



Minutes of a meeting of the Planning and Regulatory Committee

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

On Tuesday 28 May 2019, commencing at 10.04a.m.

Present: Her Worship the Mayor R Reese (Presiding Co-Chairperson), Councillor B McGurk (Co-Chairperson), Councillors L Acland, I Barker, B Dahlberg, K Fulton and Ms G Paine

In Attendance: Councillors Lawrey, Matheson and Rutledge, Group Manager Environmental Management (C Barton), and Governance Adviser (E Stephenson)

Apology: Councillor Walker

1. Apologies

Resolved PR/2019/019

That the Planning and Regulatory Committee

1. Receives and accepts an apology from Councillor Walker.

Her Worship the Mayor/Dahlberg

Carried

2. Confirmation of Order of Business

Her Worship the Mayor advised that the meeting would adjourn for a briefing at around 11.00a.m.

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 4 April 2019

Document number M4131, agenda pages 9 - 13 refer.

Resolved PR/2019/020

That the Planning and Regulatory Committee

- 1. Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 4 April 2019, as a true and correct record.***

McGurk/Her Worship the Mayor

Carried

6. Chairperson's Report

Document number R10212, agenda pages 14 - 15 refer.

Her Worship the Mayor commended the high quality of the Annual Plan submissions that related to the Planning and Regulatory Committee and said that she felt this reflected the value of the partnerships that councillors and staff had built with the community through long-standing projects.

The Mayor said that more work was ongoing with the Ministry for the Environment and with Local Government New Zealand on the Regional Policy Statement on Freshwater Management, she endorsed the collaborative model used and said that she was hoping to see legislation changes going forward in partnership with the community.

The Mayor noted the Release of the Environment Aotearoa report, which included some of Nelson City Council's data, and said this highlighted the challenge for every nation to improve environmental outcomes, as climate change was an increasing risk, noting the importance of working on responses now. She encouraged Elected Members to read the report, noting that officers would bring a summary of the report to a future Committee meeting.

Resolved PR/2019/021

That the Planning and Regulatory Committee

- 1. Receives the Chairperson's Report (R10212).***

Her Worship the Mayor/Fulton

Carried

7. Waimea Inlet Action Plan

Document number R9513, agenda pages 16 - 53 refer.

Environmental Programmes Adviser, Leigh Marshall, advised of two minor amendments to the agenda report:

- The table on pages 44 – 51, contained an incorrect action target date, which should be July 2020, not 2019
- Page 51, Action 8.1.3, relating to risk to public access - No amendment was required for Nelson as this would be immediately dealt with by Council's enforcement processes.

Ms Marshall answered questions regarding maintaining recreational opportunities, wider group and iwi engagement, flexibility and ability for the plan to adapt, frequency of reviews and compatibility with the Biodiversity Strategy.

Resolved PR/2019/022

That the Planning and Regulatory Committee

1. ***Receives the report Waimea Inlet Action Plan (R9513) and its attachments (A2099296 and A2178524).***

Dahlberg/Fulton

Carried

Recommendation to Council PR/2019/023

That the Council

1. ***Approves Nelson City Council as lead or support agency to the specific targets identified in Report R9513 (highlighted in green in Attachment 2 A2178524); and***
2. ***Approves that Nelson City Council supports, in principle, specific targets identified in Report R9513, subject to future funding decisions (highlighted in yellow in Attachment 2 A2178524); and***
3. ***Adopts the Waimea Inlet Action Plan 2018-2021 (A2099296).***

Dahlberg/Fulton

Carried

8. Nelson Tasman Land Development Manual - Hearing Panel Recommendation and Proposed Plan Change 27

Document number R9875, agenda pages 54 - 632 refer.

Team Leader City Development, Lisa Gibellini, spoke to the report, noting a change to clause 4 of the recommendation, changing from councillors to Resource Management Act (RMA) hearing commissioners to hear submissions, as the RMA timeframe meant that the hearing would be close to the October 2019 local elections. Discussion took place on previous practice and Tasman District Council's (TDC) approach and it was agreed to revisit this subject later in the meeting.

Ms Gibellini highlighted the key changes to the Nelson Tasman Land Development Manual (LDM) and answered questions regarding footpaths.

The meeting was adjourned at 10.37 a.m. and reconvened at 10.47a.m.

Ms Gibellini, Manager Transport and Solid Waste, Marg Parfitt and Engineering Adviser Sue McAuley answered further questions regarding footpath crossfall requirements noting that TDC did not agree with an alternative design, which is why it wasn't included in the LDM, however it could still be used for council projects.

It was noted that the LDM was not a statutory document. Further questions were answered regarding compliance with standards and the consenting pathway. The importance of regularly reviewing the LDM to reflect updates in technology and latest best practice was highlighted. The need for an index was noted, and it was confirmed that this would be addressed under the delegation to make minor edits.

Further questions were answered regarding streetscaping, biodiversity corridors and carbon footprints and discussion took place regarding carbon offsetting, emissions and biodiversity outcomes, noting that these matters would be considered for the next review.

The meeting was adjourned at 11.15a.m. and reconvened at 1.20p.m. Councillor Fulton was not present.

Attendance: Councillor Fulton returned to the meeting at 1.22p.m.

Further discussion took place regarding the adequacy of the performance outcomes in light of Council's recent decision to focus on climate change, it was noted that the LDM was an operational document helping to achieve high amenity and good urban design that sat under a number of other strategic documents. A suggestion was made that improved performance outcomes could be addressed under the minor amendments delegation and that if this did not happen, councillors would be advised.

Further discussion took place regarding climate change and future LDMs, inability to enforce practice notes, consent conditions to ensure compliance, grass berms, strategic misalignment in some areas to be

teased out over the next few years and the strong market for people making choices based on environmentally sustainable design.

It was reiterated that the alternative footpath design could be used as standard policy/practice. It was noted that only one submission had been received so far on Proposed Plan Change 27, therefore the recommendation proposing RMA hearing commissioner(s) was appropriate.

Resolved PR/2019/024

That the Planning and Regulatory Committee

- 1. Receives the report Nelson Tasman Land Development Manual - Hearing Panel Recommendation and Proposed Plan Change 27 (R9875) and its attachments (A2184910), (A2184905), (A2184907), (A2185147), (A2184908), (A2184906), and (A2184904); and***
- 2. Receives the recommendation from the Nelson Tasman Land Development Manual hearing panel (A2184910); and***
- 3. Approves the public notification of proposed Plan Change 27 (A2184907) and Section 32 (A2185147) under the Resource Management Act 1991 on 1 July 2019; and***
- 4. Delegates to Resource Management Act hearing commissioner(s) to hear submissions on Proposed Plan Change 27 and make recommendations to the Planning and Regulatory Committee.***

Acland/McGurk

Carried

Recommendation to Council PR/2019/025

That the Council

- 1. Adopts the Nelson Tasman Land Development Manual 2019 (A2184905) under the Local Government Act 2002, noting that it will take effect on 1 July 2019; and***
- 2. Adopts the practice notes on Coastal and Freshwater Inundation (A2184904), Bioretention (A2184908) and Wetlands (A2184906) as guidance documents; and***
- 3. Delegates the Chairperson of the Planning and Regulatory Committee and the Group Manager Environment authority to approve minor technical wording amendments, or correction of errors to the Nelson Tasman Land Development Manual 2019 and***

proposed Plan Change documents to improve readability and/or consistency prior to 1 July 2019.

Acland/McGurk

Carried

9. Review of Building Unit fees and charges

Document number R10231, agenda pages 633 - 652 refer.

Resolved PR/2019/026

That the Planning and Regulatory Committee

- 1. Receives the report Review of Building Unit fees and charges (R10231) and its attachments (A2145308, A2183274, and A2183512).***

Paine/Dahlberg

Carried

Recommendation to Council PR/2019/027

That the Council

- 1. Approves the fees and charges as proposed in Attachment 1 (A2145308) of Report R10231 to be effective from 1 July 2019.***

Paine/Dahlberg

Carried

10. Navigation Safety Bylaw review

Document number R10159, agenda pages 653 - 737 refer.

Deputy Harbourmaster, Amanda Kerr, was present for this item. Manager Consents and Compliance, Mandy Bishop answered questions regarding mooring areas. A correction to the agenda report on pages 657 and 668 was noted, there were two Option 2s, one of which should be Option 3.

Resolved PR/2019/028

That the Planning and Regulatory Committee

- 1. Receives the report Navigation Safety Bylaw review (R10159) and its attachments (R10026 and A2178235).***

McGurk/Paine

Carried

Recommendation to Council PR/2019/029

That the Council

- 1. Notes the review of the Navigation Safety Bylaw 2012 (No. 218); and***
- 2. Determines amendments to the Navigation Safety Bylaw 2012 (No. 218) are the most appropriate way of addressing the navigation safety problems identified by the review; and***
- 3. Determines the proposed amendments to the Navigation Safety Bylaw 2012 (No. 218) are the most appropriate form of bylaw and do not give rise to any implications under the New Zealand Bill of Rights Act 1990; and***
- 4. Determines a summary of the Statement of Proposal Proposed Changes to the Navigation Safety Bylaw 2012 (No. 218) is not required; and***
- 5. Adopts the Statement of Proposal Proposed Changes to the Navigation Safety Bylaw 2012 (No.218) (A2178235); and***
- 6. Approves the commencement of the Special Consultative Procedure (A2178235), with the consultation period to run from 21 June to 24 July 2019; and***
- 7. Approves the consultation approach (set out in paragraphs 5.9 and 5.10 of Report R10026) and agrees:***
 - (a) the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
 - (b) the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***

McGurk/Paine

Carried

11. Planning and Regulatory Committee - Quarterly Report - 1 January-31 March 2019

Document number R10019, agenda pages 738 - 830 refer.

Group Manager Environmental Management, Clare Barton, Manager Consents and Compliance, Mandy Bishop, Manager Environment Matt Heale, Acting Manager Building, Mark Hunter, Team Leader City Development, Lisa Gibellini and Team Leader Science & Environment, Jo Martin, answered questions regarding the Quarterly Report, including:

- Report format and colour coding consistency with other quarterly reports
- Building Services income
- Recruitment
- The Alpha One system
- City centre development
- The Nelson Plan and iwi input
- An air quality exceedance incident
- There had been no appeals to the Regional Management Pest Plan
- Water quality.

Attendance: Councillor Barker left the meeting from 2.25 p.m. until 2.28p.m.

It was noted that The Nelson Plan vision would be a recommendation to Council to approve as a working draft.

It was noted that a report on compliance monitoring and enforcement metrics and the results of a peer review on Council's processes would be presented to the next committee meeting, and there would be a press release on Thursday 30 May.

Questions were answered regarding the Kotahitanga mō te Taiao Strategy process, implications for the Nelson Plan and the values of nature referred to in the document. It was agreed that a separate report would be included in the Council agenda to provide more detail on this recommendation to Council as it was a substantive document.

The recommendation to approve the City Centre Programme six key moves (A2184278) was removed as this issue would be dealt with at another meeting.

The meeting was adjourned at 2.58p.m. and reconvened at 3.01p.m.

The motion was taken in parts.

Resolved PR/2019/030

That the Planning and Regulatory Committee

- 1. Receives the report Planning and Regulatory Committee - Quarterly Report - 1 January-31 March 2019 (R10019) and its attachments (A2151814, A2181696, A2181967, A2181946, A2184278, A2182016, and A2159046).***

Dahlberg/Fulton

Carried

Resolved PR/2019/031

That the Planning and Regulatory Committee

- 2. Amends the October 2018 Planning and Regulatory Committee Resolution PR/2018/057 as follows:***

~~Delegates authority to review Draft Nelson Plan content ahead of reporting to the Planning and Regulatory Committee to an Elected Member Working Group comprising Her Worship the Mayor, Councillor McGurk, and two members of the Committee with Making Good Decisions certification, namely Councillor Fulton and Councillor Barker; and~~

Approves amending the indicative timeline for the release of the Draft Nelson Plan to statutory and key stakeholders and iwi to August 2019 following further internal testing, legal review, and Working Group Planning and Regulatory Committee workshops, and Iwi Working Group review.

Dahlberg/Fulton

Carried

Recommendation to Council PR/2019/032

That the Council

- 1. Adopts the Kotahitanga mō te Taiao Strategy (A2159046); and***
- 2. Approves the Nelson Plan Vision (A2182016) as the working draft for the Nelson Plan.***

Her Worship the Mayor/McGurk

Carried

There being no further business the meeting ended at 3.03p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date