
Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 17 September 2015, commencing at 9.01am

Present: Councillors B McGurk (Chairperson), I Barker, R Copeland, E Davy, K Fulton (Deputy Chairperson), M Lawrey, and M Ward, and Mrs G Paine

In Attendance: Councillors P Matheson and G Noonan, Group Manager Infrastructure (A Louverdis), Group Manager Strategy and Environment (C Barton), Manager Communications (P Shattock), Administration Adviser (S McLean), and Nelson Youth Councillors (F Jankiewicz-McClintock and B Shaw)

Apology: Her Worship the Mayor R Reese

1. Apology

Resolved PR/2015/039

***THAT an apology be received and accepted from
Her Worship the Mayor.***

McGurk/Barker

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

There was no public forum.

5. Confirmation of Minutes

5.1 6 August 2015

Document number M1394, agenda pages 7 - 15 refer.

Resolved PR/2015/040

THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 6 August 2015, be confirmed as a true and correct record.

Ward/Paine

Carried

Attendance: Councillor Fulton joined the meeting at 9.04am.

6. Status Report - Planning and Regulatory Committee - 17 September 2015

Document number R4828, agenda pages 16 - 18 refer.

Resolved PR/2015/041

THAT the Status Report Planning and Regulatory Committee 17 September 2015 (R4828) and its attachment (A1155974) be received.

McGurk/Lawrey

Carried

7. Chairperson's Report

Document number R4834, agenda pages 19 - 21 refer.

In response to questions on air quality, Group Manager Strategy and Environment, Clare Barton, advised that the Minister for the Environment had signalled an introduction of PM2.5 standards, but work on this was not expected to be completed until late 2016.

The Committee raised issues with the Nelson Air Quality Plan review being undertaken before the National Environmental Standard for Air Quality review was complete.

The Chairperson provided further detail on dates for Rugby World Cup 2015 trading.

Resolved PR/2015/042

THAT the Chairperson's Report (R4834) be received.

McGurk/Lawrey

Carried

8. Ship to Ship Transfer of Fuels

Document number R4350, agenda pages 22 - 42 refer.

Port Nelson Harbourmaster, David Duncan, Manager Consents and Compliance, Mandy Bishop, and Manager Environmental Inspections, Stephen Lawrence, presented the report.

Mr Duncan explained that if a ship to ship transfer of fuel took place outside the 12 mile limit of Port Nelson, the Port could not place conditions on the transfer to ensure it was closely controlled. He added there would be additional costs to an operator if they did set up outside the 12 mile limit.

Mr Duncan made reference to Tasman District Council having a Bylaw charge in place for the transfer of fuels activity.

Mr Duncan spoke about the procedure that Tasman District Council had put in place, and the funds that had been set up to distribute fees.

In response to questions, Mr Duncan spoke about the conditions which would need to be stipulated so that fumes would not vent into the air. He advised that several refineries had closed in Australia, which may make New Zealand more attractive to operators.

In response to a question, it was advised that an external consultant had not been considered for the review of the risk assessment.

Mr Duncan explained the procedure which would take place in auditing fuel transfer ships.

In response to a question, Ms Bishop explained that a Cultural Impact Assessment on ship to ship transfer of fuels had not been carried out, but would be done in future if the activity became more likely.

Concern was raised that more information was required in order to propose conditions for operators. Ms Bishop explained that the nature of conditions had been identified but not specified in the risk assessment.

Councillor Davy moved, seconded by Councillor Barker, the following motion, stating that it would be better to have a degree of control of such an operation.

Recommendation

THAT the report Ship to Ship Transfer of Fuels (R4350) and its attachment (A1410835) be received.

Recommendation to Council

THAT the Nelson City Council informs Maritime New Zealand that in the absence of specific details on ship to ship transfer of fuels operations the Council

conditionally supports the ship to ship transfer of fuels in our territorial waters provided the operations are conducted in accordance with conditions and criteria determined by Maritime New Zealand and the harbourmaster.

It was pointed out that Port Nelson had an excellent safety record, and the negative effects and risks to the Nelson region of fuel transfers was very minor, while the benefits could be significant.

In response to discussion on fuel type, iwi concerns, ethical considerations, and environmental effects, the mover and seconder agreed to amend the second clause of the motion to:

Recommendation to Council

***THAT** the Nelson City Council informs Maritime New Zealand that in the absence of specific details on ship to ship transfer of light distillates and kerosene fuels operations the Council conditionally supports the ship to ship transfer of fuels in our territorial waters provided the operations are conducted in accordance with conditions and criteria determined by Maritime New Zealand and the harbourmaster, and subject to a requirement on the applicant for a cultural impact assessment and a report on environmental effects to be provided to Maritime New Zealand.*

Attendance: The meeting adjourned from 10.17am to 10.19am.

The motion on the table was withdrawn with the agreement of the Committee.

Attendance: The meeting adjourned for morning tea from 10.22am to 10.34am.

The Chairperson noted that the matter was a polarising issue and would be appropriate to be considered by full Council.

Resolved PR/2015/043

THAT the report Ship to Ship Transfer of Fuels (R4350) and its attachment (A1410835) be received.

AND THAT the report Ship to Ship Transfer of Fuels (R4350) and its attachment (A1410835) be referred to Council.

Davy/Barker

Carried

9. Nelson Port and Harbour Marine Safety Code

Document number R4751, agenda pages 43 - 101 refer.

Port Nelson Harbourmaster, David Duncan, and Manager Consents and Compliance, Mandy Bishop, presented the report.

Councillor Davy moved, seconded by Councillor Barker, the recommendation in the officer’s report.

Mr Duncan clarified that the Code was not compulsory but was adopted by most councils in New Zealand.

In response to questions, Mr Duncan provided further detail on upper size limits of vessels, risk assessments, activity zoning, drills, fire fighting capability of vessels, and the risk score calculation. Mr Duncan highlighted that any matters relating to risk were peer reviewed.

Resolved PR/2015/044

THAT the report Nelson Port and Harbour Marine Safety Code (R4751) and its attachment (A1418392) be received.

Davy/Barker

Carried

Recommendation to Council PR/2015/045

THAT the Council adopts the Nelson Port and Harbour Marine Safety Code (A1418392) dated August 2015.

Davy/Barker

Carried

Attendance: Councillor Davy left the meeting at 10.52am.

10. Dog Control and District Licensing Committee Annual Reports 2014-2015

Document number R4619, agenda pages 102 - 110 refer.

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

In response to questions about dog control, Mr Lawrence provided further detail on variances in figures, staffing levels, wandering dogs, complaint levels and owner disqualification.

Attendance: Councillor Davy returned to the meeting at 10.57am.

In response to a question about district licensing, Ms Bishop advised there was no current issue with the fact that the Local Alcohol Policy was

on hold, but it could be beneficial in future if there was a contested application.

Mr Lawrence agreed to provide further detail on cellar door definition and locations to the Committee.

Resolved PR/2015/046

THAT the report Dog Control and District Licensing Committee Annual Reports 2014-2015 (R4619) and its attachments (A1394170 and A1394117) be received;

AND THAT the Council approve the Nelson City Council Dog Control Activity Report 2014-2015 (A1394170);

AND THAT the Council approve the Nelson District Licensing Committee Report 2014-2015 (A1394117).

Barker/Davy

Carried

11. Building and Other Regulatory Activity Management Plan 2015-2025

Document number R4673, agenda pages 111 - 128 refer.

Manager Consents and Compliance, Mandy Bishop, and Manager Building, Martin Brown, presented the report.

Attendance: Councillor Barker left the meeting from 11.09am to 11.12am.

Resolved PR/2015/047

THAT the report Building and Other Regulatory Activity Management Plan 2015-2025 (R4673) and its attachments (A1423077 and A1150957) be received.

Davy/Fulton

Carried

Recommendation to Council PR/2015/048

THAT the Building and Other Regulatory Activity Management Plan 2015-2025 (A1150957), amended to reflect the Long Term Plan 2015-2025, be adopted.

Davy/Fulton

Carried

12. Environment Activity Management Plan 2015-2025

Document number R4693, agenda pages 129 - 160 refer.

Manager Planning, Matt Heale, and Manager Environmental Programmes, Dean Evans, presented the report.

There was discussion about the Minister for the Environment's delay in reviewing the National Environmental Standard for Air Quality, and the impact on the review of the Nelson Air Quality Plan.

Group Manager Strategy and Environment, Clare Barton, advised the Minister had signalled that amendments would be prepared by late 2016. Ms Barton added that Council officers had written to the Minister to ask that he work closely with Council, and she and the Mayor had planned a meeting with the Minister.

In response to a question, Ms Barton advised that Council's plans were required to be consistent with National Environmental Standards (NES).

In response to a question about bringing the notification date for the Air chapter of the Nelson Plan forward to January 2016, Mr Heale explained the implications on the timeframe for the delivery of the wider Nelson Plan. He explained that a contractor would be required in order to meet the notification deadline for the air provisions. Mr Heale said the wider Nelson Plan would need to be notified during the 2016 election period due to the volume of information for councillors and the need for a two step hearing process.

Ms Barton explained there would be no time for a draft of the air provisions to be put out for consultation. Mr Heale advised a variation on air provisions could be undertaken in late 2016 to address potential changes to the NES, but this would delay the process as there may still be no operative version of the Plan.

It was agreed that the full list of Nelson 2060 goals would be added to section 1.10 of the Activity Management Plan.

Attendance: Councillor Lawrey left the meeting from 11.26am to 11.28am.

Resolved PR/2015/049

THAT the report Environment Activity Management Plan 2015-2025 (R4693) and its attachments (A1423448 and A1243203) be received.

Davy/Paine

Carried

Recommendation to Council PR/2015/050

THAT the Environment Activity Management Plan 2015-2025 (A1243203), amended to reflect the

Long Term Plan 2015-25, be adopted.

Davy/Paine

Carried

There being no further business the meeting ended at 11.33am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date