



AGENDA

Extraordinary meeting of the

Planning and Regulatory Committee

**Tuesday 18 February 2014
Commencing at 8.30am
Council Chamber
Civic House
Trafalgar Street, Nelson**

Membership: Councillor Brian McGurk (Chairperson), Her Worship the Mayor Rachel Reese, and Councillors Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton (Deputy Chair), Matt Lawrey, and Mike Ward

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.

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A1141232

Page No.

Apologies

1. Interests

- 1.1 Updates to the Interests Register
- 1.2 Identify any conflicts of interest in the agenda

2. Confirmation of Order of Business

3. Public Forum

4. Confirmation of Minutes – 28 January 2014

5-10

Document number A1135220

Recommendation

THAT the minutes of the meeting of the Nelson City Council – Planning and Regulatory Committee, held on 28 January 2014, be confirmed as a true and correct record.

REGULATORY

5. Alteration to Resolution – Draft Local Approved Products Policy (Psychoactive Substances)

11-12

Document number A1140519

Recommendation

THAT the report Alteration to Resolution– Draft Local Approved Products Policy (Psychoactive Substances) (A1140519) be received;

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.

ENVIRONMENT

6. Alteration to Resolution – Tasman Nelson Environment Awards and Ecofest Options

13-14

Document number A1141190

Recommendation

THAT the report Alteration to Resolution – Tasman Nelson Environment Awards and Ecofest Options (A1141190) be received;

AND THAT officers report back to the next appropriate Planning and Regulatory Committee meeting with options for a location that will achieve the objective of the Ecofest event for 2014.

Minutes of a meeting of the Planning and Regulatory Committee

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

On Tuesday 28 January 2014, commencing at 1.00pm

Present: Councillor B McGurk (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker, E Davy, M Lawrey, and M Ward

In Attendance: P Matheson, Acting Group Manager Strategy and Environment (C Ward), Group Manager Infrastructure (A Louverdis), Chief Financial Officer (N Harrison), Manager Administration (P Langley) and Administration Adviser (L Laird) , C Lindley and H Malpas (Youth Councillors)

Apologies: Councillors R Copeland and K Fulton (Deputy Chairperson)

1. Apologies

Resolved

***THAT apologies be received and accepted from
Councillors Copeland and Fulton.***

Davy/Barker

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

It was noted that the public forum from Nicole Begg, as per the agenda, had been postponed.

4. Public Forum

There was no public forum.

5. Confirmation of Minutes – 21 November 2013

Document number A1107833, agenda pages 7-12 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Planning and Regulatory Committee, held on 21 November 2013, be confirmed as a true and correct record.

Davy/Lawrey

Carried

6. Chairperson's Report

Chairperson, Councillor McGurk, gave a brief verbal report. He mentioned the current water quality issues of the Maitai River and the general discussions about water quality that these issues had initiated in the community.

REGULATORY

7. Freshwater Reforms

Document number A1120162, agenda pages 13-31 refer.

The Acting Group Manager Strategy and Environment, Chris Ward, presented the report and outlined the key points. He said the proposal provided a staged approach to meet the requirements of the reform package issued by central government by 2030.

Mr Ward said the basis of this package was to improve water quality with monitoring and actions, however this required a significant commitment of additional resources by the Council.

The Committee discussed sharing resources with other councils, particularly Tasman District Council. Mr Ward confirmed that this was already taking place and Tasman District Council scientific staff performed roles on behalf of Nelson City Council on a contract basis.

In response to a question, Mr Ward said the additional resource equated to approximately one extra Council officer (1 FTE). It was agreed that the submission (section 2) should reinforce this additional resource required.

Resolved

THAT the report Freshwater Reforms (A1120162) and its attachments (A1115587 and A79281) be received;

AND THAT the attached submission (with any amendments made by the Committee) is forwarded to the Ministry for the Environment by 4 February 2014.

Barker/Davy

Carried

8. Reserves Bylaw

Document number A1126619, agenda pages 32-54 refer.

Planning Adviser, Debra Bradley, spoke to the report.

Ms Bradley said informal consultation used to inform the Statement of Proposal had revealed that there was concern in the community as to the lack of regulation of the development of formal mountain biking tracks. She added that officers sought the Committee's direction on how the practising of golf in Council reserves should be regulated.

The Committee were advised that any changes to the proposed draft bylaw should be made at this meeting, before any special consultative procedure began.

The Committee discussed the golf issue and there was general agreement that the practising of golf should not be prohibited. There was a view that other sports, including cricket, were not being considered in this bylaw and it would be unfair to include only golf.

Resolved

THAT the report Reserves Bylaw (A1126619) and its attachments (A916989, A915962, A917532 and A10978) be received;

AND THAT the Statement of Proposal in document A916989 be approved and advertised using the Special Consultative Procedure (section 83 of the Local Government Act), subject to the removal of paragraph 10 'Golf' on page 49 of the agenda;

AND THAT the Planning and Regulatory Committee hear submissions on 20 March 2014;

AND THAT the Planning and Regulatory Committee deliberate on submissions and make recommendations to full Council.

Davy/Barker

Carried

Planning and Regulatory Committee
28 January 2013

9. Update – Draft Local Approved Products Policy (Psychoactive Substances)

Document number A1131745, agenda pages 55-56 refer.

Policy Adviser, Sarah Yarrow, joined the meeting and presented the report. She said this was an opportunity to reconsider whether the Committee wanted to progress with the special consultative procedure as planned or prolong the timeline to enable time to consider further information from the Ministry of Health.

There was agreement that it was preferable to delay the process, however concern was expressed that Council had received submissions and it was agreed that these should be heard as planned.

Resolved

THAT the report Update – Draft Local Approved Products Policy (Psychoactive Substances) (A1131745) be received;

AND THAT deliberating 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;

AND THAT submitters be invited to make their submissions to the Planning and Regulatory Committee on 20 February 2014, and that they be advised of the option to resubmit at a future date if new information comes to light.

Ward/Lawrey

Carried

ENVIRONMENT

10. Review of Council’s Resource Management and Strategic Planning Functions

Document number A1131986, agenda pages 57-58 refer.

Resolved

THAT the report Review of Council’s Resource Management and Strategic Planning Functions (A1131986) be received;

AND THAT the Catalyst Group report “Nelson City Council Review of The Resource Management and Strategic Planning Functions June 2013” be endorsed, in particular the

simplification of the resource management policy platform.

Barker/Davy

Carried

11. Tasman Nelson Environment Awards and Ecofest Options

Document number A1120552, agenda pages 59-65 refer.

Acting Group Manager Strategy and Environment, Chris Ward, presented the report.

Attendance: Her Worship the Mayor Rachel Reese joined the meeting at 1.58pm.

In response to questions, Mr Ward confirmed that the sponsors had not yet been consulted on the proposed changes to Ecofest, particularly the required change of venue. There was agreement that sponsors should be consulted at all steps of this process, and should remain central to any decision about the event.

Mr Ward also clarified that the proposed changes had come from a number of reasons, including:

- closure of the Trafalgar Centre,
- a decrease in funding from Tasman District Council, and
- a lack of staffing at both at Tasman District Council and Nelson City Council to carry out the events to their previous capacity.

Mr Ward said that no venue had been confirmed at this stage. There was general agreement that officers should further investigate possible venues that would achieve the objectives of Ecofest, particularly the 'wrap around' activities of the festival, and that all options would be considered. Mr Ward said the event would resemble a 'mini-Ecofest' including activities similar to those currently carried out, with another event replicated in Motueka.

Attendance: Councillor Barker left the meeting at 2.11pm.

It was recognised that the feeling from the community was that Ecofest was moving away from a community event to a 'trade show'. The Committee agreed that a refreshed approach was required. There was also agreement that integrating an awards component into Ecofest would help achieve a refreshed approach, thereby also refreshing how Council recognised outstanding environmental contributions in the community.

Attendance: Her Worship the Mayor Rachel Reese left the meeting at 2.20pm.

The Committee debated whether to take a break this year from delivering either event, and prepare for a 'refreshed' event in 2015. It

was agreed that the community would expect Ecofest this year and that it should still be delivered. The Committee considered it important to maintain momentum and retain sponsors by delivering Ecofest in 2014.

Resolved

THAT the report Tasman Nelson Environment Awards and Ecofest Options (A1120552) and its attachments (A115950 and A1126202) be received;

AND THAT the Ecofest event will occur and include a people's choice environment award to replace the Tasman Nelson Environment Awards scheduled for March 2014;

AND THAT officers report back to the 20 February 2014 Planning and Regulatory Committee meeting with options for a location that will achieve the objectives of the Ecofest event for 2014.

Davy/Ward

Carried

There being no further business the meeting ended at 2.31pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Planning and Regulatory Committee
28 January 2013

18 February 2014

REPORT A1140519

Alteration to Resolution– Draft Local Approved Products Policy (Psychoactive Substances)

1. Purpose of Report

- 1.1 To alter part of the resolution passed on this matter at the 28 January 2014 meeting of the Planning and Regulatory Committee.

2. Recommendation

THAT the report Alteration to Resolution– Draft Local Approved Products Policy (Psychoactive Substances) (A1140519) be received;

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.

3. Background

- 3.1 At its meeting of 28 January 2014 the resolved:

THAT the report Update – Draft Local Approved Products Policy (Psychoactive Substances) (A1131745) be received;

AND THAT deliberating 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;

AND THAT submitters be invited to make their submissions to the Planning and Regulatory Committee on 20 February 2014, and that they be advised of the option to resubmit at a future date if new information comes to light.

4. Discussion

- 4.1 Since this resolution was passed, concern has been expressed by officers around the potential impact on the special consultative procedure of progressing with this course of action.
- 4.2 Officers are mindful that the Psychoactive Substances Act 2013 does not set out the role of policy in decision making, however, it gives local authorities the opportunity to make a policy. Council has resolved to make a policy. The policy cannot take effect until the regulations are in place. The regulations will say what role the policy is to have in decision making.
- 4.3 There is a risk that the regulations may change things to such a degree that Council may need to undertake further consultation.
- 4.4 If one set of submitters are given an option to resubmit on the basis of additional information, natural justice would suggest the whole community should have the same opportunity.
- 4.5 If Council proceeds with the hearing of submissions on 20 February 2014 and further consultation is offered to some submitters at a future point, the procedure may be open to criticism.
- 4.6 In order to address this concern it is proposed that the committee delay the hearings to a date to be set once further information is available from the Ministry of Health (expected mid to late February).
- 4.7 Should the third paragraph of the resolution be altered to enable the hearing be delayed and to remove reference to the option to resubmit, it is the intention of officers to contact all submitters to provide an update on the process being followed. Officers have already been in touch with those submitters wishing to be heard.

5. Conclusion

- 5.1 That the Planning and Regulatory Committee alter its resolution passed its meeting on 28 January 2014 to enable the hearing of submissions to the draft LAPP to be delayed until more information is available from the Ministry of Health.

Nicky McDonald
Acting Group Manager Strategy

Attachments

None.

No supporting information follows.

18 February 2014

REPORT A1141190

Alteration to Resolution – Tasman Nelson Environment Awards and Ecofest Options

1. Purpose of Report

- 1.1 To alter part of the resolution passed on this matter at the 28 January 2014 meeting of the Planning and Regulatory Committee.

2. Recommendation

THAT the report Alteration to Resolution – Tasman Nelson Environment Awards and Ecofest Options (A1141190) be received;

AND THAT officers report back to the next appropriate Planning and Regulatory Committee meeting with options for a location that will achieve the objective of the Ecofest event for 2014.

3. Background

- 3.1 At its meeting of 28 January 2014 the Committee resolved:

THAT the report Tasman Nelson Environment Awards and Ecofest Options (A1120552) and its attachments (A115950 and A1126202) be received;

AND THAT the Ecofest event will occur and include a people's choice environment award to replace the Tasman Nelson Environment Awards scheduled for March 2014;

AND THAT officers report back to the 20 February 2014 Planning and Regulatory Committee meeting with options for a location that will achieve the objectives of the Ecofest event for 2014.

4. Discussion

- 4.1 The meeting of the Committee to be held on 20 February 2014 had one purpose which was to hear submissions to the draft Local Approved Products Policy.
- 4.2 It is now proposed to delay this hearing.
- 4.3 It seems an inefficient use of governance time to call a meeting to address a single report.
- 4.4 It is therefore proposed that the report resolved to be presented to the 20 February meeting regarding Ecofest options be delayed to the next appropriate scheduled meeting of the Committee.
- 4.5 As the date was stipulated in the third paragraph of the resolution, this requires the Committee to alter that part of its resolution, hence this report and its recommendation.

5. Conclusion

- 5.1 That the Planning and Regulatory Committee alter its resolution passed on 28 January 2014 to enable officers to report back on options for Ecofest to the next appropriate meeting of the Committee.

Nicky McDonald
Acting Group Manager Strategy

Attachments

None.

No supporting information follows.