

Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 19 June 2014, commencing at 1.00pm

Present: Councillors B McGurk (Chairperson), Councillors I Barker, R Copeland, K Fulton (Deputy Chairperson), M Lawrey and M Ward

In Attendance: Councillor G Noonan, Acting Group Manager Strategy (N McDonald), Manager Environmental Programmes (C Ward), Administration Manager (P Langley), Acting Group Manager Environment (G Carlyon), Administration Adviser (G Brown), and Youth Councillors (C Lindley and S Ross)

Apologies: Councillor E Davy

1. Apologies

The apology was noted.

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 advised that there would be a public forum from Sharon Salmon who would be speaking about the proposed Tattoo Bylaw.

He also advised that Jo Martin, Project Manager Hazards would be providing a five minute presentation on the Hazardous Activities and Industries List (HAIL), during the Chairperson's Report.

4. Public Forum

4.1 Tattoo Bylaw

Sharon Salmon tabled a document (A1206266), and spoke about the New Zealand body piercing and tattooing industry which she had been involved in for 25 years. She advised that it was not just the tattoo

industry, but many other areas such as body piercing or pedicures which had no laws or requirements to be registered, and said that she had been advocating for this for many years.

Ms Salmon said that she believed there were health risks due to the fact that Nelson did not have a bylaw in place for these industries.

In response to a question, Ms Salmon said that she had not been in contact with Council Officers in Auckland in relation to their Tattooing bylaw, but advised that there were issues with individuals providing tattoos and piercings without proper training and work ethics.

In response to a further question, Ms Salmon said that if there was a registration process for companies under the umbrella of a Council bylaw then it would give companies an advantage as the preferred suppliers.

She noted that currently it was possible to walk in and get a tattoo without any consultation process. She added that a code of ethics existing requiring consent forms to be signed for those aged under 16, but that there was no compulsion to follow this.

Councillors noted that currently there was no licensing or legal age restrictions for this industry, and that Ms Salmon was advocating for Nelson City Council to adopt a bylaw based on the Auckland model.

5. Confirmation of Minutes

5.1 Planning and Regulatory Committee – 8 May 2014

Document number A1184830, agenda pages 6-16 refer.

Resolved

THAT the minutes of a meeting of the Planning and Regulatory Committee, held on 8 May 2014, be confirmed as a true and correct record.

McGurk/Lawrey

Carried

6. Status Report – Planning and Regulatory Committee 19 June 2014

Document number A1155974, agenda pages 17-18 refer.

Manager Environmental Programmes, Chris Ward, spoke about the two expressions of interest received for the delivery of the Ecofest at Founder Heritage Park in 2014. Mr Ward advised that a contract had been sent to the preferred tenderer.

Resolved

THAT the Status Report – Planning and Regulatory Committee 19 June 2014 (A1155974) be received.

McGurk/Ward

Carried

7. Chairperson's Report

Document number A1204552, agenda pages 19-21 refer.

The Chairperson spoke about the proposed Policy to restrict the sale or supply of sugar sweetened beverages from Council properties. In response to a question, the Chairperson clarified that this did not include the sale of beer and wine, and that Council would be basing the policy on the Nelson Marlborough District Health Board (NMDHB) model.

Concerns were expressed as to whether a policy would actually work with events being sponsored by companies such as Pepsi. The Chairperson indicated that Council would be looking at Council facilities such as Riverside Pool. It was noted that mixed messages were displayed with regards to advertising and sponsorship.

Resolved

THAT the Chairperson's report be received;

AND THAT officers provide a report to the next scheduled meeting of the Planning and Regulatory Committee of options available to Council to implement a policy that only beverages that are not sugar sweetened pre-point of sale are offered for sale or supplied at any Council owned properties and Council events.

McGurk/Fulton

Carried

7.1 Tasman Bay

Manager Environmental Programmes, Chris Ward, advised that the Terms of Reference would be brought back to the Biodiversity Forum and that there would be an opportunity for Councillors to review these items. He advised that the Biodiversity Forum had about 15 to 20 pieces of work programmed and a range of organisations needed to be contacted so that their feedback could influence the Long Term Plan 2015-2025.

7.2 Tattoo Bylaw

Acting Group Manager Strategy, Nicky McDonald said that Council Officers had spoken to the NMDHB, Auckland Council and enforcement officers, and noted that Council was considering a possible bylaw. She advised that legislation required there to be a threshold of issues identified for Nelson City before a bylaw was required, and that a bylaw needed to be the most appropriate way to deal with the identified issues. Ms McDonald advised that few such issues had been identified in Nelson, and that this threshold may not be met.

Ms McDonald said that there were other paths Council could consider to address these issues. She indicated that extra resource would be required to compile bylaw on this issue.

It was noted that Council could write to the Minister of Health, local MP and Prime Minister to give some precedence to the Health Bill, currently before Parliament so that there would be standard regulations throughout New Zealand. Others felt that Nelson should lead by example and that Central Government would take too long to deal with these issues.

Ms McDonald advised that it could be a possibility to include a potential bylaw in the proposed bylaw review, to consolidate a number of existing bylaws, however this would depend on timelines.

It was suggested that Council survey the community to identify if there was a problem before a report be compiled, possibly through local media.

Councillor Ward, seconded by Councillor Copeland moved clause 3 of the recommendations set out in the Chairperson's Report.

Councillor Lawrey, seconded by Councillor Fulton moved the following amendment to include additional clause.

AND THAT Council seeks information from the public through the media as to the scale of any problems arising from commercial activities providing personal services.

Following discussion the amendment was withdrawn.

Resolved

AND THAT officers report on the options available to Council to develop and implement a comprehensive bylaw and code of conduct to manage health and hygiene risks from commercial activities providing personal services.

7.3 Hazardous Activities and Industries List

Project Hazards Manager, Jo Martin, spoke about the hazards project which started in October 2013. She advised that there was now a Hazardous Activities and Industries List (HAIL) site database which was compiled in response to the National Environmental Standards which were introduced in 2012. Ms Martin said that, in order to comply with these standards, Nelson City Council needed to identify where activities on the HAIL had taken or are taking place.

She advised that the database would be used by Nelson City Council as landowner, and for consents processing, and that property information could be accessed by residents.

In response to a question, Ms Martin advised that the effect of the HAIL list on property values had been a cause for concern for the public but that she was not aware of any evidence that this information had resulted in any reduction in property prices since the database was published in October 2013.

In response to another question, Ms Martin advised how to obtain a soil sample test, and said that Council had a list of suitably qualified practitioners available on its website.

Manager Environmental Programmes, Chris Ward, said that the list of activities were identified at a national level by the Ministry for the Environment from land use activities where contamination had been found, for example orchards.

Mr Ward advised that the intent of the NES was to protect human health and that developers could use the resource consent process to show how they would mitigate the effects of contamination.

In response to further questions, Ms Martin confirmed that the information shown in NMap was the full information Council held on HAIL activities on residential properties. She said that, if residents had more information, they could provide this to Council. She added that, if residential land was tested and met the standard, the property would remain on the database but it would say it had met the NES standard.

Attendance: Councillor Noonan left the meeting at 2.35pm

POLICY AND PLANNING

8. Bylaw Controls on the Keeping of Poultry

Document number A1181422, agenda pages 22-30 refer.

Acting Group Manager Strategy, Ms McDonald discussed the report and a previous public forum item relating to the noise from a neighbour's poultry house.

Concerns were raised around the restrictions in the distance to neighbouring properties and it was suggested that a prescribed distance of six metres would be adequate.

It was felt that guidance from Council Officers should be sought as to what was an appropriate distance from the coup to the neighbouring property.

Resolved

THAT the report *Bylaw Controls on the Keeping of Poultry (A1181422) and its attachment (A1181434) be received;*

AND THAT Council review its provisions on poultry when it reviews the *Miscellaneous Matters Bylaw 2008 (No 215) later in 2014;*

AND THAT guidance is provided to officers on preferred options for dealing with poultry provisions, to assist with the review of the *Miscellaneous Matters Bylaw 2008.*

Barker/Copeland

Carried

Attendance: The meeting adjourned from at 2.49pm to 2.50pm.

9. Consolidation of Bylaws

Document number A1197587, agenda pages 31-40 refer.

Acting Group Manager Strategy, Ms McDonald discussed that there was a significant amount of work conducted in reviewing bylaws, and that consolidating a number of them should make for a more effective process.

Ms McDonald said that the Control of Drinking in Public Places Bylaw was enforced by a third party however this was not a barrier to including it within a consolidated bylaw.

In response to a question, she advised that there was no disadvantage to consolidating the Bylaws. She said that Council could include the Dog Control Bylaw, however this bylaw had a high level of public interest and it was proposed that this be kept separate.

Resolved

THAT the report Consolidation of Bylaws (A1197587) and its attachment (A1197591) be received;

AND THAT Council carries out the review and consolidation of the following bylaws in the 2014/15 year:

- **Miscellaneous Matters Bylaw 2008 (No. 215);**
- **Burial and Cremation Bylaw 2008 (No. 216);**
- **Numbering of Buildings Bylaw 2009 (No. 219);**
- **Trading in Public Places Bylaw 2007 (No. 213);**
- **Control of Drinking in Public Places Bylaw 2009 (No. 206);**
- **Advertising of Commercial Sexual Services Bylaw 2011 (No. 208);**
- **Draft Reserves Bylaw 2014 (No. 222);**

AND THAT a draft Statement of Proposal and draft consolidated bylaw be prepared for approval by the Planning & Regulatory Committee, for formal consultation via the Special Consultative Procedure of the Local Government Act 2002.

Barker/Lawrey

Carried

Recommendation to Council

THAT Council confirms the consolidation of 14 bylaws into five groups as set out in report A1197587;

AND THAT the Planning & Regulatory Committee be delegated to oversee consultation and approval of the consolidated bylaw.

Barker/Lawrey

Carried

There being no further business the meeting ended at 3.01pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date