



# AGENDA

Ordinary meeting of the

**Planning and Regulatory Committee**

**Thursday 19 February 2015  
Commencing at 9.00am  
Council Chamber  
Civic House  
110 Trafalgar Street, Nelson**

Membership: 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 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 table for discussion and voting on any of these items.

**19 February 2015**

A1310845

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## **Apologies**

### **1. Confirmation of Order of Business**

### **2. Interests**

2.1 Updates to the Interests Register

2.2 Identify any conflicts of interest in the agenda

### **3. Public Forum**

### **4. Confirmation of Minutes – 27 November 2014 7-16**

Document number A1288319

Recommendation

***THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 27 November 2014, be confirmed as a true and correct record.***

### **5. Status Report – Planning and Regulatory Committee 17-18 19 February 2015**

Document number A1155974

Recommendation

***THAT the Status Report – Planning and Regulatory Committee 19 February 2015 (A1155974) be received.***

**6. Chairperson's Report 19-22**

Document number A1313063

Recommendation

***THAT the Chairperson's Report (A1313063) be received and the contents are noted.***

**ENVIRONMENT**

**7. Ngati Kuia Pakohe Management Plan 23-25**

Document number A1294314

Recommendation

***THAT the report Ngati Kuia Pakohe Management Plan (A1294314) be received;***

***AND THAT the item Ngati Kuia Pakohe Management Plan which was left to lie on the table at the Planning and Regulatory Committee meeting held on 27 November 2014 requires no further consideration by the Committee.***

**8. Strategy and Environment Report 1 October to 31 December 2014 26-54**

Document number A1271834

Recommendation

***THAT the Strategy and Environment Report for 1 October to 31 December 2014 (A1271834) and its attachments (A1294825, A1272153, A1299949, A1289588, and A1280159) be received.***

**POLICY AND PLANNING**

**9. Earthquake - Prone, Dangerous and Insanitary Buildings Policy 2006; Policy Wording Change 55-57**

Document number A1300766

Recommendation

***THAT the report Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006; Policy Wording Change (A1300766) be received.***

Recommendation to Council

***THAT the Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006 be amended from:***

***'Nelson City Council will require buildings identified as earthquake prone to be strengthened to at least 67 percent of the standard NZS1170.5: 2004 Structural Design Actions Part 5: Earthquake Actions – New Zealand.'***

***To:***

***'Nelson City Council will require buildings identified as earthquake prone to be strengthened to at least 34 percent of the standard NZS1170.5:2004 Structural Design Actions Part 5: Earthquake Actions – New Zealand.'***

***Noting the section below is now no longer relevant so should also be deleted:***

***'In accordance with the recommendations of the New Zealand Society for Earthquake Engineering, the Council considers this to be an appropriate level for the requirement to reduce or remove the danger.'***

## **REGULATORY**

### **10. Parking and Vehicle Control Bylaw (2011), No.207 Amendments to Schedules 58-60**

Document number A1310811

Recommendation

***THAT the report Parking Vehicle Control Bylaw (2011), No. 207 Amendments to Schedules (A1310811) and its attachment (A1310837) be received;***

***AND THAT the following addition to Schedule 8 of Bylaw No 207, Parking and Vehicle Control (2011) be approved:***

***P180 parking along the northern kerb of Neale Avenue, adjacent to its intersection with Songer Street.***

## **REPORTS FROM COMMITTEES**

### **11. Hearings Panel – 17 November 2014**

**61-67**

Document number A1276032

Recommendation

***THAT the minutes of a meeting of the Hearings Panel, held on 17 November 2014, be received.***

## **Minutes of a meeting of the Planning and Regulatory Committee**

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

**On Thursday 27 November 2014, commencing at 1.04pm**

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

In Attendance: Councillors T Skinner, P Matheson, G Noonan, and L Acland,  
Group Manager Community Services (C Ward), Kaihautu (G  
Mullen), Group Manager Strategy and Environment (C  
Barton), Manager Administration (P Langley), and  
Administration Adviser (F O'Brien)

Apology: Councillor E Davy for lateness

### **1. Apologies**

Resolved

***THAT an apology be received and accepted  
from Councillor Davy for lateness.***

McGurk/Barker

Carried

### **2. Confirmation of Order of Business**

The Chairperson advised that there would be one additional public forum by Donna Walzl, on behalf of Nelson SPCA, on the changes to bylaws involving cats.

Representatives from Ngati Kuia would also be given the opportunity to speak to their presentation and a ceremonial signing was to take place during refreshment.

It was advised that item 10 would be dealt with before item 9 as the recommendation of item 9 refers to item 10. There was a change to urban environments bylaw and accompanying documents were to be tabled.

### 3. Interests

No updates were made to the Interests Register and no conflicts with items on the agenda were declared.

### 4. Public Forum

#### 4.1 Urban Environments Bylaw

Hans Anderson, on behalf of Halifax Veterinary Centre, spoke on the changes to bylaws involving cats and tabled a document (A1279472). Mr Anderson stated that in his opinion the number of cats was not as important as the level of nuisance they may create, and enforcement would prove difficult regarding establishment of cat ownership.

In answer to a query regarding the predatory nocturnal behaviour of cats Mr Anderson noted that cats were not the only predators and the level of rodents in Nelson was greatly reduced due to their presence.

#### 4.2 Urban Environments Bylaw

Jennifer Baumfield spoke on the changes to bylaws involving cats and tabled document (A1281391).

Ms Baumfield noted her concern about the possible introduction of a three cat per household limit and outlined the various benefits of cats. She discussed the mistreating of animals and stated her opinion that it was the owners that should be punished for this behaviour and not the cats. Ms Baumfield stated her support of micro-chipping cats if financially viable.

#### 4.3 Woodburners

Tom Higgins spoke on the topic of woodburners and tabled a document (A1281027).

Mr Higgins queried the accuracy of the current emissions measuring system and questioned why the method for measuring pellet emissions was different to woodburners, noting that heating costs were his concern.

#### 4.4 Urban Environments Bylaw

Donna Walzl, on behalf of Nelson SPCA, spoke on the changes to bylaws involving cats and spoke to a Powerpoint presentation (A1281726).

Ms Walzl stated her support of micro-chipping and desexing all cats but noted that legally the Nelson SPCA were not permitted to help feral cats and thus not all could be cared for.

Ms Walzl noted she received a complaint regarding nuisance cats approximately every two days, that neighbourly disputes were often the cause and housed cats were frequently being brought to the Nelson SPCA declared as strays. Ms Walzl noted micro-chipping would prevent this happening and that cruelty to cats was becoming more common.

In answer to a query regarding the cost of micro-chipping and desexing of cats Ms Walzl stated that it cost approximately one hundred and fifty dollars per cat.

## 5. Hearings on submissions to the Local Approved Products Policy (Psychoactive Substances)

Time	Sub No.	Page	Submitter name	Organisation
1.30	6	8-12	Rosey Duncan	Health Action Trust
1.35	10	30-51	Ed Kiddle, Jan Anderson	NMDHB
1.40	8	14-24	Karen Fallow	Be Adult Boutique Limited TBC

### 5.1 Health Action Trust

Rosey Duncan spoke on behalf of Health Action Trust and tabled a document (A1283757). Ms Duncan noted that simply to ban psychoactive substances was not an effective harm minimisation plan as illegal sources could still be found. Ms Duncan stated regulation was necessary as if products were not covered by legislation dangerous products would still be sold. The benefit of regulation would be to place potential harm and responsibility on manufacturers and risk of harm would be displayed on products.

Regarding the location of drug use Ms Duncan suggested that visibility was a safety issue and that the future of psychoactive drug use would likely become similar to that of Amsterdam with strict guidelines around safe location and regulation. She mentioned that the perception of these products would change as they become part of society and need to be dealt with in a way which shows acceptance.

Ms Duncan proposed an exclusion zone distance of 100 metres from learning institutions and the suggested zone to be made to include Nelson Marlborough Institute of Technology. It was noted that regarding information provision, Council collaboration with the Ministry of Health was recommended, and any auditing of code should be done externally.

In response to a query regarding the change to level of availability Ms Duncan stated that drugs were still available and it was not the drugs used that were the problem but the levels used. There was no

regulation of potency levels in illegal drugs and if legal products were available then advice could be given regarding responsible use.

5.2 Nelson Marlborough District Health Board (NMDHB)

Dr Ed Kiddle and Jan Anderson, on behalf of the NMDHB, spoke on the necessity of the Act to promote safety and minimise harm and discussed the need for appropriate sale locations to be established as the ban on psychoactive substances had not stopped their availability and there needed to be regulation.

Dr Kiddle suggested that the Local Approved Products Policy (LAPP) be restricted to the CBD area and within 50 metres of educational facilities rather than 100 metres and noted that age of users had yet to be defined in regulations.

A suggestion was made for Council collaboration with District Health Board to establish a drug use safety strategy and it was noted that many parallels existed with alcohol issues.

Queries were raised around overuse and addiction and it was mentioned that some drug users have a tendency to overuse no matter the restrictions but the issue lay more in the area of withdrawal issues such as insomnia. Manufacturers had begun looking into lower addiction drugs.

A query was voiced whether to align substance regulations with alcohol regulations but this was not recommended as instant intoxication with drug users was unlikely.

5.3 Be Adult Boutique Limited

Be Adult Boutique Limited did not speak at the hearing.

Attendance: Councillor Davy joined the meeting at 2.24pm.

**6. Confirmation of Minutes – 23 October 2014**

Document number A1265534, agenda pages 8-14 refer.

Resolved

***THAT the minutes of the meeting of the Nelson City Council – Planning and Regulatory Committee, held on 23 October 2014, be confirmed as a true and correct record.***

McGurk/Paine

Carried

**7. Status Report – Planning and Regulatory Committee  
27 November 2014**

Document number A1155974, agenda page 15 refers.

Resolved

***THAT the Status Report – Planning and  
Regulatory Committee 27 November 2014  
(A1155974) be received.***

McGurk/Fulton

Carried

**8. Chairperson’s Report**

8.1 There was no Chairperson’s report.

**9. Ngati Kuia Pakohe Management Plan**

Document number A1217380, agenda pages 16-65 refer.

Gena Te Kani Moses, Ngati Kuia Deputy Chair, and Raymond Smith, Environmental Planner Ngati Kuia, spoke to a presentation (A1281835).

The Chairperson expressed his enthusiasm to receive the management plan on behalf of the Council and acknowledged the exceptional work that went into the plan.

Resolved

***THAT the report Ngati Kuia Pakohe  
Management Plan (A1217380) and its  
attachments (A1275104 and A1275078) be  
received.***

McGurk/Barker

Carried

A ceremonial signing of the Ngati Kuia Pakohe Management Plan took place.

Attendance: The meeting adjourned for afternoon tea from 2.32pm until 2.51pm.

Resolved

***THAT pursuant to Standing Order 3.12.1 the item Planning and Regulatory Committee – Ngati Kuia Pakohe Management Plan, be left to lie on the table, and will not be further discussed at this meeting.***

McGurk/Her Worship the Mayor

Carried

## **10. Insulation and Clean Heating Assistance**

Document number A1248604, agenda pages 88-98 refer.

Environmental Programmes Officer, Richard Popenhagen, presented the report.

In response to a question Mr Popenhagen noted that upgraded insulation is the best option to keep heating costs down. He mentioned that only records of Government/Council funded insulated homes were accessible which had amounted to almost 4000 Nelson homes.

Mr Popenhagen tabled the document Home Heating Costs 2014 (A1178240)

Attendance: The meeting adjourned at 3.37pm and reconvened at 3.39pm

The future of the funding allocated for partnership with Energy Efficient and Conservation Authority (EECA) was discussed as to whether it would be withdrawn or invested in initiatives if the partnership failed.

Her Worship the Mayor, seconded by Councillor Copeland, moved the recommendation from the officer report with a suggested change to the second clause to read:

*THAT if EECA confirm partner funding of \$60,000 to Council, Council allocate \$40,000 this year (2014/2015) to provide additional funding to Nelson City residents for insulation upgrades.*

Councillor Fulton, seconded by Councillor Ward, suggested an amendment to the recommendation to read as follows:

*THAT if EECA doesn't become funder then it be used to fund initiatives.*

Attendance: The meeting adjourned from 4.03pm until 4.05pm.

Her Worship the Mayor mentioned that it delivered the wrong message to EECA if the expenditure took place without partnership.

The amendment was put and lost.

The original motion was put and carried.

Resolved

***THAT the report Insulation and Clean Heating Assistance (A1248604) and its attachment (A1276842) be received.***

Her Worship the Mayor/Copeland

Carried

Recommendation to Council

***THAT if EECA confirm partner funding of \$60,000 to Council, Council allocate \$40,000 this year (2014/2015) to provide additional funding to Nelson City residents for insulation upgrades;***

***AND THAT this sum be funded from unspent 2014/2015 Framing our Future and emission budget in the environmental area;***

***AND THAT Council support the \$100,000 budget line in the draft Long Term Plan for non-regulatory programmes around the Nelson Air Quality Plan for the 2015/2016 year with the view that some of this money be used to partner with Canterbury Community Trust to support the Warmer Healthier Homes Project programme for 2015/2016.***

***AND THAT at the completion of the 2015/2016 year a report be obtained from the Warmer Healthier Homes Project Steering Group on the outcomes and effectiveness of the scheme, to consider the reconfirmation of funding for subsequent years.***

Her Worship the Mayor/Copeland

Carried

## **11. Report of the Woodburner Working Party**

Document number A1262104, agenda pages 66-87 refer.

Councillor Acland, speaking to his memo, clarified that the goal of the Woodburner Working Party (WWP) was reviewing monitoring data and providing options to Council by the end of November 2014 and clarified that targeted pollution levels were below that of the National Environmental Standard. After consultation there were two contrasting arguments, one hoping for the regulations to be relaxed around woodburners and the other concerned about related health issues.

Group Manager Strategy and Environment, Clare Barton, spoke to the report.

In response to a query regarding community consultation on the project it was clarified that time constraints and the necessity of significant research limited the amount possible.

Dr Emily Wilton clarified that the emission standard was still not a safe threshold.

In response to a query regarding the accuracy of woodburner emission measurement Dr Wilton noted that the procedure was complicated and explained that tests carried out were not a true replication of how they are used in real life. In woodburner tests the higher emissions that took place during the initial start up stage was not illustrated and emission levels could in reality be much higher but pellet burner tests were considerably accurate and showed noticeably lower emission levels.

In response to a query regarding monitoring Dr Wilton clarified that another twelve months monitoring was necessary as monitoring had ceased due to attaining regulation levels, seasonal influences needed to be taken and noted that Airshed C would be the main focus. It was stated that monitoring cost \$20,000 per year plus staff time. Ms Barton commented that if the case were to come to a hearing it would not stand in Environment Court with the current level of monitoring.

Her Worship the Mayor mentioned her lack of support that the funding was originally pulled from monitoring without considering the future consequences.

Attendance: The meeting adjourned from 5.01pm to 5.04pm.

Attendance: Her Worship the Mayor and Councillors Matheson and Copeland left the meeting at 5.05pm.

Attendance: Councillors Noonan and Davy left at 5.08pm and Councillor Acland left at 5.10pm.

Councillor Barker wished to note his concerns regarding more community consultation and more comparison between heating options.

Attendance: The meeting adjourned at 5.14pm and reconvened at 5.15pm.

Attendance: Her Worship the Mayor rejoined the meeting at 5.15pm.

Attendance: Councillor Acland rejoined the meeting 5.18pm and left at 5.19pm.

Her Worship the Mayor recognised the complexity of the subject matter and thanked the Woodburner Working Party for the considerable work carried out. She noted that she had a high level of

involvement with the Air Quality Plan due to its importance and mentioned that Nelson air quality had improved greatly since achieving compliance with standards. Her Worship the Mayor stated that she would support the recommendations which had been referred to Council.

Resolved

***THAT the report of the Woodburner Working Party (A1262104) and its attachments (A1272248 and A23847) be received.***

Fulton/McGurk

Carried

Recommendation to Council

***THAT Council agrees that the review of the Nelson Air Quality Plan be brought forward 3 years, that it be incorporated into one single integrated document to be called the Nelson Plan and that this work builds on the modelling and monitoring work completed to date;***

Fulton/McGurk

Carried

***AND THAT Council agrees to support initiatives that improve home insulation and continue with the free service of Council's Eco Building Design Advisor [refer to the recommendations in the separate agenda item A1248604].***

Fulton/McGurk

Carried

Attendance: The meeting was adjourned at 5.27pm to be reconvened 9.05am 28<sup>th</sup> November 2014.

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**Minutes of a reconvened meeting of the Planning and Regulatory Committee**

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

**On 28 November 2014, commencing at 9.08am**

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**12. Draft Urban Environments Bylaw**

Document number A1267611, agenda pages 99-203 refer.

***THAT the item regarding Draft Urban Environments Bylaw be referred to Council for consideration.***

McGurk/Davy

Carried

**13. Nelson Plan Update November 2014**

Document number A1271384, agenda pages 204-212 refer.

Manager Planning, Matt Heale, presented the report.

Elected members were reminded that the Strategy and Environment Quarterly report is an interactive process and that all Council needed to be involved in discussion around this.

Resolved

***THAT the report Nelson Plan Update November 2014 (A1271384) and attachment (A1273726) be received;***

McGurk/Fulton

Carried

***AND THAT future updates relating to the Nelson Plan are provided in the Strategy and Environment Quarterly Report.***

McGurk/Fulton

Carried

Attendance: The meeting closed at 9.12am.

## Status Report – Planning and Regulatory 19 February 2015

Date of meeting/Item	Action Resolution	Officer	Status
<p>18/02/14 P&amp;R Committee</p> <p>Alteration to Resolution – Draft Local Approved Products Policy (Psychoactive Substances)</p>	<p>AND THAT hearing of submissions to the draft Local Approved Products Policy by the Planning and Regulatory Committee be delayed until further information is available from the Ministry of Health.</p>	<p>Nicky McDonald</p>	<p>19/2/2015</p> <p>Hearings complete, deliberations to be scheduled. Ministry of Health consultation paper on regulations due out 19 February 2015.</p> <p><b>ONGOING</b></p>
	<p>20/03/14 P&amp;R Committee</p> <p>AND THAT the Mayor writes to the Primary Industries Minister requesting financial support for these measures;</p> <p>AND THAT the Mayor writes to the Mayors of Tasman District and Marlborough District Councils requesting that this general approach be adopted as a regional approach;</p> <p>AND THAT Council requests that the Top of the South Marine Biosecurity Partnership develop a proposal for a joint regional pathways plan.</p>	<p>Paul Sheldon</p>	<p>19/2/2015</p> <p>Letter to Minister approved to be sent by Mayors of all three top of the South Councils</p> <p>TDC Environment and Planning Committee resolved to support scoping of a joint Top of the South Marine Biosecurity Pathway Plan. Now all three councils have a similar resolution.</p> <p>Environlink application approved for Cawthron Institute to compile background resources for pathway management in Top of South.</p> <p>Top of the South Biosecurity contractor currently preparing structural outline of a pathway plan.</p> <p><b>COMPLETE</b></p>

Date of meeting/Item	Action Resolution	Officer	Status
17 April 2014 Council meeting Brook Waimarama Sanctuary Fence and Conservation Centre	<p>THAT Council directs officers to provide a summary of Council's biodiversity output with a particular focus on opportunities to leverage the work undertaken in the Sanctuary.</p>	Clare Barton	19/2/2015 Specialist meeting held on 8/8/14 followed by a full Council workshop on 14/8/14 to discuss programme to be advanced to LTP. Specific budgets will be attached to the projects discussed at the workshop and will be provided as part of the LTP process. <b>COMPLETE</b>

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## **Chairperson's Report**

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### **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 (A1313063) be received and the contents are noted.***

### **Housing Accord and Special Housing Areas Act 2013**

- 2.1 Nelson faces several housing challenges; increasing prices, lower than average incomes, declining levels of home ownership, lack of housing choices contributing to lack of affordable dwellings, aging and poor quality housing stock contributing to unsatisfactory and unhealthy homes as well as a limited supply of land for housing.
- 2.2 As from 8 January 2015 Nelson City has been included in the Housing Accords and Special Housing Areas Act 2013 (HASHAA). The purpose of the Act is to enhance housing affordability by facilitating an increase in land and housing supply within Nelson City. Tasman District Council was also included on the same date.
- 2.3 A Housing Accord is a key component of the Act. It is an agreement between the Government and the Council. The Act states that a Housing Accord must be in writing, it must set out agreed targets and define how the parties will work together to achieve the purposes of the HASHAA.
- 2.4 The Act also provides that the Council may recommend to the Minister that one or more areas within Nelson City be established as a Special Housing Area (SHA).
- 2.5 Designation of a SHA allows HASHAA to be used to consider any application for a qualifying development and any associated infrastructure. SHAs have special consenting and approval processes to speed up development. These include proactive Council pre-application processes, streamlined consenting and plan change timeframes. There are limits on notification provisions and limited appeal rights.

- 2.6 The Council will be considering whether to sign up to an Accord with the Government and then in the future identify suitable areas for SHAs and recommend those to the Minister.
- 2.7 Providing affordable housing in Nelson must not result in poor quality design and construction of new dwellings, urban sprawl into unsuitable locations or crammed developments. There is an opportunity to develop more housing choices and provide quality healthy homes for people in the city at an affordable price.

### **Proposal to Amend the Resource Management Act**

- 2.8 The Chairperson attended a presentation from the Minister for the Environment and MP for Nelson, the Honourable Dr Nick Smith at Nelson West Rotary Club on 21 January 2015.
- 2.9 In announcing an overhaul of the RMA Dr Smith said the RMA is *"holding back the development of new houses and jobs and is not performing well enough in managing key resources like freshwater."*
- 2.10 Dr Smith cited the Motu Research report which found the RMA is adding an extra \$30,000 to the cost of an apartment and \$15,000 to the cost of a home. The Motu findings were based on interviews with 16 developers from Auckland. The extra costs for apartments were attributed to needing increase the minimum floor to ceiling heights and minimum floor area requirements.
- 2.11 Dr Smith provided local examples from Nelson of frustrations with the RMA; the Stoke Medical Centre, the Young Parents School at Auckland Point School and a residential property in Marsden Valley.
- 2.12 Amendments to the RMA are a priority for the Government and the changes proposed include:
- Altering the principles in Sections 6 and 7
  - Emphasising natural hazards in the urban environment; recognising affordable housing and explicit recognition of property rights
  - Standard Plan templates
  - Speeding up the Plan-making process
  - Fostering collaborative processes
  - Strengthening powers for national regulation
  - Making planning documents accessible electronically
- 2.13 These are changes that have largely been put forward by the previous Minister so are not unexpected. Ministry officials have been working on potential legislative changes for some time. It is likely change will be introduced in the House mid to late 2015.

- 2.14 In the meantime Council staff have engaged with officials from the Ministry for the Environment and will continue to do so to explore opportunities for combined efforts, e.g. developing standard integrated plans.
- 2.15 A copy of Dr Smith's speech, the Motu Report and the Ministerial Press Release have been placed on the Google drive for the information of councillors.

### **Marlborough Marine Futures**

- 2.16 The Chairperson and Manager: Environmental Programs will be attending the Marlborough Marine Futures at Picton on Sunday 8 March 2015.
- 2.17 This begins the process for forming a stakeholder working group to develop solutions to the issues arising from competing demands and pressures in the Marlborough marine environment. This includes a substantial portion of Tasman Bay and adjoins the NCC marine area. The approach taken follows successful implementation of similar models for the Haurakai Gulf and Kaikoura coast.
- 2.18 The process may be a precursor for a similar approach for a project to rejuvenate the wider Tasman Bay marine area (including Golden Bay) as part of NCC's wider regional responsibilities alongside TDC, the Ministry of Primary Industries (MPI) and the Department of Conservation (DoC) and support the government's Science Challenge with NIWA and Cawthron.

### **LAWA Video on Maitai River**

- 2.19 LAWA is producing a series of 16 videos featuring a river from each region. The Maitai is the subject for Nelson and focus is on the positive work individuals, groups and agencies are undertaking to restore the river.
- 2.20 Filming will take place on 18 February 2015 and will include short interviews with Ami Kennedy from the Friends of the Maitai, Dr Suzie Wood from Cawthron Institute and the Chairperson.

### **Psychoactive Substances**

- 2.21 Deliberations on the Local Approved Products Policy (LAPP) regarding location for the sale and supply of legal highs in Nelson have had to be postponed. The new date will likely be in March.
- 2.22 In the meantime a consultation document for the proposed regulations should be released on 19 February 2015. Council has the opportunity to provide feedback.
- 2.23 Regulations that are being drafted now are likely to go to Cabinet in April/May to come into effect in possibly June this year.

- 2.24 The current regulations allowing for product approvals and licensing for import, research and manufacture of psychoactive substances and sale of unapproved psychoactive substances (by wholesale only) that came into force on 3 November 2014 will be amended to include the retail regulations.
- 2.25 After the amended regulations take effect then retail licences can be applied for however there are currently no products approved and it is unlikely that any product will be approved for some time. There is a ban on animal testing and for a product application it is unlikely that a product can be shown to pose no more than a low risk of harm without the use of animal testing.
- 2.26 All products that will be approved will have to pose no more than a low risk of harm. It is unlikely that any synthetic cannabinoid that was available during the interim period (when the Act managed products already on the market) would now be approved.

### **3. Conclusion**

- 3.1 That the updates provided in this report are noted.

Brian McGurk

**Chair – Planning and Regulatory Committee**

### **Attachments**

None

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## **Ngati Kuia Pakohe Management Plan**

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### **1. Purpose of Report**

- 1.1 To address the item 'Ngati Kuia Pakohe Management Plan' which was left to lie on the table at the 27 November 2014 Planning and Regulatory Committee meeting.

### **2. Delegations**

- 2.1 The Planning and Regulatory Committee is delegated authority to perform all functions, powers and duties relating to the area of resource management.

### **3. Recommendation**

***THAT the report Ngati Kuia Pakohe Management Plan (A1294314) be received;***

***AND THAT the item Ngati Kuia Pakohe Management Plan which was left to lie on the table at the Planning and Regulatory Committee meeting held on 27 November 2014 requires no further consideration by the Committee.***

### **4. Background**

- 4.1 At the 27 November 2014 Planning and Regulatory Committee meeting, the following resolutions were passed:

***THAT the report Ngati Kuia Pakohe Management Plan (A1217380) and its attachments (A1275104 and A1275078) be received.***

***THAT pursuant to Standing Order 3.12.1 the item Planning and Regulatory Committee - Ngati Kuia Pakohe Management Plan, be left to lie on the table, and will not be further discussed at this meeting.***

- 4.2 The item was left to lie on the table as there was a second recommendation on the original Ngati Kuia Pakohe Management Plan report (A1217380) which needed further investigation:

*AND THAT the Chief Executive be requested to incorporate the 'Accidental Discovery Protocol' (A1275078) into planning and operational processes.*

4.3 This procedural report aims to address this outstanding item.

## **5. Discussion**

5.1 Council officers have assessed the current processes that Council adheres to in terms of accidental discovery, and further detail on this follows:

5.1.1 The Heritage New Zealand Pouhere Taonga Act 2014 provides a process that Council must adhere to should there be any accidental discovery of Wāhi Tūpuna (Pakohe archaeological sites), and Taonga Tūturu made from Pakohe, (Pakohe artefacts) during any Council operational works. The accidental discovery protocol identifies to operational staff what that procedure is as required by law, and does not rely on the above recommendation being approved. The accidental discovery protocol has been socialised with Infrastructure, Policy and Resource Consents officers who will incorporate it into their project management processes.

5.1.2 Ngati Kuia also seek that Council protect Pakohe in its raw form, Wāhi Pakohe (naturally occurring Pakohe), which within the Nelson City Council boundary is located predominantly on Council land. This can be achieved through non regulatory means such as raising awareness with contractors, and via regulatory means. The Nelson Plan will be reviewing the earthworks, forestry and other land disturbance provisions of the Plan which can include consideration of pakohe. Through that policy process the Iwi of Te Tau Ihu and the general public will be consulted.

5.2 It is therefore recommended that further consideration of the item Ngati Kuia Pakohe Management Plan is not necessary.

## **6. Options**

6.1 The Committee is recommended to consider or withdraw an item that is left to lie on the table at a previous meeting.

6.2 The preferred option on this occasion is for this matter to be withdrawn.

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

7.1 As this is a procedural recommendation, it is not considered a significant decision in terms of the Council's Significance Policy.

## **8. Alignment with relevant Council Policy**

8.1 The recommendation to withdraw the item Ngati Kuia Pakohe Management Plan from further consideration does not contradict any Council policy or procedure.

## **9. Consultation**

9.1 No external consultation has been carried out in relation to this matter.

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

10.1 Other iwi have been advised that Council has received the Pakohe Management Plan. There is no effect of removing the second resolution that was left to lie on the table and therefore Council does not need to consult Maori about this procedural issue.

## **11. Conclusion**

11.1 The item Ngati Kuia Pakohe Management Plan which was left to lie on the table at the Planning and Regulatory Committee meeting held on 27 November 2014 requires no further consideration by the Committee.

Penny Langley  
**Manager Administration**

### **Attachments**

None

19 February 2015

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REPORT A1271834

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## **Strategy and Environment Report 1 October to 31 December 2014**

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### **1. Purpose of Report**

- 1.1 To provide a quarterly update on activity and performance for the Council's planning, regulatory and environmental programmes functions.

### **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 Strategy and Environment Report for 1 October to 31 December 2014 (A1271834) and its attachments (A1294825, A1272153, A1299949, A1289588, and A1280159) be received.***

### **4. Background**

- 4.1 The report and attachments detail the performance monitoring of the Council's activities and how these activities impact on or assist developments in our community.

### **5. Discussion**

#### **Building**

#### **Summary of Issues**

- 5.1 Only one building consent breached the 20 day time limit in this quarter (after seven in the first quarter). This breach was due to an administration error, which has been rectified by a small change to the process. Previous capacity breaches have ceased because we now have increased processing capability.

- 5.2 Other statutory time limits for Code Compliance Certificates and Certificates of Acceptance are now being reported on. In the last quarter there have been no breaches of time limits for Code Compliance Certificates. One Certificate of Acceptance (COA), which was already over 20 days in May 2014, (when tracking and management of these commenced), was reactivated by the customer and will record as a breach in this quarter. The Building Control Authority (BCA) is still confident it is meeting International Accreditation New Zealand (IANZ) requirements to be compliant for statutory time limits.

### **Challenges**

- 5.3 Planning considerations for Building Consents has provided the BCA with a challenge over the last quarter. The Ministry of Building, Innovation and Employment (MBIE) has clarified that the BCA must not hold up the granting and issue of building consents even when planning issues are unresolved. The potential impact of this is major so the Planning Team and BCA are working together to resolve this.
- 5.4 The general quality of information provided by external agents continues to be variable, so the BCA is commencing a trial for lodgement meetings for residential building consents over the next quarter (as capacity allows). The meeting is a means of engaging with the applicant to assist in getting improvement in the general quality of submitted consents.
- 5.5 The BCA is still witnessing challenges to meeting MBIE guidance time frames for undertaking inspections in 48 hours and 72 hours maximum. With new staff resource joining the team in January, it is expected the situation regarding timeframes will be easier to achieve.

### **Successes**

- 5.6 Regulation 18 – this requires all technical staff, who do not hold a qualification, (seven staff members), to be actively working towards a qualification. Over the last quarter the team has met the required key performance indicator of three unit standards to be signed off, meaning they are actively working toward the National Diploma in Building Control Surveying.

## **Consents and Compliance**

### **Summary of Issues**

- 5.7 The Navigation Safety Bylaw infringement regime is yet to be considered by Cabinet. Despite Council lodging the paperwork with the Ministry in April 2013 we have not been able to issue any infringement notices to date. Council was advised on 15 December 2014 that the Ministry of Transport (MoT) will not be signing any infringement schedules until work on developing options for a single national rule on the carriage and use of personal floatation devices has been completed. MoT are concerned that in general there are navigation bylaw inconsistencies between regions and between regional and national navigation safety

rules. In the interim, MoT has recently provided advice to harbourmasters and enforcement officers to issue infringement notices for breaches of maritime rules. We are working with other councils in the same position to establish the necessary administration systems to support the enforcement of maritime rules.

## **Challenges**

- 5.8 The Harbourmaster has reported that there have been a number of recurring incidents in December that require the education of recreational users:
  - 5.8.1 Several paddle boarders not wearing personal floatation devices or life jackets;
  - 5.8.2 Kite surfers operating inside the buoys at Tahunanui Beach, where inside the buoys is for swimmers only; and
  - 5.8.3 Over 40 small vessels were stopped and spoken to about the wearing of life jackets.

## **Successes**

- 5.9 The resource consents team felt the pre-Christmas madness with 51 consents issued (all on time). This is the highest monthly total since November 2011.

## **Environmental Programmes**

### **Summary of Issues**

- 5.10 Staff have been involved with a wide range of activities including:
  - Developing and implementing plans for major projects such as Project Maitai/Mahitahi and Nelson Nature;
  - Responding to new freshwater monitoring requirements under the National Objectives Framework (NOF);
  - Nelson Plan review;
  - National Policy Statement for Freshwater Management (NPSFW);
  - Woodburner Working Party;
  - Facilitating the development and implementation of a Cyanobacteria (toxic algae) communication plan with support from the Nelson-Marlborough Health Protection Team, Tasman and Marlborough Councils, Cawthron, Nelson Vets and Friends of the Maitai;
  - Launch and live reporting of Nelson's recreation bathing monitoring on the Land, Air, Water and Aotearoa (LAWA) web portal;

TOS Marine Biosecurity Partnership follow up on Nelson Marina berthing agreements to include the appropriate biosecurity conditions.

## **Challenges**

- 5.11 Nelson entered a drought in November 2014 when Advisory Low Flow was triggered and approximately 500 residents taking water from streams and bores were notified of water restrictions. Rain on 31 December 2014 increased flows above the trigger point.

## **Successes**

- 5.12 Around 2000 visitors attended 'Ecofest featuring Growables' at Founders Heritage Park on Sunday 16 November. Feedback was positive with over 60% of those who responded rating the event better than previous Ecofest events. The change of venue from the Trafalgar Centre to Founders Heritage Park was well received by the public and exhibitors alike, who said it better reflected the nature of the event and provided more of a festival atmosphere.
- 5.13 Three Enviroschools (Nelson Intermediate School, Hampden Street School and Grove Street Kindergarten) attained the Bronze Enviroschools Award with Councillors Brian McGurk and Tim Skinner presenting the awards to Hampden Street School and Grove Street Kindergarten respectively. The Bronze Award is achieved by those centres that can clearly demonstrate a commitment to sustainable behaviour change. Activities undertaken have included reducing waste to landfill through increased recycling and diversion of food waste to composting and bokashi systems; development of edible gardens; implementation of water-saving systems to promote good resource management; projects to improve the health of the York Stream which link well with Council's Project Maitai/Mahitahi initiative; understanding Māori perspectives around sustainability and celebrating diversity.
- 5.14 As part of Cawthron's Science and Technology Awards, NCC and TDC jointly sponsored a Youth Leadership Award for Sustainability to recognise the best project identifying an environmental challenge that demonstrates leadership and action to benefit the environment and community. The award was won by Katie Shaw from Nayland College for her project on mussels and micro plastics. The award of \$200 and a certificate were presented to her by Councillor Brian McGurk and Councillor Judene Edgar (TDC) at a ceremony on Wednesday 22 Oct 2014.
- 5.15 Quarterly reporting of retail spending trends has been arranged through Marketview, using electronic spending data. The first report, for the December 2014 quarter, is expected in February.
- 5.16 Work has started on a project to improve the management of resource consents data. The aim of the project is to allow regular reporting of regional consents (such as water takes, discharges to water, land and air, and gravel extraction) and development trends (residential land

supply and demand). The initial stage of the project is to understand reporting requirements (such as the National Policy Statement for Freshwater Management) as well as to provide baseline information for the development of the Nelson Plan and other Council policies (Development Contributions, Housing Accord).

- 5.17 The HAIL site database project has been completed. Broad consultation with affected property owners is complete, and the database will continue to be actively managed and updated as new information is received. Interim LIM/PIM statements have been removed, and final LIM/PIM statements are in place from 6 October 2014. The Nelson HAIL sites page on our website is publicly available and includes an interactive searchable map. An information brochure is available from Customer Services.
- 5.18 Project Maitai/Mahitahi was the theme of the Council stand at Ecofest and signs have been installed along the river underneath the Cyanobacteria signs. The Maitai was the River of the Month on the LAWA website in November, and a 6-monthly project update was given to the Kotahitanga hui at Whakatu Marae in December (Attachment 3). Project updates are as follows:
- 5.18.1 A contract has been awarded to analyse the costs and benefits of sourcing more of our drinking water from the reservoir rather than the South Branch.
- 5.18.2 Fish passage has been opened up at Almond Tree Flats ford and a chain and sign installed to prevent inappropriate use of the ford.
- 5.18.3 Fish passage has been installed at the South Branch back-feed weir.
- 5.18.4 NIWA has been contracted to provide a gravel management strategy report for the river, including advice and recommendations.
- 5.18.5 The forestry project team has met twice to discuss possible actions, and identify opportunities for implementing good practice
- 5.18.6 Recent monitoring of the lower reaches for E. Coli showed encouraging results but we won't be able to say it is safe to swim at Collingwood St Bridge until we have a run of consistently low readings. We are still seeing periodic spikes of elevated readings, particularly after rainfall.

## **Planning**

### **Summary of Issues**

- 5.19 The Urban Environment Bylaw is currently out for public consultation. Nelson Resource Management Plan (NRMP) updates went out to plan holders in January 2015 following Plan Change 16 being made operative. Planning staff have been involved in the development of the Development contributions policy and the Infrastructure Strategy.

- 5.20 A detailed update of Nelson Plan progress was presented to the 27 November Planning and Regulatory Committee (refer A1271384). The Committee resolved that future updates would be provided in this Strategy and Environment quarterly report. The November Report provided a summary of programme progress, stakeholder engagement, and technical work. Amendments have been made to the Nelson Plan Strategic Outcomes and are attached (A1289588).

### **Challenges**

- 5.21 Officers have been working to align Infrastructure and environmental work programmes. For example, flood modelling work is proposed across the City to update the Flood Hazard Overlay and inform freshwater planning as part of the Nelson Plan.

### **Successes**

#### General

- 5.22 The inaugural Draft Environment AMP, that brings the Environment activities together, was adopted by Council.

### **NELSON PLAN**

#### Programme Progress

- 5.23 The Nelson Plan is in the preliminary engagement phase. Key stakeholder engagement on the Nelson Plan has commenced with an initial emphasis on natural environment and iwi issues. Further detail is provided in the outline of stakeholder engagement and technical work provided below.
- 5.24 A number of Nelson Plan Council workshops have been programmed for 2015. They focus on the following topics:
- Refresh and Process;
  - Growth;
  - Hazards;
  - Biodiversity;
  - Freshwater;
  - Landscape;
  - Coastal;
  - Heritage;
  - Iwi;
  - Air.

## Stakeholder Engagement

- 5.25 Key Stakeholder engagement has now commenced. The initial focus has been on seeking feedback from key stakeholders with an interest in the Natural Resource area. While some discussions are underway on city development issues such as Wakapuaka, Stoke, and the Central City it is envisaged that these discussions will ramp up at the beginning of the 2015 calendar year. The engagement work will be staged.
- 5.26 A number of meetings have taken place with iwi and an officer iwi working group has been established to meet through 2015.
- 5.27 A community meeting is also planned to discuss the approach to woodburners as part of the Air Plan review in early 2015.
- 5.28 A number of queries from individual landowners are also being fielded by Council officers and meetings are being set up with interested parties as matters arise. The majority of one on ones with landowners will occur in 2015.
- 5.29 Council officers have met with a wide range of stakeholders. The focus of meetings has been to provide an overview of the Nelson Plan Strategic Outcomes, outlining the Natural Resource outcomes, and seeking feedback on how stakeholders would like to be engaged. Overall feedback has been positive although there is interest to engage at a topic based level, (e.g. landscape, biodiversity, water etc rather than natural resources generally), both individually (e.g. Federated Farmers, Forest and Bird) as well as at a forum/group level. The need to understand Council's policy position was also highlighted. Meetings are now being arranged as requested.

## Technical Work

### Freshwater

- 5.30 As noted in the previous update, work has been completed to consider Nelson's groundwater resources and native fish distribution and Maitai gravel extraction. Work is currently underway to compile water take and discharge consent information. A summer recreation survey is underway in the Maitai and Roding so that community and instream values can be ascertained. Officers have also been working to align the infrastructure and environmental work programmes around four key catchments – The Maitai, Stoke, Whangamoia, and Wakapuaka.
- 5.31 Collectively this work will be used to guide freshwater management across Nelson.

## Growth

### Wakapuaka

- 5.32 Detailed flooding information has been gathered. Flood modelling is anticipated to be completed in early 2015. The majority of stakeholders have been consulted. The next steps are to have a combined meeting to consider possible future landuse scenarios. At the same time farm and nutrient management plans are being considered for this area.

### Demand and Supply for Future Development

- 5.33 Council officers are participating in the Richmond Density Housing Forum which is exploring how and where to enable intensification in and around the Richmond town centre and potential cross boundary issues for Nelson. The recent focus has been on exploring the commercial realities of more intensive housing in the greater urban area.
- 5.34 Council has commissioned further work to better understand market demand and capacity for residential, industrial, and commercial development in greenfields and brownfields areas across Nelson. The study<sup>1</sup> brings relevant growth work together into one document and includes primary research in the following areas:
- Residential land and dwelling supply and demand factors;
  - Commercial and industrial demand factors;
  - High level spatial analysis;
  - Assessment of residential development capacity in identified growth areas.
- 5.35 Work has been undertaken on updating the statistics on the number of vacant sections in Nelson in various stages of development. A draft prioritisation process for infrastructure has been developed. This work has fed into LTP policies and the discussion around a housing accord and special housing areas. A significant part of this work will be to establish an internal system that can be 'live' and keep a track of land supply to enable Council with the necessary information to scrutinise residential land.

### City Centre

- 5.36 The success and function of the city centre has been discussed in a number of forums over the past year. In addition, there have been reports prepared<sup>2</sup> which provide guidance on the economic and social

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<sup>1</sup> (A128844)

<sup>2</sup> Nelson CBD Position Paper, Urbacity, June 2014 (A1218257); Nelson CBD Economic Risk Assessment, Urbacity, September 2014 (A1248288); Nelson City Centre Initiatives Summary Report, Urbanismplus, November 2014 (A1273975)

role of the city centre, the risks to this in the future, and actions that could be taken to ensure Nelson retains its vibrancy and vitality.

- 5.37 The actions proposed in these reports will be presented to the Committee in workshops later in the year.

#### Iwi

- 5.38 Officers worked closely with iwi throughout 2014 to help inform Nelson Plan resource management issues, iwi based strategic outcomes, and objectives and policies. The Kotahitanga hui in December 2014 established the Iwi working group to progress this work further. A copy of the Draft Terms of Reference for the group is attached (A1280159).

#### Hazards

- 5.39 Officers completed a Flood Hazard Identification and Management Review using a case study of six councils including TDC and MDC.
- 5.40 Officer workshops on flood modelling approaches have also been completed and officers are working to align flood modelling work as part of the LTP process.
- 5.41 A review of the NRMP Slope Risk Overlay is currently underway. It is anticipated that this work will be completed by end Feb 2015.
- 5.42 Tsunami evacuation maps are being completed in partnership with TDC. A paper will go to Council for consultation on evacuation points by mid 2015.

### **CBD Development**

#### **Commercial Development/Demolition**

- 5.43 Consents are in progress for the part demolition and refurbishment of the Suter Gallery with demolition works due to commence in January 2015.
- 5.44 Work has commenced on the Quest apartment development in Collingwood Street.

#### **Earthquake Prone Building Policy**

- 5.45 The first three priorities of the Policy, identification of IL3, IL4 and heritage buildings are all complete at the target date of December 2014.
- 5.46 Identification of Importance level 2 (IL2) properties is proceeding, with the focus on higher hazard buildings not captured in the above priorities. Work to identify all Importance level 2 (IL2) properties by December 2015 will be held off until more information becomes available as to the likely impact of the awaited Building (earthquake-prone buildings) Amendment Bill by the middle of 2015.

5.47 The enactment of this new legislation will trigger the review of the Nelson City Council Earthquake Prone, Dangerous and Insanitary Buildings Policy to align with changes the proposed Building (earthquake-prone buildings) Amendment Bill will make.

5.48 The following properties have been issued section 124 Notices in respect of the Earthquake Prone Buildings policy over the second quarter:

Trathen Building - 189 Trafalgar Street;

Pascoe's Jewellers - 195 Trafalgar Street;

NMIT P Block Victorian Villa - 131 Collingwood Street;

Shipping House Workshop - 36 Graham Street, Port Nelson;

TNL Building Storage No 1 - 3 Low Street, Port Nelson;

Ride Nelson, Car Company Workshop - 29 Halifax Street.

NCC owned:

Anchor Shipping and Foundry - 258 Wakefield Quay.

## **Other Development**

### **District**

5.49 A 33 lot subdivision was granted in Marsden Valley Road and a nine lot subdivision was granted in Todds Valley, both had associated earthworks consents.

5.50 Nelson College will commence building a new two storey block of four classrooms in January.

5.51 Te Whai Oranga Inc obtained consent to operate a community facility at 44 Karaka St essentially taking over the community programmes and provision of a drop in centre that House 44 used to run.

### **Regional**

5.52 NZTA was granted a number of consents in December associated with the realignment of the Rai Saddle. Adjustments to their SH6 designations were also required.

5.53 Nelson City Council obtained consents to replace 165m sewer main near Atawhai and a 30m box culvert and it's headwall in Saltwater Creek.

5.54 Talleys has been granted consent to place a concrete panel wall in the Coastal Marine Area at the Amaltal wharf area to enable a floating oil boom to be attached to form a more efficient seal around a ship when it is being refuelled.

## Development Trends

- 5.55 Comparisons for building consent applications received year to date within the last 3 years are provided in Attachment 1.
- 5.56 171 Building consent applications (including amendments) were received over the second quarter. Nelson has not seen the higher numbers of consents witnessed in the second quarter of prior years with 386 to date (472 in same period in 2013). Applications are also lower than this year's projection of 444 for the year to date.
- 5.57 The 'new development' element of consent applications received for the second quarter included 29 for new dwellings, 1 application for new education buildings and 1 application for new amenities. All other consents were for building alterations.
- 5.58 There is still a downward trend in the amount of consented works being undertaken across Nelson City. MBIE guidance from last year exempts more minor works, so it is possible more work is exempt.
- 5.59 Building Consent applications received in comparison with other Councils of similar size for the last two quarters: Napier City Council, Tasman District Council and Marlborough District Council:
- Nelson's second quarter consent applications numbers (171) are considerably less in comparison with Tasman District Council and Marlborough District Council (57% to 82% respectively). Nelson City Council sits closer to Napier City Council in the second quarter;
- In the second quarter Nelson City Council's estimated value of work is \$19 million. Nelson has the lowest estimated value of work across the three Councils with Napier, second lowest, having \$8 million more in estimated value.
- 5.60 Marlborough District Council has the highest number of consents (312) and estimated values (\$41million) across all three of the Councils reviewed.
- 5.61 This situation will be monitored over the next two months to see if a re-projection is required as it is hoped numbers will increase.

## Legal Update

### Proceedings

- 5.62 Two claims are currently being worked through by the Building Unit for buildings which have leaked and the claimants are seeking compensation from Council as they claim the leaks have been as a result of negligence.
- 5.63 The first claim is now heading to the High Court in Wellington in June 2015.

- 5.64 In relation to the second claim the proceedings have been lodged with Nelson District Court and expert information is currently being compiled.

### **Legislation Changes**

- 5.65 The Building (Earthquake-prone Buildings) Amendment Bill. The NZ Parliament website indicates that this will be enacted by June 2015. This proposed legislation will require the Council to undertake Initial Seismic Assessments of all buildings which have not currently been assessed and were constructed prior to 2004. The team are currently investigating how and if fees can be recovered for this work from building owners.
- 5.66 The Dam Safety Regulations are changing and will be enacted on July 1 2015. As a result the current Nelson City Council Policy on Dangerous Dams will need to be reviewed in light of this enactment.
- 5.67 Preparation is underway for Resource Management Act changes commencing 3 March 2015. It is likely these amendments will introduce a six month timeframe for decisions on limited notified and notified resource consent applications and refine information requirements for new applications. We are working with Tasman District Council's resource consent team to apply the legislation changes consistently and will be informing planning consultants and other agents of our changes mid March. Information for the public will be available on our website, in the Customer Service Centre and in Live Nelson.

### **Iwi Liaison**

- 5.68 More hui have been held with Iwi to discuss how best to enable iwi input early in Council projects, how the Cultural Impact Assessment process captures all iwi views, ensuring iwi have sufficient involvement in the resource consent process and how Council engages with iwi for the Nelson Plan review.

## **6. Options**

- 6.1 The Planning and Regulatory Committee has the option of receiving and adopting the report or seek further information.

## **7. Assessment of Significance Against the Council's Significance Policy**

- 7.1 The decision is not a significant decision in terms of the Council's Significance Policy as there are no impacts on the social, economic, environmental or cultural well-being of the community in providing this information on work already undertaken.

## **8. Alignment with Relevant Council Policy**

- 8.1 The Council's annual plan includes performance measures for various activities and this report enables the Council to monitor progress towards achieving these measures.

8.2 Progress towards setting the context to achieve identified goals in Nelson 2060 can also be tracked.

## **9. Consultation**

9.1 Not applicable as the report summarises activities already undertaken.

## **10. Inclusion of Māori in the Decision Making Process**

10.1 Not applicable as the report summarises activities already undertaken.

Clare Barton

### **Group Manager Strategy and Environment**

#### **Attachments**

Attachment 1: Building Unit statistics for last quarter and year to date [A1294825](#)

Attachment 2: Consents and Compliance statistics [A1272153](#)

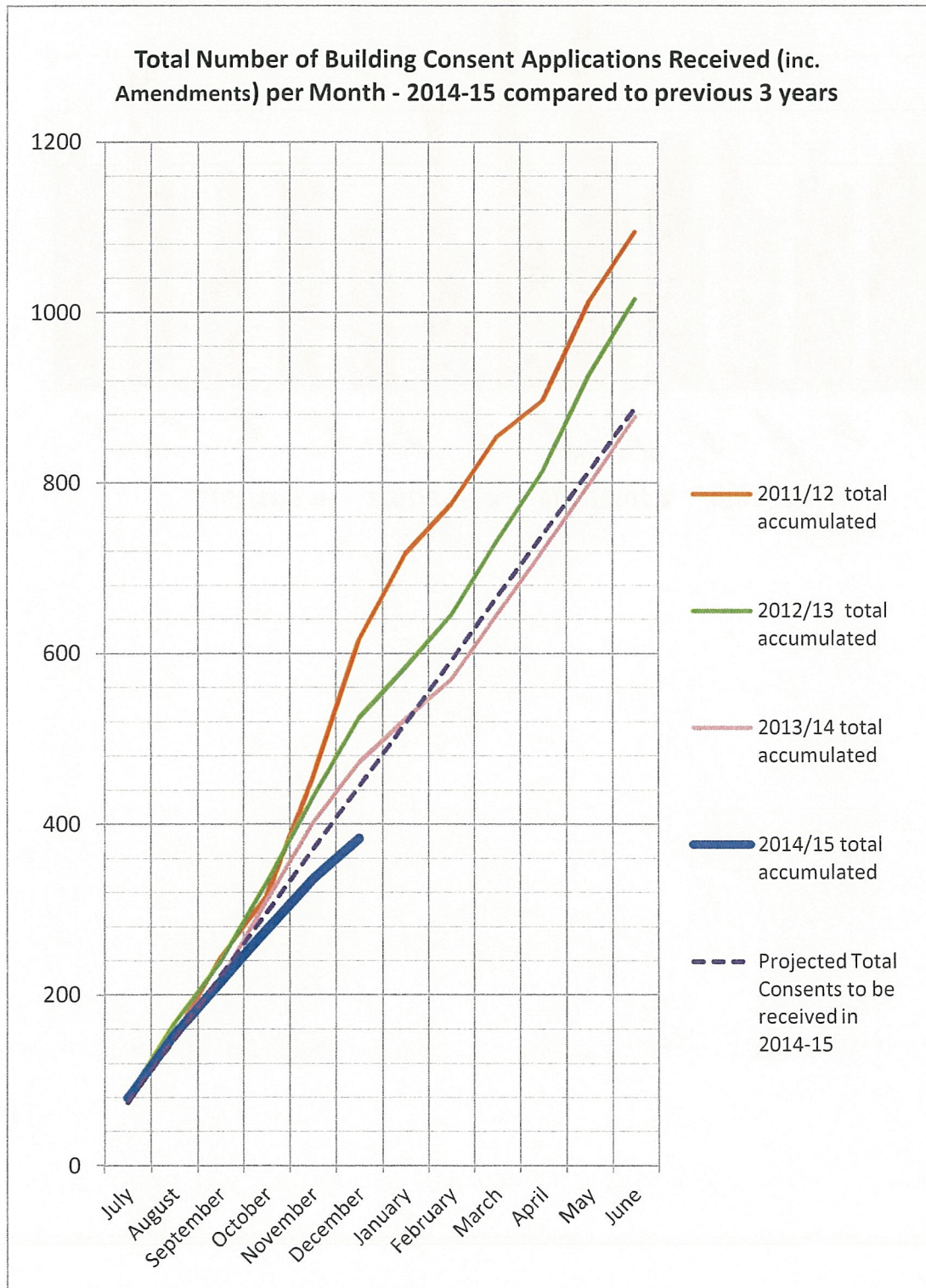
Attachment 3: Project Maitai/Mahitahi progress to date [A1299949](#)

Attachment 4: Nelson Plan Strategic Outcomes December 2014 [A1289588](#)

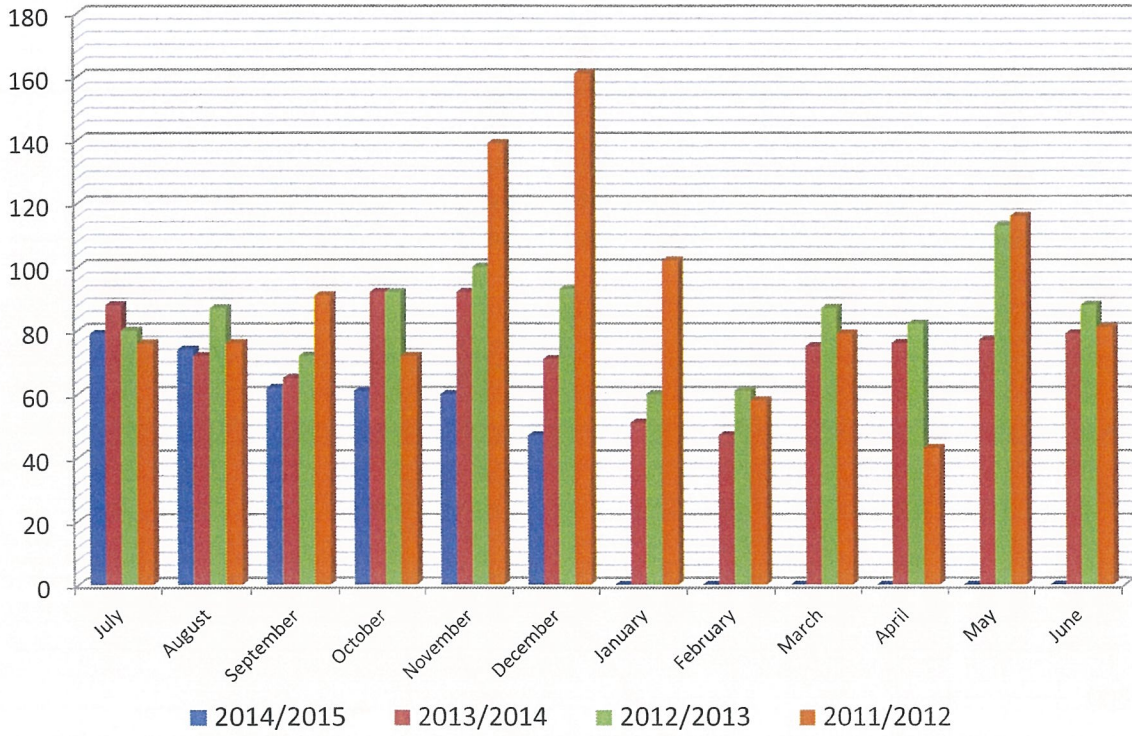
Attachment 5: Whakamahere Whakatu Nelson Plan ToR Iwi Working Group [A1280159](#)

## Building Unit Statistics 1 October – 31 December 2014

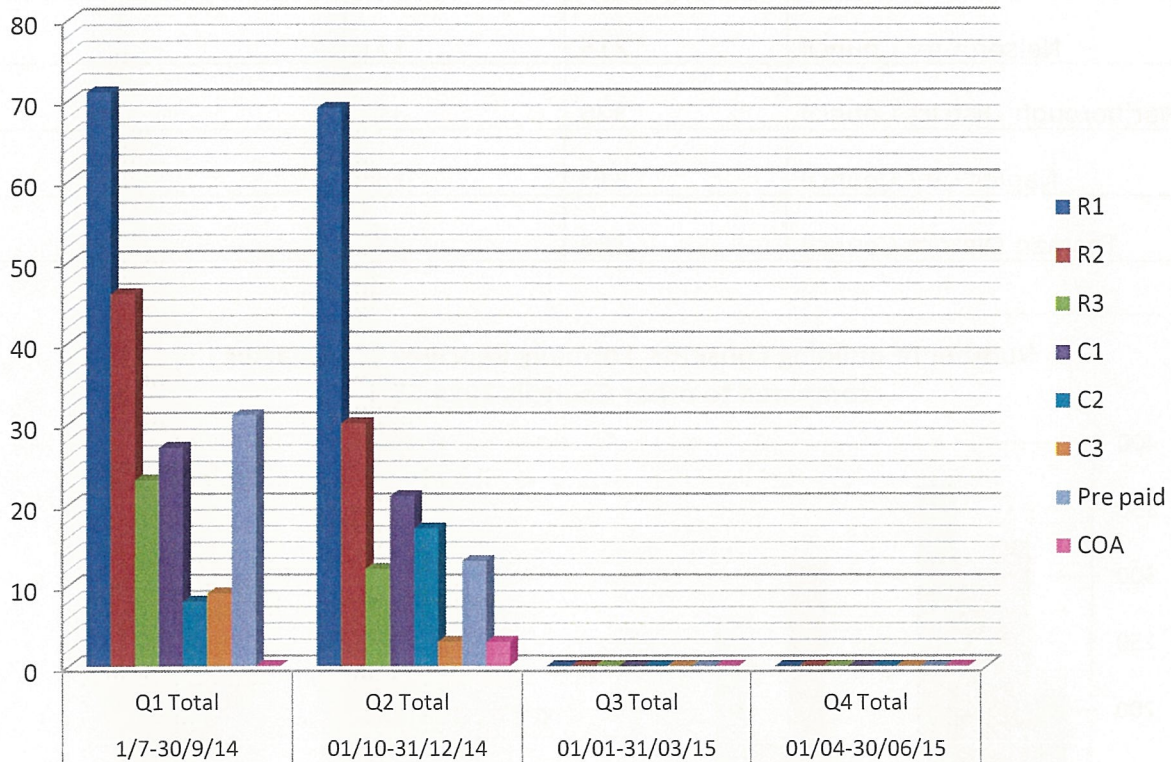
### 1. Building Consent Applications Received.



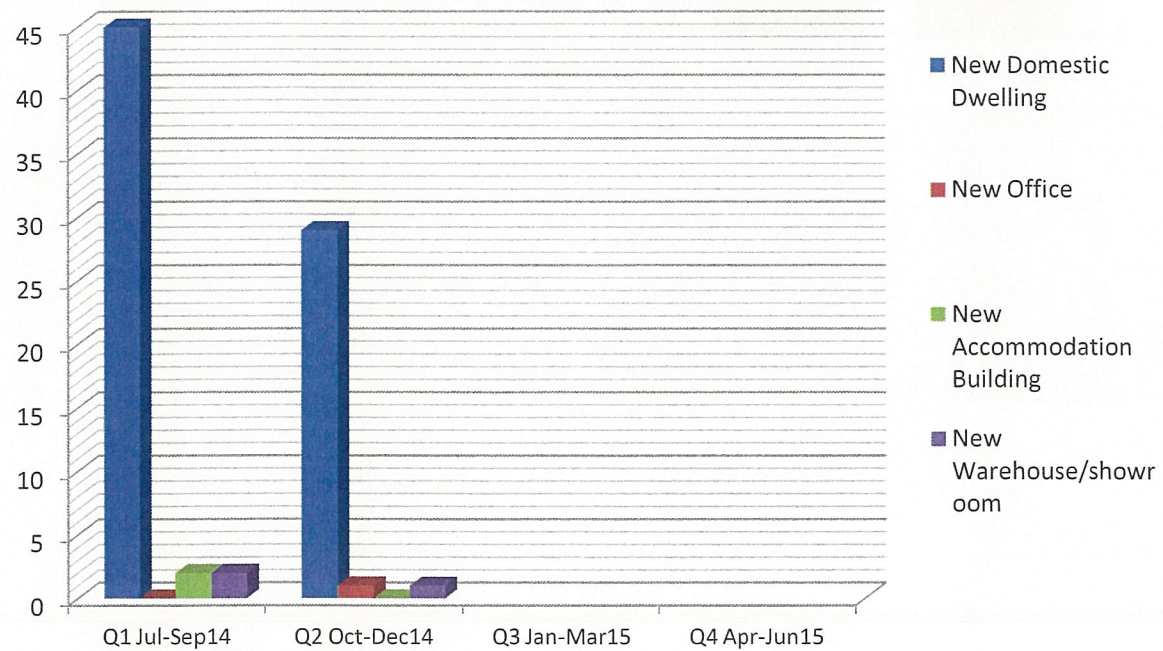
**Total Monthly Building Consent Applications Received (inc Amendments) - 2014-15 compared to previous 3 years**



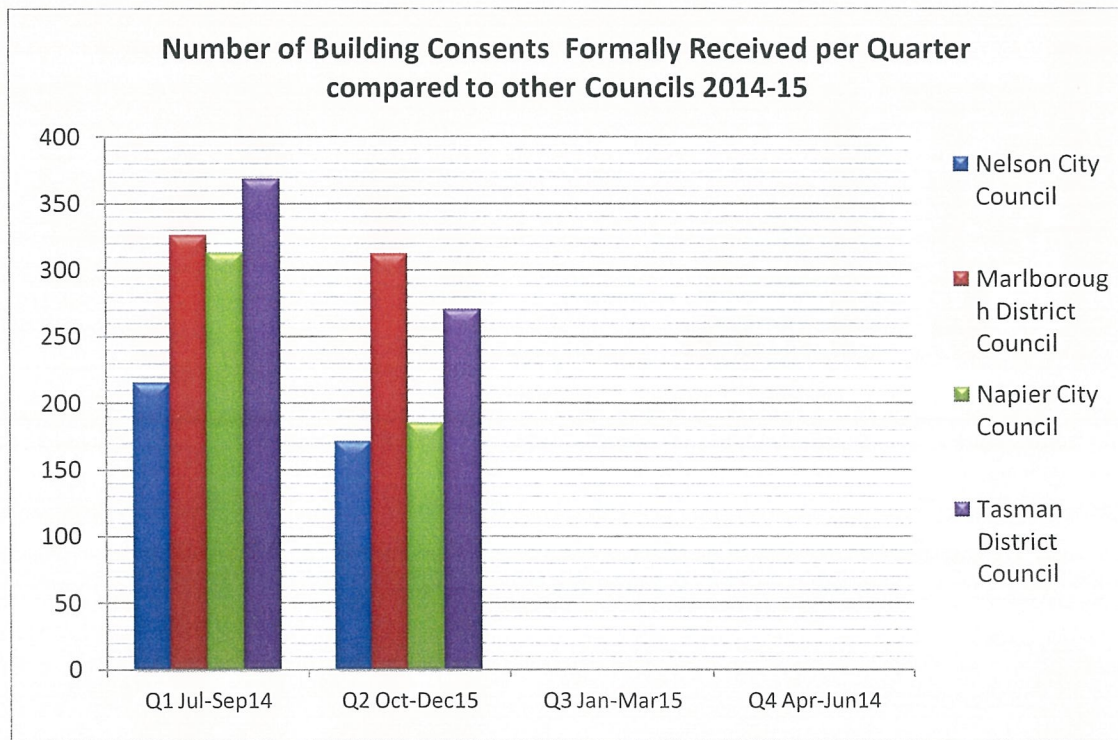
**Total Number of Building Consent Applications Formally Received (inc. Amendments) per Quarter by Category for Financial Year 2014-15**



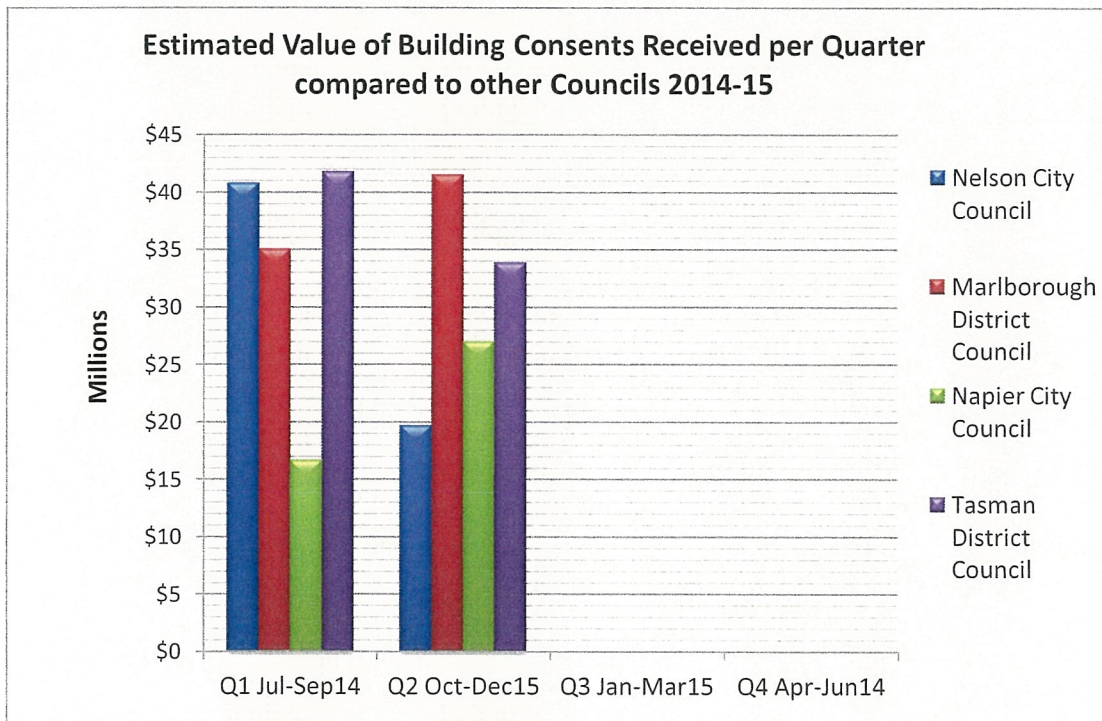
**Building Consent Applications per quarter for New Dwelling and Commercial Buildings - 2014-2015**



Comparison with other Councils No. Applications Received	Q1 Jul-Sep14	Q2 Oct-Dec15	Q3 Jan-Mar15	Q4 Apr-Jun14
Nelson City Council	215	171		
Marlborough District Council	326	312		
Napier City Council	313	185		
Tasman District Council	368	270		



Comparison with other Councils Estimated Value of Work	Q1 Jul-Sep14	Q2 Oct-Dec15	Q3 Jan-Mar15	Q4 Apr-Jun14
Nelson City Council	\$40,847,315	\$19,706,269		
Marlborough District Council	\$35,098,201	\$41,551,799		
Napier City Council	\$16,691,879	\$27,027,207		
Tasman District Council	\$41,851,635	\$33,925,686		



## Attachment 2

### Consents and Compliance Statistics 1 October – 31 December 2014

#### 1. Resource Consent Processing Times

Month	NON NOTIFIED				NOTIFIED AND LIMITED NOTIFIED		
	% processed on time	Average process days	Median process days	Consent numbers	% processed on time	Average process days	Consent numbers
October	100	13	14	34			0
November	100	11	11	16			0
December	100	15	14	45	100	61	6
<b>Average from 1 July 2014</b>	<b>99</b>	<b>13</b>	<b>14</b>	<b>29</b>	<b>67</b>	<b>50</b>	<b>1</b>
<b>Total from 1 July 2014</b>				<b>176</b>			<b>8</b>
2013/14 average	98	13	13	26	100	54	1
2013/14 totals				316			11

Tasman District Council processed 226 non notified applications in the same period, Marlborough District Council issued 262.

#### 2. Parking Performance

Activity	October	November	December
<b>Enforcement</b>			
Safety	156	95	88
Licence labels /WOF	354	312	396
Licence labels/WOF (Warnings)	307	207	246
Central Business District meters	14	1045	1032
Time Restrictions	863	288	436
<b>Total Infringement notices issued</b>	<b>1694</b>	<b>1947</b>	<b>2198</b>
<b>Service Requests</b>			
Abandoned Vehicles	17	24	41
Requests for Enforcement	33	30	30
Information /advice	43	46	30
<b>Total service requests</b>	<b>93</b>	<b>100</b>	<b>101</b>
<b>Courts</b>			
Notices lodged for collection of	538	426	294

Activity	October	November	December
fine			
<b>Explanations Received</b>	<b>139</b>	<b>186</b>	<b>137</b>
Explanations declined	48	55	41
Explanations accepted (within guidelines)	44	53	38
Explanations accepted (outside guidelines)	46	75	56
Explanations accepted (warden error)	1	3	2
NOTE: Tickets are cancelled when explanation accepted			

### 3. Environmental Health and Dog Control Activities

Activity	Responses			Year to Date
	October	November	December	
Dog Control	148	156	153	1066
Resource consent monitoring	136	109	152	814
Noise nuisance	84	100	135	519
Bylaw / Building / Planning	70	66	83	412
Liquor applications	37	43	35	227
Liquor Inspections	6	21	8	99
Pollution	21	24	16	147
Stock	18	4	8	34

### 4. Summary of Hearing Panel Activities

Date	Matter	Location	Outcome
7/11/2014	Application for resource consent for second dwelling under RMA 1991	23 Neale Ave, Stoke	RM145139 Granted subject to conditions
17/11/2014	Applications for exemption under section 6(1) of the Fencing of Swimming Pools Act 1987	441 Rocks Road	Exemption granted subject to a condition.

<b>Date</b>	<b>Matter</b>	<b>Location</b>	<b>Outcome</b>
		10A Rangiora Terrace	Exemption granted subject to a condition.
		87 Chamberlain Street	Exemption granted subject to a condition.
		23 Richardson Street	Exemption granted subject to a condition.
		84 Princes Drive	Exemption granted subject to a condition.
		42 The Cliffs	Exemption granted subject to a condition.
		29 Richardson Street	Exemption granted subject to conditions.
		152 Moana Avenue	Exemption granted subject to conditions.
		262 Princes Drive	Exemption granted subject to conditions.
		1/47 Emano Street	Exemption granted subject to a condition.
		95 Mount Street	Exemption granted subject to a condition.
		8 Tamaki Street	Exemption granted subject to a condition.
		51 Tosswill Road	Exemption granted subject to conditions.
		15A Moncrieff Avenue	Exemption granted subject to a condition.
		6 Chamberlain Street	Exemption granted subject to conditions.

## 5. Harbourmaster Patrol Hours

<b>Month</b>	<b>Patrol Hours</b>
October	88
November	80
December	77 (with and additional 13 hours for tasks such as replacement of buoys, reporting etc.)

## 6. Official Information Act Requests

<b>Period</b>	<b>Number received</b>	<b>Number completed</b>	<b>Number outstanding</b>
1 October – 31 December	17	12	5

## 7. Summary of Legal Proceedings

Party	Legislation	Matter & date of initial action	Status
McFadden Family Trust	RMA 1991 (ENV-2012-WLG-83)	Plan Change 18 Appeal – 9 August 2012	Discussions continuing with appellants regarding Saxton Creek upgrade design. Backup mediation date sought from the Environment Court.
Hamilton and Hardyman	RMA 1991 (ENV-2012-WLG-84)	Plan Change 18 Appeal – 9 August 2012	Discussions continuing with appellants regarding Saxton Creek upgrade design. Backup mediation date sought from the Environment Court.
Raine	RMA 1991 (ENV-2012-WLG-85)	Plan Change 18 Appeal - 10 August 2012	Discussions continuing with appellants regarding Saxton Creek upgrade design. Backup mediation date sought from the Environment Court.
RG Griffin Children's Trust	RMA 1991 (ENV-2012-WLG-87)	Plan Change 18 Appeal - 10 August 2012	Discussions continuing with appellants regarding Saxton Creek upgrade design. Backup mediation date sought from the Environment Court.
Jatco Holdings	WHRS Regulations 2007	Building defects, claim for negligence in NCC issuing building consent and Code Compliance Certificate in 2004/2005	Hearing has been deferred to July 2015 in Wellington High Court.
A Pritchard	Dog Control Act 1996	Two dogs involved in an attack – 22 April 2014	Case heard in September. Found guilty on all charges. Sentencing hearing on 17 December decided dogs will be destroyed. Owner fined.
Partington	Building Regulations 1991	Leaking deck membrane causing damage to property. Property is less than 10 years old. Occupants have fixed the leaks but are claiming negligence by NCC has caused financial costs. As such damages are sought from NCC.	No Change: Insurers have been notified The proceedings (District Court) have been issued to NCC. Review of Plaintiffs report has been undertaken and comments provided By NCC experts. NCC response has been provided to Plaintiffs Lawyer.



## PROJECT MAITAI

M a h i t a h i

 Nelson City Council  
te kōwhiri me te whānau

### **Project Maitai/Mahitahi Goal:**

*Working together with Iwi and the community to improve the health of the Maitai/Mahitahi river, so we can swim safely, collect kai, and value this taonga (treasure) as an integral part of Nelson's physical and cultural landscape.*

14 Jan 2014

Dear Project Maitai/Mahitahi partners, stakeholders and interested parties,

Project Maitai/Mahitahi is Nelson City Council's name for a programme of work to improve the health of the Maitai River so that the community feel inspired to look after the river and it is safe to swim in and take kai from. Although the programme is focused on the Maitai River, it is actually a catchment programme including Brook and York Streams, Groom and Sharlands Creeks and other tributaries. The project is delivered in partnership with community group the Friends of the Maitai, with input from key stakeholders and interested parties.

Project Maitai/Mahitahi is a discrete programme of work that sits alongside other Council projects related to the Maitai/Mahitahi River. These include the Maitai shared pathway, freshwater aspects of the Nelson Plan review, the renewal of the Maitai water take resource consent, any potential flood mitigation works on the river, and on-going operations and maintenance work. The Cawthron Institute also has a programme of research work related to the Maitai/Mahitahi River, and are hosting 5 summer research students who all have projects related to the river. In addition, the Friends of the Maitai have their own projects and programmes that are independent of Council.

The programme of work for the 2014/15 year consists of the 10 projects listed below, plus programme management and communications. We are anticipating that the programme will run for 3 more years and that the projects will change over that time as some are completed and new priorities are identified. Work will begin in February to design the programme for the 2015/6 year and we will be asking for ideas and input about which projects might be a priority. General feedback is welcome at any time.

Brief update on each of the projects to end Dec 2014:

**Community Projects:** *matched funding for community projects that will help meet the goal of Project Maitai/Mahitahi.*

- 3 grants agreed, with 3 more grant applications in the pipeline

**Riverside Planting:** *planting native trees, shrubs and grasses on the river banks to cool the water and provide habitat for native species, and to act as a filter to reduce contaminants and other materials entering the river.*

- 5500 tree and grasses planted in July and August
- A staged 10 year planting plan for the Maitai/Mahitahi/Maitahi catchment is currently being developed, including extension of the existing inanga spawning area upstream from Collingwood Street bridge.

**Maitai Dam:** *improving the water quality from the Maitai Reservoir so that it doesn't affect the river.*

- Changes have been made to dam operations so that very low oxygen water is no longer fed back into the river from the reservoir, and monitoring is planned to see if this makes the expected difference to water quality in the river.
- A contract has been awarded to analyse the costs and benefits of sourcing more of our drinking water from the reservoir rather than the South Branch.
- A long term solution is being discussed, and options include: aeration of the reservoir, and/or oxygenation of water before it is backfed into the river, and/or increased use of reservoir water for drinking water and potential impacts on the treatment plant

**River Flows:** *changing flow rates from the Maitai Reservoir so they are more like natural river flows.*

- Cawthron Institute are updating a previous habitat study which will make recommendations about optimal flow rates for river species.
- A resource consent application is being prepared to trial a small artificial 'fresh' from the reservoir. If this is successful, a regime of variable flows from the reservoir will be trialled, dependent on resource consent, weather conditions and base river flow rates.

**Stream Biodiversity:** *helping native fish and healthy stream critters make the Maitai/Mahitahi their home.*

- Large boulders blocking fish passage at Almond Tree Flats ford have been removed, and follow-up monitoring is planned to see if fish can move past the ford. Plans are being developed put in fish passage at the Waahi Taakaro ford.
- Fish passage has been installed at the South Branch backfeed weir and work is underway to install fish passage up and over the dam spillway. Cawthron have assessed fish passage barriers at these two sites and we are aiming to fix the barriers before peak elver migration in February.
- Design has been completed for a sign at the inanga spawning site upstream of Collingwood St Bridge to educate the public about inanga life cycle and the importance of spawning areas and fish passage.
- Fish distribution maps for Nelson including Maitai/Mahitahi/Maitahi have been completed and will be available on the NCC website. This information will be used to programme improvements to fish habitat and fish passage

**River Gravel:** *understanding the importance of gravel movement in the river and how gravel could move down the river in a natural way, without causing a flood risk or a barrier to fish migration.*

- NIWA has been contracted to provide a gravel management strategy report for the river, including advice and recommendations
- Options for the Almond Tree Flats and Waahi Taakaro Golf Course ford sites are under discussion with user groups and will be further informed by the gravel management strategy work. Options under discussion include removal, or modification, and/or changes to on-going maintenance and operations.

- In the meantime a chain and signage has been put up to prevent inappropriate use of the ford by vehicles and campers.

**E. coli Chasing:** *finding out where the bacteria in the swimming holes downstream of Riverside Pool are coming from, and fixing any sewerage leaks we find.*

- Dye testing has identified three likely sources for *E.coli* contamination of the river. These have been fixed and re-tested.
- Recent monitoring of the lower reaches for *E. Coli* showed encouraging results but we won't be able to say it is safe to swim at Collingwood St Bridge until we have a run of consistently low readings. We are still seeing periodic spikes of elevated readings, particularly after rainfall, and human faecal markers were still present 10m down from Collingwood St Bridge and in Saltwater Creek.
- Investigations are continuing to identify contamination sources

**Forestry Review:** *working with forestry companies to reduce the potential impact of logging on the river.*

- The forestry project team has met twice to discuss possible actions and identify opportunities for implementing good practice

**Stock Fencing:** *making sure cattle can't get into the river*

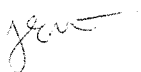
- Groom Creek (and the small creek beside golf course) have been fenced off from stock.
- Plans have been made to fence out cattle from the top of York Stream.

**Brook Culvert:** *making the Brook Stream as fish friendly as possible, while still reducing flood risk*

- Tonkin and Taylor have been appointed as consultants for the Brook Stream channel modelling. York stream channel modelling will also be done concurrently.

If you have feedback, or for more information on how to get involved and upcoming events please go to the Friends of the Maitai website at [www.friendsofmaitai.org.nz](http://www.friendsofmaitai.org.nz), the Friends of the Maitai facebook page, or the Nelson City Council website at [www.nelson.govt.nz](http://www.nelson.govt.nz) and search on Project Maitai. Alternatively you could email the friends of the Maitai at [friendsofmaitai@gmail.com](mailto:friendsofmaitai@gmail.com) or [jo.martin@ncc.govt.nz](mailto:jo.martin@ncc.govt.nz) .

Kind regards



**Jo Martin**  
Environmental Programmes Officer  
Manager Maitai Programme  
Nelson City Council / Te Kaunihera o Whakatū  
03 545 8728

## City Development

**The City will be a vibrant, attractive place in which people can live, work, and play, and in which business can operate successfully now and into the future.**

This outcome will be achieved by providing for growth and development in a way that:

### CREATES A VIBRANT AND ATTRACTIVE CITY

- Recognise and confirm Nelson City as the premier urban centre for the top of the South;
- Support business, *including the marine sector*;
- Explore land based aquaculture options;
- Promote efficient land use through:
  - Enabling *a wide range of* housing choice;
  - *Encouraging residential intensification*;
  - Encouraging higher density clusters around key commercial centres such as the Central City, Victory, Tahunanui, and Stoke;
  - Encouraging quality urban design;
  - Considering the needs of rural communities.

### CO-ORDINATES GROWTH AND INFRASTRUCTURE

- Considers demand for improvements in infrastructure assets and prioritises supply *of infrastructure* based on the achievement of strategic outcomes;
- Recognises and provides for key regional infrastructure (Port, Airport, water infrastructure, quarries, and landfills).

### CONNECTS COMMUNITIES

- Strategically links transport networks to provide for ease of access across the city and to the central city.

### ADAPTS TO OUR HAZARDS

- *Respond to* an acceptable level of natural hazard risk for the community.

### LOOKS AFTER OUR HERITAGE

- Appropriately manages the heritage resources of the city.

### ACHIEVES NATURAL RESOURCE OUTCOMES.

## Natural Resources

**Natural resources should be managed in an integrated and sustainable way to maintain and enhance natural, ecological, recreational, human health and safety, and cultural values.**

This outcome will be achieved by creating:

### CLEAN AND ACCESSIBLE WATER

- Managing activities that may impact on both water quality and quantity.

### HEALTHY COASTAL AND MARINE AREAS

- In coastal and riparian areas natural character and outstanding natural features will be preserved; ecological, heritage, amenity values and public access will be maintained and enhanced; natural hazards will be minimised, and reclamation should be avoided.

### ENHANCED NATURAL AREAS AND LANDSCAPES

- Protecting the city's indigenous biodiversity and connecting these areas;
- Protecting outstanding natural features and landscapes and mitigating adverse effects on wider landscape values including rural character.

### CLEAN AIR

- Our air quality is protected in a way that recognises our community's *human health needs*.

## Whakamahere Whakatu – Nelson Plan Draft Iwi Working Group Terms of Reference

The Nelson City Council is currently reviewing the Nelson Regional Policy Statement, Nelson Resource Management Plan and the Air Quality Plan as required under the Resource Management Act 1991.

This will be known as the Whakamahere Whakatu.

As part of the process of review, the Council wish to consult Iwi authorities to identify resource management issues of concern and possible solutions to them. Council acknowledge that it has a statutory obligation to all the iwi of Te Tau Ihu.

The process that will be recommended to the Council to engage Iwi authorities is the formation of an Iwi working group (IWG), consisting of a representative of each of the eight Iwi of Te Tau Ihu.

The Draft Terms of Reference for the IWG follows:

### **1. Identify the Iwi strategic outcomes to lead the development of Whakamahere Whakatu.**

The first objective of the IWG will be to identify the strategic outcomes of importance to Iwi that will guide the development of Whakamahere Whakatu.

### **2. Review the Whakamahere Whakatu – Nelson Plan.**

The IWG will identify the resource management issues of significance to Iwi. These will be documented and included within the Whakamahere Whakatu. This will include brief histories of each Iwi in Whakatu and a Maori cultural perspective on resource management. Council staff will circulate a draft developed from current information in the RPS, NRMP, NAQP, Iwi Management Plan and Treaty Settlements.

The second objective of the IWG is to review and finalise this.

### **3. To consider and comment on the other draft provisions of Whakamahere Whakatu – Nelson Plan.**

The Whakamahere Whakatu will focus on a range of other issues. These are identified in paragraph 8 below. The IWG will consider draft provisions relating to these issues to establish the extent to which these provisions provide, where necessary, an adequate cultural perspective and/or adequately respond to the issues confirmed through task 1 and 2 above. This may require adjustments to be made to the existing provisions or (potentially) the development of new provisions. The latter is covered through task 4 below.

### **4. If required, further policy development.**

To the extent that task 2 above establishes that the draft Whakamahere Whakatu provisions do not adequately address the resource management issues of significance to Iwi, the IWG will assist to develop appropriate policy responses. The need for a specific policy response must be jointly agreed between the Iwi representatives and with the Manager Planning.

It is anticipated that tasks 1- 4 above will require up to 8 meetings of the IWG over the next 18 months.

## **5. To work collaboratively on the development of the freshwater provisions (including non regulatory approaches) of Whakamahere Whakatu**

The IWG shall either itself, or nominate IWG members, to work with Council staff on the development of freshwater provisions for Whakamahere Whakatu in a collaborative manner. It is anticipated that this will require up to 8 meetings in itself over the next 18 months. This group will need to engage with the Freshwater Advisory Committee from the Treaty Settlements when it is established.

## **6. Timeline**

The IWG is required to meet over the next 18 months as Nelson City Council develops the draft Whakamahere Whakatu for public notification. The timeline is driven by Council priorities and it is noted that iwi have expressed concern that based on their experience in plan making this timeframe is considered unrealistic.

## **7. Contract for Services**

The rate of payment for attendance at the meetings is a maximum of \$300 inclusive of GST per meeting, per iwi (3 hours @ \$100 per hour). In the event that the meeting does not require 34 hours, or in circumstances where the iwi representative leaves early, the payment will reflect the actual hours of attendance. Payment will be made to one iwi representative from each iwi in attendance at each meeting, regardless of the number of representatives sent by each iwi. If preparation is required for any meeting covered by this contract, then payment will be made at the same rate, up to a maximum of \$200 inclusive of GST. In addition payment will be made for travel costs and a parking pass will be made available.

Payment will be made on receipt of a valid tax invoice from the Iwi authority. Invoices will be issued after the completion of each meeting and, if relevant, must specify hours spent in preparation. No payment will be made in the event of non-attendance at a meeting or where Council officers meet an Iwi representative at an alternative time/venue.

## **8. Draft Whakamahere topics to be considered by the IWG**

- 1 Iwi
- 2 Freshwater
- 3 Coastal
- 4 Air
- 5 Forestry, Biodiversity and Natural Areas
- 6 Natural Hazards
- 7 Heritage
- 8 Growth, Development and Infrastructure
- 9 Cross boundary issues
- 10 Monitoring

19 February 2015

REPORT A1300766

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## **Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006; Policy Wording Change**

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### **1. Purpose of Report**

- 1.1 To consider a change to Council's Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006.

### **2. Delegations**

- 2.1 The Planning and Regulatory Committee is delegated responsibility in the areas of public health and safety, and building control. The Committee has the power to recommend to Council any changes to policies in these areas of responsibility.

### **3. Recommendation**

***THAT the report Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006; Policy Wording Change (A1300766) be received.***

#### **Recommendation to Council**

***THAT the Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006 be amended from:***

***'Nelson City Council will require buildings identified as earthquake prone to be strengthened to at least 67 percent of the standard NZS1170.5: 2004 Structural Design Actions Part 5: Earthquake Actions – New Zealand.'***

**To:**

***'Nelson City Council will require buildings identified as earthquake prone to be strengthened to at least 34 percent of the standard NZS1170.5:2004 Structural Design Actions Part 5: Earthquake Actions – New Zealand.'***

***Noting the section below is now no longer relevant so should also be deleted:***

***'In accordance with the recommendations of the New Zealand Society for Earthquake Engineering, the Council considers this to be an appropriate level for the requirement to reduce or remove the danger.'***

#### **4. Background**

4.1 Section 131 of the Building Act 2004 requires territorial authorities to adopt a policy on dangerous and insanitary buildings. Nelson City Council adopted a policy which required buildings to be strengthened to 67% of New Building Standards (NBS).

4.2 In 2013 the High Court delivered a judgement which concluded that:

*'Accordingly, territorial authorities may not use section 124 notices to advance a policy of increasing building capacity to a level above 34% of the NBS'.*

4.3 In response Nelson City Council, as a Territorial Authority, re-issued all existing notices, issued under s124 of the Building Act 2004, and reduced the strengthening requirement of earthquake-prone buildings to 34% of NBS, to align with this Court judgment.

4.4 Changing the wording in the policy to reflect this was held off at that time because the policy was due to be updated with the enactment of the Building (Earthquake Prone) Amendment Bill. This enactment has not occurred to date.

#### **5. Discussion**

5.1 A recent Supreme Court decision upheld the High Court decision on the University of Canterbury v The Insurance Council of New Zealand Incorporated case. It is considered prudent to now change the current Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006 to reflect the outcomes of the judgement.

5.2 Alternatively because the whole policy will need to be reviewed, once the proposed Building (Earthquake Prone Buildings) Amendment Bill is enacted, this change could be postponed until the whole policy review, planned for late 2015, is complete.

#### **6. Option**

6.1 The full policy review is likely to be six months away or longer. Currently the process that Council undertakes as a territorial authority, in relation to the matter in this report, is not aligned with the policy.

6.2 The recommended change is small, but is in relation to a key requirement of the policy. As such it is recommended the change be

made earlier to ensure the policy is correct and aligned with legal judgements.

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

7.1 This decision is not a significant decision under the Council's Significance Policy.

**8. Alignment with relevant Council Policy**

8.1 The recommendations will ensure Council policy aligns with current legal requirements.

**9. Consultation**

9.1 No consultation has been carried out on this matter.

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

10.1 No consultation with Maori has been carried out on this matter.

**11. Conclusion**

11.1 The policy is not currently aligned to the practice being undertaken, or recent legal cases. The recommended change will bring Council policy into line with lawful requirements.

Martin Brown  
**Manager Building**

**Attachments**

None

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## **Parking and Vehicle Control Bylaw (2011), No.207**

### **Amendments to Schedules**

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#### **1. Purpose of Report**

- 1.1 To adopt an alteration to the Parking and Vehicle Control Bylaw (2011), No. 207, resulting from minor amendments to improve parking operations.

#### **2. Delegations**

- 2.1 Any decision to accept amendments to the Parking and Vehicle Control Bylaw and the Parking Policy falls within the delegated authority of the Planning and Regulatory Committee.

#### **3. Recommendation**

***THAT the report Parking Vehicle Control Bylaw (2011), No. 207 Amendments to Schedules (A1310811) and its attachment (A1310837) be received;***

***AND THAT the following addition to Schedule 8 of Bylaw No 207, Parking and Vehicle Control (2011) be approved:***

***P180 parking along the northern kerb of Neale Avenue, adjacent to its intersection with Songer Street.***

#### **4. Background**

- 4.1 The Parking and Traffic Control Bylaw 2011 allows for the Council, 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.

#### **5. Discussion**

##### **Neale Avenue**

- 5.1 The existing parking along the northern kerb of Neale Avenue, adjacent to its intersection with Songer Street, is unrestricted. It is proposed to

provide time restricted parking, P180, in this location of 180 minutes duration.

- 5.2 It has been observed that these parking locations would be better utilised by customers attending the shopping area within Strawbridge Square. The proposed parking time restrictions will bring this location in line with the existing parking time restrictions in Strawbridge Square.

## **6. Options**

- 6.1 The provision of time restricted parking in this location requires a decision to be made at the discretion of Council.

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

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

## **8. Alignment with relevant Council Policy**

- 8.1 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.

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

- 9.1 Maori have not been specifically consulted in relation to this report.

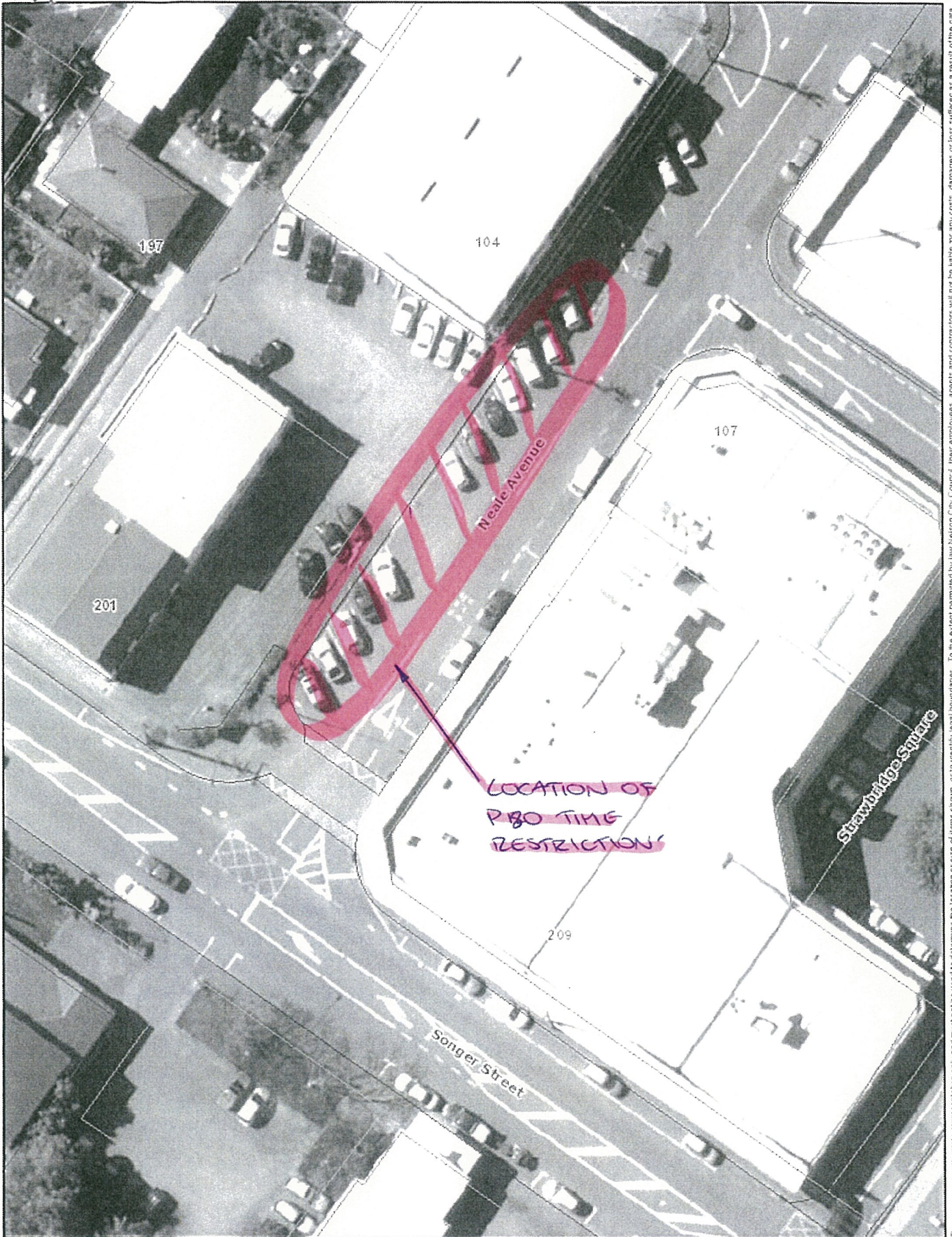
## **10. Conclusion**

- 10.1 This report recommends Schedule 8 of the Vehicle and Parking Control Bylaw is updated to include time restricted, P180, parking along the northern kerb of Neale Avenue, adjacent to its intersection with Songer Street.

Shane Davies  
**Manager Operations**

### **Attachments**

Attachment 1: Map of Neale Avenue Proposed Parking with Time Restrictions  
[A1310837](#)

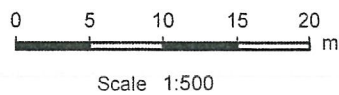


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P80 TIME RESTRICTED PARKING: NEALE AVENUE.

 Nelson City Council  
te kaunihera o whakatū

PO Box 645 Nelson 7040 New Zealand  
PH 03 5460200  
www.nelson.govt.nz



N



Date: 9/02/2015

A1310837

# MINUTES AND DECISION OF THE HEARINGS PANEL, NELSON CITY COUNCIL

Held in Nelson City Council Chamber, Floor 2A, Civic House,  
Trafalgar Street, Nelson, on 17 November 2014 starting at 9.00am

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## Hearings Panel:

Chair: Commissioner: Councillor I Barker

Panel: Commissioner: Councillor T Skinner

## In Attendance:

Reporting Officer: Marie Albertson, Pool Compliance Officer

Minutes Secretary: E Farrell

Applicants: Mr Charles Hufflett, Mr David Kerr, Mr Derryl Henman

## 1.0 Applications for Exemption under Fencing of Swimming Pools Act 1987

1.1 Applicant: Charles Hufflett

Location: 441 Rocks Road

Report Number: A1255996

Mr Hufflett gave an undertaking that when the pool cover is not in place an adult will be in attendance at all times.

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the pool cover must remain closed at all times unless young children are supervised by a responsible person when the pool is in use.***

1.2 Applicant: David Kerr

Location: 10A Rangiora Terrace

Report Number: A1269754

In reply to a question, Mr Kerr told the panel that he would install a lock on the window accessible to the swimming pool. Pool Compliance Officer, Ms Marie Albertson informed the panel that she will confirm that this work has been carried out.

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the current locking devices remains locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.***

1.3 Applicant: Derryl Henman

Location: 87 Chamberlain Street

Report Number: A1269952

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987, subject to the completion of compliant fencing. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the exemption granted shall cease upon sale of the property.***

1.4 Applicant: Leo & Morag Brace

Location: 23 Richardson Street

Report Number: A1255739

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the current locking devices remains locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.***

1.5 Applicant: Valerie Dirou  
Location: 84 Princes Drive  
Report Number: A1255903

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the current locking devices remains locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.***

1.6 Applicant: Timothy & Raewyn Brenton  
Location: 42 The Cliffs  
Report Number: A1235294

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the current locking devices remains locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.***

1.7 Applicant: John & Jean Appleby  
Location: 29 Richardson Street  
Report Number: A1256040

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

**AND THAT a site visit is carried out prior to exemption to ensure locking devices have been installed within one month of the date hereof.**

**AND THAT the current locking devices remains locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.**

1.8 Applicant: Michael Boyd

Location: 152 Moana Avenue

Report Number: A1256203

Decision:

**THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.**

**AND THAT a compliant barrier is installed on the North East deck within one month of the date hereof.**

**AND THAT the current locking devices remains locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.**

1.9 Applicant: Hugh Williams

Location: 262 Princes Drive

Report Number: A1257426

Decision:

**THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.**

**AND THAT the current locking devices remains locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.**

**AND THAT the exemption granted shall cease upon sale of the property.**

1.10 Applicant: Geoff Sherwood

Location: 1/47 Emano Street

Report Number: A1257516

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the current locking devices remains locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.***

1.11 Applicant: Jason Kilworth & Amanda Munting-Kilworth

Location: 95 Mount Street

Report Number: A1257516

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the pool cover must remain locked at all times unless young children are supervised by a responsible person when the pool is in use.***

1.12 Applicant: John Mellor

Location: 8 Tamaki Street

Report Number: A1262241

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the current locking devices remain locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.***

1.13 Applicant: Malcolm George Fielding

Location: 51 Tosswill Road

Report Number: A1262353

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the current locking devices remain locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.***

***AND THAT the sun damaged pool cover is either repaired or replaced***

***AND THAT the pool is fully enclosed at the front door end.***

1.14 Applicant: Wendy & Stephen Low

Location: 15A Moncrieff Avenue

Report Number: A1262475

Decision:

***THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.***

***AND THAT the pool cover must remain locked at all times unless young children are supervised by a responsible person when the pool is in use.***

1.15 Applicant: Warren Chippendale

Location: 6 Chamberlain Street

Report Number: A1269499

The panel considered the application and questioned the effectiveness of the proposal to use a table and chair as an effective barrier. The panel was of the view that self closing mechanisms should be fitted to swing doors granting access to the pool.

Decision:

**THAT exemption is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the targeted inspection programme operated by the Council.**

**AND THAT a site visit is carried out prior to exemption to ensure that self closing mechanisms have been installed within one month of the date hereof.**

**AND THAT the current locking devices remain locked at all times that young children are on the property, unless the young children are supervised by a responsible person when the pool is in use.**

There being no further business the hearings ended at 11.05 am.