed at earlier meetings, and there were no existing use rights for flashing signs in the Bylaw.

A suggestion was made to indicate a preference of Council for the future Bylaw review. It was agreed this would constrain the future Council and was not required.

Nelson Youth Councillor, Keegan Phipps, suggested that the feedback from the community had been clear that option B was the preferred choice.

The mover and seconder agreed to remove reference to flashing, illuminated signs, therefore moving to Option A.

The motion was put and a division was called.

Councillor Barker	Aye
Councillor Copeland	No
Councillor Davy	Apology
Councillor Fulton	No
Councillor Lawrey	No
Councillor McGurk	Aye
Councillor Ward	No
Her Worship the Mayor	Aye
External Appointee – Glenice Paine	Aye

The motion was lost, 4-4.

Attendance: The meeting adjourned for morning tea from 10.36am to 10.53am, during which time Her Worship the Mayor left the meeting.

10. Election signs - current practice and issues

Document number R4260, agenda pages 48 - 50 refer.

Manager Environmental Inspections Ltd, Stephen Lawrence, presented the report and provided detail on the number of complaints received.

Resolved PR/2015/013

THAT the report Election signs - current practice and issues (R4260) be received.

McGurk/Paine

Carried

Recommendation to Council PR/2015/014

THAT election sign rules in the Nelson Resource Management Plan be considered for change as part of the Nelson Plan review.

McGurk/Paine

Carried

11. Land Development Manual Review

Document number R4261, agenda pages 66 - 75 refer.

Senior Planning Adviser, Lisa Gibellini, and Steve Markham of Tasman District Council presented the report.

Resolved PR/2015/015

THAT the report Land Development Manual Review (R4261) and its attachments (A1365598) be received;

AND THAT the Committee nominate Councillors Ward and McGurk to be members of the Land Development Manual Steering Group;

AND THAT the attached draft Terms of Reference are adopted by the Planning and Regulatory Committee for finalisation at the first Steering Group meeting after which they will be confirmed by the Mayor and the Chair of Planning and Regulatory;

AND THAT those nominated Councillors provide regular reports back to the Planning and Regulatory Committee on progress with the Land Development Manual alignment and review;

AND THAT where possible both Tasman District Council and Nelson City Council use the same Hearing Commissioners to hear and make recommendations on submissions;

AND THAT a draft aligned Land Development Manual be brought back to the Planning and Regulatory Committee for consideration by December 2015.

Fulton/Lawrey

Carried

12. Dogs off the leash on Monaco Reserve

Document number R4134, agenda pages 76 - 90 refer.

Manager Planning, Matt Heale, and Planning Administrator, Jane Loughnan, presented the report. Mr Heale tabled a map of Monaco Reserve (A1376769).

Group Manager Strategy and Planning, Clare Barton, advised there would be a strain on resources if an amendment to the Dog Control Bylaw (the Bylaw) was required. She highlighted the need to be consistent with other reserves.

A suggestion was made to trial a suspension of the dog on lead rule for the Monaco Reserve. Ms Barton explained the requirement on Council to enforce its bylaws, and how it could signal to the community that Council was looking to amend the Bylaw.

A suggestion was made that part of Monaco Reserve could be a dog off lead area.

In response to a question, Ms Barton advised there was no clause in the Bylaw which allowed Council to change a schedule by resolution. She said the best process would be to review all reserves under the Bylaw at the same time.

Resolved PR/2015/016

THAT the report Dogs off the leash on Monaco Reserve (R4134) and its attachments (A1374151, A1261310 and A1374167) be received;

AND THAT the response provided to petitioners convey that the Dog Control Bylaw would be reviewed in 2018, and they are invited to submit at that time.

Fulton/McGurk

Carried

Attachments

1 A1376769 – Tabled Document - Map of Monaco Reserve

13. Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules

Document number R4140, agenda pages 51 - 60 refer.

Acting Manager Operations, Marg Parfitt, and Manager Capital Projects, Shane Davies, presented the report.

Attendance: Councillor Copeland left the meeting from 11.36am to 11.38am.

In response to a question, Ms Parfitt advised there had not been a call for long term parking in the commercial area of Vanguard Street.

Resolved PR/2015/017

THAT the report Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules (R4140) and its attachments (A1349284,

A1349105, A1349156, A1350309, A1350307, A1359621) be received;

AND THAT the following alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (2011) be approved:

Schedule 4: Special Parking Areas;

Schedule 9: No Stopping;

Schedule 14: Give Way Signs.

Barker/Ward

Carried

14. Use of Glyphosate

Document number R4372, agenda pages 61 - 65 refer.

Environmental Reserves Supervisor, Lindsay Barber, presented the report.

Mr Barber advised that members of the community could be added to a spray register if they suffered from reactions to spraying.

In response to questions, Mr Barber provided detail on how the New Zealand environment encouraged weed growth. He advised that coconut oil was used in playground areas as it was non-toxic. Mr Barber said the Nelson Resource Management Plan restricted the use of glyphosate in coastal marine areas.

In response to a question, Mr Barber said he was aware of recent reports from the World Health Organisation (WHO) regarding glyphosate. He highlighted that there were also reports disputing claims made by WHO. Mr Barber said that further information and discussions would take place on the matter over the coming months.

Attendance: Councillor Barker left the meeting from 11.56am to 11.57am, and from 11.59am to 12.00pm.

In response to a question, Mr Barber said that Council advertised its spraying programme in July.

Councillor Lawrey, seconded by Councillor Ward, moved a motion:

THAT the report Use of Glyphosate (R4275) be received;

AND THAT Council officers continue to monitor the use of glyphosate; take steps to mitigate any known adverse effects; and work to identify effective and safer alternatives;

AND THAT Council increases publicity of the No Spray Register through Live Nelson and other media including social media channels.

In response to a question, Mr Barber provided detail on the life of seeds and current eradication programmes.

With the approval of the mover and seconder, an addition 'to give regard to research' was made to the second clause of the resolution.

Resolved PR/2015/018

THAT the report Use of Glyphosate (R4275) be received;

AND THAT Council officers continue to monitor the use of glyphosate; to give regard to research; take steps to mitigate any known adverse effects; and work to identify effective and safer alternatives;

AND THAT Council increases publicity of the No spray register through Live Nelson and other media including social media channels.

Lawrey/Ward

Carried

15. Plan Change 18 Nelson South Operative Date

Document number R4136, agenda pages 91 - 106 refer.

Manager Planning, Matt Heale, presented the report.

Attendance: Councillor Lawrey left the meeting at 12.20pm.

Resolved PR/2015/019

THAT the report Plan Change 18 Nelson South Operative Date (R4136) and its attachments (A1352380 and A1340607) be received.

Ward/Fulton

Carried

Recommendation to Council PR/2015/020

THAT Council resolves to make Plan Change 18 – Nelson South operative on 17 August 2015, pursuant to Clause 20(1) of the First Schedule of the Resource Management Act 1991.

Ward/Fulton

Carried

Adjournment of Meeting

Resolved PR/2015/021

THAT the meeting adjourn until a time and date to be confirmed.

McGurk/Fulton

Carried

There being no further business, the meeting adjourned at 12.21pm.

Minutes of a reconvened meeting of the Planning and Regulatory Committee

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

On Tuesday 30 June 2015, commencing at 9.30am

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

In Attendance: Councillors L Acland, P Matheson, P Rainey, and T Skinner, Chief Executive (C Hadley), Group Manager Strategy and Environment (C Barton), Manager Administration (P Langley), Manager Communications (P Shattock), Administration Adviser (S McLean)

Apologies: Councillor K Fulton and Ms Glenice Paine

16. Exclusion of the Public

Resolved PR/2015/009

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:

McGurk/Ward

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Enforcement of	Section 48(1)(a)	The withholding of the

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	the fence rule (REr.31.1)	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	information is necessary: <ul style="list-style-type: none"> Section 7(2)(g) To maintain legal professional privilege

The meeting went into public excluded session at 9.31am and resumed in public session at 10.30am.

17. Re-admittance of the Public

Resolved PR/2015/010

THAT the public be re-admitted to the meeting.

McGurk/Ward

Carried

There being no further business the meeting ended at 10.30am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date