
Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 18 February 2016, commencing at 9.35am

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

In Attendance: Councillors L Acland, P Matheson, G Noonan and T Skinner, Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Strategy and Environment (C Barton), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock), Manager Administration (P Langley), Manager Consents and Compliance (M Bishop), Manager Environmental Inspections Limited (S Lawrence), Manager Planning (M Heale), Manager Environmental Programmes (D Evans), Team Leader Roding and Solid Waste (M Parfitt), Community Partnerships Adviser (G Thorpe), Administration Adviser (E-J Ruthven), and Youth Councillors (J Alison and K Phipps)

Apologies: Councillors E Davy and M Ward

1. Apologies

Resolved PR/2016/001

***THAT apologies be received and accepted from
Councillors Davy and Ward.***

McGurk/Barker

Carried

2. Confirmation of Order of Business

The Chairperson advised that there were two additional public forums.

3. Interests

Ms Paine noted that she had been appointed as an independent commissioner to the EPlan hearing.

4. Public Forum

4.1 Carolyn Hughes - Nelson Environment Centre

Carolyn Hughes, of the Nelson Environment Centre, gave a Power Point presentation (A1504411), and spoke about water conservation, and mechanisms to incentivise behaviour change to reduce the use of water.

She suggested that Council fund the Nelson Environment Centre (NEC) to support and deliver a pilot programme to encourage behaviour change. She added that, in the future, the NEC would charge for this programme, thereby making the programme self-funding.

In response to a question, Ms Hughes explained that rainwater collection was viewed as supplementary to, rather than replacing, piped water, and was intended to be used for non-potable uses, such as flushing toilets.

Attachments

- 1 A1504411 - Nelson Environment Centre - Power Point Presentation

4.2 Cynthia McConville

Cynthia McConville spoke to the Committee about freedom camping. She explained her concerns regarding freedom campers staying in carparks while not in self-contained campers, leaving rubbish at camp sites, and using Council facilities, such as the Riverside Pool changing rooms, in a manner inconsiderate to other users.

She asked the Council to consider following the practice in Queenstown, whereby contractors monitored freedom camping activities, clamped vehicles and imposed fines on campers breaching the freedom camping bylaw in force in the area. She suggested that Nelson City Council work together with Tasman District Council to enact a freedom camping bylaw.

In response to questions, Ms McConville explained her opinion that freedom campers were often not travelling on a limited budget, and that the cost of freedom camping was similar to hiring a car and staying at backpacker hostels.

4.3 Hilary Mitchell and Mary-Ellen O'Connor

Hilary Mitchell and Mary-Ellen O'Connor tabled documents (A1505146, A1505314, A1505317 and A1505323) and spoke to the Committee about warrants of fitness for rental housing. They explained that a group, named Voice Nelson, had been formed, and one issue that the group was concerned about was the condition of rental housing in Nelson, in

particular, mould, dampness and condensation, inadequate heating and insecurity of tenure.

They explained that the University of Otago Public Health Research Unit was undertaking a rental housing warrant of fitness trial in Dunedin and Wellington, using Invercargill and Lower Hutt as control cities. They suggested that Nelson also take part in the trial, and noted that the Public Health Research Unit would welcome any further cities to take part.

In response to questions, Ms Mitchell and Ms O'Connor explained that the proposed inspection cost for landlords was \$250, to cover a five year period. She said the scheme was cost-neutral to councils, and the Public Health Research Unit had a budget to assist with establishing the scheme, with on-going costs resting with landlords.

In response to further questions, they said the proposed alterations to the Residential Tenancy Act only required landlords to install insulation and smoke alarms by 2019 and that the onus remained on tenants to take action if landlords had not complied. They said that, given the under-supply of rental housing, tenants were unlikely to take action, and explained their opinion that the onus should be on landlords to provide safe and warm rental houses.

In response to further questions, they explained that the results of the pre-test suggested that a small percentage of landlords might consider increasing rent as a result of a warrant of fitness scheme.

Attachments

- 1 A1505146 - Voice Nelson Tabled Document - Warrant of Fitness Proposal
- 2 A1505314 - Voice Nelson Tabled Document - Background Paper
- 3 A1505317 - Voice Nelson Tabled Document - Pre-Test Results
- 4 A1505323 - Voice Nelson Tabled Document - Assessment Manual

Attendance: Councillor Copeland left the meeting at 10.22am.

5. Confirmation of Minutes

5.1 26 November 2015

Document number M1624, agenda pages 8 - 12 refer.

Resolved PR/2016/002

THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 26 November 2015, be confirmed as a true and correct record.

McGurk/Lawrey

Carried

6. Status Report - Planning and Regulatory Committee - 18 February 2016

Document number R5469, agenda pages 13 - 14 refer.

Resolved PR/2016/003

THAT the Status Report Planning and Regulatory Committee 18 February 2016 (R5469) and its attachment (A1155974) be received.

McGurk/Lawrey

Carried

7. Chairperson's Report

Document number R5506, agenda pages 15 - 16 refer.

The Chairperson noted that Council provided a 50% subsidy towards landowners fencing waterways, and encouraged landowners to take this up.

Attendance: Councillor Copeland returned to the meeting at 10.26am.

There was a discussion regarding the update provided in relation to the Nelson Southern Link investigation. During discussion, it was clarified that invitations to this meeting had been issued through the Office of the Mayor, and were to specific elected members, rather than members of the Planning and Regulatory Committee.

There was a further discussion regarding the Resource Legislation Amendment Bill, during which it was noted there was a proposal for a national planning template, the potential fast-tracked plan change processes, and quicker consent processing times.

Resolved PR/2016/004

THAT the Chairperson's Report (R5506) be received and the contents noted.

McGurk/Copeland

Carried

Attendance: The meeting adjourned for morning tea from 10.31am to 10.41am, during which time Councillor Fulton left the meeting.

REGULATORY

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

Document number R5273, agenda pages 17 - 24 refer.

Team Leader Roading and Solid Waste, Marg Parfitt, presented the report.

In response to a question, Ms Parfitt explained the location of the two proposed P120 car parks on Main Road Stoke.

Resolved PR/2016/005

THAT the report Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules (R5273) and its attachments (A1475675, A1475680, A1475663 and A1477768) be received;

AND THAT the amendments detailed in report R5273 to the following 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.***

McGurk/Paine

Carried

9. Fees and Charges: Resource Consents, Resource Management Act Planning Documents and Applications under Housing Accord and Special Housing Areas Act

Document number R5303, agenda pages 25 - 51 refer.

Manager Consents and Compliance, Mandy Bishop, presented the report.

Ms Bishop outlined the proposed dates for the Special Consultative Process that was required for to be followed:

- Consultation period – 29 March – 29 April 2016;
- Hearing – 19 May 2016;
- Deliberations – 2 June 2016;
- Adoption by Council – 16 June 2016

In response to a question, Ms Bishop explained that consultation was required for fees and charges that had not previously been set. She added that previously, fees and charges had been consulted on every year, but that from this year onwards, consultation would only take place where alterations to fees and charges were proposed.

Resolved PR/2016/006

THAT the report Fees and Charges: Resource Consents, Resource Management Act Planning Documents and Applications under Housing Accord and Special Housing Areas Act (R5303) and its attachments (A1483163 and A1483172) be received.

McGurk/Copeland

Carried

Recommendation to Council PR/2016/007

THAT the draft Fees and Charges Resource Consents and Resource Management Act Planning Documents (A1483163 and A1483172) be approved for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002.

McGurk/Copeland

Carried

10. Fees and Charges Consents and Compliance (non RMA) commencing 1 July 2016

Document number R5319, agenda pages 52 - 90 refer.

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

Ms Bishop outlined the proposed dates for the Special Consultative Process that was required for to be followed:

- Consultation period – 29 March – 29 April 2016;
- Hearing – 19 May 2016;
- Deliberations – 2 June 2016;
- Adoption by Council – 16 June 2016

There was a discussion regarding alcohol licensing fees. In response to a question, Ms Bishop explained that officers could use their discretion to lower fees by one category. She added the reduction in fees would provide an incentive for businesses that did not take up much inspection time, to consider closing earlier.

There was a discussion regarding the charges set under the Food Act. In response to a question, Ms Bishop explained that officers anticipated initial inspections to take approximately one and a half hours. She said the fee reflected this time, and that inspections taking longer than this would be charged by the hour.

In response to a question regarding fees in relation to the fencing of swimming pools, Ms Bishop clarified that the monitoring charge was reduced to \$100, with any additional time required charged at an hourly rate of \$125, up to maximum of \$500.

Resolved PR/2016/008

THAT the report Fees and Charges Consents and Compliance (non RMA) commencing 1 July 2016 (R5319) and its attachments (A1483521, A1483604, A1488034, A1488085, A1483610 and A1498999) be received.

McGurk/Barker

Carried

Recommendation to Council PR/2016/009

THAT the Dog Control fees and charges as detailed in Attachment 1 (A1483521) to Report R5319 be adopted;

AND THAT the Environmental Health and other activities fees and charges as detailed in Attachment 2 (A1483604) to Report R5319 be adopted;

AND THAT the Draft Food Act 2014 fees and charges as detailed in Attachment 3 (A1488034) to Report R5319 be approved for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002;

AND THAT the circumstances to reduce alcohol licensing fees as detailed in Attachment 4 (A1488085) to Report R5319 be adopted to apply from the date of Council resolution;

AND THAT Provision of Property Information fees and charges as detailed in Attachment 5 to Report R5319 (A1483610) be adopted;

AND THAT the Draft Fencing of Swimming Pools Act 1987 fees and charges as detailed in Attachment 6 (A1498999) to Report R5319 be approved for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002;

AND THAT the charges for Dog Control Environmental Health and Provision of Property Information activities apply from 1 July 2016

until such time as they are varied or amended by Council;

AND THAT the Dog Control charges be publicly advertised in accordance with Section 37(6) of the Dog Control Act 1996.

Copeland/Barker

Carried

POLICY AND PLANNING

11. Strategy and Environment Report for 1 October to 31 December 2015

Document number R5248, agenda pages 91 - 116 refer.

Manager Consents and Compliance, Mandy Bishop, Manager Planning, Matt Heale, and Manager Environmental Programmes, Dean Evans, presented the report.

In response to questions regarding environmental programmes, Group Manager Strategy and Environment, Clare Barton, explained that Council had received advice that the physical location parameters around water flow and quality monitoring should change. She said this would improve the information gathered about water flow and quality, and that this would inform the development of the Nelson Plan, and improve information gathered nationally through the Land Air Water Aotearoa website.

Attendance: Councillor Fulton returned to the meeting at 11.12am.

In response to a further question, Mr Evans said the meteorological station was being moved, as infrastructure at the previous site meant that it was no longer suitable. He added that the station would add to the network of information gathered through the region, and would support the air quality programme.

In response to questions regarding the Building Unit, Ms Barton explained the agreement to process Building Consents for New Plymouth District Council was carefully managed, and both parties were clear that Nelson could only undertake this work where there was capacity to do so.

In response to questions regarding consents and compliance, Ms Bishop explained the rules regarding vessels occupying coastal areas. She said the harbourmaster monitored vessel activity on behalf of the Council, but that generally, vessels were moved often enough to not be considered occupying the coast.

Attendance: Councillor Lawrey left the meeting at 11.18am and returned to the meeting at 11.20am

In response to questions regarding Planning, Mr Heale explained that vacancies in the planning area had led to increased use of consultants. He added that Nelson Plan workshops had also been moved from March to April as a result.

In response to questions regarding resource consents, Ms Bishop explained that a 25% increase in resource consent applications was expected, and that approximately 430 applications were likely to be processed throughout the year.

Attendance: Her Worship the Mayor left the meeting at 11.30am, and returned to the meeting at 11.31am.

In response to a further question, Ms Barton said the cultural impact assessments were intended to encompass the views of all iwi, but that there was further opportunity for iwi to provide input through the notification process.

Resolved PR/2016/010

THAT the report Strategy and Environment Report for 1 October to 31 December 2015 (R5248) and its attachments (A1474011, A1477377 and A1485599) be received.

Paine/McGurk

Carried

Recommendation to Council PR/2016/011

THAT Council note the notification of the Whakamahere Whakatu Nelson Plan is planned for early 2017 subject to confirming the timing of the consultation period for the annual plan.

Paine/McGurk

Carried

12. Gambling Policy Review 2016

Document number R5173, agenda pages 117 - 132 refer.

Senior Strategic Adviser, Nicky McDonald, and Community Partnerships Adviser, Gabrielle Thorpe, presented the report. Ms McDonald advised that attachment 4 should be updated to reflect the cap under the current policy was 273. She added that, since the agenda was issued, Council had received an application from the TAB to establish premises in Nelson, but that they were having difficulties finding a location that did not violate the rule that no machines be placed within 100 metres of an ATM machine.

In response to a question, Ms Thorpe confirmed that the number of machines currently operating was 189, with a further 9 machines on suspended licence.

In response to a further question, she explained that, nationally, there was a decrease in the number of venues hosting gaming machines, and the number of gaming machines themselves, but that the amount spent in gaming machines was relatively static. She added that, nationally, there was a general increase in amounts spent in other forms of gambling, for example, through casinos.

There was a discussion regarding consultation with previous submitters and key stakeholders. In response to a question, Ms McDonald explained that a spectrum of views in relation to gaming machines remained, but the general response was the existing policy was working well, and a full review was not required.

During discussion, committee members expressed general support for a reduction in the number of gaming machines in Nelson, but noted that the rule excluding gaming machines from within 100 metres of an ATM machine appeared to be achieving this outcome, without the need for a Special Consultative Procedure considering other reduction methods, such as a sinking lid. It was suggested that, if there were an increase in the number of machines in the future, the policy could be reviewed and further reduction methods considered then.

Resolved PR/2016/012

THAT the report Gambling Policy Review 2016 (R5173) and its Attachments (A363308, A1490371 and A1490344) be received.

Fulton/Copeland

Carried

Recommendation to Council PR/2016/013

THAT Council, acknowledging community feedback that the current Gambling Policy is functioning as intended and noting the resource cost a Local Government Act 2002 Special Consultative Procedure to review the Gambling Policy imposes on all involved, agrees to retain the current Policy without change.

Fulton/Copeland

Carried

There being no further business the meeting ended at 12.00.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date