

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

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 ammendment 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 28th November 2014.

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

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.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date