

---

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

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

On Thursday 8 May 2014, commencing at 10.14am

---

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

In Attendance: Councillors L Acland, G Noonan, P Matheson, P Rainey and T Skinner, Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Chief Financial Officer (N Harrison), Acting Group Manager Strategy (N McDonald), Acting Group Manager Environment (G Carlyon), Kaihautū/Acting Manager Community Partnerships (G Mullen), Group Manager Support Services/Acting Group Manager Community Services (H Kettlewell), Manager Communications (A Ricker), Manager Administration (P Langley), and Administration Adviser (E-J Ruthven)

Apology: Councillor I Barker

### 1. Apology

Resolved

***THAT the apology from Councillor Barker be received.***

Davy/Ward

Carried

### 2. Interests

There were no updates to the Interests Register, and no conflicts of interest with agenda items were declared.

### 3. Confirmation of Order of Business

The Chairperson explained that there was one additional public forum presentation to those noted on the agenda.

## 4. Public Forum

### 4.1 Back Beach Erosion

Mr Atkinson spoke about erosion at Tahunanui Back Beach and tabled a document (A1168611). He spoke about the tidal movement of the Blind Channel and its affect on sand movement in the area. He suggested that the Committee reconsider a 1987 report that had identified a deflecting abutment to direct the course of the Blind Channel as a potential solution to erosion at Back Beach.

In response to questions, Mr Atkinson explained his view that the Blind Channel was best directed toward dumping grounds in Tasman Bay behind Rabbit Island. He also noted his view that if the current sand movement continued, the shipping lane was likely to decrease in depth and require extensive dredging in future years.

### 4.2 Woodburners

Mr Neville D’Herville spoke about woodburners and tabled a document (A1186608). He explained he had invented the ‘fluecube’, which would prevent smoke emissions from chimneys. He said that the fluecube had been tested extensively overseas, but noted his view that the New Zealand testing regime was inadequate and designed to block his product from the New Zealand market.

Mr D’Herville noted his opinion that the fluecube sat outside the relevant building standards, and that as a consequence, they were not required to be tested. In response to a question, he said that other New Zealand councils had accepted the outcome of international tests, and were happy for the product to be used on chimneys in their localities.

### 4.3 Woodburners

Mr Harry Pearson spoke about woodburners and tabled a document (A1186606). He said he supported woodburner restrictions being relaxed, to allow people living in older, cold homes to be able to use woodburners to keep warm throughout winter. He added that many old homes had poor insulation or received little sun, making them expensive to heat by other means.

Mr Pearson emphasised that wood was a local resource, carbon neutral, plentiful and cheap. He noted that clean air was also important, and said that greater education and enforcement was required to ensure that people were using appropriate, dry wood of a correct size in their woodburners.

In response to questions, Mr Pearson suggested that, despite high prices, many people would take the option to replace old woodburners with more modern woodburners, as by doing so they would increase the value of their house. He added that more woodburners should not

result in an increase of smoky chimneys if education and enforcement of good practices were bolstered.

#### 4.4 Woodburners

Mr Neville Male spoke about woodburners, and noted Greypower's position that the current restriction on woodburners in the Nelson area had negative effects for low income families. He said that there was no evidence that woodsmoke was medically linked to deaths, and that many other countries around the world allowed much greater levels of PM<sup>10</sup> than New Zealand.

In response to questions, Mr Male noted that Greypower Nelson had not canvassed its' members views on the issue, but said he had received a number of concerns from members. He added that many members agreed that they did not want a return to the air quality issues of a decade ago. He said that the key issue for Greypower members was the ability to heat homes in an affordable manner, and that Greypower supported the government's Warm Home Heating policy.

In response to a further question, Mr Male said that, if used properly, heat pumps could be an affordable form of heating a home, however there were issues around efficient use of heat pumps.

### 5. Petition

- 5.1 Ms Melissa Short presented a petition about woodburners (A1184078). She explained that there were approximately 800 signatures, and drew councillors' attention to comments included within the petition.

In response to questions, she said that the petition called for a sensible review of the rules regarding woodburners, and in particular, allowing concessions where there was room within particular air sheds to do so.

Attendance: The meeting adjourned for morning tea from 11.12am to 11.19am.

### 6. Confirmation of Minutes – 20 March 2014

Document number A1159073, agenda pages 7-15 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council – Planning and Regulatory Committee, held on 20 March 2014, be confirmed as a true and correct record.***

Fulton/Ward

Carried

## 7. Status Report

Document number A1155974, agenda pages 16-17 refer.

Resolved

***THAT the Status Report – Planning and Regulatory Committee 8 May 2014 (A1155974) be received.***

Davy/Ward

Carried

## 8. Chairperson's Report

There was no Chairperson's report.

## POLICY AND PLANNING

### 9. Nelson Air Quality Plan and Woodburner Review

Document number A1169793, agenda pages 18-51 refer.

Acting Group Manager Environment, Greg Carlyon, and Principal Planner, Matt Heale, presented the report. They introduced representatives from the Ministry for the Environment, the Nelson Marlborough District Health Board, and Environet, who were available to answer questions if required.

Mr Heale summarised the report. He said that, if the restrictions regarding woodburners were to be relaxed at a later date, it was important to continue ensuring compliance to the National Environmental Standard for Air Quality (NESAQ), and to understand what the implications of having a greater number of woodburners would be. He emphasised the need for good science to underline any future work in this area, and added that, if a Plan Change were later indicated, it would have the best chance of success if fully informed by scientific information and modelling.

There was a discussion regarding research undertaken to date for each Airshed. In response to a question, Mr Heale explained that Emily Wilton, of Environet, had been commissioned to consider capacity in Airshed A, and that similar investigations were required into the other Airsheds. In response to further questions, he said that Airshed A had been targeted in the first instance, as it was the Airshed about which the most information was currently held, and that home heating discharges made up a significant part of all discharges as against other Airsheds.

Emily Wilton, of Environet, joined the meeting. In response to a question, she explained the methodology and survey work undertaken to gather relevant information for each Airshed, the nature of the emission reduction targets within each Airshed, and what these targets

meant in practical terms with regards to home heating emissions. She added that emission reductions in Airshed A had reached a plateau, and the Airshed was no longer on track to meet the NESAQ.

There was a discussion regarding the scientific evidence that had resulted in the development of the Nelson Air Quality Plan in 2001. In response to questions, Ms Wilton explained that knowledge regarding emissions had progressed significantly since 2001, however it had been noted at that time that there were smoke pollution issues across all Airsheds in Nelson.

Attendance: Councillors Davy and Lawrey left the meeting at 11.54am.

In response to further questions, Mr Heale and Ms Wilton clarified that it was possible for the review work to include the health impacts of pollution.

There was a discussion regarding the approach to woodburners taken by Environment Canterbury. In response to questions, Mr Heale explained that the involvement of government commissioners and CERA meant that the Canterbury context was significantly different to Nelson. Ms Wilton added that Environment Canterbury was currently reviewing its rules, noting that it had a much larger gap to bridge with regards to the NESAQ than Nelson.

Attendance: Councillors Davy and Lawrey returned to the meeting at 12.03pm.

There was a discussion regarding Plan Change processes, and Mr Heale outlined the legal advice received in this regard and the likely timeframes involved.

Attendance: Councillor Fulton left the meeting at 12.09pm.

There was a further discussion regarding the budget required to collect sufficient information across all Airsheds. In response to a question, Acting Group Manager Environment, Greg Carlyon, explained that monitoring work across all Airsheds would be in the order of \$40,000, but that if modelling work were also undertaken, it was likely that a budget of up to \$100,000 would be required.

Attendance: Councillor Lawrey left the meeting at 12.19pm.

In response to a question, Mr Heale outlined current initiatives being undertaken to support people to warm their homes, for example, through better insulation. Environmental Programmes Officer, Richard Frizzell, joined the meeting and outlined eco design advisory work and work undertaken with the Nelson Marlborough District Health Board in this area. He added that the Ministry for the Environment had a work stream around efficient use of woodburners.

Attendance: Councillor Lawrey returned to the meeting at 12.26pm.

In response to a question, Mr Heale advised that there was no mechanism whereby Council could allow an amnesty on the use of non-compliant woodburners without engaging in the Plan Change process. Mr Carlyon added that, in order to gather reliable information, it was important to consider woodburner use across all Airsheds as they currently stood, and that any such amnesty, aside from being unlawful, would result in unreliable data being collected over the 2014 winter.

Councillor Davy, seconded by Her Worship the Mayor moved

*THAT the report Nelson Air Quality Plan and Woodburner Review (A1169793) and its attachments (A1178230, A1178227, A1178240 and A1178235) be received.*

Recommendation to Council

*THAT the establishment of a working party and stakeholders group for the purpose of a review of the air quality provisions of the Nelson Resource Management Plan be implemented;*

*AND THAT a budget of \$100,000 be included in the Annual Plan to enable the review to be completed in a timely fashion.*

There was a discussion regarding whether it was appropriate to form a working party and engage with stakeholders prior to collecting sufficient information to inform whether any changes to the Nelson Air Quality Plan were required. It was agreed that it was important to understand the health and wellbeing of Nelson residents alongside gathering information across all Airsheds, and that engaging with stakeholders at an early time meant that any future actions would be more robust.

There was further discussion during which the need to understand issues across all Nelson Airsheds, and the practical recommendations contained within the officer report were noted. With the agreement of the meeting, the mover and seconder amended the recommendation to Council motion to

*THAT the establishment of a working party and stakeholders group for the purpose of a review of the air quality provisions of the Nelson Resource Management Plan be implemented, noting that the work is to be carried out across all airsheds during winter 2014 to allow decision making to be made at an airshed level. This work will be informed by resident surveys/engagement and compliance monitoring;*

*AND THAT a budget of \$100,000 be included in the Annual Plan to enable the review to be completed in a timely fashion;*

*AND THAT this work is reported back to Council by November 2014;*

*AND THAT Council explores alternative funding options, such as Envirolink, to subsidise the cost of inventory/modelling work;*

*AND THAT Council monitor progress towards achieving National Environmental Standards for Air Quality targets;*

*AND THAT Council maintains a watching brief on advances in ultra low emission woodburners;*

*AND THAT Council continues its programme of providing advice from Council's Eco Design Advisor on options for creating warm, healthy homes;*

*AND THAT Council extends its "Warm and Healthy Homes" campaign this winter to focus on promoting good home heating practices;*

*AND THAT Council works with the Energy Efficiency and Conservation Authority, and other potential partner organisations, to seek local funding support for insulation subsidies for those people currently living in cold homes;*

*AND THAT Council continues discussions with government agencies to investigate compliance issues and options for reducing air discharges from government owned buildings.*

Attendance: Councillor Fulton returned to the meeting at 12.55pm.

Resolved

***THAT the report Nelson Air Quality Plan and Woodburner Review (A1169793) and its attachments (A1178230, A1178227, A1178240 and A1178235) be received.***

Davy/Her Worship the Mayor

Carried

Recommendation to Council

***THAT the establishment of a working party and stakeholders group for the purpose of a review of the Nelson Air Quality Plan be implemented,***

***noting that the work is to be carried out across all airsheds during winter 2014 to allow decision making to be made at an airshed level. This work will be informed by resident surveys/engagement and compliance monitoring;***

***AND THAT a budget of \$100,000 be included in the Annual Plan to enable the review to be completed in a timely fashion;***

***AND THAT this work is reported back to Council by November 2014;***

***AND THAT Council explores alternative funding options, such as Envirolink, to subsidise the cost of inventory/modelling work;***

***AND THAT Council monitor progress towards achieving National Environmental Standards for Air Quality targets;***

***AND THAT Council maintains a watching brief on advances in ultra low emission woodburners;***

***AND THAT Council continues its programme of providing advice from Council's Eco Design Advisor on options for creating warm, healthy homes;***

***AND THAT Council extends its "Warm and Healthy Homes" campaign this winter to focus on promoting good home heating practices;***

***AND THAT Council works with the Energy Efficiency and Conservation Authority, and other potential partner organisations, to seek local funding support for insulation subsidies for those people currently living in cold homes;***

***AND THAT Council continues discussions with government agencies to investigate compliance issues and options for reducing air discharges from government owned buildings.***

Davy/Her Worship the Mayor

Carried

Attendance: The meeting adjourned for lunch from 12.56pm to 1.26pm, during which time Councillor Fulton left the meeting.

**10. Maori Input into Council RMA Processes and Decision Making**

Document number A1165132, agenda pages 52-58 refer.

Kaihautū, Geoff Mullen, and Acting Group Manager Environment, Greg Carlyon, presented the report.

It was noted that the legislative requirements for input into Resource Management Act processes and decision making had arisen as a result of Te Tau Ihu Treaty Settlements being finalised.

Councillors reflected on the process that had been undertaken by the Iwi of Te Tau Ihu to reach treaty settlement, and agreed that this milestone should be appropriately celebrated between the Iwi and three Councils of Te Tau Ihu.

Resolved

***THAT the Planning and Regulatory Committee receives the report A1165132 on Māori input into RMA processes and decision making.***

McGurk/Copeland

Carried

Recommendation to Council

***THAT Council acknowledges the RMA policy/plan making and resource consent process proposed in report A1165132 for meeting the legislative requirement as a result of the Treaty of Waitangi Te Tau Ihu Settlement Act for Māori input in Resource Management Act processes and decision making, which includes:***

- (i) Inviting iwi to participate early on in the Nelson Plan development, and***
- (ii) Ensuring internal processes provide for iwi interests in resource consents processes;***

***AND THAT the Council directs officers to continue discussions with iwi with a view to presenting a report to Council on an agreed process for Māori input into Resource Management Act 1991 processes and decision making and funding options.***

McGurk/Copeland

Carried

## REGULATORY

### 11. Regulatory Report for 1 January to 31 March 2014

Document number A1172822, agenda pages 59-72 refer.

Manager Consents and Compliance, Mandy Bishop, and Team Leader Building Inspections, Peter Bothwell, joined the meeting and presented the report.

Attendance: Councillor Ward left the meeting at 1.42pm.

In response to a question, Mr Bothwell explained several reasons for the reduction in building consent numbers.

There was a discussion regarding resource consent applications for taking water from the Stoke aquifer. In response to a question, Ms Bishop explained that McCashins understood the reasons why half the water take applied for was granted, and had provided positive feedback regarding the process.

There was a discussion regarding parking enforcement activities. In response to a question, Ms Bishop noted guidelines that existed for waiving parking tickets. She added that it was possible to provide comparisons of monthly ticket numbers to previous years, but added that it was important to consider the number of patrollers on duty when considering such comparisons.

Resolved

***THAT the Regulatory Report for 1 January to 31 March 2014 (A1172822) be received.***

McGurk/Copeland

Carried

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

Document number A1172100, agenda pages 73-89 refer.

Resolved

***THAT the report Parking Vehicle Control Bylaw (2011), No. 207 Amendments to Schedules and its attachments (A1172922, A1172924, A1172925, A1172927, A1172930, A1172931, A1172932 and A1172933) be received;***

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

- **Schedule 4: Special Parking Areas;**
- **Schedule 9: No Stopping;**
- **Schedule 14: Give Way Signs.**

Copeland/Lawrey

Carried

There being no further business the meeting ended at 1.55pm

Confirmed as a correct record of proceedings:

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