



# AGENDA

**Ordinary meeting of the**

**Planning and Regulatory Committee**

**Thursday 30 June 2016  
Commencing at 9.00am  
Council Chamber  
Civic House  
110 Trafalgar Street, Nelson**

Membership: Councillor Brian McGurk (Chairperson), Her Worship the Mayor Rachel Reese, Councillors Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton (Deputy Chairperson), Matt Lawrey, Mike Ward and Ms Glenice Paine

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Orders:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings (SO 2.12.2)
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee (SO 3.14.1)

It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the room for discussion and voting on any of these items.

**1. Apologies**

- 1.1 Apologies have been received from Councillor Eric Davy

**2. Confirmation of Order of Business****3. Interests**

- 3.1 Updates to the Interests Register
- 3.2 Identify any conflicts of interest in the agenda

**4. Public Forum****5. Confirmation of Minutes**

- 5.1 19 May 2016 **6 - 7**

Document number M1892

Recommendation

***THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 19 May 2016, be confirmed as a true and correct record.***

- 5.2 19 May 2016 **8 - 11**

Document number M1893

Recommendation

***THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 19 May 2016, be confirmed as a true and correct record.***

- 5.3 2 June 2016 **12 - 14**

Document number M1914

Recommendation

***THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 2 June 2016, be confirmed as a true and correct record.***

**6. Status Report - Planning and Regulatory - 30 June 2016** **15 - 18**

Document number R6114

Recommendation

***THAT the Status Report Planning and Regulatory Committee 30 June 2016 (R6114) and its attachment (A1155974) be received.***

**7. Chairperson's Report** **19 - 20**

Document number R6120

Recommendation

***THAT the Chairperson's Report (R6120) be received and the contents noted.***

**REGULATORY**

**8. Parking and Vehicle Control Bylaw (2011), No 207, Amendments to Schedules** **21 - 27**

Document number R5863

Recommendation

***THAT the report Parking and Vehicle Control Bylaw (2011), No 207, Amendments to Schedules (R5863) and its attachments (A1554304, A1554307, A1555003 and A1554291) be received;***

***AND THAT the amendments detailed in report R5863 to the following Schedules of Bylaw No 207, Parking and Vehicle Control (2011), be approved:***

***- Schedule 9: No Stopping.***

**9. The approach taken by other Councils to Freedom Camping 28 - 30**

Document number R5911

Recommendation

***THAT the report The approach taken by other Councils to Freedom Camping (R5911) be received and noted.***

**POLICY AND PLANNING**

**10. Proposed National Policy Statement on Urban Development Capacity 31 - 38**

Document number R6121

Recommendation

***Receive the report Proposed National Policy Statement on Urban Development Capacity (R6121) and its attachments (A1565123);***

***Approve that the issues raised in this report are communicated to Local Government New Zealand to be considered in their submission on the proposed National Policy Statement on Urban Development Capacity.***

**Note:**

- **Youth Councillors Fynn Sawyer and Jenna Stallard will be in attendance at this meeting.**

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**Minutes of a meeting of the Planning and Regulatory Committee to hear submissions to the Draft Fees and Charges Resource Consent Activity and Fencing of Swimming Pools fees and Charges**

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

**On Thursday 19 May 2016, commencing at 9.01am**

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

In Attendance: Councillor P Matheson, Chief Executive (C Hadley), Group Manager Strategy and Environment (C Barton), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), and Administration Adviser (J McDougall)

Apology: Councillor K Fulton

**1. Apologies**

Resolved PR/2016/025

***THAT an apology be received and accepted from Councillor Fulton.***

McGurk/Davy

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. **Hearing of Submissions to the Draft Fees and Charges Resource Consent Activity and Fencing of Swimming Pools Fees and Charges**

Document number R5900, agenda pages 4 - 13 refer.

##### 4.1 Brad Cadwallader – Cadwallader Tree Consultancy – Draft Fees and Charges Resource Consent Activity

Mr Cadwallader spoke to his submission, and suggested that “qualified arborist” be replaced by the words “suitably qualified and experienced arborist”.

In response to a question, Mr Cadwallader said that a Level 5 arborist qualification would be appropriate for assessing heritage trees, and he thought there were probably four to five people in the Nelson area with this qualification.

He suggested adding a clause that, where a tree was causing serious structural damage to a dwelling and it was proven that there was no practical remedy available, there should be no consent fee for the removal of the tree.

He suggested further that the consent fee for the pruning or trimming of heritage trees, confirmed in writing by a qualified arborist, to be conducted according to best arboricultural practice, should be \$500 rather than \$1300.

##### 4.2 David Marsh – Fencing of Swimming Pools Fees and Charges

Mr Marsh spoke to his submission. He suggested that no inspection should be required where swimming pool fences or gates were permanent fixtures, and where property owners confirmed in writing to Council every three years that no changes had been made, and the fences and/or gates were functioning correctly.

There being no further business the meeting ended at 9.16am.

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, 110 Trafalgar Street,  
Nelson**

**On Thursday 19 May 2016, commencing at 9.17am**

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

**In Attendance:** Councillor P Matheson, Chief Executive (C Hadley), Group Manager Strategy and Environment (C Barton), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), Manager Consents and Compliance (M Bishop), Manager Building (M Brown), Manager Environmental Programmes (D Evans), and Administration Adviser (J McDougall)

**Apology:** Councillor K Fulton

### **1. Apology**

Resolved PR/2016/023

***THAT an apology be received and accepted from  
Councillor Fulton.***

McGurk/Davy

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 21 April 2016

Document number M1843, agenda pages 5 - 11 refer.

Resolved PR/2016/024

***THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 21 April 2016, be confirmed as a true and correct record.***

Lawrey/Ward

Carried

#### 6. Status Report - Planning and Regulatory Committee - 19 May 2016

Document number R5899, agenda pages 12 - 14 refer.

Resolved PR/2016/025

***THAT the Status Report Planning and Regulatory Committee 19 May 2016 (R5899) and its attachment (A1155974) be received.***

Davy/Ward

Carried

#### 7. Chairperson's Report

Document number R5916, agenda page 15 refers.

Resolved PR/2016/026

***THAT the Chairperson's Report (R5916) be received, and the contents noted.***

McGurk/Paine

Carried

### REGULATORY

#### 8. Building Unit Fees and Charges from 1 July 2016

Document number R5774, agenda pages 16 - 26 refer.

Manager Building, Martin Brown, spoke to the report. In answer to a query, he advised that applications regarding the erection of marquees often came in less than 20 days before the date needed, which resulted in extra work, and therefore costs, for staff and inspectors.

Attendance: Her Worship the Mayor left the meeting at 9.34am.

In response to a question, Group Manager Strategy and Environment, Clare Barton, confirmed that officers had delegated power to set fees and charges.

Councillor McGurk, seconded by Councillor Ward, moved the following motion from the officer report.

*THAT the report Building Unit Fees and Charges from 1 July 2016 and its attachment (A1535679) be received and noted.*

Concern was expressed about the increases and it was suggested that, in future, if fees need to be raised that it be done incrementally.

Attendance: Ms Paine declared an interest.

A division was called:

Councillor Barker	No
Councillor Copeland	No
Councillor Davy	No
Councillor Fulton	Apology
Councillor Lawrey	No
Councillor McGurk	Aye
Councillor Ward	Aye
Her Worship the Mayor	Absent
External appointee – Glenice Paine	Interest declared

The motion was lost, 4-2.

## **POLICY AND PLANNING**

### **9. Strategy and Environment Report for 1 January to 31 March 2016**

Document number R5424, agenda pages 27 - 44 refer.

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

Attendance: Councillor Lawrey left the meeting from 9.47am to 9.50am.

In response to a query, Ms Bishop advised that parking wardens took action regarding vehicles being advertised for sale at the roadside.

Resolved PR/2016/027

***THAT the report Strategy and Environment Report for 1 January to 31 March 2016 (R5424) and its attachment (A1514360) be received.***

Davy/Ward

Carried

There being no further business the meeting ended at 9.57am.

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, 110 Trafalgar Street,  
Nelson**

**On Thursday 2 June 2016, commencing at 4.51pm**

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

**In Attendance:** Group Manager Strategy and Environment (C Barton), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), Manager Administration (P Langley) and Administration Advisers (S Burgess and J McDougall)

**Apologies:** Councillors R Copeland and E Davy, and Ms G Paine

### **1. Apologies**

Resolved PR/2016/028

***THAT apologies be received and accepted from Councillors R Copeland and E Davy, and Ms G Paine.***

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

Document number R5972, agenda pages 5 - 6 refer.

Manager Consents and Compliance, Mandy Bishop, noted that the last paragraph of 4.1 of the draft minutes currently read as follows:

*He suggested further that the consent fee for the removal of heritage trees confirmed in writing by a qualified arborist as diseased or a threat to public safety should be \$500 rather than \$1300.*

Ms Bishop recommended that the wording be amended to read as follows:

*He suggested further that the consent fee for the pruning or trimming of heritage trees, confirmed in writing by a qualified arborist, to be conducted according to best arboricultural practice, should be \$500 rather than \$1300.*

Resolved PR/2016/029

***THAT the amended minutes of the meeting of the Planning and Regulatory Committee, held on 19 May 2016 (R5972), be confirmed as a true and correct record.***

Barker/Ward

Carried

## REGULATORY

### 6. Deliberations on Fees and Charges for Resource Consent, Food Act and Fencing of Swimming Pools Act activities commencing 1 July 2016

Document number R5876, agenda pages 7 - 20 refer.

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

Attendance: Her Worship the Mayor left the meeting at 4.55pm.

Ms Bishop said that officers supported the \$500 consent fee for the pruning or trimming of heritage trees, as suggested by a submitter and that the fee schedule and response to submitters would be amended.

It was noted that a lower fee of \$500 for pruning and trimming would be likely to encourage early intervention where a tree appeared to be diseased, a threat to public safety or causing damage to structures.

Resolved PR/2016/030

**THAT the report *Deliberations on Fees and Charges for Resource Consent, Food Act and Fencing of Swimming Pools Act* activities commencing 1 July 2016 (R5876) and its attachments (A1546954, A1546317 and A1547270) be received.**

Lawrey/Fulton

Carried

Recommendation to Council PR/2016/031

**THAT the amended table in Section 5 of this report (R5876) be used as the basis of providing responses to submitters on the matters raised in submissions;**

**AND THAT the amended draft Fees and Charges Resource Consents and Resource Management Act Planning Documents as detailed in Attachment 1 (A1546954) be adopted;**

**AND THAT the draft Food Act 2014 Fees and Charges as detailed in Attachment 2 (A1546317) be adopted;**

**AND THAT the draft Building Unit Fees and Charges Swimming Pools monitoring fee as detailed in Attachment 3 (A1547270) be adopted.**

McGurk/Lawrey

Carried

There being no further business the meeting ended at 4.58pm.

Confirmed as a correct record of proceedings:

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



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## Status Report - Planning and Regulatory - 30 June 2016

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### 1. Purpose of Report

- 1.1 To provide an update on the status of actions requested and pending.

### 2. Recommendation

***THAT the Status Report Planning and Regulatory Committee 30 June 2016 (R6114) and its attachment (A1155974) be received.***

E-J Ruthven  
**Administration Adviser**

### Attachments

Attachment 1: A1155974 - Status Report - Planning and Regulatory Committee

**Status Report - Planning and Regulatory Committee - 30 June 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
25 June 2015	Land Development Manual Review	<p>Resolved PR/2015/015</p> <p><u>THAT</u> the report Land Development Manual Review (R4261) and its attachments (A1365598) be received;</p> <p>AND <u>THAT</u> the Committee nominate Councillors Ward and McGurk to be members of the Land Development Manual Steering Group;</p> <p>AND <u>THAT</u> 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;</p> <p>AND <u>THAT</u> those nominated Councillors provide regular reports back to the Planning and Regulatory Committee on progress with the Land Development Manual alignment and review;</p> <p>AND <u>THAT</u> where possible both Tasman District Council and Nelson City Council use the same Hearing Commissioners to hear and make recommendations on submissions;</p> <p>AND <u>THAT</u> a draft aligned Land Development Manual be brought back to the Planning and Regulatory Committee for consideration by December 2015.</p>	Lisa Gibellini	<p>A Stakeholder workshop on the draft LDM is to be held on 6 July 2016.</p> <p><b>Ongoing.</b></p>



Status Report - Planning and Regulatory Committee – 30 June 2016

21 April 2016	Public Forum: Voice Nelson - Proposal For Nelson City Council to adopt a Warrant of Fitness for Rental Housing	Resolved PR/2016/015  <u>THAT</u> this report Public Forum: Voice Nelson - Proposal For Nelson City Council to adopt a Warrant of Fitness for Rental Housing (R5760) be received;  <u>AND THAT</u> the Planning and Regulatory Committee consider a Warrant of Fitness for Rental Housing Scheme in May 2017;  <u>AND THAT</u> staff continue to use non-regulatory approaches to support the intentions of a Warrant of Fitness for rental housing scheme in the interim.	Martin Brown	The University of Otago webpage states 'The University of Otago, Wellington is working with Wellington and Dunedin City Councils on a rental Warrant of Fitness (WoF) to be introduced next year'.  Contact with Dunedin and Wellington City Councils has indicated this has not commenced, and no resolutions passed by these Councils  Officers will contact the Dunedin and Wellington City Councils again in three months' time to see if there has been

Outstanding Actions	<b>Status Report - Planning and Regulatory Committee – 30 June 2016</b>
	any further progress on this. <b>Ongoing.</b>



## Chairperson's Report

### 1. Purpose of Report

- 1.1 To update the Planning and Regulatory Committee on a number of matters.

### 2. Recommendation

***THAT the Chairperson's Report (R6120) be received and the contents noted.***

### 3. Discussion

#### Forestry Sedimentation Workshops

- 3.1 The Chairperson attended a one day workshop on sedimentation and forestry practices hosted by Nelson Forestry Ltd at Rutherford Hotel on 28 May 2016.
- 3.2 The workshop brought scientists, researchers, academics, forestry owners, forestry managers, contactors and planners and regulators together to review current and best practice to reduce the occurrence and the impact of sedimentation on waterways.
- 3.3 The presentation from NIWA regarding sediment source tracking information will be used locally to assist in determining land use contributions to sediment in waterways.

#### Freshwater Management Unit (FMU) Website

- 3.4 A website dedicated to the Freshwater Working Groups has been set up on the Nelson City Council website.

#### Nelson Tasman Land Development Manual

- 3.5 Officers from both Nelson City Council and Tasman District Council are still in the process of developing a Joint Land Development Manual for both councils.
- 3.6 An "Information Session" will be held for stakeholders at the Saxton Pavilion from 3.00 pm on Wednesday 6 July 2016. The purpose is to

inform stakeholders about the new land development manual, changes proposed for some of the current standards and to obtain feedback and ideas that may be able to incorporate into the new manual.

- 3.7 Officers and members of the steering group will be present. Peter Thomson, TDC Engineering Services Manager will be acting as moderator for the stakeholder information session.

### **Draft Regional Policy Statement**

- 3.8 Submissions to the draft Regional Policy Statement closed on 24 June 2016. Officers will be bringing a summary of the submissions to the August meeting of the Committee, the last scheduled meeting of this triennium.

### **Petition**

- 3.9 On 21 June 2016 the Chairperson accepted a petition from Phoebe Carter, Taylah Babe, Rebecca Rickards and Kate Newton, Year 12 students at Nelson College for Girls with 134 signatures seeking replacement for the plastic parking slips issued from Nelson City Council parking machines.
- 3.10 The petition, along with an attached survey, were delivered to the Chief Executive.

### **Building Unit Fees and Charges**

- 3.11 The new Building Unit fees and charges have been published in Live Nelson.
- 3.12 As a result of feedback from the last Committee meeting there have been some adjustments. Permits for inbuilt fires are now \$300, reduced from \$350 and is consistent with the cost of permits for freestanding fires. There has also been greater clarity with the increase in cost services for marquees. Charges only apply to commercial operators and marquees more than 100m<sup>2</sup>. Private marquees can be processed as a priority on compassionate grounds.

## **4. Conclusion**

- 4.1 That the update provided in this report is noted.

Brian McGurk  
**Chairperson**

### **Attachments**

Nil



REPORT R5863

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

### 1. Purpose of Report

- 1.1 To adopt the alterations to the Parking and Vehicle Control Bylaw (2011), No. 207, resulting from minor safety improvements, roading improvements carried out as part of the 2015/16 capital works programme and from the completion of new subdivisions

### 2. Delegations

- 2.1 Amendments to schedules of the Parking and Vehicle Control Bylaw and the Parking Policy fall within the delegated authority of the Planning and Regulatory Committee.

### 3. Recommendation

***THAT the report Parking and Vehicle Control Bylaw (2011), No 207, Amendments to Schedules (R5863) and its attachments (A1554304, A1554307, A1555003 and A1554291) be received;***

***AND THAT the amendments detailed in report R5863 to the following Schedules of Bylaw No 207, Parking and Vehicle Control (2011), be approved:***

- ***Schedule 9: No Stopping.***

### 4. Background

- 4.1 The Parking and Traffic Control Bylaw 2011 allows for the Committee, by resolution, to add or delete items to the Schedules. To ensure that the Bylaw is enforceable it is important to ensure that the Schedules are updated on a regular basis. The bylaw schedules require updating since the last update in April 2016.

## **5. Discussion**

### **5.1 Schedule 9: No Stopping**

#### **5.1.1 Tahunanui Drive**

A pedestrian refuge has been installed on State Highway 6 opposite 16 and 27 Tahunanui Drive. The purpose of the refuge is to improve connectivity within the Tahunanui Community and provide safe pedestrian access across the State Highway. Letters were sent to surrounding businesses and residents inviting feedback on No stopping lines prior to construction of the refuge. Some carparks were removed and new No Stopping lines installed as shown in Attachment 1. There were no objections to the loss of carparks.

#### **5.1.2 Bisley Avenue**

No stopping lines shown in Attachment 2 have been proposed to improve the safety and visibility around this bend in Bisley Ave. Officers have consulted those residents directly affected by the parking restriction and received feedback in support. There was no objection received.

#### **5.1.3 Washington Road**

A new commercial building erected on the corner of St Vincent Street and Washington Road has required a new vehicle entrance and some changes to on-street parking. A short extension of existing no stopping lines is required to maintain adequate sight distances for exiting vehicles as shown in Attachment 3.

#### **5.1.4 Marsden Park Subdivision.**

The newly completed road (Elderberry Lane) requires the installation of yellow 'no stopping' lines within the cul-de-sac, (Attachment 4.)

## **6. Options**

- 6.1 There are limited alternative options for the items presented in this report as the majority are procedural updates to the bylaw.

## **7. Alignment with relevant Council policy**

- 7.1 This report is directly aligned to the requirements of the Parking Policy, the Parking and Vehicle Control Bylaw and with Council's strategic direction through the Regional Land Transport Strategy.

## **8. Assessment of Significance against the Council's Significance and Engagement Policy**

- 8.1 The recommendations outlined in this report are not considered significant in terms of the Council's Significance and Engagement Policy

## **9. Consultation**

- 9.1 Directly affected residents and businesses have been consulted on the proposals.

## **10. Inclusion of Māori in the decision making process**

- 10.1 Māori have not been specifically consulted.

## **11. Conclusion**

- 11.1 Minor alterations and additions are proposed to Schedule 9 of the bylaw to allow for parking and safety improvements.

Margaret Parfitt

**Team Leader Roding and Solid Waste**

### **Attachments**

Attachment 1: A1554304 - Tahunanui Drive Refuge

Attachment 2: A1555003 - Bisley Avenue

Attachment 3: A1554378 - Washington Road

Attachment 4: A1554387 - Marsden Park - Elderberry Lane





Attachment 1 : Proposed No stopping lines at Tahunanui refuge



Attachment 2: Proposed No Stopping on Bisley Ave, outside Numbers 21, 29, 31, 34, 35, and 38  
Red lines indicate extent of proposed no stopping.



A1548482



### Attachment 3: Extended No Stopping Washington Road

**Nelson City Council**  
 te kaitiaki o whakatū  
 PO Box 645 Nelson 7040 New Zealand  
 PH 03 5460200  
 www.nelson.govt.nz

Scale 1:250  
 0 2.5 5 7.5 10 m  
 Date: 25/05/2016







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REPORT R5911

## The approach taken by other Councils to Freedom Camping

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### 1. Purpose of Report

- 1.1 To highlight the approaches Queenstown Lakes District Council (QLDC) and Rotorua District Council (RDC) are taking to freedom camping.

### 2. Delegations

- 2.1 The Planning and Regulatory Committee has the power to decide and perform duties relating to developing and monitoring policies, environmental monitoring and performance monitoring of Council's regulatory activities.

### 3. Recommendation

***THAT the report The approach taken by other Councils to Freedom Camping (R5911) be received and noted.***

### 4. Background

- 4.1 During public forum at the Planning and Regulatory Committee on 18 February 2016, Cynthia McConville raised issues regarding freedom camping in Nelson. Specifically Ms McConville identified the approach taken by QLDC to freedom camping as suggested it was a good approach. This report outlines the approaches being taken by QLDC and RDC to freedom camping.
- 4.2 During the Annual Plan deliberations a commitment was made to develop a Strategy regarding freedom camping. The Strategy will look at issues including locations for freedom campers and the needs of freedom campers. This report does not traverse any issues that the broader Strategy will address.

### 5. Discussion

- 5.1 QLDC places signage in certain areas warning of restricted areas and that vehicles will be clamped if they stay overnight. Community guides were employed over the 2015/16 summer to inform people before clamping of

vehicles occurred. During the trial period two vehicles were clamped and there was a 31% reduction in freedom camping offences. The total fee for the release of the clamped vehicle is \$400 (\$200 for the release of the vehicle and \$200 for the infringement fee). QLDC has found the clamping to be an effective deterrent however, it has resulted in campers moving to more remote locations which only transfers the issue.

- 5.2 Signage is used by both QLDC and RDC setting out the parameters for parking. For example, RDC has signs in the Government Gardens requiring "self-containment warrants" and responsible camper stickers to be displayed in vehicles. Vehicles are certified "self-containment" by the NZ Motor Caravan Association. If the vehicle is not certified they are directed to holiday parks.
- 5.3 The approaches taken by both QLDC and RDC involve education programmes, monitoring and enforcement. Education programmes involve signage, pamphlets and contractors/staff who can inform campers. Specific additional staff resource would be required to monitor and enforce particularly after 8.00pm.

#### The Approach Taken by Nelson City Council

- 5.4 In 2013 Council revoked the Camping Bylaws on the basis it had become inconsistent with the Freedom Camping Act and couldn't be enforced. Council wanted to promote responsible camping whilst encouraging visitors. Camping would not be allowed in residential areas or on public parks and reserves and a combination of the provisions of the Nelson Resource Management Plan and Reserves Act would be used to achieve control.
- 5.5 The focus went on promoting appropriate areas for people to freedom camp. These areas include: Montgomery Square and Buxton Square as they have toilets for use.
- 5.6 During 2014 issues arose regarding the use of Millers Acre by freedom campers. As a result changes were made to the Parking Vehicle Control Bylaw to only provide for a maximum of 3 hours parking in Millers Acre which was enabled given the land is held in fee simple by Nelson City Council. Targeted enforcement has meant freedom camping is no longer an issue in Millers Acre.
- 5.7 The Freedom Camping Strategy will consider whether the current controls are working, what campers require and options around self containment and responsible camper approaches taken by other councils.
- 5.8 Until the Strategy work is complete it is recommended that there be no changes made to the current enforcement and educative approach. The Strategy is expected to be complete later in 2016.

## **6. Alignment with relevant Council policy**

- 6.1 Retaining the current enforcement and education approach aligns with the outcomes Council seeks through Nelson 2060, the Nelson Plan review process and the Nelson Resource Management Plan.

## **7. Assessment of Significance against the Council's Significance and Engagement Policy**

- 7.1 The decision is not a significant decision in terms of the Council's Significance and Engagement Policy.

## **8. Consultation**

- 8.1 No consultation has been undertaken.

## **9. Inclusion of Māori in the decision making process**

- 9.1 No consultation with Māori has been undertaken.

## **10. Conclusion**

- 10.1 It is appropriate that the Freedom Camping Strategy is completed before any potential changes occur regarding the approach taken to managing freedom campers.
- 10.2 In the meantime enforcement will continue to occur in areas where campers are not supposed to be. It is not recommended that Council consider clamping vehicles at this time but instead continue with the current enforcement and educative approach.

Clare Barton

**Group Manager Strategy and Environment**

### **Attachments**

Nil



## Proposed National Policy Statement on Urban Development Capacity

### 1. Purpose of Report

- 1.1 To consider the implications of the Government's proposed National Policy Statement on Urban Development Capacity (NPS-UDC) and decide whether or not to make a submission on the proposed NPS-UDC.

### 2. Summary

- 2.1 The NPS-UDC aims to ensure that local authority planning enables development through providing sufficient development capacity for housing and businesses. It requires three yearly detailed assessments of the demand and supply of residential dwellings and business land and frequent monitoring of property market indicators. It requires coordination between local authorities and infrastructure providers to ensure integrated land-use and infrastructure planning.
- 2.2 Most of the requirements of the NPS-UDC are standard planning practice, can be achieved, and are generally supported by officers. However, the following are potential issues:
- Three yearly housing and business land assessments will likely cost an additional \$70,000 every three years
  - National guidance/data should be provided to ensure efficiency and consistency
  - Council may need to undertake plan changes or alter consent processes where future development capacity is deemed insufficient.

### 3. Recommendation

It is recommended that the Committee

***Receive the report Proposed National Policy Statement on Urban Development Capacity (R6121) and its attachments (A1565123);***

***Approve that the issues raised in this report are communicated to Local Government New Zealand to be considered in their submission on the proposed National Policy Statement on Urban Development Capacity.***

#### **4. Background**

- 4.1 In June 2016, the Government released a proposed National Policy Statement on Urban Development Capacity (NPS-UDC). Submissions close on 15 July 2016. The purpose of the proposed NPS-UDC is to ensure that local authority planning enables development through providing sufficient development capacity for housing and businesses.
- 4.2 The full consultation document is available on the Ministry for the Environment website: <http://www.mfe.govt.nz/publications/towns-and-cities/proposed-national-policy-statement-urban-development-capacity>. A summary of the proposed NPS-UDC is attached.

#### **5. Discussion**

- 5.1 The NPS-UDC requires regional and district plans to provide sufficient development capacity to meet short (3 year), medium (10 year) and long term (30 year) demand for the both the total number of dwellings and the amount of business space needed. To take account of the likelihood that not all capacity will be developed, an additional margin of at least 20 percent over and above projected short and medium term demand needs to be provided for in development capacity. An additional 15 percent above projected long term demand needs to be provided.
- 5.2 The NPS-UDC formalises good planning practices to inform and support decision-making such as setting outcomes; establishing and frequently updating a robust evidence base; integrated land use and infrastructure planning; and coordination between local authorities and infrastructure providers. The NPS-UDC capacity targets are also in line with Nelson City Council's current approach to growth management. For those reasons, officers would generally be in support of the NPS-UDC.

#### **As a Medium Growth Area, Nelson City Council must carry out assessments and monitoring**

- 5.3 The NPS-UDC has objectives and policies which apply to all local authorities but also has additional policies which only apply to local authorities with medium or high growth Urban Areas in their jurisdiction. The Nelson Urban Area, which includes most of Nelson City Council's jurisdiction as well as Richmond and Hope, is considered a medium growth urban area.



- 5.4 Every three years, starting by the end of 2018, Nelson City Council would be required to carry out a Housing Assessment and a Business Land Assessment.
- 5.5 The Housing Assessment would need to estimate the demand for dwellings, including for different types of dwellings, locations, and price points, as well as the supply of development capacity to meet that demand in the short, medium, and long terms. Demographic changes would also need to be considered.
- 5.6 The Business Land Assessment would estimate the demand for different types and locations of floor area for local business sectors, as well as the supply in the short, medium and long terms. Future changes in the sectoral composition of the local economy would need to be considered.
- 5.7 Estimating development capacity for both assessments would need to take into account zoning, rules and overlays; actual and likely availability of infrastructure; the physical and commercial feasibility; and the monitoring of price signals.
- 5.8 Nelson City Council and Tasman District Council would be required to work together to agree on data and projections used in the development of the assessments. Nelson City Council must also consult with infrastructure providers, community and social housing providers, and the property development sector.
- 5.9 Nelson City Council would also need to monitor a range of indicators on a quarterly basis, or as frequently as possible. These would include housing affordability indicators, resource and building consents, price signals, and business land vacancy rates.

**There will be some implications resulting from assessment and monitoring requirements**

- 5.10 The assessments are broadly in line with work done to inform Asset Management Plans and the Long Term Plan (at a high level) and with more detailed work being done to inform the Nelson Plan. It is also in line with providing information which the development community have previously raised as an issue. Some of the monitoring required is in line with work being done to monitor the Housing Accord.
- 5.11 However the requirements for more detailed assessments and regular monitoring will have ongoing costs in terms of staff time and money. To ensure frequent assessment, monitoring and reporting is efficient and accessible, improvements will be needed to systems and processes. It is estimated that the additional costs would be in the order of \$70,000 every three years. There is also a challenge in collecting robust, regular data for Nelson City and for locations within Nelson.
- 5.12 Three years is an appropriate timeframe to update the assessment but, to reduce duplication, should be timed for the year before the Long Term Plan, to align with Asset Management Plan and budget development.

- 5.13 A submission could raise these issues and ask that guidance is provided on methodology and data sources and/or the Ministry of Business, Innovation and Excellence (MBIE) provide some of the data for all medium and high growth local authorities. This would ensure both efficiency and national consistency.

**Changes to resource consents and regional policy statement may be required where development capacity is not sufficient**

- 5.14 If the assessments or monitoring indicate that development capacity is not sufficient in the short, medium or long terms, Nelson City Council would have to respond by providing further development capacity as soon as possible.
- 5.15 Options for response mechanisms include plan changes, consenting processes, and consent conditions.

The NPS-UDC allows local authorities with high growth areas to increase the minimum targets for development capacity in their regional policy statements without needing a consultation process. Nelson City Council and other medium growth areas would need to consult on such a change and there is a risk of opposition from existing communities. The submission on the NPS-UDC could suggest that medium growth local authorities should also be able to increase minimum targets without needing a consultation process.

## **6. Options**

- 6.1 Option 1 is to make a submission from Nelson City Council. This would ensure our issues are considered but would require some officers' and Councillors' time. This would be the preferred option if the Committee want to submit on the matter of changing minimum targets in the Regional Policy Statement without needing consultation. Officers would draft a submission raising the issues discussed in this report, and any other issues noted by this Committee, and the submission would be signed off by the Mayor and the Chair of this Committee.
- 6.2 Option 2, the recommended option, is to make no submission but to ensure our issues are considered in a submission from Local Government New Zealand (LGNZ). This would be the preferred option if the Committee agree to be generally in support of the proposed NPS-UDC and generally only seek further guidance on best practice methodologies and data sources. This would ensure our issues are raised but would minimise officers' and Councillors' time. The draft LGNZ submission is expected to be available by 24 June.
- 6.3 Option 3 is to make no submission, neither separately nor via LGNZ. This would mean we rely on others to raise the issues and rely on Ministry for the Environment to provide guidance which is relevant and informative.

## **7. Conclusion**

- 7.1 As the NPS-UDC formalises good planning practices, officers are generally in support of the policy and its requirements. The main issues to be raised in a submission are resourcing implications, the need for guidance on data sources and methodology, and the need for some data to be provided at the local authority level on a regular basis.
- 7.2 Given the minor nature of these issues, it is recommended that the Council rely on the LGNZ submission.

Brylee Wayman

**Strategy and Environment Analyst**




### **Attachments**

Attachment 1: A1565123 - Summary of proposed National Policy Statement on Urban Development Capacity June 2016

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	Support of the proposed NPS-UDC will help to ensure future housing and business development needs are met through well-informed and integrated land-use and infrastructure planning.
<b>2. Consistency with Community Outcomes and Council Policy</b>	Support of the proposed NPS-UDC will help ensure our urban environments are well-planned, our infrastructure meets future needs, and that business needs and the economy are supported. The requirement to work closely with other local authorities, infrastructure providers, social housing providers and the development community will foster a regional perspective and partnerships.
<b>3. Risk</b>	Support of the proposed NPS-UDC will help to ensure adequate guidance is provided from Ministry for the Environment to implement the requirements. There is a risk of opposition from existing communities if plan changes are needed to meet the capacity requirements.
<b>4. Financial impact</b>	Support and implementation of the NPS-UDC is likely to incur additional costs of \$70,000 every three years.
<b>5. Degree of significance and level of engagement</b>	This matter is of low significance because the decision to make a submission does not significantly impact the community.
<b>6. Inclusion of Māori in the decision making process</b>	Māori have not been consulted on this matter.
<b>7. Delegations</b>	The Planning and Regulatory Committee has the power to decide whether to lodge and present submissions to external bodies on policies and legislation relevant to the areas of responsibility.

## Summary of the proposed National Policy Statement on Urban Development Capacity

	Outcomes of decision-making	Evidence to support decisions	Coordinated evidence base and decision-making	Responsive planning
<b>Objectives</b>	<p>OA1. Effective and efficient urban areas that provide for social, economic, cultural and environmental well-being.</p> <p>OA2. <b>Sufficient</b> residential and business <b>development capacity</b> to enable urban development that meets demand.</p> <p>OA3. Ongoing development and change is enabled.</p>	<p>OB1. Plans and regional policy statements are based on robust, accurate and frequently updated evidence.</p>	<p>OC1. Coordination within and between local authorities and infrastructure providers in urban areas, consistent planning decisions, integrated land-use and infrastructure planning and responsive planning processes.</p>	<p>OD1. Planning decisions enable urban development in the <b>short, medium</b> and <b>long</b> term.</p> <p>OD2. Local authorities adapt and respond to market activity in the short and medium term.</p>
<b>Policies</b>	<p>PA1. In implementing objectives A1–A3, decision-makers must:</p> <ul style="list-style-type: none"> <li>pursue an urban form that seeks to maximise the potential for social and economic exchange</li> <li>provide for efficient use of resources including urban land and infrastructure</li> <li>seek to enable land and development markets to operate competitively.</li> </ul> <p>PA2. Local authorities must at all times provide <b>sufficient development capacity</b> for the <b>short, medium</b> and <b>long-term</b>.</p> <p>PA3. When considering effects of urban development decision-makers must:</p> <ul style="list-style-type: none"> <li>recognise and provide for the contribution urban development will make in enabling people, communities and future generations to provide for their social, economic, cultural and environmental well-being.</li> <li>provide <b>sufficient development capacity</b> while maximising the positive effects of development and minimising adverse effects of development</li> <li>have particular regard to the positive effects of urban development at a national, regional and district scale, as well as local effects.</li> </ul>	<p>PB1–PB3. Local authorities, on at least a three-yearly basis, must carry out:</p> <ul style="list-style-type: none"> <li>a housing assessment that estimates the demand for dwellings, including for different types of dwellings, locations and price points</li> <li>a business land assessment that estimates demand for different types and locations of floor area for local business sectors.</li> </ul> <p>Both assessments must also estimate the supply of development capacity to meet demand in the short, medium and long term, and identify any insufficiency in development capacity.</p> <p>Calculations of sufficient development capacity should have particular regard to:</p> <ul style="list-style-type: none"> <li>cumulative impact of zoning, objectives, policies and rules and overlays in plans</li> <li>likely availability of infrastructure</li> <li>current physical and commercial feasibility of development (considering likely costs and revenue of developing)</li> <li>likelihood of development opportunities being taken up</li> <li>monitoring of price signals.</li> </ul> <p>PB4. Local authorities must consult with infrastructure providers, community and social housing providers, and the property development sector.</p> <p>PB5. Local authorities must monitor on a quarterly basis or as often as possible a range of indicators including housing affordability indicators, resource and building consents, price signals, and business land vacancy rates.</p>	<p>PC1. Local authorities must consult other local authorities and infrastructure providers that share jurisdiction over a medium or high growth urban area, when developing plans and policy statements.</p> <p>PC2. The relevant local authorities must work together and with infrastructure providers to agree data and projections used in the development of housing and business land assessments.</p> <p>PC3. The relevant local authorities and infrastructure providers must work together and, as far as possible, ensure coordinated land use planning and infrastructure provision, including expected levels of service for infrastructure.</p>	<p>PD1. When the evidence base or monitoring indicates development capacity is not sufficient in the short, medium or long term, local authorities must respond by further enabling development in accordance with PD2 and PD3.</p> <p>PD2. Local authorities must consider all options for increasing development capacity and enabling development including:</p> <ul style="list-style-type: none"> <li>changing plan objectives, policies and rules and their application, activity status, rules about notification of resource consents, overlays, and making plans and regional policy statements simpler to interpret</li> <li>customer-focused consenting processes</li> <li>in granting consents, the conditions of consent imposed.</li> </ul> <p>PD3. In implementing PD1, local authorities must in the:</p> <ul style="list-style-type: none"> <li>short term, further enable development through customer-focused consenting processes and, where appropriate, amend plans</li> <li>medium term, amend relevant plans and policy statements to provide more development capacity</li> <li>long term, provide a broad indication of the location, timing and sequencing of development capacity to demonstrate that it will be sufficient.</li> </ul> <p>PD4. In giving effect to PD1, with respect to residential development capacity, local authorities should have particular regard to enabling development in locations that the Housing Assessment indicates are of highest demand, and that is commercially feasible.</p> <p>PD5–6 Regional councils must set minimum targets for sufficient residential development capacity in accordance with their housing assessment, and incorporate them into regional policy statements.</p> <ul style="list-style-type: none"> <li>These targets must be set for the medium and long term and be reviewed if necessary.</li> </ul> <p>PD7–9. Local authorities must provide a future land release and intensification strategy alongside their plan to provide certainty that there will be sufficient development capacity in the medium and long term, and that minimum targets will be met. This strategy will:</p> <ul style="list-style-type: none"> <li>identify broad location, timing and sequencing of development over the long term</li> <li>include processes for flexible implementation.</li> </ul> <p>The strategy must be informed by housing and business land assessments and the views of infrastructure providers, land owners, property development sector and any other stakeholders.</p>

<p><b>Key (and see over)</b></p> <ul style="list-style-type: none"> <li> Objectives and policies apply to <b>all</b> local authorities</li> <li> Apply to local authorities with <b>medium and high-growth urban areas</b> within their jurisdiction</li> <li> Apply only to local authorities with <b>high-growth urban areas</b> within their jurisdiction</li> </ul>	<p><b>Definitions</b></p> <p><b>Development Capacity:</b> In relation to residential and business land, means the capacity of land for urban development to meet demand, taking into account the following factors:</p> <ul style="list-style-type: none"> <li>the zoning, objectives, policies, rules and overlays that apply to the land;</li> <li>the provision of adequate infrastructure, existing or likely to exist, to support the development of the land, having regard to- <ul style="list-style-type: none"> <li>the relevant proposed and operative RPS, regional plans and district plans;</li> <li>any relevant management plans and strategies prepared under other Acts.</li> </ul> </li> </ul> <p><b>Sufficient:</b> The provision of enough development capacity to meet demand, plus to take account of the likelihood that not all capacity will be developed, an additional margin of at least:</p> <ul style="list-style-type: none"> <li>20% over and above projected short and medium term demand</li> <li>15% over and above projected long term demand</li> </ul> <p>Total capacity should reflect demands for different types property in different locations.</p> <p><b>Long, medium and short term:</b> Within 30 years, 10 years and 3 years.</p>
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### Areas that the NPS-UDC applies to: Medium and High Growth Urban Areas and other areas

Urban Area	Projected population growth 2013 - 2023	Relevant Local Authorities	Relevant parts of the NPS-UDC		
<i>High Growth Urban Area</i>			<i>Objectives and Policies PA1-PA3</i>	<i>Policies PB1-PD4</i>	<i>Policies PD5 – PD10</i>
Auckland	18.1%	Auckland Council			
Tauranga	15.1%	Tauranga City, Western Bay of Plenty District, Bay of Plenty Regional Council			
Hamilton	14.8%	Hamilton City, Waipa District, Waikato District, Waikato Regional Council			
Queenstown	14.0%	Queenstown-Lakes District, Otago Regional Council			
Christchurch	11.1%	Christchurch City, Waimakariri District, Selwyn District, Environment Canterbury			
<i>Medium Growth Urban Area</i>					
New Plymouth	9.3%	New Plymouth District, Taranaki Regional Council			
Nelson	8.5%	Nelson City, Tasman District			
Kapiti	6.9%	Kapiti District, Greater Wellington Regional Council			
Palmerston North	6.7%	Palmerston North City, Manawatu District, Horizons Regional Council			
Wellington	6.4%	Wellington City, Porirua City, Lower Hutt City, Upper Hutt City, Greater Wellington Regional Council			
<i>Other Main Urban Areas</i>					
Napier/Hastings	4.9%	Napier City, Hastings District, Hawke's Bay Region Council			
Blenheim	4.7%	Marlborough District			
Whangarei	4.5%	Whangarei District, Northland Region			
Gisborne	4.3%	Gisborne District			
Invercargill	3.7%	Invercargill City, Southland Regional Council			
Dunedin	3.6%	Dunedin City, Otago Regional Council			
Rotorua	0.7%	Rotorua District, Bay of Plenty Regional Council			
Whanganui	-1.5%	Whanganui District, Horizons Regional Council			
<i>Rest of New Zealand</i>		Rest of New Zealand's local authorities			

"High Growth Urban Area" is defined as either:

- A Main Urban Area with population growth over the next ten years of over 10%, according to Statistics NZ medium projections
- A Secondary Urban Area with a combined usually resident population and visitor population of over 30,000 people at any time during the year, with population growth over the next ten years of over 10%, according to Statistics NZ medium projections.

Medium Growth Urban Area" is defined as either:

- A Main Urban Area with population growth over the next ten years of between 5% and 10% under Statistics NZ medium projections, according to Statistics NZ medium projections
- A Secondary Urban Area with a combined usually resident population and visitor population of over 30,000 people at any time during the year, with population growth over the next ten years of between 5% and 10%, according to Statistics NZ medium projections.

Main and Secondary Urban Areas are Statistics New Zealand definitions that identify concentrated urban settlements without the distortions of administrative boundaries. A Main Urban area has a contiguous population of more than 30,000 people. A Secondary Urban Area has a contiguous population of between 10,000 and 30,000 people.