



# AGENDA

**Ordinary meeting of the  
Nelson City Council**

**Policy and Planning**

**Thursday 29 August 2013  
Commencing at 9.00am  
Council Chamber  
Civic House  
110 Trafalgar Street, Nelson**

**Membership:**

His Worship the Mayor Aldo Miccio, Councillors Ian Barker, Ali Boswijk (Deputy Mayor), Gail Collingwood, Ruth Copeland, Eric Davy, Kate Fulton (Co-Portfolio Holder), Paul Matheson, Jeff Rackley, Pete Rainey, Rachel Reese, Derek Shaw (Co-Portfolio Holder) and Mike Ward

## **Opening Prayer**

## **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**

- 3.1 Brook Valley Community Group
- 3.2 Mr Christopher St Johanser will speak about the newly formed group and a proposal for a new initiative.
- 3.3 Brook Area Walking and Cycling Improvements

Ms Caro Donovan will speak on behalf of the Brook Valley Community Group about the Brook area walking and cycling improvements.

### **4. Confirmation of Minutes**

- 4.1 Council – Policy and Planning – 18 July 2013 **12-40**

Document number 1556869

Recommendation

***THAT the minutes of the meeting of the Nelson City Council – Policy and Planning, held on 18 July 2013, be confirmed as a true and correct record.***

- 4.2 Council – Deliberation on Submissions to the Speed Limits Bylaw Amendment 2013 – 6 August 2013 **41-44**

Document number 1571532

Recommendation

***THAT the minutes of the meeting of the Nelson City Council – to Deliberate on Submissions to the Speed Limits Bylaw Amendment 2013, held on 6 August 2013, be confirmed as a true and correct record.***

**5. Mayor's Report**

**6. Status Report – Policy and Planning**

**45-46**

Document number 1034725 v11

Recommendation

***THAT the Status Report – Policy and Planning (1034725 v11) be received.***

**7. Portfolio Holder's Report**

During this part of the meeting the Mayor will be joined by the Policy and Planning Portfolio Holder, Councillor Fulton.

**8. Earthquake Fault Lines**

**47-48**

Document number 1565594

Recommendation

***THAT the report Earthquake Fault Lines (1565594) and its attachments (1567575 and 1201892) be received.***

Note: Attachment 1 to the report is circulated as a separate document. It can be found in the Councillors Google drive as 'P&P ATT1'.

**9. Gambling Policy Review 2012/13**

**49-56**

Document number 1571959

Recommendation

***THAT the report Gambling Policy Review 2012/13 (1571959) and its attachment (1573324) be received;***

***AND THAT Council revoke the resolution of 8 August 2013 to reduce the cap on gaming machines from 285 to 257;***

**AND THAT Council confirms the cap will stay as in the existing policy;**

**AND THAT Council adopts the Gambling Policy 2013.**

**10. Stormwater, Trade Waste and Water Supply Bylaws 57-79**

Document number 1550983

Recommendation

**THAT the report Stormwater, Tradewaste and Water Supply Bylaws (1550983) and its attachments (721951, 1544517 and 1563971) be received;**

**AND THAT in accordance with section 156 of the Local Government Act 2002 Council revokes the Nelson City Council Bylaw No 212 Stormwater Bylaw 2006;**

**AND THAT reference to the Stormwater Bylaw 2006 be removed from the Nelson Resource Management Plan in the proposed Plan Change 28 Land Development Manual updates scheduled for 2013/14;**

**AND THAT in accordance with section 156 of the Local Government Act 2002 Council revokes the Nelson City Council Bylaw No 214 Trade Waste. Such revocation to come into effect upon the adoption of the proposed Nelson City Council Wastewater Bylaw;**

**AND THAT in accordance with section 155 of the Local Government Act 2002 Council determines that making a bylaw is the most appropriate way of addressing the issues of disposal of waterborne wastes from residential and trade premises and the regulation of the disposal of stormwater to the wastewater network;**

**AND THAT in accordance with section 156 of the Local Government Act 2002 Council commences the process to make a Wastewater Bylaw. Such Bylaw to come into effect prior to the completion of the revocation of the existing Nelson City Council Bylaw No 214 Trade Waste;**

***AND THAT in accordance with section 158 of the Local Government Act 2002 Council commences the process to review the Nelson City Council Bylaw No 217 Water Supply 2008.***

**11. Murals along the Maitai Project 80-100**

11.1 Document number 1566318

Recommendation

***THAT the report Murals along the Maitai Project (1566318) and its attachment (1513541) be received;***

***AND THAT Council approve the project and grant permission as land owner for this work to proceed;***

***AND THAT officers report progress back to Councillors via the Chief Executive's newsletter.***

**12. Adoption of Amended Speed Limits Bylaw (210) 101-141**

12.1 Document number 1535187

Recommendation

***THAT the report Adoption of Amended Speed Limits Bylaw (210) (1535187) and its attachments (1565968, 1571045 and 1563829) be received;***

***AND THAT Council adopts the amended Speed Limits Bylaw (210);***

***AND THAT the amended Speed Limits Bylaw (210) comes into effect on 30 September 2013.***

**13. The Brook Area Walking and Cycling Improvements 142-161**

Document number 1561385

Recommendation

***THAT the report The Brook Area Walking and Cycling Improvements (1561385) and its attachments (1483637, 1576195, 1563202) be received;***

**AND THAT Council notes the three main areas of concern raised in the engagement, namely:**

- **Loss of parking outside the Brook Street Store and on Manuka Street**
- **Potential for conflicts with pedestrians on the shared paths**
- **Operation of the Manuka Street/Tasman Street intersection**

**have been addressed in the revised proposals shown in 1563202;**

**AND THAT a second round of engagement with the Brook area community be undertaken during September 2013 with the results reported back to Councillors via the Chief Executive's Newsletter.**

**14. Plan Change 16 – Inner City Noise Notification 162-212**

Document number 1526862

Recommendation

**THAT the report Plan Change 16 – Inner City Noise Notification (1526862) and its attachments (1520514 and 1243377) be received;**

**AND THAT draft Plan Change 16 – Inner City Noise (plan amendments 1520514 and Section 32 report 1243377) be notified under the First Schedule of the Resource Management Act 1991;**

**AND THAT it be confirmed that the proposed Plan Change 16 has been prepared in accordance with the statutory procedures set down in the First Schedule to the Resource Management Act 1991;**

**AND THAT the Chief Executive be delegated authority to approve minor technical wording amendments, or correction of errors, to the draft Plan Change documents to improve readability and/or consistency prior to public notification;**

**AND THAT an independent hearings commissioner be appointed to hear, consider and make decisions on the submissions and further submissions to the proposed Plan Change.**

**15. Plan Change 14 – Residential Subdivision, Land Development Manual and Comprehensive Housing 213-222**

Document number 1556131

Recommendation

***THAT the report Plan Change 14 Residential Subdivision, Land Development Manual and Comprehensive Housing (1556131) and its attachments (1559211 and 1560075) be received;***

***AND THAT policy "RE3.5 Streetscape" and rules "REr.25 Front Yards" and "REr.31 Fences" be publicly notified as operative on 9 September 2013, pursuant to Clause 20(1) of the First Schedule of the Resource Management Act 1991.***

**REPORTS FROM COMMITTEES**

**16. Framing Our Future Committee – 6 August 2013 223-225**

Document number 1571317

Recommendation

***THAT the unconfirmed minutes of a meeting of the Framing Our Future Committee, held on 6 August 2013, be received.***

Recommendation to Council

***THAT the draft Nelson 2060 Implementation Plan for 2013/14 (1551208) be adopted;***

***AND THAT Council's Sustainability Policy 2008, and Sustainability Action Plan 2008-2011 be replaced by the Nelson 2060 Strategy and Council's Nelson 2060 Implementation Plan 2013/14.***

**17. Audit, Risk and Finance Committee – 20 August 2013 226-230**

Document number 1580057

Recommendation

***THAT the unconfirmed minutes of a meeting of the Audit, Risk and Finance Committee, held on 20 August 2013, be received.***

## CROSS COUNCIL ITEMS

### 18. Trafalgar Centre – Way Forward

231-241

Document number 1495463

Recommendation

**THAT the report Trafalgar Centre – Way Forward (1495463) and its attachment (1566223) be received;**

**AND THAT Council notes the consultant's advice to have their liquefaction report peer reviewed and accordingly officers will commission an independent peer review of this report;**

**AND THAT Council provides officers with a clear direction as to whether they should be submitting the information at hand to the Building Unit for assessment;**

**AND THAT Council confirms that the Trafalgar Centre remain open;**

**AND THAT Council accepts that no work (including work to any amenities – toilets and kitchen) is possible on the Centre this current financial year;**

**AND THAT all work on the Northern upgrade be placed on hold indefinitely until a future direction for the Centre is formulated;**

**AND THAT Council confirms that bookings continue to be taken on the basis that all who make bookings be advised of the earthquake status of the Centre and decide for themselves as to whether they book the venue out;**

**AND THAT Council does not classify the Centre as a special post disaster building (IL4) for use following an earthquake, but accepts that the building could be used for other events such as flooding (where this occurs elsewhere in the region) or pandemic outbreak;**



**AND THAT Council officers be requested to undertake further investigation and report this back to Council in the new triennium based on:**

- **Any direction from Council;**
- **The suitability of the Centre in its current location;**
- **Whether the Centre can be accommodated elsewhere in the Rutherford Park complex;**
- **Whether any components from the existing structure can be salvaged;**

**AND THAT this further work be funded from provision made in the 2013/14 Annual Plan in the amount of \$3 million.**

## **PUBLIC EXCLUDED BUSINESS**

### **19. Exclusion of the Public**

Recommendation

**THAT the public be excluded from the following parts of the proceedings of this meeting.**

**The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<p><b>Public Excluded Policy and Planning Minutes – 18 July 2013</b></p> <p>These minutes confirm the public excluded minutes of Council 4 June 2013 and 18 June 2013 and include information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>

	The proposed transfer of assets, and negotiation of a lease and contract with the Theatre Royal and Nelson School of Music.		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Potential Debtor Issue		<ul style="list-style-type: none"> <li>Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> </ul>
	Chief Executive's Proposed Performance Agreement 2013/14		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	An amended Drainage Ownership Policy		<ul style="list-style-type: none"> <li>Section 7(2)(g) To maintain legal professional privilege</li> </ul>
	A contract dispute relating to the Nelson Wastewater Treatment Plant		<ul style="list-style-type: none"> <li>Section 7(2)(g) To maintain legal professional privilege</li> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
	A proposed course of action for a Council-owned building.		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>2</b>	<b>Public Excluded Status Report – Policy and Planning</b>  This report contains information regarding:	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	
	The classifications of certain heritage precincts, including references to specific addresses.		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	A proposal for a lease on Council land		<ul style="list-style-type: none"> <li>Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>

	An amended Drainage Ownership Policy		<ul style="list-style-type: none"> <li>•Section 7(2)(g) To maintain legal professional privilege</li> </ul>
	A proposed course of action for a Council-owned building.		<ul style="list-style-type: none"> <li>•Section 7(2)(i) To carry out negotiations</li> </ul>
<b>3</b>	<p><b>Strategic Land Purchase</b></p> <p>This report contains strategic information relating to potential strategic property purchases.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>•Section 7(2)(h) To carry out commercial activities</li> <li>•Section 7(2)(i) To carry out negotiations</li> </ul>
<b>4</b>	<p><b>Natureland Sale</b></p> <p>This report contains information regarding operational and capital expenditure arrangements in relation to the potential sale of Natureland.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
<b>5</b>	<p><b>Code of Conduct Matter – Report Back from Investigating Committee</b></p> <p>This report contains information regarding a Code of Conduct complaint.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> </ul>

## 20. Re-admittance of the public

Recommendation

***THAT the public be re-admitted to the meeting.***

### Note:

- **A group of students from the NMIT “English Language Training for Officials” programme will be observing the meeting from the public gallery. These students will be invited to join Councillors during the morning tea break.**
- **This meeting is expected to continue beyond lunchtime.**
- **Lunch will be provided at 12.30pm.**

---

## Minutes of a meeting of the Nelson City Council – Policy and Planning

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

On Thursday 18 July 2013, commencing at 9.02am

---

Present: Councillors A Boswijk (Chairperson), I Barker, G Collingwood, E Davy, K Fulton (Co-Portfolio Holder), J Rackley, P Rainey, R Reese, D Shaw and M Ward (Co-Portfolio Holder)

In Attendance: Chief Executive (C Hadley), Executive Manager Strategy and Planning (M Schruer), Executive Manager Support Services/Acting Executive Manager Community Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Executive Manager Kaihautū/Community Relations (G Mullen), Acting Chief Financial Officer (T Hughes), Manager Community Relations (A Ricker), Manager Administration (P Langley), and Administration Adviser (E-J Ruthven)

Apologies: His Worship the Mayor (A Miccio), Councillors R Copeland and P Matheson; Councillor K Fulton for lateness; Councillor R Reese for part of the meeting; and Councillor P Rainey for early departure.

### Opening Prayer

Councillor Davy gave the opening prayer.

#### 1. Apologies

Resolved

***THAT apologies be received and accepted from His Worship the Mayor, Councillors Copeland and Matheson; from Councillor Fulton for lateness; from Councillor Reese for part of the meeting; and from Councillor Rainey for early departure.***

Davy/Boswijk

Carried

## 2. Interests

There were no updates to the interests register, and no conflicts of interest with any agenda items were declared.

## 3. Confirmation of Order of Business

The Chair explained that since the agenda had been issued, three additional public forum presentations had been added.

She added that an updated order of business had been tabled (1556130).

Resolved

***THAT the order of business (1556130) be confirmed.***

Boswijk/Ward

Carried

## 4. Public Forum

### 4.1 Air Quality – Wood Burners

Mr Bryan Waters spoke about abatement notices served in relation to wood burners in the Beachville, Stepneyville and Port Hills area. He said he considered that these notices had been issued incorrectly, as the 2009 notice sent to all residents did not explicitly refer to Beachville, Stepneyville or the Port Hills. He added that he did not agree with Council officers' advice that the Beachville area fell within Washington Valley.

Attendance: Councillor Fulton joined the meeting at 9.08am

Mr Waters asked Council to consider withdrawing the abatement notices issued to Beachville residents, and allowing members of the Beachville community to apply for permits to replace wood burners.

He tabled a copy of his presentation, the 2009 notice, along with maps and correspondence sent to residents (1556307).

### 4.2 Trans-Pacific Partnership Agreement

Mr Graeme O'Brien tabled a document outlining his concerns regarding the Trans-Pacific Partnership Agreement (1555715), and emphasised his concern that negotiations were being conducted in private by central government.

Mr O'Brien said he felt that the recommendation in the officer report on the agenda was not strong enough, and asked Council to consider passing a resolution similar to that passed by the Auckland Council.

4.3 Trans-Pacific Partnership Agreement

Mary Ellen O'Connor spoke about the Trans-Pacific Partnership Agreement. She outlined her concerns regarding the potential negative effects the trans-Pacific Partnership Agreement might have on local communities.

5. **Mayor's Report**

There was no Mayor's report.

6. **Status Report – Policy and Planning**

Document number 1034725 v10, agenda pages 14-15 refer.

In response to a question, Executive Manager Strategy and Planning, Mr Schruer, clarified that the report referred to in the item 1 update was in relation to the Terms of Reference for the Rocks Road Shared Path investigation phase. He said that this issue had subsequently been clarified, and that a signed copy of the Terms of Reference had been received from the New Zealand Transport Agency.

Resolved

***THAT the Status Report – Policy and Planning (1034725 v10) be received.***

Boswijk/Barker

Carried

7. **Portfolio Holder's Report**

There was no Portfolio Holder's report.

8. **Trans-Pacific Partnership Agreement**

Document number 1528174, agenda pages 16-45 refer.

Manager Strategic Response, Mr Ward, joined the meeting and presented the report.

In response to questions, he explained that central government negotiations were occurring in private and that he did not have access to sufficient information to advise Council on the items listed in the Auckland Council Regional Development and Operations Committee resolution.

In response to a further question, Mr Ward explained that Auckland Council staff had written to the Minister for Trade to advise of the resolution passed but, as far as he was aware, had received no response.

Councillors discussed whether it was preferable to vote on the recommendation contained in the officer report, or whether it was preferable to pass the resolution of the Auckland Council Regional

Development and Operations Committee, substituting 'Nelson City Council' for Auckland Council where necessary.

Attendance: Councillor Davy left the meeting at 9.36am.

Councillors in support of the officer recommendation considered that the recommendation was sufficient to safeguard the interests of the region, that the negotiation of the Trans-Pacific Partnership Agreement was a central government process, and that there was insufficient information to pass the Auckland Council resolution.

Councillors in support of the Auckland Council resolution acknowledged that the list of items included in the resolutions may be based on incomplete information, but considered it preferable to send a strong message to central government on the issue.

A difference of opinion was also expressed regarding whether this issue represented core Council business.

Attendance: Councillor Reese left the meeting at 9.43am.

Resolved

**THAT the report Trans-Pacific Partnership Agreement (1528174) and its attachments (1493910 and 1542496) be received;**

**AND THAT Council encourages the government to conclude negotiations on the Trans-Pacific Partnership and Free Trade Agreements in a way that provides net positive benefits for Nelson and New Zealand, that is, provided the Partnership and Agreements achieve the following objectives:**

***i. Continues to allow the Nelson City Council and other Councils, if they so choose, to adopt procurement policies that provide for a degree of local preference; to choose whether particular services and facilities are provided in house, by council-controlled organisations (CCOs) or by contracting out; or to require higher health and safety, environmental protection, employment rights and conditions, community participation, animal protection or human rights standards than national or international minimum standards;***

***ii. Maintains good diplomatic and trade relations and partnerships for Nelson and New Zealand with other major trading partners not included in the agreement, including with China;***

***iii. Provides substantially increased access for our agriculture exports, particularly those from the Nelson region into the US market;***

**iv. Does not undermine PHARMAC, raise the cost of medical treatments and medicines or threaten public health measures, such as tobacco control;**

**v. Does not give overseas investors or suppliers any greater rights than domestic investors and suppliers, such as through introducing Investor-State Dispute Settlement, or reduce our ability to control overseas investment or finance;**

**vi. Does not expand intellectual property rights and enforcement in excess of current law;**

**vii. Does not weaken our public services, require privatisation, hinder reversal of privatisations, or increase the commercialisation of government or of Nelson City Council or other local government organisations;**

**viii. Does not reduce our flexibility to support local economic and industry development and encourage good employment and environmental practices and initiatives like Council Cadetships and the Mayor's Taskforce for Jobs which enable marginalised young people to develop their skills and transition into meaningful employment;**

**ix. Contains enforceable labour clauses requiring adherence to core International Labour Organisation conventions and preventing reduction of labour rights for trade or investment advantage;**

**x. Contains enforceable environmental clauses preventing reduction of environmental standards for trade or investment advantage;**

**xi. Has general exceptions to protect human rights, the environment, the Treaty of Waitangi, and New Zealand's economic and financial stability;**

**xii. Has been negotiated with real public consultation including regular public releases of drafts of the text of the agreement, and ratification being conditional on a full social, environmental and economic impact assessment including public submissions.**

Ward/Fulton

Carried



A division was called:

Councillor Barker	No
Councillor Boswijk	Aye
Councillor Collingwood	Abstained
Councillor Copeland	Absent
Councillor Davy	Absent
Councillor Fulton	Aye
Councillor Matheson	Absent
Councillor Rackley	Aye
Councillor Rainey	Aye
Councillor Reese	Absent
Councillor Shaw	Aye
Councillor Ward	Aye
His Worship the Mayor	Absent

## 9. Remuneration of Elected Members 2013-2016

Document number 1542709, Governance agenda pages 60-112 refer.

The meeting turned to consider the item that had been left to lie as a result of the lapsing of the Council meeting on Tuesday 16 July 2013.

Manager Administration, Penny Langley, joined the meeting and presented a memorandum containing additional information (1555340). She explained that the Remuneration Authority had advised that it was possible to set aside a pool of money for Plan Change work, and that use of this pool could be deferred until later years within the next term of Council.

Councillors discussed the option presented in document 1555340 setting aside a pool of money for Plan Change work, and termed this "option 6" for the purposes of the discussion.

### 9.1 Councillor Remuneration

Councillors acknowledged that there may potentially be a large amount of work involved in undertaking Plan Change work. In response to a

question, the Chief Executive suggested that the incoming Council consider whether, rather than a rolling review, a full-scale review of the Nelson Resource Management Plan be undertaken.

Point of Order – Councillor Collingwood raised a point of order under Standing Order 3.13.4(b) against Councillor Barker, regarding comments relating to the work undertaken to establish the Nelson Resource Management Plan. Councillor Barker withdrew his comment and apologised.

There was general agreement amongst Councillors that an additional pool of money for Plan Change work was appropriate.

Attendance: Councillor Davy returned to the meeting at 10.08am.

A suggestion was also made that the rules around reimbursement for mileage following 30km travel in one day be clarified to potential election candidates.

A request was made that it be minuted that the Remuneration Authority would likely be considering the differential applied for unitary councils in the near future. Councillors agreed on the importance of being proactive when this review took place, to ensure that the differential remained, or increased.

Resolved

***THAT the report Remuneration of Elected Members 2013-2016 (1542709) and its attachments (1542746, 1546956, 1547161, 1507219, 1547015, and 1528778); and the additional report 1555340 be received;***

***AND THAT Council approves Additional Pay Option 6 (second option outlined in report 1555340) as the basis for the allocation of the additional pay for councillor remuneration to apply from the 2013 council election to the 2016 council election, for submission to the Remuneration Authority for approval.***

Shaw/Fulton

Carried

## 9.2 Communications Allowance

In response to a question, it was clarified that Option 1 would require re-elected Councillors to return their ipads to Council, and to provide their own electronic device meeting Council's communications standards.

Resolved

***THAT Council approves the draft Nelson City Council Expenses Policy for Elected Members 2013-2016 (1547015), including Communications Allowance Option 1 as outlined in report 1542709, for submission to the Remuneration Authority for approval.***

Boswijk/Rackley

Carried

Attendance: The meeting adjourned for morning tea from 10.21am to 10.34am.

## **10. Rutherford and Trafalgar Parks Development Plan - Adoption**

Document number 1541944, agenda pages 46-79 refer.

Manager Policy and Planning, Nicky McDonald, and Principal Adviser Reserves and Community Facilities, Andrew Petheram, joined the meeting and presented the report.

Resolved

***THAT the report Rutherford and Trafalgar Parks Development Plan – Deliberation and Adoption (1541944) and its attachments (1238139 and 1460152), be received.***

Barker/Rainey

Carried

There was a discussion regarding the priority and sequencing of events relating to each project within the Development Plan. In response to a question, Ms McDonald explained that each project would need to be considered through a future Long Term Plan process.

A question was asked regarding whether the Nelson Croquet Club would be disadvantaged by a decision by Council to approve the Development Plan. Mr Petheram explained that the proposal allowed for eight lawns (rather than the nine currently available), but that this was still a generous amount of space and sufficient to hold national events. He added that the Nelson Croquet Club had expressed concerns around the proposed central walkway through the park.

Attendance: Councillor Reese returned to the meeting at 10.46am.

10.1 Road Exit onto Haven Road

Resolved

***THAT the Rutherford and Trafalgar Parks Development Plan be amended to emphasise that the new traffic and pedestrian bridge over Saltwater Creek with a left-in and left-out connection to Haven Road is a potential future option only and the existing road corridor will not be changed until detailed assessment of roading issues in the area have been completed.***

Collingwood/Boswijk

Carried

10.2 Destination Playground

Resolved

***THAT the proposal for a destination playground be retained in the Rutherford and Trafalgar Parks Development Plan, to support Heart of Nelson goals as well as community use.***

Fulton/Shaw

Carried

10.3 Youth Playscape or Youth Park

During a discussion regarding the location of the proposed youth park, it was noted that the current focus was the framework of the development plan only, and that it was not appropriate to prescribe the exact location of the youth playscape at this point in time.

Resolved

***THAT the Rutherford and Trafalgar Parks Development Plan include a youth park, to be carefully designed to avoid safety problems and to better integrate youth with other park users, with further work to determine the optimum location.***

Davy/Rackley

Carried

10.4 Halifax Street Pedestrian Connection

Councillors discussed the proposed central accessway through the park and several views were expressed regarding the optimum location of the accessway. There was general agreement with the concept of a central accessway, and it was agreed that the specific location should be addressed at a later point in time.

Resolved

***THAT a centralised accessway into Rutherford Park be included in the Plan but considered at a later stage of the development of the park and the existing pedestrian accessways to the park be retained for the present.***

Rainey/Rackley

Carried

10.5 Car Parking

In response to a question, Mr Petheram confirmed that the proposed green areas would be strengthened and would be able to be used as 'spillover' parking for large events at the Trafalgar Centre. He added that the strengthening would not preclude the green areas from being used as playing surfaces.

In response to a further question, it was clarified that the current car-parking at the Trafalgar Centre was covered by a variation to the original resource consent.

Resolved

***THAT the car parking provision as included in the Development Plan be retained.***

Boswijk/Shaw

Carried

10.6 Hathaway Terrace Footpath

In response to a question, Mr Petheram confirmed that residents of Hathaway Court had been advised that the walkway may be in the future work programme, and that consultation would occur again at the relevant point in time.

Mr Petheram added that, following the formal consultation process, Trailways Hotel had indicated its agreement to a footpath in front of the hotel. Councillors noted their approval of the footpath being developed in front of Trailways, if possible.

Councillor Ward, seconded by Councillor Boswijk moved the recommendation in the officer report.

A discussion followed regarding the aspirations of the Nelson Railway Society for the railway to be extended around Trafalgar Park towards Hathaway Terrace.

Councillor Collingwood, seconded by Councillor Davy moved an amendment to add an additional clause:

***AND THAT the vision and plans of the Railway Society be included.***

This was passed and became the substantive motion.

Resolved

***THAT the proposed Hathaway Terrace footpath be retained in the Plan;***

***AND THAT the vision and plans of the Railway Society be included.***

Ward/Boswijk

Carried

10.7 Eastern Trafalgar Park Grandstands and Multi-Functional Community Facility

In response to a question, Mr Petheram explained that a group of sporting bodies and interested people had formed to consider a multi-functional community facility within a redeveloped Trafalgar Park grandstand, but that this was not a Council group or otherwise organised by Council.

Resolved

***THAT the replacement of the Eastern Trafalgar Park grandstand be considered as a project for a later stage of development of Trafalgar Park.***

Davy/Rainey

Carried

10.8 Tennis Courts

Councillors discussed whether extra space should be made available for future additional tennis courts. In response to a question, Mr Petheram explained that a decision to include extra space for additional tennis courts was a provision of space only, and did not signal or confirm that Council intended to fund the provision of any additional tennis courts.

Attendance: Councillor Davy left the meeting at 11.41am.

Resolved

***THAT extra space be made available for tennis, for a maximum of twelve courts, to be considered at a later stage.***

Rainey/Shaw

Carried

10.9 Community Leases (Varied Locations)

There was general agreement regarding the importance of Council working with affected groups to consider relocation options.

Resolved

***THAT after 2020 leases for the Highland Pipe Band, the Marist and the Nelson Rugby Football Clubs and the Nelson Rugby Football Union buildings be renewed on an annual basis only;***

***AND THAT the Nelson Rifle Shooting Association and Community Arts leases not be renewed for more than 12 month periods from 2014 on, noting the possible need for relocation as part of changes to Paru Paru Road and car parking in Rutherford Park;***

***AND THAT Council works with affected groups to facilitate options for relocation and co-location as appropriate.***

Collingwood/Boswijk

Carried

10.10 Weir

Resolved

***THAT a weir not be included in the Development Plan.***

Shaw/Collingwood

Carried

10.11 Access to the Maitai River from Kinzett Terrace for Water-Based Sports

Resolved

***THAT access to the Maitai River at Kinzett Terrace for water-based sports not be included in the Development Plan and officers be directed to work with Sport Tasman and interested groups to scope a facility at the Port for aquatic sports.***

Boswijk/Rackley

Carried

10.12 Conclusion

There was general agreement that all media releases regarding the Rutherford and Trafalgar Parks Development Plan should be approved by the Deputy Mayor, as Chairperson of the meeting.

Resolved

***THAT the Rutherford and Trafalgar Parks Development Plan, as amended by decisions at the 18 July 2013 Council meeting, be adopted.***

Boswijk/Shaw

Carried

Council – Policy and Planning  
18 July 2013

## 11. Maitai Valley Summer Youth Camp

Document number 1543267, agenda pages 80-85 refer.

In response to a question, the Chief Executive advised that the requirement in the camp lease to hold a youth camp had placed camp operators in a difficult position of identifying campers aged over 18. She added that removing the requirement from the lease gave the camp lessees the opportunity to decide whether or not to hold the camp, but clarified that, if it were held, Council would expect the law to be upheld.

It was noted that the Police were supportive of the requirement to hold a Youth camp being removed from the lease.

There was general agreement that it was appropriate to remove the camp requirement from the lease. However, it was requested that this message be clearly communicated both in Nelson and in the wider area from which campers traditionally travelled, to ensure that there were clear expectations regarding activities at the Maitai Valley camp.

It was also suggested that Council should consider alternative events for youth in Nelson during the summer months.

Resolved

***THAT the report Maitai Valley Summer Youth Camp (1543267) be received;***

***AND THAT clause 31: 'Summer Camp' of the Maitai Valley Camp lease requiring provision of a summer youth camp be removed immediately.***

Boswijk/Rackley

Carried

## 12. Land Transport Amendment Act – 2013 Amendment

Document number 1542061, agenda pages 86-92 refer.

Executive Manager Strategy and Planning, Mr Schruer, said that recent amendments to the Land Transport Amendment Act required the Regional Transport Committee to be appointed. He added that the New Zealand Transport Agency had confirmed that it was not necessary for Council to appoint the committee prior to the election.

Councillors discussed when to appoint the Regional Transport Committee. Councillors in support of doing so immediately noted the importance of having a committee in place, and suggested that the community representatives should be invited to remain on the committee in an advisory capacity. Other councillors expressed the view that there was little point in establishing a new committee that was unlikely to meet prior to the election.



Several councillors expressed support for the possibility of considering a joint Regional Transport Committee with Tasman District Council following the election, given the quantity of cross-boundary transport issues.

Attendance: Councillor Davy returned to the meeting at 12.15pm.

In response to a question, the Chief Executive noted her understanding from the New Zealand Transport Agency that the proposed joint Investment Logic Mapping workshop with the Tasman Regional Transport Committee would not take place until following the election.

Attendance: Councillor Ward left the meeting at 12.22pm.

Resolved

**THAT the report Land Transport Amendment Act – 2013 Amendment (1542061) be received;**

**AND THAT the external members of the Regional Transport Committee are invited to continue to attend;**

**AND THAT the following Councillors are elected to make up the Regional Transport Committee:**

- **Councillor Barker (Chair)**
- **Councillor Copeland (Deputy Chair)**
- **Councillor Collingwood**
- **Councillor Shaw**

Reese/Barker

Carried

Attendance: Councillor Ward returned to the meeting at 12.29pm.

### **13. Statement of Proposal to Revoke Camping Bylaw (Bylaw 220)**

Document number 1532694, agenda pages 108-115 refer.

Resolved

**THAT the report Statement of Proposal to Revoke the Camping Bylaw (Bylaw 220) (1532694) and its attachment (1531790) be received;**

**AND THAT the Statement of Proposal to revoke the Nelson City Council Camping Bylaw (Bylaw 220) in document 1531790 be approved for public consultation and advertised using the Special Consultative Procedure (Section 83 of the Local Government Act 2002);**

***AND THAT all submissions received on the Statement of Proposal be heard and considered by full Council before decisions are made.***

Davy/Fulton

Carried

**14. Platinum New Zealand 2013 – Council Submission on Proposal**

Document number 1530527, agenda pages 121-129 refer.

Planning Adviser, Reuben Peterson, joined the meeting and presented the report.

A suggestion was made that the submission acknowledge that the tender area covered part of the Waimarama Brook Sanctuary area, and that the reference to Significant Natural Areas be incorporated into the other reference to overlays in the Nelson Resource Management Plan.

Resolved

***THAT the report Platinum New Zealand 2013 – Council Submission on Proposal (1530527) and its attachments (1529479, 1529480, and 1544668) be received;***

***AND THAT Council submits on the 'Platinum New Zealand 2013' consultation document.***

Davy/Boswijk

Carried

Attendance: The meeting adjourned for lunch from 12.36pm to 1.18pm, during which time Councillor Rainey departed the meeting.

**REPORTS FROM COMMITTEES**

**15. Resource Management Act Procedures Committee**

15.1 18 June 2013

Document number 1537312, agenda pages 130-132 refer.

Resolved

***THAT the minutes of the meeting of the Resource Management Act Procedures Committee held on 18 June 2013, be received.***

Reese/Shaw

Carried

15.2 27 June 2013

Document number 1543524, agenda pages 133-135 refer.

Resolved

**THAT the unconfirmed minutes of the meeting of the Resource Management Act Procedures Committee held on 27 June 2013, be received.**

Reese/Shaw

Carried

**16. Cable Bay Road Upgrade**

Document number 1544754, agenda pages 153-156 refer.

Resolved

**THAT the report Cable Bay Road Upgrade (1544754) and its attachment (1547129) be received;**

**AND THAT the tender for the Cable Bay Road Upgrade for \$3,111,493.85 from Donaldson Civil Limited be approved;**

**AND THAT \$1,526,000 be provided in the 2014/15 financial year to complete the project.**

Rackley/Davy

Carried

**17. Seaview Road Upgrade (Sewer and Stormwater)**

Document number 1547971, agenda pages 157-160 refer.

Resolved

**THAT the report Seaview Road Upgrade (Sewer and Stormwater) (1547971) and its attachment (1548344) be received;**

**AND THAT the tender for the Seaview Road Upgrade for \$1,576,233 from Ching Contracting Limited be approved.**

Davy/Boswijk

Carried

**18. Solid Waste Buller Residual Waste**

Document number 1537909, agenda pages 174-178 refer.

Resolved

**THAT the report Solid Waste Buller Residual Waste (1537909) be received;**

**AND THAT Council approves an extension to the existing agreement between Nelson City Council and Buller District Council to receive residual waste from the Buller District up until 30 June 2014;**

**AND THAT the Buller District Council be notified in writing that any extension post June 2014 will be subject to the findings and recommendations of a cultural impact assessment on the inter-regional transfer of waste with the assessment to be commissioned and paid for by the Buller District Council;**

**AND THAT the Joint Waste Working Party be thanked in writing for their recommendations and further be informed of this Council's decisions in this matter.**

Collingwood/Rackley

Carried

**19. Exclusion of the Public**

Resolved

**THAT the public be excluded from the following parts of the proceedings of this meeting.**

**The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	<p><b>Public Excluded Policy and Planning Status Report – 18 July 2013</b></p> <p>This report contains information regarding:</p> <p>The classifications of certain heritage precincts, including references to specific addresses.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>

	A proposal for a lease on Council land		<ul style="list-style-type: none"> <li>• Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>• Section 7(2)(i) To carry out negotiations</li> <li>• Section 7(2)(j) To prevent improper gain or advantage</li> </ul>
2	<p><b>Public Excluded Minutes – Governance and Policy and Planning – 4 June 2013</b></p> <p>These minutes confirmed the public excluded minutes of the 23 April 2013 Governance and Policy and Planning meeting, and also contain information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	The withholding of the information is necessary:
	Resource Management Act Procedures Committee Minutes – 20 March and 30 April 2013		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Rate Remission for Land Affected by the December 2011 Rainfall Event		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> </ul>
	Heads of Agreement for the termination of the Ridgeway's Joint Venture		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

3	<p><b>Public Excluded Minutes – To Approve the Annual Plan 2013/14 – 18 June 2013</b></p> <p>These minutes confirmed the public excluded minutes of the 30 May 2013 Council meeting to deliberate on submissions to the draft Annual Plan 2013/14, and also contain information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>Potential Debtor Issue</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>• Section 7(2)(h) To carry out commercial activities</li> </ul>
4	<p><b>Public Excluded Status Report – Governance – 16 July 2013</b></p> <p>This report contains information relating to:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>Nelson City Council Tasman District Council Engineering Services Agreement</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	<p>Governance Options for, and commercially sensitive information regarding, the Nelson Regional Sewerage Business Unit</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

	The proposed transfer of assets, and negotiation of a lease and contract with the Theatre Royal and Nelson School of Music.		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Potential Exit from Ridgeway's Joint Venture		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Theatre Royal Trust Deed		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	The Statement of Intent and Half Yearly report provided by Nelson Tasman Tourism to Council		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
<b>5</b>	<p><b>Public Excluded Minutes – Remuneration Review Committee – 17 June 2013</b></p> <p>These minutes confirmed the public excluded minutes of the 22 February Remuneration Review Committee, and also contain information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	The withholding of the information is necessary:
	Chief Executive's Proposed Performance Agreement 2013/14		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>6</b>	<p><b>Drainage Ownership Policy Public Private Drains</b></p> <p>This report contains information regarding an amended Drainage Ownership Policy</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(g) To maintain legal professional privilege</li> </ul>

7	<p><b>Public Excluded Resource Management Act Procedure Committee minutes, 18 and 27 June 2013</b></p> <p>These minutes confirm the public excluded minutes of the Resource Management Act Procedures Committee meetings of 20 March, 30 April and 18 June 2013 and also contain information regarding:</p> <p>Appeals to Plan Change 14, 17 and 18.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
8	<p><b>Nelson Wastewater Treatment Plant – Contract Dispute Resolution</b></p> <p>This report contains details regarding a contract dispute relating to the Nelson Wastewater Treatment Plant.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(h) To carry out commercial activities</li> </ul>
9	<p><b>Council Owned Buildings Plant and Food (300 Wakefield Quay)</b></p> <p>This report contains information about a proposed course of action for a Council-owned building.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

Collingwood/Boswijk

Carried

The meeting went into public excluded session at 1.23pm and resumed in public session at 2.27pm.

## 20. Re-admittance of the Public

Resolved

***THAT the public be re-admitted to the meeting.***

Boswijk/Davy

Carried



## 21. Saxton Creek Flood Protection

Document number 1540806, agenda pages 161-167 refer.

Attendance: Councillor Reese sat back from the table during this item.

Principal Advisor Utilities, Phil Ruffell, presented the report.

In response to a question, he emphasised the importance of planning remedial work for Saxton Creek alongside Tasman District Council, to prevent cross-boundary issues. He added that any work on stormwater issues in this area should take account of the issues involved with the appeal to Plan Change 18.

Resolved

***THAT the report Saxton Creek Flood Protection (1540806) and its attachments (1547200 and 1157378) be received;***

***AND THAT the works carried out by Council to date to respond to flood damage in Saxton Creek be noted;***

***AND THAT the proposals for future channel upgrading works by Nelson City Council be developed in conjunction with Tasman District Council with appropriate funding requirements identified in the Draft Annual Plan 2014/15;***

***AND THAT wherever possible, future upgrade works take into consideration any relevant issues raised as part of the Plan Change 18 process.***

Boswijk/Fulton

Carried

## 22. Nelson Resource Management Plan: Efficiency and Effectiveness Review

Document number 1527976, agenda pages 93-103 refer.

Principal Adviser Resource Management Planning, Matt Heale, joined the meeting and presented the report.

In response to a question, Mr Heale clarified the feedback received regarding the heritage chapter, and agreed that paragraph 4.31.4 should be removed from the proposed summary.

Resolved

***THAT the report Nelson Resource Management Plan: Efficiency and Effectiveness Review (1527976) be received;***

**AND THAT the Efficiency and Effectiveness Review of the Nelson Resource Management Plan be adopted subject to the amendments outlined in this report (1527976);**

**AND THAT the report be adopted subject to the Chief Executive being delegated authority to make minor amendments to the Efficiency and Effectiveness Review, prior to finalisation.**

Shaw/Fulton

Carried

### **23. Renewable Energy Assessment for Nelson**

Document number 1535154, agenda pages 104-107 refer.

Policy Adviser, Paul Harrington, joined the meeting and presented the report. In response to a question, he explained that the assessment was commissioned to provide technical information for Nelson's response to the National Policy Statement for Renewable Energy Generation.

Resolved

**THAT the report Renewable Energy Assessment for Nelson (1535154) and its attachment (1542305) be received.**

Davy/Shaw

Carried

### **24. Reporting Public Transport Information**

Document number 1535591, agenda pages 116-120 refer.

Strategy and Planning Analyst, Brylee Wayman, joined the meeting and presented the report.

In response to a question, Ms Wayman explained that the data from April 2012 to April 2013 showed a 50% increase in patronage on routes 1 and 2. She added that data was available for Routes 3-6 from May 2012 onwards, and that the data from May 2012 to May 2013 showed a 22% increase in patronage on all bus routes.

Resolved

**THAT the report Reporting Public Transport Information (1535591) be received;**

**AND THAT the requested information which is readily available be reported via the Chief Executive newsletter;**

**AND THAT during 2013/14, a quarterly report is provided in the Chief Executive newsletter on NBus patronage and fare revenue by route, by zone and by ticket type;**

**AND THAT a review of the public transport service in 2013/14 includes the information which requires more time and analysis.**

Barker/Boswijk

Carried

## **CROSS COUNCIL ITEMS**

### **25. Lewis Stanton – Follow Up Report**

Document number 1319150, agenda pages 136-152 refer.

It was agreed that the recommendation be taken in two parts.

Resolved

**THAT the report Lewis Stanton - Follow Up Report (1319150) and its attachment (1312078) be received;**

**AND THAT Council rescind the following resolution made on the 26 June 2012:**

*THAT the matter lie on the table for at least six weeks and consultation with affected persons be carried out, and the matter and the results of consultation be brought back for further discussion at a Council meeting;*

*AND THAT in principle the Council issue a special permit according to clause 4.1(d) of the Camping Bylaw to Mr Stanton;*

*AND THAT this special permit include the following conditions:*

- That Mr Stanton collect and suitably dispose of all his horse manure;*
- That the term of any special permit issued to Mr Stanton be for a maximum period of 12 months, followed by a review;*
- That Mr Stanton be prohibited from using open fires for cooking or heating;*
- That Mr Stanton be allowed to use a contained fire (brazier or similar) for heating and the use of a barbeque for cooking purposes;*

- *That Mr Stanton be allowed a maximum of three nights stay at any site;*
- *That the special permit allow Mr Stanton access to camp in the following areas close to existing ablution facilities and within 50 metres of the boundary of:*
  - *Branford Park;*
  - *QEII Drive mounds (adjacent to Founders Path boundary);*
  - *Guppy Park surrounds;*
  - *Pioneers Park (St Vincent/ Hastings Street corner)*

*As outlined in red on the maps at attachment 1 to report 1310190.*

Davy/Reese

Carried

Councillors discussed how best to deal with Mr Stanton in the future. In response to a question, Executive Manager Network Services, Alec Louverdis, explained that Police had advised that they had a number of competing priorities, and that responding to complaints regarding Mr Stanton's location within the city was a lower priority.

In response to a question, Manager Environmental Inspections Limited, Stephen Lawrence, explained that it was unlikely that Mr Stanton's possessions would be considered litter under the Litter Act. In addition, the Chief Executive noted that the remedies available under the Litter Act were not large, and relied on the assumption that citizens were prepared to follow the law.

Councillors expressed frustration with Mr Stanton's actions, clarified that they found his behaviour to be unacceptable, and acknowledged that many members of the community shared a similar frustration with Mr Stanton.

A suggestion was made that the Chief Executive meet with relevant central government officials to see if any further options regarding Mr Stanton's behaviour could be identified.

Resolved

***THAT no special permit be issued to Mr Stanton, or any other person for that matter, to camp in any area where camping is not a permitted activity under the Nelson Resource Management Plan (Open Space and Recreation Zone and Residential Zone);***

**AND THAT no special permit be issued to Mr Stanton, or any other person for that matter, to camp in any area where camping is not permitted under the Reserves Act 1977, all Council approved Reserve Management Plans and all Council approved Esplanade and Foreshore Reserves Management Plans;**

**AND THAT Council take note that any enforcement will be undertaken as allowed for under the provisions defined in the Nelson Resource Management Act 1991, Reserves Act 1977, Freedom Camping Act 2011 and the Local Government Act 2002;**

**AND THAT Council clearly communicate with their ratepayers and residents the outcomes of the 4 June 2013 resolution regarding freedom camping;**

**AND THAT Council communicate to the Police where camping can and cannot take place under the Nelson Resource Management Plan, Reserves Act 1977, all Council approved Management Plans and Freedom Camping Act 2011;**

**AND THAT Council meet with Mr Stanton's lawyers to clearly communicate the outcomes of all resolutions regarding freedom camping;**

**AND THAT Council receive the feedback of the public consultation undertaken in August 2012 noting the overwhelming objection to the issuing of Mr Stanton or any other person with a special permit for the four areas as detailed in the 26 June 2012 resolution;**

**AND THAT Council note the number of parking, Warrant-of-Fitness and Registration infringement notices issued to Mr Stanton, noting that any non payment of these will be pursued independently through the Court system;**

**AND THAT Council take note of the pending injunction court hearing (scheduled for 25 July 2013) against Mr Stanton for trading in the Tahunanui area without proper approvals;**

**AND THAT should Mr Stanton re-occupy the footpath in the Central Business District or surrounding areas that Council accept that there is nothing officers can do to move him on, other than to refer the issue to the Police;**

***AND THAT the Chief Executive be requested to meet with staff and relevant central government officials to consider if any other options can be identified to deal with the situation.***

Boswijk/Davy

Carried

A division was called:

Councillor Barker	Aye
Councillor Boswijk	Aye
Councillor Collingwood	Aye
Councillor Copeland	Absent
Councillor Davy	Aye
Councillor Fulton	Aye
Councillor Matheson	Absent
Councillor Rackley	Aye
Councillor Rainey	Absent
Councillor Reese	Aye
Councillor Shaw	Aye
Councillor Ward	Aye
His Worship the Mayor	Absent

## **26. Joint Waste Working Party: Terms of Reference**

Document number 1537929, agenda pages 168-173 refer.

Councillors discussed the role of the Joint Waste Working Party (JWWP). Nelson City members of the JWWP noted that the working party had had a beneficial effect on attitudes regarding solid waste. However, reservations were also noted regarding whether the JWWP was most advantageous to Nelson City Council.

In response to a question, the Chief Executive confirmed that the Tasman District Council Chief Executive had also expressed concerns

regarding whether the Joint Waste Working Party model was the most efficient way of dealing with cross-boundary solid waste issues.

A suggestion was made that alternative models for cross-council cooperation on solid waste issues be brought to a future joint meeting of Nelson City and Tasman District Councils.

Resolved

**THAT the report Joint Waste Working Party: Terms of Reference (1537929) and its attachment (1533605) be received;**

**AND THAT the future of the Joint Waste Working Party, any further Terms of Reference and future Governance Models be referred for discussion to the Nelson/Tasman Joint Council meeting scheduled for 7 August 2013.**

Boswijk/Rackley

Carried

## **27. Solid Waste Joint Management of Landfill Disposal Facilities**

Document number 1537979, agenda pages 179-222 refer.

In response to a question, Executive Manager Network Services, Mr Louverdis, explained that the report at Attachment 1, regarding joint management of solid waste landfill disposal facilities, had narrow terms of reference, largely based on cost. He explained that there were other factors, such as the environmental and amenity issues related to the increased use of the York Valley Landfill to cater for Tasman District Council (TDC) commercial waste. He said that these issues should also be taken into account in establishing long-term cross-boundary solid waste landfill disposal options.

In response to a further question, Mr Louverdis clarified that TDC commercial waste could be processed at the York Valley Landfill as an interim measure, while TDC prepared the resource consent application required to continue using the Eves Valley Landfill. He added that TDC would be charged the relevant rates for disposing waste at York Valley.

Resolved

**THAT the report Solid Waste Joint Management of Landfill Disposal Facilities (1537979) and its attachment (1521382) be received;**

**AND THAT the Joint Waste Working Party be thanked in writing for their recommendations to the Nelson City Council in the matter of a joint landfill disposal strategy;**

**AND THAT the Council requests the Chief Executive to write to the Joint Waste Working Party noting that further work is required in determining the best outcome for the region as it relates to the consideration of a joint landfill disposal strategy and that the option of keeping Eves Valley landfill open as a regional facility should not be discounted at this stage;**

**AND THAT the Council agrees that until such time as a final strategy is in place for the Nelson/Tasman area, that the Chief Executive be delegated authority to negotiate interim commercial arrangements with the Tasman District Council for the disposal of waste from the Tasman area in the short-term;**

**AND THAT Council notes that this issue is to be discussed at the Joint Council Meeting scheduled for 7 August 2013.**

Boswijk/Collingwood

Carried

There being no further business the meeting ended at 3.22pm.

Confirmed as a correct record of proceedings:

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



---

**Minutes of a meeting of the Nelson City Council – to deliberate on submissions to the Speed Limits Bylaw Amendment 2013**

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

**On Tuesday 6 August 2013, commencing at 9.03am**

---

Present: Councillor A Boswijk (Chairperson), I Barker, G Collingwood, E Davy, K Fulton, J Rackley, P Rainey, R Reese, D Shaw, M Ward

In Attendance: Executive Manager Support Services/Acting Executive Manager Community Services (H Kettlewell), Acting Chief Financial Officer (T Hughes), Executive Manager Strategy and Planning (M Schruer), Executive Manager Regulatory (R Johnson), Executive Manager (A Louverdis), Manager Administration (P Langley), Manager Community Relations (A Ricker), Principal Adviser Transport and Roading (R Palmer), Policy Adviser (P Harrington), and Administration Adviser (L Canton)

Apologies: His Worship the Mayor A Miccio, Councillors R Copeland and P Matheson, and Councillor J Rackley for lateness

**1. Apologies**

Resolved

***THAT apologies be received and accepted from His Worship the Mayor, and Councillors Copeland and Matheson, and from Councillor Rackley for lateness.***

Boswijk/Davy

Carried

**2. Interests**

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

**3. Confirmation of Order of Business**

There was no change to the order of business.

**4. Confirmation of Minutes – 16 July 2013**

Document number 1535163, agenda pages 7-32 refer.

Council – to deliberate on submissions to the  
Speed Limits Bylaw Amendment 2013  
6 August 2013

Resolved

***THAT the minutes of a meeting of the Nelson City Council to hear submissions to the Speed Limits Bylaw Amendment 2013, held on 16 July 2013, be confirmed as a true and correct record.***

Boswijk/Shaw

Carried

## **5. Amendment to the Speed Limits Bylaw 2011 (210) - Deliberations**

Document number 1535163, agenda pages 7-32 refer.

Principal Adviser Transport and Roading, Rhys Palmer, and Policy Adviser, Paul Harrington, joined the meeting. Mr Harrington presented the report and a PowerPoint presentation (1569008).

### **5.1 Submissions**

In response to questions, Mr Palmer confirmed that the submissions relating to Tahunanui Drive had been forwarded to the New Zealand Transport Agency (NZTA).

Attendance: Councillor Rackley joined the meeting at 9.10am.

Councillors discussed the submissions on, and options for addressing, safety issues on Haven Road at Auckland Point School. Mr Palmer advised that investigations to identify the best option could be funded from a project intended to investigate complaints of speed sites.

Councillors discussed how the options would align with Council's existing resolution to protect the future Southern Arterial Corridor route, and any potential development of the Haven area. There was a majority view that the route was not likely to be developed in the short term, and that work should be undertaken as soon as possible to make the crossing as safe as possible in the interim.

Councillor Davy, seconded by Councillor Fulton moved:

***THAT the report Amendment to the Speed Limits Bylaw 2011 (210) - Deliberations (1535163) and its attachments (1493126 and 1544801) be received;***

***AND THAT the Speed Limits Bylaw 2011 (210) be amended to reflect the Council decisions on submissions;***

***AND THAT the first 40 metres of Tosswill Road, measured from its intersection with Tahunanui Drive, be included as a variable speed limit in the Speed Limits Bylaw 2011 (210);***

Council – to deliberate on submissions to the  
Speed Limits Bylaw Amendment 2013  
6 August 2013

***AND THAT** Schedule A of the Speed Limits Bylaw 2011 (210) be corrected pursuant to section 156(2)(a) of the Local Government Act 2002 to indicate that the State Highway network is not controlled by the Council;*

***AND THAT** provision be made in this financial year to investigate improving the safety of the pedestrian crossing outside Auckland Point School, including the implications of reducing Haven Road to a single lane in each direction;*

***AND THAT** the amended Speed Limits Bylaw 2011 (210) be brought to Council for adoption.*

Councillor Barker, seconded by Councillor Reese, moved an amendment to the fifth clause of the motion and incorporating two additional clauses:

***AND THAT** funds be allocated in the current financial year to investigate improving the safety of the pedestrian crossing outside Auckland Point School, while acknowledging Council policy to protect the route of the Southern Arterial;*

***AND THAT,** had it had the legislative power, Council would have proceeded with the Speed Limit Bylaw for Tahunanui Drive as set out in the Statement of Proposal;*

***AND THAT** Council formally advise New Zealand Transport Agency of its support for a variable speed limit on Tahunanui Drive adjacent to Tahunanui School.*

The amendment was put and carried and became substantive motion.

The meeting considered officers' recommendations for each submission (Attachment 2. Councillors agreed with the recommendations for submissions 1-36 and 38-41. In relation to submission 37 Councillors indicated agreement with officers' recommended option 3.

Resolved

***THAT** the report **Amendment to the Speed Limits Bylaw 2011 (210) – Deliberations (1535163) and its attachments (1493126 and 1544801) be received;***

***AND THAT** the Speed Limits Bylaw 2011 (210) be amended to reflect the Council decisions on submissions;*

***AND THAT** the first 40 metres of Tosswill Road, measured from its intersection with Tahunanui*

***Drive, be included as a variable speed limit in the Speed Limits Bylaw 2011 (210);***

***AND THAT Schedule A of the Speed Limits Bylaw 2011 (210) be corrected pursuant to section 156(2)(a) of the Local Government Act 2002 to indicate that the State Highway network is not controlled by the Council;***

***AND THAT funds be allocated in the current financial year to investigate improving the safety of the pedestrian crossing outside Auckland Point School, while acknowledging Council policy to protect the route of the Southern Arterial;***

***AND THAT the amended Speed Limits Bylaw 2011 (210) be brought to Council for adoption.***

***AND THAT had it had the legislative power, Council would have proceeded with the Speed Limit Bylaw for Tahunanui Drive as set out in the Statement of Proposal;***

***AND THAT Council formally advise New Zealand Transport Agency of its support for a variable speed limit on Tahunanui Drive adjacent to Tahunanui School.***

Barker/Reese

Carried

5.2 Streetscape considerations

It was suggested that planting the sign bases would align with the Nelson 2060 strategy and engender community involvement. In response to a question, Mr Palmer advised that the small size of the bases meant planting maintenance was not considered cost effective.

Resolved

***THAT the variable speed signs are constructed in a way that the area below remains available for future appropriate planting in line with our 2060 vision.***

Fulton/Rainey

Carried

There being no further business the meeting ended at 10.25am.

Confirmed as a correct record of proceedings:

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

Council – to deliberate on submissions to the Speed Limits Bylaw Amendment 2013  
6 August 2013

## POLICY AND PLANNING STATUS REPORT – 29 August 2013

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
1	19/02/2013	1439024	Local Alcohol Policy	Jenny Hawes	<p><u>THAT</u> a draft Local Alcohol Policy be developed on the basis of the significant benefits, including:</p> <ul style="list-style-type: none"> <li>• communities having a greater say on local alcohol licensing policy</li> <li>• guidance and greater certainty for all those involved in the liquor licensing process</li> <li>• a fit for purpose policy on the sale and supply of alcohol</li> </ul> <p><u>AND THAT</u> the scope of the draft Local Alcohol Policy should cover all of the matters permitted under s77 of the Sale and Supply of Alcohol Act 2012;</p> <p><u>AND THAT</u> Nelson City Council indicates a desire to work with other Councils on the development of local alcohol policy(ies) and the Mayor be requested to seek agreement from the Mayors of Tasman District Council and Marlborough District Council to work collaboratively to develop local alcohol policy(ies) for the Top of the South Councils.</p>	<p><b>29/8/2013</b> At its meeting on 6 August 2013, Council considered and approved a draft Local Alcohol Policy for public consultation. Consultation opened on 8 August and closes on 16 September 2013. Submissions will be heard as soon as possible after the local body election. TDC is currently consulting on their draft LAP and consultation closes on 20 August. MDC is running to a slower timetable.</p>
2	18/07/2013	1540806	Saxton Creek Flood Protection	Phil Ruffell	<p><u>AND THAT</u> the proposals for future channel upgrading works by Nelson City Council be developed in conjunction with Tasman District Council with appropriate funding requirements identified in the Draft Annual Plan 2014/15;</p> <p><u>AND THAT</u> wherever possible, future upgrade works take into consideration any relevant issues raised as part of the Plan Change 18 process.</p>	<p><b>29/08/2013</b> Initial engineering report on Saxton Creek now completed. Meeting held with TDC 6 August 2013. Negotiations stalled with landowner.</p>

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
3	18/07/2013	1319150	Lewis Stanton – Follow Up Report	Alec Louverdis	<p><u>AND THAT</u> Council clearly communicate with their ratepayers and residents the outcomes of the 4 June 2013 resolution regarding freedom camping;</p> <p><u>AND THAT</u> Council communicate to the Police where camping can and cannot take place under the Nelson Resource Management Plan, Reserves Act 1977, all Council approved Management Plans and Freedom Camping Act 2011;</p> <p><u>AND THAT</u> Council meet with Mr Stanton’s lawyers to clearly communicate the outcomes of all resolutions regarding freedom camping;</p> <p><u>AND THAT</u> the Chief Executive be requested to meet with staff and relevant central government officials to consider if any other options can be identified to deal with the situation.</p>	<p><b>29/08/2013</b> Options continue to be explored.</p>
4	18/07/2013	1537979	Solid Waste Joint Management of Landfill Disposal Facilities	Alec Louverdis	<p><u>AND THAT</u> the Joint Waste Working Party be thanked in writing for their recommendations to the Nelson City Council in the matter of a joint landfill disposal strategy;</p> <p><u>AND THAT</u> the Council requests the Chief Executive to write to the Joint Waste Working Party noting that further work is required in determining the best outcome for the region as it relates to the consideration of a joint landfill disposal strategy and that the option of keeping Eves Valley landfill open as a regional facility should not be discounted at this stage;</p>	<p><b>29/08/2013</b> A letter has been sent to the JWWP addressing both issues.  Complete.</p>

---

## **Earthquake Fault Lines**

---

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

- 1.1 To receive the report prepared by Geological and Nuclear Sciences Limited (GNS) on earthquake fault lines in Nelson and Richmond.

### **2. Recommendation**

***THAT the report Earthquake Fault Lines (1565594) and its attachments (1567575 and 1201892) be received.***

### **3. Background**

- 3.1 Nelson City Council and Tasman District Council jointly contracted GNS to review the location of earthquake fault lines in the Nelson and Richmond area. The GNS report is attached for Council to receive (Attachment 1).
- 3.2 The Fault Hazard Overlay in the Nelson Resource Management Plan (NRMP) maps shows a corridor in which a fault line is expected to be located. Its purpose is to manage the risk of fault rupture on buildings. The current overlay was prepared in the mid 1990s. Since then, new information has been collected on the location of fault lines that allows them to be identified with more precision in many cases. The GNS report uses this updated information to recommend a revised Fault Hazard Overlay.
- 3.3 The rules in the NRMP related to the Fault Hazard Overlay state that erection, extension or alteration of buildings within this Overlay are only permitted if the fault trace can be identified and precisely located by reference to the Council conditions book, subdivision files, or Geographical Information System (GIS) database; and the building is set back at least five metres from that fault trace. Other building work which cannot meet these conditions requires a resource consent.
- 3.4 The new information has been included in the Council GIS database so that it can be used to assess building consents and resource consents.
- 3.5 The recommended revised Fault Hazard Overlay in the GNS report means that for Nelson:
- Approximately 1100 properties which are already in the existing Fault Hazard Overlay continue to be.

- Approximately 730 properties that were previously in the Fault Hazard Overlay are now not included.
  - Approximately 100 properties not previously included in the Fault Hazard Overlay, are now included.
- 3.6 The revised Fault Hazard Overlay in the GNS report has been sent to affected property owners for their input. Any new geotechnical information received will be assessed to see whether further changes should be made to the information held on the Council GIS database. The implications of the new information is that the NRMP Fault Hazard Overlay rules will not apply to 750 properties but will potentially apply to 100 new properties.
- 3.7 The GNS report discusses the frequency of earthquakes on the Nelson fault lines and assesses the risk they pose. The report makes recommendations about changes that could be made to the NRMP fault hazard provisions. A report considering what plan changes are required will be presented to Council in 2014.

#### **4. Conclusion**

- 4.1 A GNS report recommending a revised Fault Hazard Overlay in Nelson is recommended to be received by Council.

Martin Workman  
**Manager Monitoring and Research**

#### **Attachments**

- Attachment 1: Assessment of the location and paleoearthquake history of the Waimea-Flaxmore Fault System in the Nelson-Richmond area with recommendations to mitigate the hazard arising from fault rupture of the ground surface 1567575 and Appendix 1 1201892.



---

## **Gambling Policy Review 2012/13**

---

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

- 1.1 To confirm, following a full review and special consultative procedure, the content of the Council's Gambling Policy (see attached).

### **2. Recommendation**

***THAT the report Gambling Policy Review 2012/13 (1571959) and its attachment (1573324) be received;***

***AND THAT Council revoke the resolution of 8 August 2013 to reduce the cap on gaming machines from 285 to 257;***

***AND THAT Council confirms the cap will stay as in the existing policy;***

***AND THAT Council adopts the Gambling Policy 2013.***

### **3. Background**

- 3.1 A Statement of Proposal was released for consultation on 6 June 2013, which invited submissions on two amendments to the Gambling Policy 2010 as follows:

#### **Amendment 1**

- 3.2 To amend the current policy on class 4 gambling venues by introducing a 'sinking lid' on venues, whereby no new consents for gambling venues will be issued by Nelson City Council, with an exception for the merger of class 4 club venues (e.g. RSAs, sports clubs and working men's clubs). Where class 4 club venues merge the number of pokie machines permitted will be considered on a case-by-case basis and will not exceed a maximum of 18 machines for the merged venue. This is a change from the current policy where the maximum allowable number of machines per merged club venue is 30.

## Amendment 2

- 3.3 To separate the current Gambling Policy into two separate policies:
- The first policy will cover the criteria for granting or withholding consent for the establishment of Class 4 gambling venues.
  - The second policy will cover the criteria for granting or withholding consent for the establishment of New Zealand Racing Board (TAB) venues.
- 3.4 Other than the proposed amendments in 3.2 and 3.3 above, Council's proposal was to retain the existing policy in its current form.
- 3.5 Submissions on the proposal closed on 8 July 2013, with 65 submissions received. Eleven of the submitters made verbal presentations at a hearing on 23 July 2013.
- 3.6 Council deliberated on submissions at a meeting on 8 August 2013 and resolved the following:

### Sinking Lid/Cap

*THAT Council retains the existing policy of a cap on the total number of gaming machines (pokies) in operation in the city;*

*AND THAT Council reduces the cap from 285 to 257, noting that 257 is the number of machines that are currently operating in Nelson.*

### Merged Club Venues

*THAT Council retains the existing policy of a maximum allowable number of 30 gaming machines per merged club venue.*

### Class 4/TAB Venues

*THAT Council retains the existing combined policy for Class 4 gambling (pokie) venues and Totaliser Agency Board (TAB) venues.*

### Policy

*THAT the report Submissions on the Gambling Policy Review 2012/13 (1550733) and its attachments (1326758, 1550341 and 1561953) be received;*

*AND THAT the Council consider and deliberate on all submissions received on the Statement of Proposal – Gambling Policy Review;*

*AND THAT the Council make decisions and give reasons for those decisions on all submissions received on the Statement of Proposal - Gambling Policy Review;*

*AND THAT the Gambling Policy be amended to reflect the Council's decisions on submissions made at this meeting, and be reported back to Council for adoption.*

## **4. Discussion**

### **Council Decisions on Submissions**

- 4.1 Council deliberated on submissions on 8 August 2013 under each of the following headings:

#### **Sinking Lid**

- 4.1.1 Thirteen submissions supported the proposed sinking lid and 52 submissions opposed the proposed sinking lid. Council took into account the weight of submissions against the sinking lid in deciding not to proceed with a sinking lid as proposed. It did however, acknowledge the harm caused by pokies and decided that it was in the interests of the community to reduce the current cap on pokies from 285 to 257, which it was advised was the number of class 4 gaming machines operating in Nelson. In fact, there are more machines that are able to legally operate in Nelson without having to apply for territorial authority consent. It is therefore recommended that the cap remain at 285, as in the current Gambling Policy.

#### **Class 4 Club Venue Mergers**

- 4.1.2 Council considered the five submissions on this matter and recommends that rather than reduce the maximum number of machines permitted when clubs merge to 18, it retains the current policy on club mergers. The current policy states that where clubs merge, the number of machines will be considered on a case-by-case basis and will not exceed a maximum of 30 machines per venue. Council accepted the rationale provided by some submitters that a body of evidence indicates that class 4 club venues are less harmful than pub venues.

#### **Separation of Class 4 Gambling Venue and TAB Venue Policies**

- 4.1.3 Council considered the nine submissions on this matter. Five submissions supported the separation and four submissions did not. Council resolved not to proceed with the proposed separation of the two policies but to retain the current joint policy on the basis that it may lead to confusion without offering any obvious benefits to the community.

## **5. Conclusion**

- 5.1 A Statement of Proposal was publicly notified on 6 June 2013 seeking to amend the Gambling Policy 2013 by introducing a sinking lid on class 4 gambling venues, with an exception for club mergers and a separation of the current Gambling Policy into a Class 4 Gambling Venue Policy and a TAB Venue Policy. Submissions closed on 8 July 2013, with 65 submissions received and 11 presenting to a hearing on 23 July 2013.
- 5.2 Councillors considered submissions at a deliberations meeting on 8 August 2013, where a decision was made to retain the current Gambling Policy but with a reduced cap on class 4 gaming machines. However, it is recommended that the cap remain at 285 as in the current policy as there are more than 257 machines that can legally operate in Nelson without having to apply for territorial authority consent.

Jenny Hawes  
**Principal Adviser Community**

### **Attachments**

Attachment 1: Gambling Policy 2013 [1573324](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

Council is required by the Gambling Act 2003 and Racing Act 2003 to have gambling venue policies and therefore it fits with the purpose of performing regulatory functions.

### 2. Fit with Community Outcomes and Council Priorities

Controlling the number of gambling venues and machines contributes to the 'People-Friendly Places' and 'Kind Healthy People' community outcomes.

### 3. Fit with Strategic Documents

The draft Gambling Policy takes into account the impact of gambling on social and community wellbeing, consistent with the Council's Social Wellbeing Policy 2011.

### 4. Sustainability

The Council's Gambling Policy supports the Nelson 2060 vision of strong, healthy, resilient communities.

### 5. Consistency with other Council policies

No consequential inconsistencies with other Council policies.

### 6. Long Term Plan/Annual Plan reference and financial impact

Not applicable.

### 7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

### 8. Consultation

Early input was sought from key stakeholders and previous submitters. Formal consultation occurred via a Special Consultative Procedure under sections 83 and 87 of the Local Government Act 2002. Section 102(2) of the Gambling Act 2003 requires Council to use a special consultative procedure when adopting, amending or replacing its Gambling Policy.

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

Iwi were invited to provide input through the pre-consultation phase and the special consultative procedure. Council is also required by the Gambling Act 2003 to give notice to organisations representing Māori and this was done.

### 10. Delegation register reference

Decision of Council.

# Gambling Policy 2013

## INTRODUCTION

In September 2003 the Gambling Act 2003 came into force. The key purposes of this act are:

- To control the growth of gambling
- To prevent and minimise the harm caused by gambling
- To ensure that money from gambling benefits the community
- To ensure community involvement in some decisions about the provision of gambling

The Act requires territorial authorities to develop Class 4 and Totalisator Agency Board (TAB) venue policies in consultation with their communities within six months of the commencement of the Act. Class 4 gambling is the term used to describe non-casino gaming machines (pokies).

Under the Act, the Department of Internal Affairs is still responsible for gaming licensing. However, Section 65(2)(b) provides that some applications to the Department for a Class 4 venue licence must be accompanied by territorial authority consent. The Act prescribes limits on the number of non-casino gaming machines in venues. The limits are:

- If the venue had a licence on 17 October 2001 a society can operate up to 18 gaming machines (Section 92).
- If the venue had its licence granted between 17 October 2001 and the commencement of the Act it can operate up to 9 machines (Section 93).
- Sections 92 and 93 can be overridden by Ministerial discretion of the territorial authority consents.
- If the venue is granted a licence after the commencement of the Act it can operate up to 9 machines (Section 94).
- No society can operate more machines at a venue that were operated at the commencement of the Act unless the local authority consents to the increase.

## NELSON CITY COUNCIL GAMBLING POLICY

<b>OBJECTIVE</b>	
1. To support and promote harm minimisation principles for gaming activities within the Nelson City area	
<b>GOAL</b>	
<p>1.1 Class 4 Gambling Venues may be established within the City subject to:</p> <p>(NB. Class 4 Gambling Venues are venues where non-casino gaming machines or 'pokies' are operated)</p>	<p>1.1.1 The applicant meeting the application and fee requirements</p> <p>1.1.2 The number of gaming machines within the venue being able to be met within the overall Nelson City cap</p> <p>1.1.3 The venue being sited in any land zone as included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation</p> <p>1.1.4 The venue not being primarily used for operating gaming machines</p> <p>1.1.6 No more than 25% of the venue floor area being dedicated to Class 4 gambling activities</p> <p>1.1.7 The venue not being within 100 metres of any playground, kindergarten, early childhood centre, school or place of worship. The venue not being primarily associated with family or children's activities</p> <p>1.1.8 The venue not being within 100 metres of any Automatic Teller machine</p> <p>1.1.9 Operators having measures in place to ensure that people under the age of 18 cannot access the gambling machines</p> <p>1.1.10 Best practice being demonstrated in the applicants proposed harm minimisation policy including the gaming machines being sited where there is natural light and clocks visible</p>
<p>1.2 The total number of gaming machines in operation in the city shall be capped at 285</p>	<p>1.2.1 New venues shall be allowed a maximum of no more than nine gaming machines</p> <p>1.2.2 Existing venues with licences issued on or after 17 October 2001 shall be able to increase the number of machines operated in the venue to nine</p> <p>1.2.3 Existing venues with licences issued before 17 October 2001 shall be able to increase the number of gaming machines operated in the venue to 18</p> <p>1.2.4 Clubs licensed after 2001 shall be able to increase their machine numbers to a maximum of nine</p> <p>1.2.5 Where clubs will merge, the number of machines permitted will be considered on a case by case basis and will not exceed a maximum 30 machines per venue</p>
<p>1.3 Totalisator Agency Board (TAB) venues may be established in the City subject to: (TAB owned and operated venues)</p>	<p>1.3.1 The applicant meeting the application and fee requirements</p> <p>1.3.2 The venue being sited in any land zone included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation</p> <p>1.3.3 The venue not being within 100 metres of any playground, kindergarten, early childhood centre, school or place of worship</p>

	<p>1.3.4 The venue not being within 100 metres of any Automatic Teller machine</p> <p>1.3.5 Operators having measures in place to ensure that people under the age of 18 cannot access the premises</p> <p>1.3.6 Best practice being demonstrated in the applicant's proposed harm minimisation policy</p>
<p>1.4 Application fees will be set by Council from time to time and shall include:</p>	<p>1.4.1 The cost of processing the new application, including any consultation and hearing involved</p> <p>1.4.2 The cost of reviewing the Policy every three years</p>



## Stormwater, Tradewaste and Water Supply Bylaws

### 1. Purpose of Report

- 1.1 To adopt a strategy for reviewing the Stormwater, Tradewaste and Water Supply Bylaws.

### 2. Recommendation

***THAT the report Stormwater, Tradewaste and Water Supply Bylaws (1550983) and its attachments (721951, 1544517 and 1563971) be received;***

***AND THAT in accordance with section 156 of the Local Government Act 2002 Council revokes the Nelson City Council Bylaw No 212 Stormwater Bylaw 2006;***

***AND THAT reference to the Stormwater Bylaw 2006 be removed from the Nelson Resource Management Plan in the proposed Plan Change 28 Land Development Manual updates scheduled for 2013/14;***

***AND THAT in accordance with section 156 of the Local Government Act 2002 Council revokes the Nelson City Council Bylaw No 214 Trade Waste. Such revocation to come into effect upon the adoption of the proposed Nelson City Council Wastewater Bylaw;***

***AND THAT in accordance with section 155 of the Local Government Act 2002 Council determines that making a bylaw is the most appropriate way of addressing the issues of disposal of waterborne wastes from residential and trade premises and the regulation of the disposal of stormwater to the wastewater network;***

***AND THAT in accordance with section 156 of the Local Government Act 2002 Council commences the process to make a Wastewater Bylaw. Such Bylaw to come into effect prior to the completion of the revocation of the existing Nelson City Council Bylaw No 214 Trade Waste;***

***AND THAT in accordance with section 158 of the Local Government Act 2002 Council commences the process to review the Nelson City Council Bylaw No 217 Water Supply 2008.***

### **3. Background**

- 3.1 The Nelson City Council Bylaw No 212 Stormwater Bylaw 2006 became operative from 13 April 2007 (Attachment 1), the Nelson City Council Bylaw No 214 Trade Waste from 1 October 2007 and the Nelson City Council Bylaw No 217 Water Supply Bylaw 2008 from 13 October 2008.
- 3.2 In accordance with section 158 of the Local Government Act 2002 Bylaws must be reviewed no later than 5 years after the date on which the bylaw was made. The procedure for reviewing bylaws is prescribed in sections 158-160 of the Local Government Act 2002 (Attachment 2).
- 3.3 If a Bylaw is not reviewed within the five year time frame the Bylaw is revoked on the date that is two years after the last date on which the Bylaw should have been reviewed. This means the Bylaw is no longer enforceable, although the policy parts of the Bylaw are still able to be used where the Bylaw is referenced in other documents.

### **4. The Issue**

- 4.1 The current Stormwater Bylaw remains enforceable until 13 April 2014, the Trade Waste Bylaw until 1 October 2014 and Water Supply Bylaw until 13 October 2015.
- 4.2 For the development of a new bylaw a time period of up to 12 months is required for the various stages of reports to Council, a special consultative procedure under section 83 of the Local Government Act 2002 and final adoption of the Bylaw.
- 4.3 Any new Bylaw, which is largely based on an existing Bylaw, could be carried out in a shorter timeframe as the steps to finalise the content of the Bylaw are more direct.

#### **Stormwater Bylaw**

- 4.4 The focus of the Stormwater Bylaw is largely on freshwater quality improvement by the prevention of discharge of contaminants into the stormwater network. The mechanisms for this are both reactive and proactive. Reactive through fines imposed by the District Court for contraventions of the Bylaw and proactive through the general

requirement that owners of properties ensure that discharges to stormwater drains do not contain contaminants. Additionally, owners of those properties where high risk activities take place are to develop "Pollution Prevention Plans".

- 4.5 The purpose of these plans is to ensure hazardous materials are properly stored and used, and response plans are developed and implemented in order to cope with the accidental release of those hazardous materials into the surrounding environment.
- 4.6 As Council officers began the implementation of the Stormwater Bylaw it became apparent that the information being requested of property owners for Pollution Prevention Plans was, for all intents and purposes, the same as that required under the Nelson Resource Management Plan to ensure compliance with the permitted activity standards for the use and storage of hazardous substances. Further research into the Building Act 2004, the Resource Management Act 1991, the Hazardous Substances and New Organisms Act 1996 and the Litter Act 1979 showed that the features of the Stormwater Bylaw were duplicated in those statutes.
- 4.7 To avoid duplication of effort for both Council and property owners, the work stream involved in the mitigation of onsite hazardous activities under the Stormwater Bylaw has stopped and the work of Council's resource management regulatory team, monitoring hazardous substances under the Nelson Resource Management Plan, has been enhanced.
- 4.8 Council officers concluded that the Stormwater Bylaw was not, of itself, adding anything of value to the current regulatory framework and could be revoked.
- 4.9 The Nelson City Council Stormwater Bylaw 2006 is also referenced, by name and date specifically, in the Nelson Resource Management Plan as a means of evaluating resource consent applications under rule "FWr.22 Point source stormwater discharges to water" and "FWr.25 General Discharges to land where it may enter water" (Attachment 3).
- 4.10 For consent applications making use of the Stormwater Bylaw 2006 under the rule FWr.22, the Nelson Resource Management Plan confirms that the Bylaw will be administered as a guide only, with approval being through the consent process rather than through authorisation established in the Bylaw. In that respect the Bylaw is only used as a policy document.
- 4.11 Revoking the Bylaw or making changes to it would also require a plan change to recognise either of these actions, unless Council was satisfied that the policy content of the Stormwater Bylaw 2006 was of sufficient relevance to allow the rule to remain unchanged.

- 4.12 Rule FWr.25 makes use of the Nelson City Council Stormwater Bylaw 2006 to support permitted activity status for discharges into the Council's stormwater infrastructure. There are sufficient existing regulatory controls of discharges to Council's stormwater infrastructure that removing the bylaw will have no impact.
- 4.13 Given the regulatory controls that exist under the Resource Management Act 1991, the Building Act 2004, and the Litter Act 1979 there is no value in maintaining the Stormwater Bylaw.

### **Trade Waste Bylaw**

- 4.14 The Trade Waste Bylaw is modelled on the New Zealand Standard NZS 9201: Part 23:2004 Model General Bylaws Part 23 Trade Waste. The text of this standard makes up the body of the text for the Nelson City Council Trade Waste Bylaw. The New Zealand Standard is not specifically referenced in the bylaw so any changes to the New Zealand Standard are not automatically incorporated into the bylaw.
- 4.15 The Trade Waste Bylaw controls the discharges from trade or industrial processes or operations into the wastewater system. This can also include domestic type wastewater from the trade or industrial site. The Bylaw does not cover wastewater from purely domestic properties.
- 4.16 There is no definition of "trade" in the bylaw so some uncertainty exists about the status of public institutions such as schools, hospitals, retirement homes, police and defence installations.
- 4.17 There would be value in renaming the bylaw to become the "Wastewater Bylaw" and extending the coverage to all properties in Nelson City. This would reduce the uncertainty about whether the Bylaw applies to the activities in 4.16.
- 4.18 A Wastewater Bylaw offers Council the most effective way of dealing with issues of disposal of waterborne wastes from residential and trade premises and the regulation of the disposal of stormwater to the wastewater network by allowing the following:
- Monitoring the nature and number of discharges into the wastewater network.
  - Establishing charging options for Council to recover the costs of collecting and treating wastewater.
  - Ensuring that discharges from Council's network do not compromise the contract with the Nelson Regional Sewerage Business Unit.
  - Prohibiting the discharge of stormwater into the wastewater network.

### **Water Supply Bylaw**

- 4.19 The Water Supply Bylaw covers the operation, administration and security of the Water Supply network, including raw water sources.

- 4.20 The administration sections include the terms and conditions of connection to the water supply system; with details of the customer's responsibilities, water meters, charging and water credits for losses due to leaks.
- 4.21 For the most part the bylaw operates effectively with few issues arising on a day-to-day basis. The most significant issue is the reference to water credits for losses due to leaks, in both the bylaw and as part of the rates remission policy in the Long Term Plan.

## **5. Options**

### **Stormwater Bylaw**

5.1 Options for this bylaw are:

- Option 1: Revoke the Bylaw under the Local Government Act 2002.
- Option 2: Develop a new Bylaw and remove the duplication with other regulatory tools.

5.2 Revoking the Bylaw will require changes to the Land Development Manual and the Nelson Resource Management Plan. It will be possible to accommodate the necessary changes in the Plan Change 28 Land Development Manual updates proposed for 2013/14.

5.3 The content of any replacement Bylaw might be so small as to make the ongoing maintenance of the bylaw unsustainable. It is questionable whether there is value in retaining the Stormwater Bylaw, given the duplication that exists with other regulatory tools.

### **Trade Waste Bylaw**

5.4 Options for this Bylaw are:

- Option 1: Renew the Bylaw, renaming it the "Wastewater Bylaw" and incorporate any amendments that come from the process. Present a new Wastewater Bylaw to Council for adoption.
- Option 2: Revoke the Bylaw.

5.5 The Trade Waste Bylaw is an important part of the operation of the wastewater network and for recovery of trade waste charges. The Bylaw is also Council's means of ensuring that discharges from Council's network do not compromise the contract with the Nelson Regional Sewerage Business Unit.

5.6 There is value in expanding the scope of the Bylaw and re-titling it as the Wastewater Bylaw.

## **Water Supply Bylaw**

5.7 Options for this Bylaw are:

- Option1: Review the complete Bylaw and incorporate any amendments that come from the process.
- Option 2: Revoke the Bylaw.

5.8 The Water Supply Bylaw is an important part of the operation of the water network and for recovery of water charges.

## **6. Conclusion**

6.1 The Stormwater Bylaw contains provisions that are duplicated in other regulatory tools and should be revoked.

6.2 Reference to the Stormwater Bylaw in the Nelson Resource Management Plan should be removed in the proposed Plan Change 28 Land Development Manual updates scheduled for 2013/14.

6.3 The Trade Waste Bylaw is an important part of the operation of the wastewater network and should be renewed and extended to cover all discharges to the Nelson City Council Wastewater Network as a Wastewater Bylaw.

6.4 The Water Supply Bylaw is an important part of the operation of the water network and should be retained.

Phil Ruffell  
**Principal Adviser Utilities**

## **Attachments**

Attachment 1: Stormwater Bylaw [721951](#)

Attachment 2: Local Government Act 2002 [1544517](#)

Attachment 3: Nelson Resource Management Plan [1563971](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

Revoking the Stormwater Bylaw meets the purpose of Local Government performance of regulatory functions in a way that is most cost-effective for households and businesses. The renewal of the Trade Waste Bylaw supports good quality local infrastructure by controlling discharges to the wastewater network. The review of the Water Supply Bylaw supports good quality local infrastructure by controlling customer activities that impact on the water supply network.

### 2. Fit with Community Outcomes and Council Priorities

Revoking the Stormwater Bylaw meets Community Outcome of a strong economy by ensuring efficient use of resources. The renewal of the Trade Waste Bylaw supports healthy land, sea air and water by helping to minimise soil and water pollution through supporting the operation of the wastewater network. The review of the Water Supply Bylaw supports kind, healthy people by ensuring the integrity of the potable water supply for the city.

### 3. Fit with Strategic Documents

The Stormwater, Trade Waste and Water Supply Bylaws are referenced in the Stormwater, Wastewater and Water Supply Asset Management Plans. The Stormwater Bylaw is also referenced in the Nelson Resource Management Plan.

### 4. Sustainability

Revoking the Stormwater Bylaw meets sustainability requirement of Walk The Talk (Leadership) by ensuring efficient use of resources. The renewal of the Trade Waste Bylaw supports Environmental Outcomes by helping to minimise soil and water pollution through supporting the operation of the wastewater network. The review of the Water Supply Bylaw supports Economic Outcomes by building resilience in the local economy.

### 5. Consistency with other Council policies

No inconsistency with other Council policies.

### 6. Long Term Plan/Annual Plan reference and financial impact

The bylaws are referred to in the Long Term Plan 2012-22.

### 7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

### 8. Consultation

No consultation has been undertaken. This will occur through the special consultative process under the Local Government Act 2002.

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

No consultation has been undertaken with Māori.

**10. Delegation register reference**

Decision of Council.



# NELSON CITY COUNCIL



## BYLAW NO 212

## STORMWATER BYLAW 2006

## **INDEX**

1. INTERPRETATION.....	1
2. OPERATION OF BYLAW .....	2
3. CONSTRUCTION ACTIVITIES.....	2
4. MINIMUM STORMWATER QUALITY STANDARD .....	2
5. POLLUTION PREVENTION PLANS.....	3
6. REVIEW OF POLLUTION PREVENTION PLANS.....	4
7. MONITORING OF STORMWATER DISCHARGES.....	4
8. OFFENCES.....	4

## NELSON CITY COUNCIL

### STORMWATER BYLAW NO 212

This bylaw is made by Nelson City Council pursuant to the provisions of Section 146 of the Local Government Act 2002.

This bylaw came into effect on Friday 13 April 2007.

#### 1. INTERPRETATION

**“Best practicable option”** means the best method for preventing or minimising the adverse effects of any stormwater discharge on the environment having regard to:

- a. the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- b. the financial implications of an option compared with other options; and
- c. the effects on the environment; and
- d. the current state of technical knowledge and the likelihood that the option can be successfully applied.

**“Council”** means the Nelson City Council.

**“Construction activities”** means any activities involving the disturbance of the surface of any land but excludes farming and forestry activities.

**“Contaminant”** includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:

- a. when discharged into water, changes, or is likely to change the physical, chemical, or biological condition of the water into which it is discharged; or
- b. when discharged on to or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air on to or into which it is discharged.

**“High risk industrial or trade process”** means those activities listed in Schedule 1 to this bylaw.

**“Manager Infrastructural Assets”** means the person employed as the Manager Infrastructural Assets by the Council or any person authorised to exercise the powers and duties of the said person.

**“Nelson RM Plan”** means the Nelson Resource Management Plan.

**“Public drain”** means any passage, channel, or pipe on, over, or under the ground by which stormwater is conveyed and which is under the control of the Council, as defined by the Stormwater Drains Ownership Policy. For the purposes of this bylaw, drains within Transit New Zealand owned land are deemed to be public drains.

**“Stormwater”** means water (excluding water in a river) when it is diverted through any passage, channel or pipe for discharge to water.

**“Sensitive area”** means any land within 5m of the banks of any river, or within any proposed esplanade strip (identified in Appendix 6 of the Nelson RM Plan), or within 20m of the coastal marine area, or any land where the slope is greater than 1 in 2.14 (47%).

**“The Act”** means the Local Government Act 2002 and its amendments.

- 1.1. Terms and expressions defined in the Act shall, when used in this bylaw, have the same meanings unless they are alternatively defined in this bylaw.

## **2. OPERATION OF BYLAW**

- 2.1. This bylaw shall apply throughout the City and to any premises which, although located outside the City, discharge, or will discharge stormwater into a public drain within the City.

## **3. CONSTRUCTION ACTIVITIES**

- 3.1. Any person who carries out a construction activity where the total area of land likely to be disturbed is greater than 3,000m<sup>2</sup>, shall prepare an Erosion and Sedimentation Control Plan. Such a plan is to be in accordance with Section XI of the Nelson City Council Engineering Standards 2006 and shall be approved by the Manager Infrastructural Assets prior to commencement of the activity.
- 3.2. Any person who carries out any construction activity other than that under 3.1 above, shall ensure that no less than the minimum level of erosion and sedimentation control identified in Section XI of the Nelson City Council Engineering Standards 2006 is undertaken in relation to that activity.

## **4. MINIMUM STORMWATER QUALITY STANDARD**

- 4.1. The owner or occupier of any land or any person causing a discharge to the Council’s stormwater system, including any discharge from a private drain or private common drain that in turn discharges to a public drain, shall ensure that it does not:
  - a. contain any chemicals, paint, oil, grease, pesticides, fertiliser, tannins, detergent, grass clippings, rubbish, litter, or heavy metals, or
  - b. cause the production of conspicuous oil or grease films, scums or foams, or floatable material, or
  - c. cause a conspicuous change of colour or visual clarity, at that point which is 30 times the receiving water channel’s width downstream from the point of the public drain discharge, or
  - d. cause an emission of objectionable odour, or
  - e. cause adverse effects on aquatic life, or
  - f. contain suspended solid concentrations in excess of 100mg/litre at that point which is 30 times the receiving water channel’s width downstream from the point of the public drain discharge, or
  - g. contain any hazardous substances, wastewater or tradewastes.

Except where the discharge:

- h. is a discharge of dye or tracer material for investigative purposes; or
- i. is a discharge of water from the testing or emptying of pipelines, tanks or bunds if no welding residues or other contaminants contained within the pipeline will be discharged to the receiving water body; or
- j. is a discharge of overflow bore water to surface water bodies, if the rate of discharge is no more than five litres per second and the discharge has not been contaminated prior to discharge; or
- k. is a discharge from a swimming pool (excluding swimming pool filter backwash water) which is free of chemicals, algae, leaves, dirt or other debris. (Any discharge with these contaminants must be discharged to the sewerage system.) Swimming pool water is considered free of chemical contaminants when a pool has been left open to sunlight for 14 days, the level of chlorine does not register on any home testing kit, and no smell of chlorine remains; or
- l. is a specific discharge which is authorised to be permitted under specific resource consent; or
- m. is from an activity for which the best practicable option is already in place, i.e. chimney discharges; or
- n. is from a high risk industrial or trade process where a Pollution Prevention Plan has been approved.

## **5. POLLUTION PREVENTION PLANS**

- 5.1. When requested by the Manager Infrastructural Assets the operator of any high risk industrial or trade processes shall prepare a site or operation specific Pollution Prevention Plan and submit this plan and obtain approval for it from the Manager Infrastructural Assets no later than 30 June 2008, or within 6 months of being requested to provide a Pollution Prevention Plan by the Manager Infrastructural Assets, which ever occurs later, or such later date as the Manager Infrastructural Assets might agree.
- 5.2. The Pollution Prevention Plan, required under Clause 5.1 above, shall include:
  - a. A site assessment identifying all actual and potential sources of stormwater pollution
  - b. Suitably scaled plans showing the site layout, boundaries, all stormwater and sewer drainage, and relevant buildings and outdoor spaces (including identification of their use)
  - c. Identification and installation requirements of the best practicable options proposed to ensure that potential contamination of stormwater discharges are minimised. The application of other current Nationally accepted standards will be taken into account by the Manager Infrastructural Assets when assessing Pollution Prevention Plans
  - d. Site specific spill prevention and spill response procedures
  - e. A description of the maintenance procedures proposed, actions to be taken and/or infrastructure to be developed.
- 5.3. Within 6 months of the Pollution Prevention Plan being approved by the Manager Infrastructural Assets, or such later date as the Manager Infrastructural Assets might

agree, the operator shall be fully compliant with the requirements of the approved Pollution Prevention Plan.

## **6. REVIEW OF POLLUTION PREVENTION PLANS**

- 6.1. Any Pollution Prevention Plan prepared in pursuance of Clause 5 shall be reviewed no less than three years after implementation and thereafter at three yearly intervals.
- 6.2. Notwithstanding Clause 6.1 above, the Manager Infrastructural Assets may require that any Pollution Prevention Plan shall be revised where he considers that there have been significant changes in the facility concerned or its operational procedures.

## **7. MONITORING OF STORMWATER DISCHARGES**

- 7.1. Council may independently monitor, sample and analyse discharged stormwater and recover costs from the property occupier, where failure to comply with the Pollution Prevention Plan is evidenced.

## **8. OFFENCES**

- 8.1. Unless a resource consent allows otherwise or it is a permitted activity under the Nelson Resource Management Plan every person who discharges or causes the discharge of stormwater to a public drain in contravention of Clause 4 hereof, or who fails to adhere to or comply with an approved Pollution Prevention Plan, or any occupier of a high risk facility or operator of high risk operations who fails to submit a Pollution Prevention Plan and obtain the approval of the Manager Infrastructural Assets to a Pollution Prevention Plan in accordance with Clause 5, or such later date as the Manager Infrastructural Assets might have set, commits an offence against this bylaw and on summary conviction is liable to a fine not exceeding \$20,000.

**The foregoing bylaw was duly made by the Nelson City Council at an Ordinary Meeting of the Council held on the 12<sup>th</sup> day of April 2007**

**The COMMON SEAL of the     (**  
**NELSON CITY COUNCIL       (**  
**was hereto affixed in the   (**  
**presence of:                   (**

---

Mayor

---

Chief Executive

## **SCHEDULE 1 – HIGH RISK INDUSTRIAL OR TRADE PROCESSES**

High risk industrial and trade processes include:

- a. aggregate and material storage/stockpiled yards which are subject to erosion and/or leaching of contaminants
- b. boat building and repair facilities
- c. construction and maintenance depots
- d. demolition activities
- e. facilities for the production, use, storage or disposal of hazardous substances and/or tradewaste occurs
- f. facilities where vehicle and plant wash water is generated
- g. food and beverage manufacturers
- h. landfills and quarries
- i. laundries and dry cleaners
- j. liquid waste removal contractors
- k. manufacture, storage or handling of products derived from animal slaughter
- l. metal processing works, metal recyclers and foundries
- m. operations where water used to wash buildings uses detergents and chemicals and liquid waste removal contractors
- n. printers
- o. retail service stations, truck stops, oil terminals and depots and lubricating oil blending and grease manufacturing plants
- p. recycling and waste centres
- q. spray painting, panel beaters and sign writers workshops
- r. timber treatment, preservation and timber storage plants
- s. transport depots
- t. vehicle and mechanical engineering workshops
- u. vehicle recyclers
- v. wood and paper product and furniture manufacturers
- w. any other activity or premises nominated by the Manager Infrastructural Assets that has failed to meet the minimum stormwater quality standards.

## Local Government Act 2002

### *Powers of territorial authorities to make bylaws*

#### **145 General bylaw-making power for territorial authorities**

- A territorial authority may make bylaws for its district for 1 or more of the following purposes:
  - (a) protecting the public from nuisance:
  - (b) protecting, promoting, and maintaining public health and safety:
  - (c) minimising the potential for offensive behaviour in public places.

#### **146 Specific bylaw-making powers of territorial authorities**

- Without limiting section 145, a territorial authority may make bylaws for its district for the purposes—
  - (a) of regulating 1 or more of the following:
    - (i) on-site wastewater disposal systems:
    - (ii) waste management:
    - (iii) trade wastes:
    - (iv) solid wastes:
    - (v) keeping of animals, bees, and poultry:
    - (vi) trading in public places:
  - (b) of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 or more of the following:
    - (i) water races:
    - (ii) water supply:
    - (iii) wastewater, drainage, and sanitation:
    - (iv) land drainage:
    - (v) cemeteries:
    - (vi) reserves, recreation grounds, or other land under the control of the territorial authority:
  - (c) subject to sections 20 to 22 of the Forest and Rural Fires Act 1977, of preventing the spread of fires involving vegetation.



## **148 Special requirements for bylaws relating to trade wastes**

- (1) Before making bylaws under section 146(a)(iii), a territorial authority must send a copy of the proposed bylaws to the Minister of Health for his or her comments.
- (2) Before sending proposed bylaws to the Minister of Health under subsection (1), the territorial authority must, at least 2 months before the making of the bylaws, give public notice of its intention to make the bylaws, stating—
  - (a) the trade wastes to which the bylaws will relate; and
  - (b) that copies of the draft bylaws may be inspected free of charge at the place specified in the notice and may be obtained on payment of the charge specified in the notice; and
  - (c) that the territorial authority is prepared to receive and consider any representation about the bylaws made to it in writing by, or on behalf of, owners or occupiers of trade premises within its district at the time specified in the notice, being not less than 2 months after publication of the notice.
- (3) Before making the bylaws, the territorial authority must consider any representation received in accordance with the notice given under subsection (2).
- (4) The territorial authority must, before making the bylaws, consult any body of persons the Minister of Health specifies to the territorial authority as being representative of—
  - (a) the interests of the owners or occupiers of trade premises in the district of the territorial authority; or
  - (b) any class of those owners or occupiers.
- (5) A territorial authority—
  - (a) must enter on a register the name and postal address of an owner or occupier of trade premises who serves on the territorial authority a written request for registration; and
  - (b) must ensure that a copy of a notice required under subsection (2) is sent to the persons registered under paragraph (a); and
  - (c) may remove from the register the name of a person who has ceased to be the owner or occupier of trade premises within its district, or who has requested the local authority in writing to remove his or her name from the register.
- (6) Nothing in this section limits the provisions of the Health Act 1956 or the Resource Management Act 1991.
- (7) The requirements in this section are in addition to the requirements in section 156, but a territorial authority may comply with both sections by using a single process.

Compare: 1974 No 66 s 492

Section 148(7): substituted, on 20 September 2007, by section 5 of the Local Government Act 2002 Amendment Act 2007 (2007 No 69).

### *Procedure for making bylaws*

#### **155 Determination whether bylaw made under this Act is appropriate**

- (1AA) This section applies to a bylaw only if it is made under this Act.

(1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.

(2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—

- (a) is the most appropriate form of bylaw; and
- (b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.
- (3) No bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act.

Section 155 heading: amended, on 28 June 2006, by section 16(1) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 155(1AA): inserted, on 28 June 2006, by section 16(2) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

#### **156 Special consultative procedure must be used in making, amending, or revoking bylaw made under this Act**

- (1) A local authority must use the special consultative procedure (as modified by section 86) in—
  - (a) making a bylaw under this Act;
  - (b) amending a bylaw made under this Act;
  - (c) revoking a bylaw made under this Act.
- (2) Despite subsection (1)(b), a local authority may, by resolution publicly notified,—
  - (a) make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect—
    - (i) an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or

- (ii) an existing status or capacity of any person to whom the bylaw applies:
- (b) convert an imperial weight or measure specified in a bylaw into its metric equivalent or near metric equivalent.

Section 156: substituted, on 28 June 2006, by section 17 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

### *Review of bylaws made under this Act or the Local Government Act 1974*

- Heading: amended, on 28 June 2006, by section 18 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

### **158 Review of bylaws made under this Act or the Local Government Act 1974**

- (1) A local authority must review a bylaw made by it under this Act (other than a bylaw deemed to be made under this Act by section 293) no later than 5 years after the date on which the bylaw was made.
- (2) A local authority must review a bylaw made by it under the Local Government Act 1974 (other than a bylaw deemed to be made under this Act by section 293)—
  - (a) no later than 1 July 2008, if the bylaw was made before 1 July 2003; and
  - (b) no later than 5 years after the bylaw was made, if the bylaw was made after 1 July 2003.

Section 158: substituted, on 28 June 2006, by section 19 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

### **160 Procedure for and nature of review**

- (1) A local authority must review a bylaw to which section 158 or 159 applies by making the determinations required by section 155.
- (2) For the purposes of subsection (1), section 155 applies with all necessary modifications.
- (3) If, after the review, the local authority considers that the bylaw—
  - (a) should be amended, revoked, or revoked and replaced, it must act under section 156;
  - (b) should continue without amendment, it must use the special consultative procedure.
- (4) For the purposes of subsection (3)(b), the statement of proposal referred to in section 83(1)(a) must include—
  - (a) a copy of the bylaw to be continued; and

- (b) the reasons for the proposal; and
- (c) a report of any relevant determinations by the local authority under section 155.

(5) This section does not apply to any bylaw to which section 10AA of the Dog Control Act 1996 applies.

Section 160: substituted, on 28 June 2006, by section 19 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

### **160A Bylaw not reviewed within specified time frame revoked**

- A bylaw that is not reviewed as required under section 158 or 159, if not earlier revoked by the local authority concerned, is revoked on the date that is 2 years after the last date on which the bylaw should have been reviewed under that section.

Section 160A: inserted, on 28 June 2006, by section 19 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

# Nelson Resource Management Plan

## Appendix 28 Freshwater

### Item Permitted Controlled Discretionary/Noncomplying

#### FWr.22

#### Point source

#### stormwater

#### discharges to water

[note that this rule is a regional rule]

#### FWr.22.1

Point source stormwater discharges directly to a river are permitted if:

- a) the discharge is from the roof of a residential property, and
- b) the discharge does not
  - i) contain any chemicals, paint, oil, grease, pesticides, fertiliser, tannins, detergent, grass clippings, rubbish, litter, or heavy metals that are, or are likely to be, toxic to the aquatic ecosystem, or
  - ii) cause the production of conspicuous oil or grease films, scums or foams, or floatable material, or
  - iii) cause a conspicuous change of colour or visual clarity, or
  - iv) cause an emission of objectionable odour, or
  - v) cause adverse effects on aquatic life, or
  - vi) contain suspended solid concentrations in excess of 100g/litre, or
  - vii) contain any hazardous substances, waste water or trade wastes.

#### FWr.22.2

1) Nelson City Council's point source stormwater discharges to water are a controlled activity if a reticulated stormwater quality improvement plan is provided in the discharge application which outlines how best practicable options will be used to control discharges to Council's stormwater infrastructure.

2) Point source stormwater discharges directly to a river which are not from the Council's stormwater infrastructure, and are not a permitted activity, are controlled if

- a) they do not:
  - i) contain any chemicals, paint, oil, grease, pesticides, fertilizer, tannins, detergent, grass clippings, rubbish, litter, or heavy metals that are, or are likely to be, toxic to the aquatic ecosystem, or
  - ii) cause the production of conspicuous oil or grease films, scums or foams, or floatable material, or
  - iii) cause a conspicuous change of colour of visual clarity, or
  - iv) cause an emission of objectionable odour, or
  - v) cause adverse effects on aquatic life, or
  - vi) contain suspended solid concentrations in excess of 100mg/litre, or

vii) contain any hazardous substances, waste water or trade wastes, or  
 b) the best practicable option (eg oil separation, screening, filtering or settlement devices, or diversion to the sewerage system or a combination of these options) is taken at source to ensure that contamination of stormwater is minimised.

Compliance with the NCC Stormwater Bylaw 2006 will be deemed to be complying with condition b) of this rule, with the exception that the bylaw will be administered as a guide, and approval will be through the Consents process rather than through authorisation by the Manager Infrastructural Assets.

Control reserved over:

i) the volume and level of contamination, and  
 ii) the method of discharge and effects arising from the method chosen, and  
 iii) the provision and adequacy of equipment for the collection, treatment and disposal of any discharge.

FWr.22.3

A point source stormwater discharge directly to a river that contravenes a permitted or controlled condition is discretionary.

#### **Item Permitted Controlled Discretionary/Non-complying**

**FWr.25**

**General**

**discharges to**

**land where it may**

**enter water**

[note that this rule

is a regional rule]

FWr.25.1

a) Discharge of water from swimming pools, and  
 b) discharge of swimming pool filter backwash water where discharge to the sewerage system is not practicable, and  
 c) discharge of dead animals, offal and household organic waste to offal pits in the Rural Zone, and  
 d) discharge of grey water or sediment-laden water to land is permitted if:  
 i) the discharge does not result in surface ponding or runoff of any contaminant into a surface water body, and  
 ii) there is no direct discharge of any contaminant into any surface water body, and  
 iii) the discharge is not within 25m of a surface water body or within any Flood Overlay, and  
 iv) the discharge is not within 50m of any bore, well, or spring used for water supply, and  
 v) the discharge is not noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have a significant adverse effect on the environment, and  
 vi) the water is contained on the site so that there are no adverse effects on adjoining properties.  
 e) The discharge of water from a sediment treatment pond or impoundment area onto land where it may enter a surface water body is permitted if:  
 i) there is no point source discharge of any contaminant into

- any water body, and
- ii) the water is not discharged onto adjoining properties
- f) Discharge of point source stormwater to land is permitted if:
  - i) the discharge is not within 25m of a surface water body, and
  - ii) the discharge is not within 50m of any bore, well or spring used for water supply, and
  - iii) the discharge is not noxious, dangerous, offensive or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment, and
  - iv) the water is not discharged onto adjoining properties.
- g) Discharges into the Council's stormwater infrastructure are permitted if they comply with:
  - i) the conditions in the NCC Stormwater Bylaw 2006, and
  - ii) section 9.3 of the NCC Land Development Manual 2010, and
  - iii) all other stormwater management requirements in the Plan.

FWR.25.2

Not applicable.

FWR.25.3

**Discretionary**

Any discharge that contravenes a permitted activity, and is not listed as a non-complying or prohibited activity, is discretionary.

**Non-complying**

Discharge of dead stock, offal and inorganic household waste within:

- i) any zone other than the Rural Zone, or
  - ii) 25m of a river or lake in the Rural Zone
- is non-complying.

**Prohibited**

Discharge of untreated sewage is prohibited unless it is a discharge from the public sewerage system (see rule FWR.21)

---

## **Murals along the Maitai Project**

---

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

- 1.1 To decide the process by which to proceed with the Murals along the Maitai Project as approved by the Annual Plan 2013/14.

### **2. Recommendation**

***THAT the report Murals along the Maitai Project (1566318) and its attachment (1513541) be received;***

***AND THAT Council approve the project and grant permission as land owner for this work to proceed;***

***AND THAT officers report progress back to Councillors via the Chief Executive's newsletter.***

### **3. Background**

- 3.1 Chris Finlayson, Lloyd Harwood and Monica Hailes-Paku made a submission to the draft Annual Plan 2013/14 for funding of \$77,000 spread over two years in order to undertake a project to install artwork on buildings at a number of locations adjacent to the Maitai River.
- 3.2 Chris Finlayson is one of the foremost mural artists in the country and some examples of his work in Nelson include the Aotearoa Mural on Wakefield Quay, Urban Jungle on 295 Trafalgar St, and Ko Nga Tangata at Victory Square.
- 3.3 Council resolved in its Annual Plan 2013/14 discussions to provide \$77,000 over two years towards the project, though this was contingent on a report coming to Council addressing the impact on officer time, and clarifying whether any other projects would be delayed as a result.

### **4. Discussion**

#### **Regulatory issues**

- 4.1 Concerns were noted that the project may trigger resource consents for working adjacent to the river and for the installation of the murals.



- 4.2 It has been confirmed that murals are not considered as signs unless they have wording on them and therefore a resource consent is not required. Chris Finlayson has confirmed that none of the murals will contain wording, and this can also be checked through the approval process.
- 4.3 It was confirmed that the walls adjacent to the river would not be required to be steam cleaned or high pressure jet washed prior to the murals being applied which eliminates the danger of contaminants being discharged into the river, and therefore a resource consent is not required.

### **Building issues**

- 4.4 Depending on the type of Mural, building consents may be required. Chris Finlayson has acknowledged that he will be responsible for obtaining these, though choosing the type of mural at each location should mitigate this.

### **Maintenance issues**

- 4.5 A discussion regarding the future maintenance of the murals was had with the artist, especially considering some of the sites are in areas prone to graffiti.
- 4.6 It was confirmed that all painted murals would have a clear varnish coating that would give the murals a ten to fifteen year lifespan and which would allow graffiti to be easily removed. It was hoped however that by getting community involvement in the project the likelihood of graffiti would be reduced.
- 4.7 It was acknowledged that a number of the murals were on buildings with uncertain futures, either due to seismic concerns or potential redevelopment in the area. For these buildings removable and relocatable murals could be considered.

### **Health and Safety implications**

- 4.8 The artist will be responsible for all Health and Safety matters, though he has requested Council assistance especially with regard to the requirements around traffic management plans. This can be provided by Council officers.
- 4.9 Council will also be responsible for carrying out regular Health and Safety audits to ensure both the Health and Safety Plan and Traffic Management Plans are being complied with, especially on the Council owned sites.

### **Staff input and implications**

- 4.10 Staff input from a number of divisions of Council is likely to be required to successfully undertake this project. The majority will be from Capital Projects, but input will be required from the Communications team.

## **5. Funding**

- 5.1 Funding in the amount of \$39,000 has been provided in the current financial year, though some flexibility is envisaged in terms of how the overall funding (\$77,000 over 2 financial years) is to be spent.

## **6. Conclusion**

- 6.1 The hours estimated to assist with the project can currently be managed without any undue disruption to other schemes. Should any of the murals require significantly more work as a result of changes being required to a building or due to regulatory problems then consideration should be given to either altering the type of mural, or selecting an alternative location. Chris Finlayson has confirmed that this would be achievable.

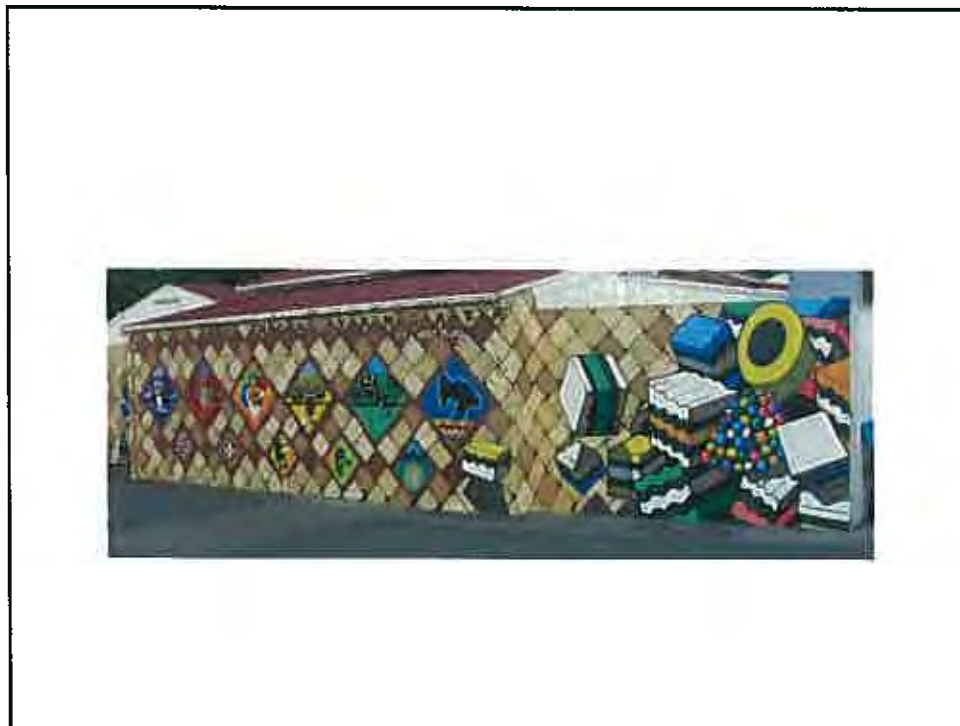
P Hamblin

**Manager Capital Projects**

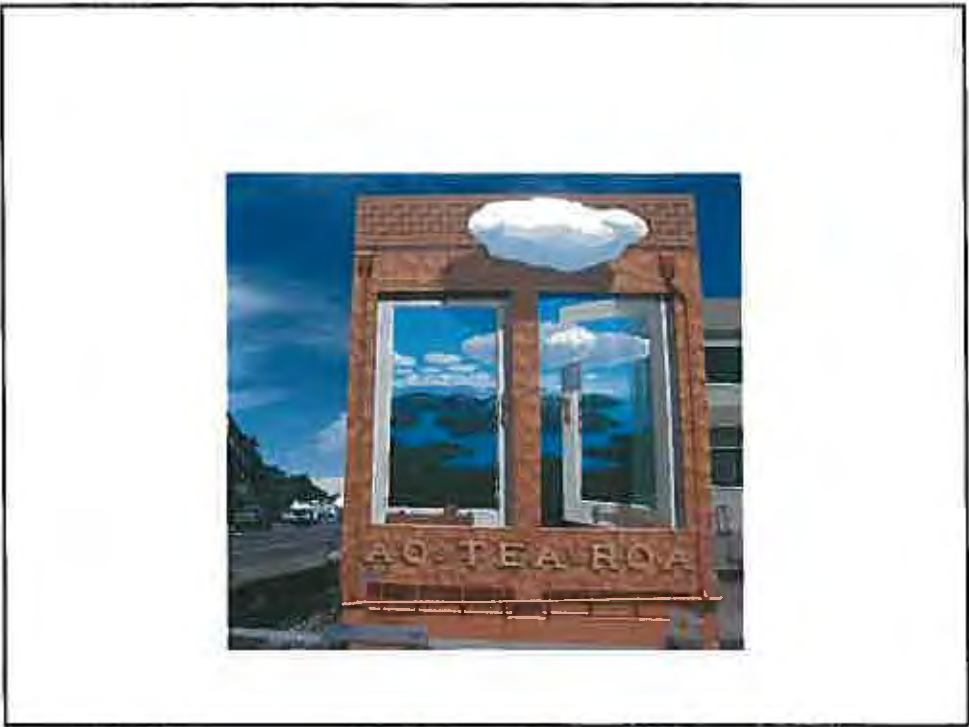
### **Attachments**

Attachment 1: Extract from Chris Finlayson Submission to the draft Annual Plan 2013/14 showing proposed sites and mural types [1513541](#)

No supporting information follows.



1513541







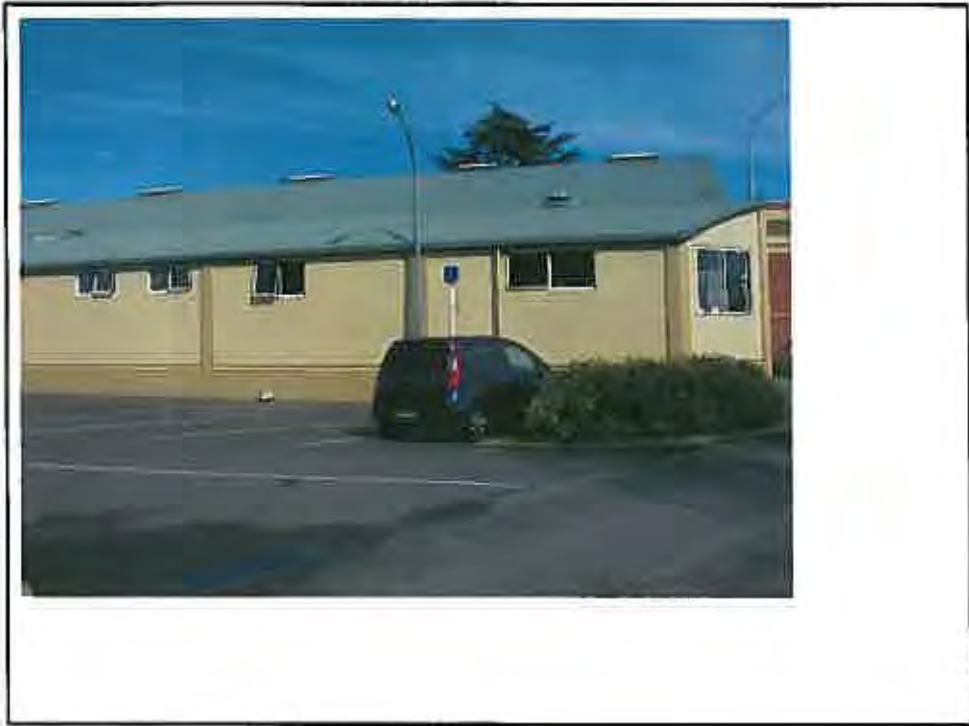








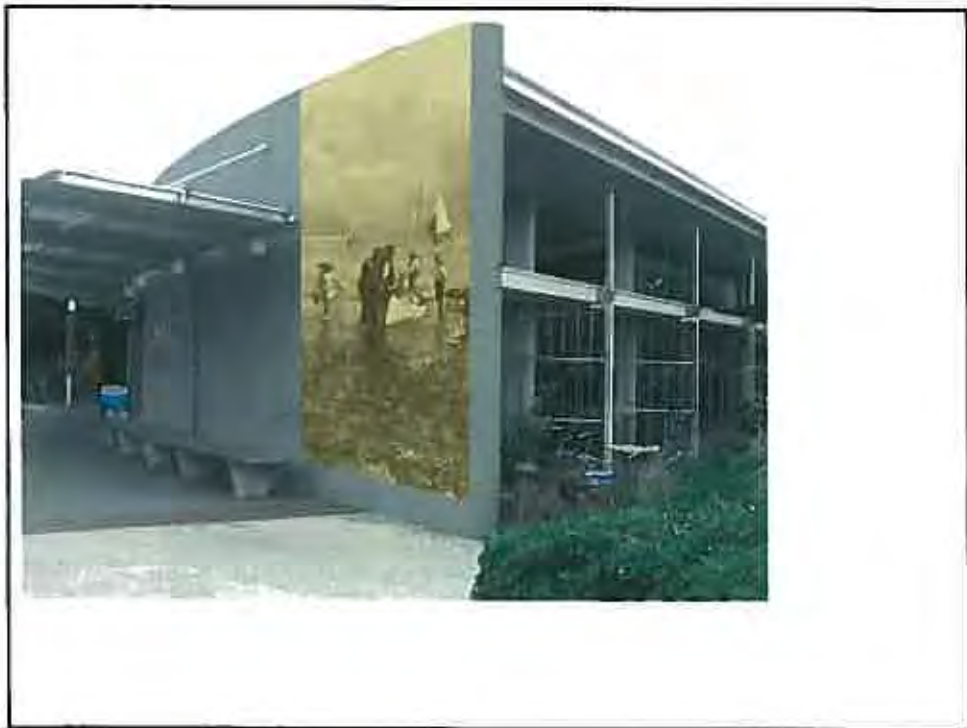


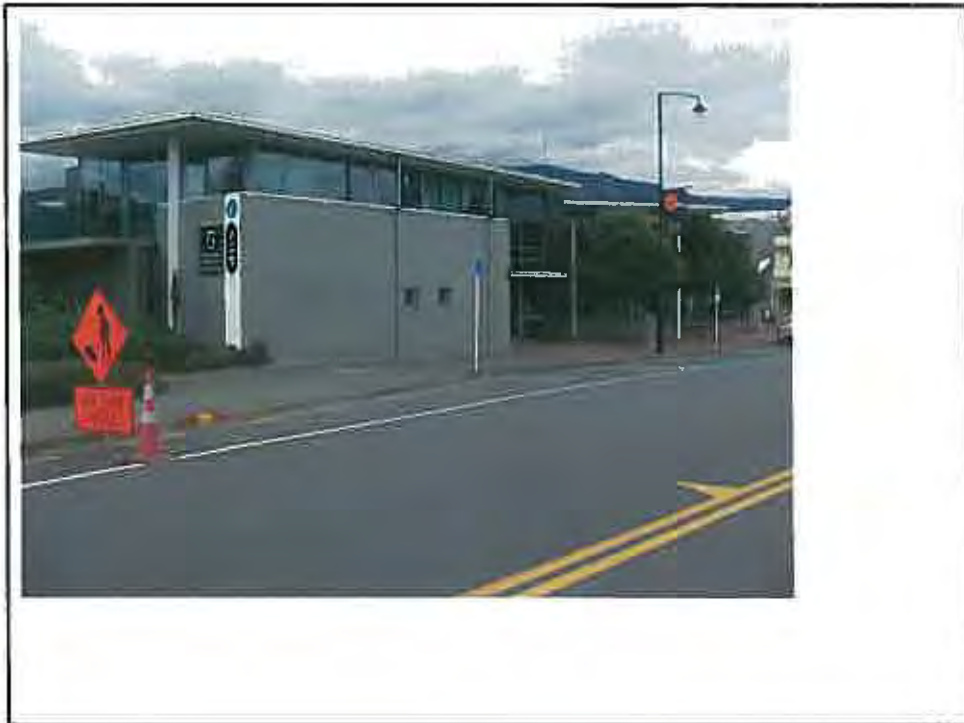
























Riverside Murals Project  
Slideshow - 2013



[www.finlaysonart.co.nz](http://www.finlaysonart.co.nz)

---

## **Adoption of Amended Speed Limits Bylaw (210)**

---

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

- 1.1 To formally adopt the amendment to the Speed Limits Bylaw (210).

### **2. Recommendation**

***THAT the report Adoption of Amended Speed Limits Bylaw (210) (1535187) and its attachments (1565968, 1571045 and 1563829) be received;***

***AND THAT Council adopts the amended Speed Limits Bylaw (210);***

***AND THAT the amended Speed Limits Bylaw (210) comes into effect on 30 September 2013.***

### **3. Background**

- 3.1 A Statement of Proposal was released for consultation on 16 May 2013, which invited submissions on an amendment to the Speed Limits Bylaw (210) to provide additional 40km/h variable speed school zones.
- 3.2 Submissions on the proposal closed on 17 June 2013, with 41 submissions received. Seven of the submitters made verbal presentations at a hearing on 16 July 2013.

### **4. Discussion**

#### **Council Decisions on Submissions**

- 4.1 Council deliberated on submissions on 6 August 2013. Each submission was deliberated on in turn, and Council's decisions on submissions are summarised in Attachment 1.
- 4.2 The amended Speed Limits Bylaw is provided as Attachment 2.

## Minor Amendments to the Speed Limits Bylaw

- 4.3 At its 6 August 2013 deliberations meeting Council resolved the following:

*AND THAT the first 40 metres of Tosswill Road, measured from its intersection with Tahunanui Drive, be included as a variable speed limit in the Speed Limits Bylaw 2011 (210);*

*AND THAT Schedule A of the Speed Limits Bylaw 2011 (210) be corrected pursuant to section 156(2)(a) of the Local Government Act 2002 to indicate that the State Highway network is not controlled by the Council.*

- 4.4 These minor changes have now been incorporated into the amended Bylaw.

- 4.5 At the 14 May Council meeting officers also raised issues with the formatting of the variable speed limits schedule in the Bylaw. Schedule M had grouped the roads by the school they are related to, which was inconsistent with the rest of the Bylaw and made the addition of new roads problematic. Roads have now been separated out individually, which has no effect on the application of the Bylaw.

## Feedback from the New Zealand Transport Agency

- 4.6 Feedback from the New Zealand Transport Agency (NZTA) was received by way of a letter dated 29 July 2013, which was not in time for inclusion on the deliberations meeting agenda. This letter is provided as Attachment 3.

- 4.7 The NZTA supports the Bylaw amendment as an activity to implement safe speed environments in Nelson, and requests the Council consider the following three points:

- Where mean and 85th percentile speeds are already in line with the proposed speed environment, the variable speed zone may not deliver the benefits required to satisfy the NZTA's value for money principle;
- Electronic signs will be required to increase clarity around the operation of the variable speeds;
- Where variable speed areas are implemented that do not fully comply with the rule the rationale should be clearly documented and additional consultation with the police undertaken.

- 4.8 The first point generally relates to side streets where there would typically be static signage and therefore not a significant monetary investment. These streets have in many cases been included because they provide frontage to schools or for consistency with the overall zone.

For example the ford on Manuka Street would naturally reduce speeds, however moving the signage closer to Collingwood Street would mean the school frontage is excluded from the zone, and motorists approaching from Collingwood Street would to pass an 'end zone' sign before proceeding past the school.

- 4.9 The second point is fulfilled, as electronic signage is proposed.
- 4.10 The third point requests the rationale for non-compliant streets be documented and additional consultation with the Police is undertaken. Three such streets were identified in the April 2013 Traffic Design Group report: Bronte Street, Franklyn Street and Totara Street. Additional consultation was undertaken with the Police and no further issues were raised. The rationale for inclusion of these streets is stated below, together with further comment from Senior Sergeant Phil Wooding (Acting Road Policing Manager - Tasman).

#### **Bronte Street**

- 4.11 Bronte Street has been included as it provides consistency with the overall zone and fronts the boundary of St Josephs School.
- 4.12 NZ Police comment: "This street does feed vehicles past the school from a large catchment of housing and has the potential for speeding due to the undulations / geography present. The Police view is that the length and signage allow this site to be enforceable and needs to be included".

#### **Franklyn Street**

- 4.13 Franklyn Street has been included as it provides consistency with the overall zone and fronts the boundary of Nelson College.
- 4.14 NZ Police comment: "There is access onto the top of Franklyn Street via the hospital board grounds and the signage at the top of the street, length of the road heading down hill and school activity will mean this site will be enforceable".

#### **Totara Street**

- 4.15 Totara Street has been included as it provides consistency with the overall zone and fronts an entrance to Victory School. The street also connects with St Vincent Street and the railway reserve where there is significant school related activity.
- 4.16 NZ Police comment: "This street does feed vehicles past the school from and to a large catchment of housing and has the potential for speeding. The Police view is that the length and signage allow this site to be enforceable and needs to be included".

## Conclusion

- 4.17 A Statement of Proposal was publicly notified on 16 May 2013 seeking to amend the Speed Limits Bylaw 2011 (210) by adding additional 40km/h variable speed school zones. Submissions closed on 17 June 2013, with 41 submissions received and seven presenting to a hearing on 16 July 2013.
- 4.18 Information and recommendations were provided by officers to support the consideration of submissions at a deliberations meeting on 6 August 2013, where Council decisions were made. These have now been incorporated into the amended Bylaw, along with some minor corrections, which now requires formal adoption by Council.
- 4.19 Feedback was received from the NZTA which requested documentation of the rationale for the inclusion of streets that don't comply with the rule, which has been recorded in this report. Additional consultation with the Police was also requested and has been undertaken.

Paul Harrington  
**Policy Adviser**

## Attachments

- Attachment 1: Summary of Council Decisions on Submissions - Amendment to Speed Limits Bylaw 2013 - 6 August 2013 [1565968](#)
- Attachment 2: Speed Limits Bylaw (210): amended following Council decisions on submissions on 6 August 2013 [1571045](#)
- Attachment 3: Feedback from the New Zealand Transport Agency on the amendment to the Speed Limits Bylaw (210) [1563829](#)

Supporting information follows.



## Supporting Information

### 1. Fit with Purpose of Local Government

Controlling speed limits through a Bylaw fits the purpose of Council performing its regulatory functions.

### 2. Fit with Community Outcomes and Council Priorities

Reviewing the Bylaw helps achieve the following Community Outcome: Kind Healthy People by ensuring speed limits are current and operable.

### 3. Fit with Strategic Documents

The Bylaw is aligned with the strategic direction of the Regional Land Transport Strategy 2009.

### 4. Sustainability

The Bylaw ensures the risk to public safety is minimised and that vehicle travel speeds are reasonable and appropriate.

### 5. Consistency with other Council policies

The proposal does not raise any known consequential inconsistencies with any other Council policies.

### 6. Long Term Plan/Annual Plan reference and financial impact

A budget of \$340,000 has been allocated for the installation of variable speed signs in the 2013/14 financial year.

### 7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

### 8. Consultation

The special consultative procedure has provided the opportunity for public participation in the Bylaw amendment process. Additional consultation has also been undertaken as required by the Land Transport Act 1998 (specifically the Land Transport Rule: Setting of Speed Limits 2003).

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

Consultation with Māori has not been specifically included during the review of this Bylaw, but was provided through the special consultative procedure.

### 10. Delegation register reference

This is a decision of Council.

Submitter	Submission summary	Decision	Reasons	Amendment to SOP
1 Melinda Harvey 2 Chris Roff (Tahunanui School) 3 Katherine Roff (Tahunanui School) 9 Linda MacInnes 10 Ali Wood 18 Kati Maeder 19 Nelson Youth Councillors 23 Alec Woods 24 Sarah Downs (Accessibility for All) 39 Daniel Richardson (Victory Primary School Board of Trustees) 41 Gavin Calder (NZ Automobile Association Nelson District)	General support	Accept	These submissions are in general support of the Bylaw amendment and seek no specific changes from the original proposal. Some submissions sought relief outside of the scope of the Statement of Proposal, therefore the submission is accepted insofar as it relates to the Nelson City Council bylaw amendment.	Nil.
7 David Brown 8 Melanie Yeomans 11 Richard Newson (Tahunanui School Board of Trustees) 12 Paul Drummond (Tahunanui School Staff) 13 Angelina Bryant 14 Jeanne Taylor 15 Robert 16 Sue Maxted-Massey 17 Tim Bayley 20 Ben Collis 21 Angelina Bryant (Tahunanui Community Centre Inc) 22 Ainslie Riddoch 25 Wendy Hunter 26 David Moreton 27 Andrew Harley (Harleys Pharmacy) 28 Joy Shackleton 30 Tania Inwood 31 Room 11, Tahunanui School 32 Penny Thomas 33 Craig Welsh 34 Stef Haerdtnr (Tahunanui Primary School) 35 Kim Welsh 36 Olivia Leach & Matthew Whiu (Tahunanui School Student Council) 40 Veronica Marlow	Support for Tahunanui Zone	Accept	These submitters expressed support for the proposed Tahunanui Zone and sought no specific changes from the original proposal. The submission is accepted insofar as it relates to the Nelson City Council bylaw amendment proposal.	Nil.

Submitter	Submission summary	Decision	Reasons	Amendment to SOP
4 Bob Deakin	Support for Nelson College for Girls zone (particularly the main entrance area) and recommend further reducing limit to 30km/h.	Accept in part. Proceed with 40km/h variable speed school zone but do not reduce speed further.	In urban areas the only variable speed limit that is allowed to be set is 40km/h, so Council is unable to set a 30km/h variable limit. The intention of the variable speed school zones are to reduce speeds at certain times only. Permanent reduction of speeds would require safe and appropriate traffic engineering measures to be installed beforehand so that the measured mean operating speed is within 5 km/h of the proposed speed limit. This is therefore not an option through the current bylaw amendment process.	Nil.
5 Karina Murray (Rutherford Street Kindergarten)	Extend the Nelson College for Girls zone to include Rutherford St Kindergarten (situated 50m further north).	Decline. Do not extend zone to include Rutherford Street Kindergarten.	Pedestrian counts for adult, student and preschooler movements at the intersection of Rutherford Street and Examiner Street recorded very low numbers for preschoolers. This reflects off street parking available at the kindergarten and the arrival of most children by car. In addition, the busiest kindergarten pick up and drop off time is at the midday change over when the variable signs would not be operating, and the end of the kindergarten day occurs later than the school day so the afternoon times of operation would require extending. The required extension of 150-250m further north of the entrance to the kindergarten is also considered unreasonable in the context of the zone (which is already considerably long).	Nil.

Submitter	Submission summary	Decision	Reasons	Amendment to SOP
6 Mark Preston Thomas (Road Safe Nelson Bays)	Support and seek further extension of the Victory School zone to include the intersection of Toi Toi Street and Vanguard Street. Also request consideration of some other treatment for Auckland Point School.	Accept in part. Proceed with variable speed school zone but do not extend zone to include Toi Toi Street intersection.	<p>The predominant usage at the Toi Toi Street intersection is by college students who would naturally be crossing the street earlier than the proposed morning Victory School zone times and later than the proposed afternoon times.</p> <p>Traffic Note 37 recommends that zones "should be as short as practicable" with the focus outside school or the effect becomes diluted with drivers tending to ignore it. Extending the zone to Toi Toi Street would mean a distance of around 300m from the entrance to the school, which would require a dispensation from the NZTA and the installation of electronic repeater signs.</p> <p>In addition it is noted that the south west corner of the Toi Toi Street/Vanguard Street intersection is being considered for improvements in future.</p>	Nil.
29 Bill Revell	Support but change speeds permanently to 40km/h rather than variable to improve streetscape (include areas other than schools also).	Accept in part. Proceed with 40km/h variable speed school zone but do not reduce speed permanently.	<p>The effectiveness in reducing speeds is generally considered to be far greater if the speed limit is variable.</p> <p>Permanent reduction of speeds to 40km/h would require safe and appropriate traffic engineering measures to be installed beforehand so that the measured mean operating speed is within 5 km/h of the proposed speed limit. This is therefore not an option through the current bylaw amendment process.</p>	Nil.

Submitter	Submission summary	Decision	Reasons	Amendment to SOP
37 Philip Wooding (New Zealand Police)	General support and request amendments regarding extent of the Nelson College/Hampden St School/Nelson College for Girls combined zone and extent of Nelson Intermediate zone.	Accept. Proceed with proposal as notified as it relates to St Josephs School, Victory School, Tahunanui School and the combined Nelson College/Hampden St School/Nelson College for Girls zone (accepting electronic repeater signs will be required). Amend the proposal to terminate the Nelson Intermediate School variable speed zone on Tipahi St, south of Motueka St.	<p><u>Nelson College/Hampden St School/Nelson College for Girls combined zone</u> Police request that an electronic repeater sign be installed between Hampden Street School and Nelson College for Girls, and this is accepted. The distance between the two zones is considered too small to warrant splitting.</p> <p><u>Nelson Intermediate zone</u> Terminating the zone on Tipahi Street keeps the zone relevant to the school, and at an appropriate length. The exclusion of the southern section of Vanguard Street and north western end of Motueka Street avoids a dilution in the effect of the zone and resulting compliance issues. The inclusion of the intersection of Tipahi Street and Motueka Street would have created a short, unsafe zone for through traffic on Motueka Street and then a relatively short 50km/h area between the Nelson Intermediate and Victory zones. This intersection is, however, considered a high risk area and could be served by exploring other methods such as the installation of a pedestrian refuge. An additional, smaller benefit of this decision is that the timings of the Nelson Intermediate and Victory School zones would be able to operate independently.</p>	Reduce the size of the proposed Nelson Intermediate zone so that the northern end terminates on Tipahi Street, south of Motueka Street.

Submitter	Submission summary	Decision	Reasons	Amendment to SOP
38 John-Paul Pochin (Bicycle Nelson Bays)	General support and suggest that Victory School zone is extended to include the intersection of Toi Toi St and Vanguard St and the pedestrian refuge further north on Vanguard St.	Accept in part. Proceed with variable speed school zone but do not extend zone to include Toi Toi Street intersection or the pedestrian refuge on Vanguard Street.	<p>The predominant usage at the Toi Toi Street intersection is by college students who would naturally be crossing the street earlier than the proposed morning Victory School zone times and later than the proposed afternoon times.</p> <p>Traffic Note 37 recommends that zones "should be as short as practicable" with the focus outside school or the effect becomes diluted with drivers tending to ignore it. Extending the zone to Toi Toi Street would mean a distance of around 300m from the entrance to the school, and further extension to the pedestrian refuge would add another 75m, which would require a dispensation from the NZTA and the installation of electronic repeater signs.</p> <p>In addition it is noted that the south west corner of the Toi Toi Street/Vanguard Street intersection is being considered for improvements in future.</p>	Nil.



PO Box 645 Nelson 7040

# **NELSON CITY COUNCIL SPEED LIMITS BYLAW**

## **(No 210)**

**Incorporating Amendment 1: August 2013**

**CONTENTS**

- 1. INTRODUCTION**
- 2. INTERPRETATION**
- 3. APPLICATION OF THIS BYLAW**
- 4. SPEED LIMITS**
- 5. SCHEDULES**
- 6. REPEAL**

**SCHEDULE A – URBAN TRAFFIC AREAS**

**SCHEDULE B – 10km/h**

**SCHEDULE C – 20km/h**

**SCHEDULE D – 30km/h**

**SCHEDULE E – 40 km/h**

**SCHEDULE F – 50km/h**

**SCHEDULE G – 60km/h**

**SCHEDULE H – 70km/h**

**SCHEDULE I – 80km/h**

**SCHEDULE J – 90km/h**

**SCHEDULE K – 100km/h**

**SCHEDULE L – HOLIDAY SPEED LIMITS**

**SCHEDULE M – VARIABLE SPEED LIMITS**



The NELSON CITY COUNCIL, in pursuance of the powers and authorities vested in it by the Local Government Act 1974, the Local Government Act 2002, the Bylaws Act 1910, and the Land Transport Rule: Setting of Speed Limits 2003, hereby makes the following Bylaw:

## **1. INTRODUCTION**

- 1.1. This Bylaw may be cited as "The Nelson City Speed Limits Bylaw 2011 (No. 210)".
- 1.2. This Bylaw shall apply within the City of Nelson.
- 1.3. This Bylaw shall come into force on the 24<sup>th</sup> day of November 2011.

## **2. INTERPRETATION**

- 2.1. In this bylaw, definitions are as defined below and in the Land Transport Rule: Setting of Speed Limits 2003 (54001/2), unless the context requires otherwise:

**Schedules**      The schedules in this bylaw shall be the Council's register of speeds as required under section 7.3(1) of the Land Transport Rule: Setting of Speed Limits 2003 (54001/2).

City means the territory contained in the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

Holiday Speed Limit means a maximum speed limit set under this rule that is in force 24 hours a day for a specified period, or periods.

Km/h means kilometres per hour.

## **3. APPLICATION OF THIS BYLAW**

- 3.1. This bylaw applies to all roads under the jurisdiction of the Council and excludes state highway roads controlled by the New Zealand Transport Agency.

## **4. SPEED LIMITS**

- 4.1. The roads or areas described in the schedules specified in 5 hereto, or as shown on any map referenced in the schedules, are declared to have the speed limits as specified in the said schedules.

- 4.2. The urban speed limit of 50km/h, unless specifically addressed in the other schedules, applies within the designated urban traffic area.
- 4.3. The rural speed limit of 100km/h, unless specifically addressed in the other schedules, applies to motorways and roads in rural areas.

## **5. SCHEDULES**

The Schedules shall be the Council Register of Speed Limits

- 5.1. Schedule A: Urban traffic areas
- 5.2. Schedule B: Roads that have a speed limit of 10 km/h
- 5.3. Schedule C: Roads that have a speed limit of 20 km/h
- 5.4. Schedule D: Roads that have a speed limit of 30 km/h
- 5.5. Schedule E: Roads that have a speed limit of 40 km/h
- 5.6. Schedule F: Roads that have a speed limit of 50 km/h
- 5.7. Schedule G: Roads that have a speed limit of 60 km/h
- 5.8. Schedule H: Roads that have a speed limit of 70 km/h
- 5.9. Schedule I: Roads that have a speed limit of 80 km/h
- 5.10. Schedule J: Roads that have a speed limit of 90 km/h
- 5.11. Schedule K: Rural Roads – Roads that have a speed limit of 100 km/h
- 5.12. Schedule L: Roads that have a holiday speed limit
- 5.13. Schedule M: Roads that have a variable speed limit

## **6. REPEAL**

- 6.1 The Nelson City Council Bylaw No. 198 is hereby repealed.

## **7. PROMULGATION**

This Bylaw was made by resolution of the Nelson City Council at a meeting held on the 24<sup>th</sup> day of November 2011, following consideration of submissions received during the special consultative procedure prescribed by the Local Government Act 2002.

THE COMMON SEAL of  
NELSON CITY COUNCIL }  
was hereto affixed }  
in the presence of: }

\_\_\_\_\_

MAYOR

\_\_\_\_\_

CHIEF EXECUTIVE

1177049  
RAD# 1571045

24 November2011

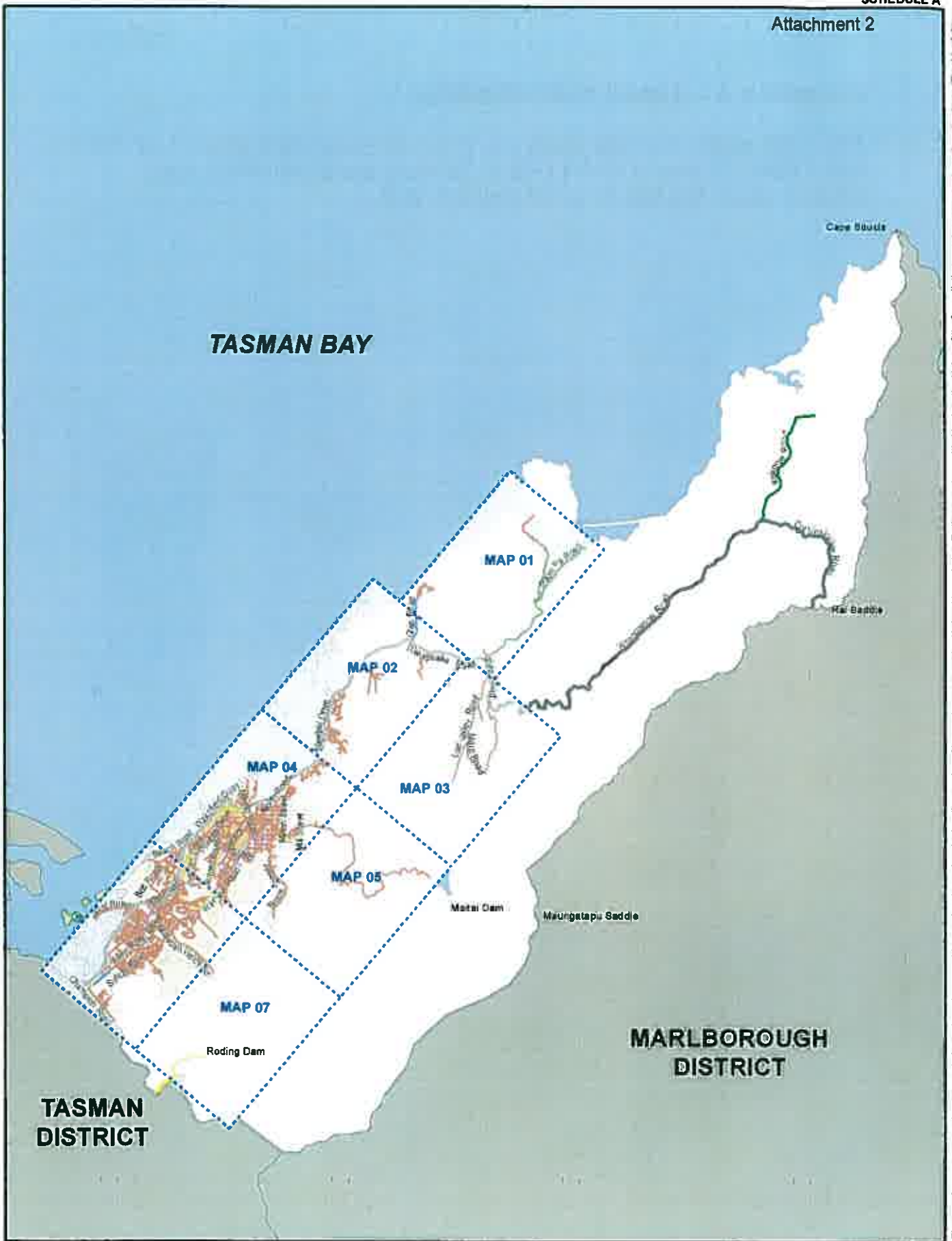
Page 6

116

PDF RAD#1581932

**SCHEDULE A – URBAN TRAFFIC AREAS**

The roads within the area shaded in green on Schedule A (Maps 1 to 7 of RAD 1064653) have a speed limit of 50 km/h except for those roads detailed within the following Schedules B to M.



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial 3.0 New Zealand License. Nelson City Council data must not be sold without prior written consent. For more information please contact us. Cadastral information derived from the Land Information New Zealand. CROWN COPYRIGHT RESERVED

**SPEED LIMITS BYLAW (210)**

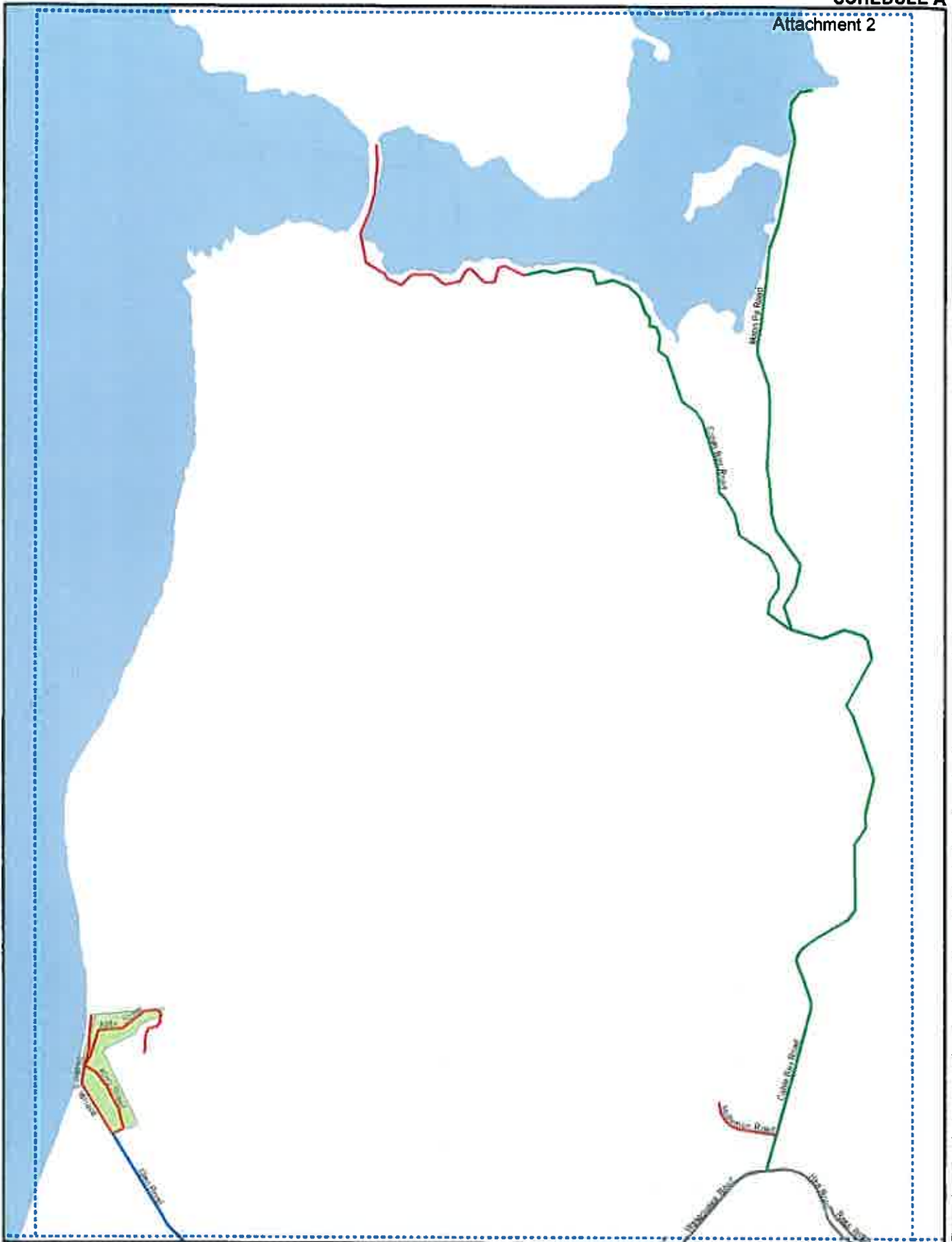
**OVERALL MAP**



RAD# 1571045



August 2013



**SPEED LIMITS BYLAW (210)**



- ~ Variable
- ~ 50 km/hr
- ~ 80 km/hr
- Urban Traffic Areas
- ~ 30 km/hr
- ~ 60 km/hr
- ~ 100 km/hr
- ~ 40 km/hr
- ~ 70 km/hr
- ~ State Highway (Speed Limits not Shown)



August 2013

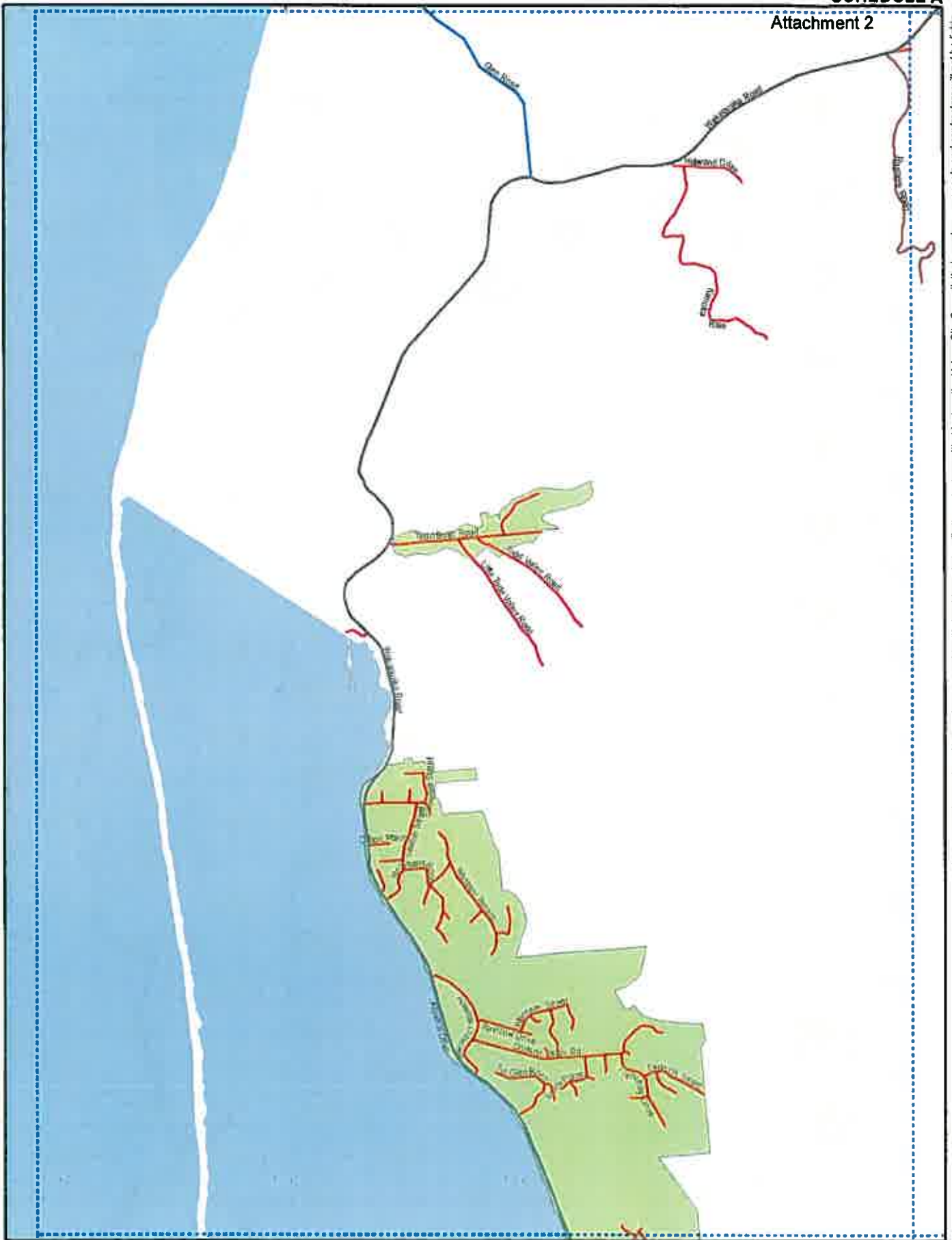
MAP 01

RAD# 1571045

PO Box 645 Nelson 7040 New Zealand PH 03 5460200 www.nelsoncitycouncil.co.nz

The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty or any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial 3.0 New Zealand License. Nelson City Council data must not be sold without prior written consent. For more information please contact us. Cadastral information derived from the Land Information New Zealand CROWN COPYRIGHT RESERVED

File Ref: 1064653  
MO Original map size A4



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial 3.0 New Zealand License. Nelson City Council data must not be sold without prior written consent. For more information please contact us. Cadastral information derived from the Land Information New Zealand. CROWN COPYRIGHT RESERVED.

**SPEED LIMITS BYLAW (210)**



RAD# 1571045

- Variable
- 30 km/hr
- 40 km/hr
- 50 km/hr
- 60 km/hr
- 70 km/hr
- 80 km/hr
- 100 km/hr
- State Highway (Speed Limits not Shown)
- Urban Traffic Areas



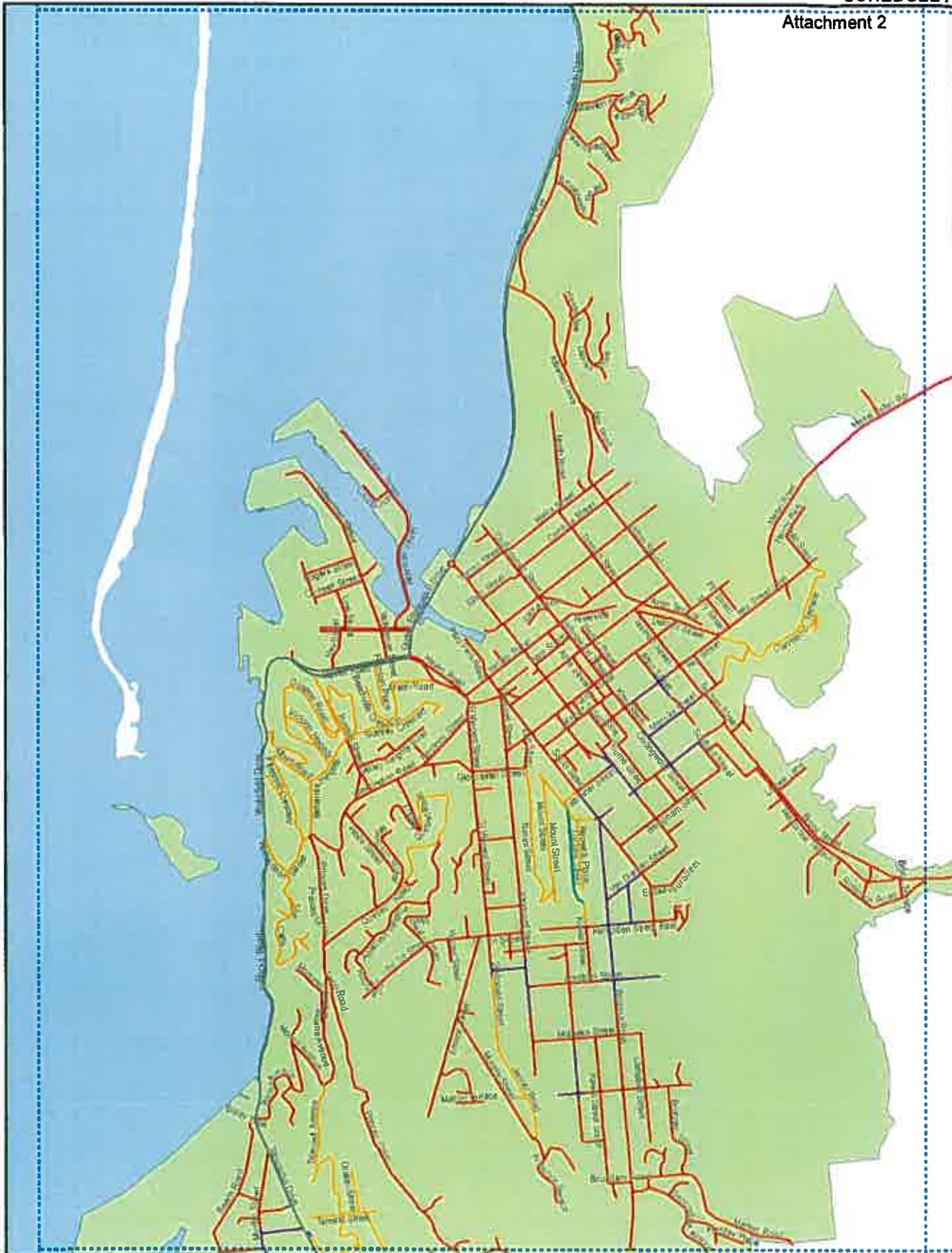
August 2013

MAP 02

File Ref: 1064653  
MO Original map size A4.







The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial 3.0 New Zealand License. Nelson City Council data must not be sold without prior written consent. For more information please contact us. Cadastral information derived from the Land Information New Zealand. CROWN COPYRIGHT RESERVED

**SPEED LIMITS BYLAW (210)**



RAD# 1571045

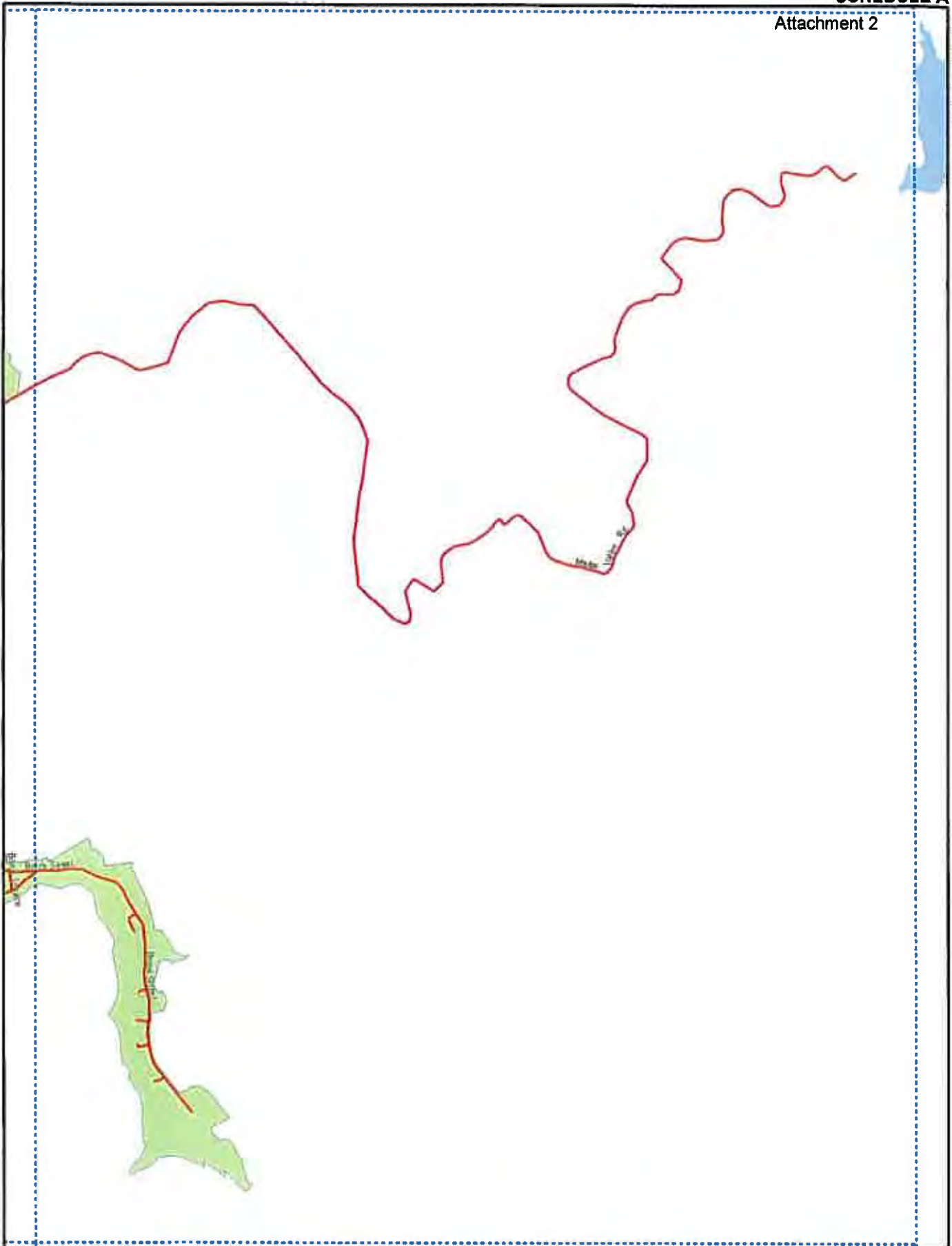
- ~ Variable
- ~ 50 km/hr
- ~ 80 km/hr
- Urban Traffic Areas
- ~ 30 km/hr
- ~ 60 km/hr
- ~ 100 km/hr
- ~ 40 km/hr
- ~ 70 km/hr
- ~ State Highway (Speed Limits not Shown)



August 2013

MAP 04

File Ref: 1004653  
MO: Original map size A4.



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial 3.0 New Zealand License. Nelson City Council data must not be sold without prior written consent. For more information please contact us. Cadastral Information derived from the Land Information New Zealand CROWN COPYRIGHT RESERVED

**SPEED LIMITS BYLAW (210)**



- ~ Variable
- ~ 50 km/hr
- ~ 80 km/hr
- ~ 30 km/hr
- ~ 60 km/hr
- ~ 100 km/hr
- ~ 40 km/hr
- ~ 70 km/hr
- ~ State Highway (Speed Limits not Shown)
- Urban Traffic Areas

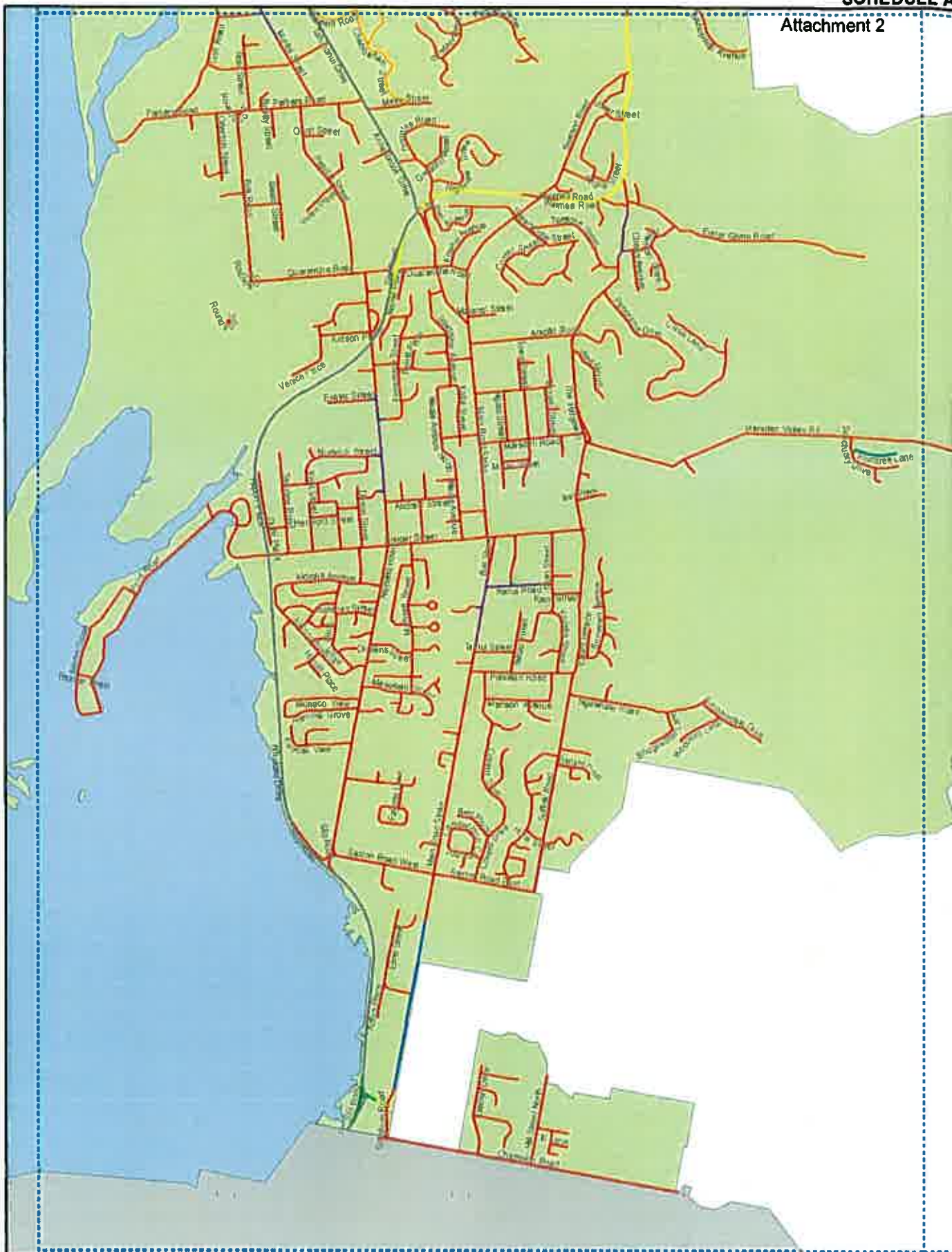


August 2013

MAP 05

RAD# 1571045





The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial 3.0 New Zealand License. Nelson City Council data must not be sold without prior written consent. For more information please contact us. Cadastral information derived from the Land Information New Zealand CROWN COPYRIGHT RESERVED

**SPEED LIMITS BYLAW (210)**



- ~ Variable    ~ 50 km/hr    ~ 80 km/hr    □ Urban Traffic Areas
- ~ 30 km/hr    ~ 60 km/hr    ~ 100 km/hr
- ~ 40 km/hr    ~ 70 km/hr    ~ State Highway (Speed Limits not Shown)



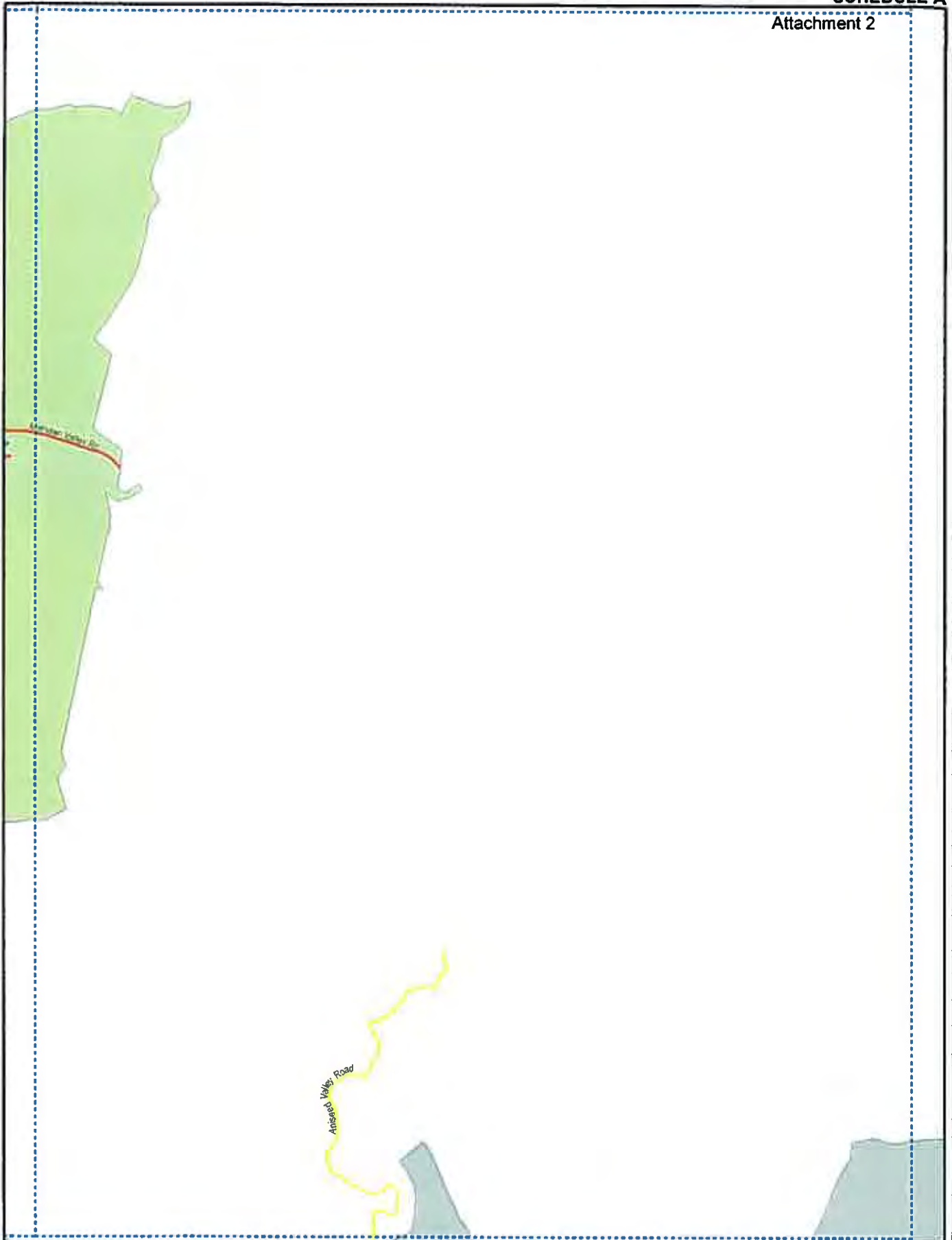
August 2013

MAP 06

RAD# 1571045

PO Box 645 Nelson 7040 New Zealand PH 03 5460200 www.nelsoncitycouncil.co.nz

File Ref: 1064633  
MO Original map size A4.



**SPEED LIMITS BYLAW (210)**



- ~ Variable    ~ 50 km/hr    ~ 80 km/hr    □ Urban Traffic Areas
- ~ 30 km/hr    ~ 60 km/hr    ~ 100 km/hr
- ~ 40 km/hr    ~ 70 km/hr    ~ State Highway (Speed Limits not Shown)



August 2013

MAP 07

RAD# 1571045

The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial 3.0 New Zealand License. Nelson City Council data must not be sold without prior written consent. For more information please contact us. Cadastral information derived from the Land Information New Zealand CROWN COPYRIGHT RESERVED

File Ref: 1064653  
 MC Original map size A4

**SCHEDULE B - 10 km/h**

There are no roads or areas subject to a speed limit of 10km/h.

**SCHEDULE C - 20 km/h**

**Authority by which the speed limit was set**

- (i) All the roads within the following reserve areas:

Branford Park  
Brook Motor Camp  
Isel Park  
Maitai Motor Camp  
Maitai River Reserves  
Marsden Cemetery  
Rutherford Park  
Saxton Field  
Trafalgar Park  
Tahuna Sands Reserve  
Tahunanui Motor Camp  
Wakapuaka Cemetery

Nelson City Council  
Consolidated Bylaw 1992-  
Part 3 Reserves

- (ii) Maitai River Waterworks Reserve

Nelson City Council  
Consolidated Bylaw 1992 -  
Part XVII Water Supply

**SCHEDULE D - 30km/h**

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
Locking Street	Full Length	Nelson City Council Speed Limits Bylaw 2004 (210) Amendment no. 4
Flowers Road	From State Highway 6 to end	NCC Speed Limit Bylaw 2011



**SCHEDULE E - 40 km/h**

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
Albert Road	Full Length	Nelson City Council Speed Restriction – Bylaw 1998
Atmore Terrace	Full length	
Beachville Crescent	Full Length	
Britannia Heights	Full Length	
Chamberlain Street	Full Length	
Cleveland Terrace	Full Length	
Examiner Street	(West of Rutherford Street)	
Fifeshire Crescent	Full Length	
Fountain Place	Full Length	
Harbour View	Full Length	
Jenner Road	From its junction with St Vincent Street to its intersection with Murphy Street	
Kawai Street	(North of Hampden Street)	
Konini Street	Full Length	
Malcolm Place	Full Length	
Maori Road	Full Length	
Mayroyd Terrace	Full Length	
Mount Street	Full Length	
Mt Pleasant Avenue	Full Length	
Orakei Street	Full Length	
Poynters Crescent	Full Length	
Quebec Road	(Montcalm Street to Arrow Street)	
Queens Road	Full Length	
Rangiora Terrace	Full Length	
Renwick Place	Full Length	
Richardson Street	Full Length	
Russell Street	From Haven Road to Britannia Heights/ Stanley Crescent	
St Vincent Street	From its intersection with Totara Street to its junction with Jenner Road	
Stafford Walk	Full Length	
Stanley Crescent	Full Length	
Stansell Avenue	Full Length	
Tamaki Street	Full Length	
The Cliffs	Full Length	
Tosswill Road	Full Length	
Victoria Heights	Full Length	
Victoria Road	Full Length	
Wellington Street	Full Length	
Wells Road	Full Length	
Whitby Road	Full Length	

RAD# 1571045

**SCHEDULE F - 50 km/h**

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
Boulder Bank Drive	Full Length	Nelson City Council Consolidated Bylaws 1992 Part 3 Reserves
Cable Bay Road	From Pepin Island to a point 2.55 km generally south from the concrete ford	Traffic (Nelson City) Notice No 1 1992 No 114 page 2526 (Refer Amendment No 2)
Enner Glynn Road	From the urban area delineated in Schedule A to the end.	
Maitai Valley Road	From the urban area delineated in Schedule A to the Waterworks Reserve	
Marsden Valley Road	From the urban area delineated in Schedule A to the end.	
Todd Valley Road Little Todd Valley Road	} From outside the urban area delineated in Schedule A to the end.	
Hollyman Road	From Cable Bay Road to end	NCC Speed Limit Bylaw 2011
Hillwood Drive	From State Highway 6 to end	NCC Speed Limit Bylaw 2011
Kanuka Rise	From Hillwood Drive to end	NCC Speed Limit Bylaw 2011

**SCHEDULE G - 60 km/h**

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
Frosts Road	Full Length	Nelson City Council – Speed Restriction bylaw 1998
Macs Road	Full Length	Nelson City Council – Speed Restriction bylaw 1998
Lud Valley	Full Length	Nelson City Council – Speed Restriction bylaw 1998
Rayners Road	Full Length	Nelson City Council – Speed Restriction bylaw 1998
Ross Road	Full Length	Nelson City Council – Speed Restriction bylaw 1998
Teal Valley Road	Full Length	Nelson City Council – Speed Restriction bylaw 1998

**SCHEDULE H - 70 km/h**

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
Aniseed Valley Road	Full Length	Traffic (Nelson City) Notice No 1 1992 No 114 page 2526
Link Road	From the Roundabout at the junction of Main Road Stoke and Salisbury Road to a point approx. 60 metres northwest of the said roundabout.	Traffic (Nelson City) Notice 2000 No 59 page 1296 errata NCC Speed Limit Bylaw 2011
Whakatu Road Link	114m Northwest of the Beatson Road Roundabout to the Whakatu Drive / Annesbrook Drive Roundabout	Traffic (Nelson City) Notice 2000 No 59 page 1296. errata NCC Speed Limit Bylaw 2011
Waimea Road	300m north of its intersection with the northern end of Beatson Road to a point 130m West Tuckett Place.	Traffic (Nelson City) Notice 1 1992 No 114 page 2526

**SCHEDULE I - 80 km/h**

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
Main Road Stoke	From 100m southwest of Orphanage Creek to 100m north of the Salisbury Rd / Main Road stoke intersection	Nelson City Speed Limits Bylaw 2004 Amendment No. 4 errata NCC Speed Limit Bylaw 2011
The Glen Road	State Highway 6 to Athol Street	Nelson City Speed Restriction Bylaw 1998

**SCHEDULE J - 90 km/h**

There are no roads or areas subject to a speed limit of 90km/h.

**SCHEDULE K - 100 km/h**

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
Link Road	From Whakatu Drive to a point 60 metres from Whakatu Drive.	Traffic (Nelson City) Notice 2000

**SCHEDULE L – HOLIDAY SPEED LIMITS**

There are no roads or areas subject to a holiday speed limit.



**SCHEDULE M – VARIABLE SPEED LIMITS**

All variable speed limit in school zones (40km/h) to operate in accordance with the NZ Gazette 21/4/2011

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
Alton St	From the southern end to 70m north of Nile St	NCC Speed Limit Bylaw 2011
Baigent Road	First 30 metres from its intersection with The Ridgeway	NCC Speed Limit Bylaw 2011
Bronte St	From 47m west of Collingwood Street to Scotland Street	NCC Speed Limit Bylaw 2011 Amendment 1
Bronte St	From Nelson College for Girls to 36m east of Trafalgar Street	NCC Speed Limit Bylaw 2011 Amendment 1
Bronte St West	All of Bronte Street West	NCC Speed Limit Bylaw 2011 Amendment 1
Centennial Rd	First 59m from its intersection with Muritai St	NCC Speed Limit Bylaw 2011
Collingwood St	From 48m north of Manuka Street to 60m south of Bronte Street	NCC Speed Limit Bylaw 2011 Amendment 1
Examiner St	First 65m of Examiner Street west of Trafalgar Street south	NCC Speed Limit Bylaw 2011 Amendment 1
Exeter St	First 40m from its intersection with Nayland Rd	NCC Speed Limit Bylaw 2011
Fergusson St	First 44m from its intersection with Nayland Rd	NCC Speed Limit Bylaw 2011
Franklyn St	First 28m from its intersection with Vanguard St	NCC Speed Limit Bylaw 2011
Franklyn St	From 60m north west of Waimea Road through to its end, 210m south east of Waimea Road	NCC Speed Limit Bylaw 2011 Amendment 1
Hampden St	From 48m north west of Waimea Road to 73m south east of Ngatiawa Street	NCC Speed Limit Bylaw 2011 Amendment 1
Langbein St	First 33m from its intersection with Nayland Rd	NCC Speed Limit Bylaw 2011

RAD# 1571045

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
Lemari Ave	First 40m from its intersection with Main Rd Stoke	NCC Speed Limit Bylaw 2011
Main Rd Stoke	From 200m south west to 170m north east of the Main Road Stoke zebra crossing	NCC Speed Limit Bylaw 2011
Manuka St	From Collingwood Street to 55m west of Tasman Street (measured along Manuka Street southern boundary)	NCC Speed Limit Bylaw 2011 Amendment 1
Muritai St	From 83m south to 210m north of the Muritai St zebra crossing	NCC Speed Limit Bylaw 2011
Nayland Rd	From 140m south west of the southern zebra crossing to 180 north east of the northern zebra crossing	NCC Speed Limit Bylaw 2011
Ngatiawa St	Full length from Hampden Street to Van Diemen Street	NCC Speed Limit Bylaw 2011 Amendment 1
Nile St	From 99m west to 190m east of the Nile St zebra crossing	NCC Speed Limit Bylaw 2011
Norwich St	First 53m from its intersection with Nayland Rd	NCC Speed Limit Bylaw 2011
Ranui Rd	First 320m from its intersection with Main Rd Stoke	NCC Speed Limit Bylaw 2011
Rawhiti St	All of Rawhiti Street	NCC Speed Limit Bylaw 2011 and Amendment 1
Rui St	First 36m of west of Tahunanui Drive	NCC Speed Limit Bylaw 2011 Amendment 1
Rutherford St	From 78m south of Bronte Street west to 160m north of Bronte Street west	NCC Speed Limit Bylaw 2011 Amendment 1
Scotland St	From 25m north of Seymour Avenue to Bronte Street	NCC Speed Limit Bylaw 2011 Amendment 1
St Vincent St	From 25m south west of Totara Street to 40m north east of Totara Street	NCC Speed Limit Bylaw 2011 Amendment

<b>Road Name</b>	<b>Length</b>	<b>Authority by which the speed limit was set</b>
The Ridgeway	From 132 metres south to 151 metres north of the kea crossing between number 23 The Ridgeway and the Enner Glynn School	NCC Speed Limit Bylaw 2011
Tipahi St	From 42m south west of Tukuka Street to 50m south west of Motueka Street	NCC Speed Limit Bylaw 2011 Amendment 1
Tosswill Rd	First 40m from its intersection with Tahunanui Drive	NCC Speed Limit Bylaw 2011 Amendment 1
Totara St	All of Totara Street	NCC Speed Limit Bylaw 2011 and Amendment 1
Trafalgar Sq	First 77m of Trafalgar Square, north west from Examiner Street	NCC Speed Limit Bylaw 2011 Amendment 1
Trafalgar St South	From 45m south of Bronte Street to Trafalgar Square	NCC Speed Limit Bylaw 2011 Amendment 1
Tukuka St	From the north west cul-de-sac to 44m south east of Tipahi Street	NCC Speed Limit Bylaw 2011 Amendment 1
Van Diemen Street	from Waimea Road to 82m east of Ngatiawa Street	NCC Speed Limit Bylaw 2011 Amendment 1
Vanguard St	From 130m north east to 190m south west of the Vanguard St kea crossing	NCC Speed Limit Bylaw 2011
Waimea Rd	From 112m south west of Franklyn Street through to and including its intersection with Rutherford Street	NCC Speed Limit Bylaw 2011 Amendment 1
Wellington St	First 10m of Wellington Street north west of Rutherford Street	NCC Speed Limit Bylaw 2011 Amendment 1
Willow Ave	First 30m from its intersection with Ranui Road	NCC Speed Limit Bylaw 2011



29 July 2013

Kayleen Goldthorpe  
Nelson City Council  
PO Box 645  
Nelson 7040

Level 9, PSIS House  
20 Ballance Street  
PO Box 5084, Lambton Quay  
Wellington 6145  
New Zealand  
T 64 4 894 5200  
F 64 4 894 3305  
[www.nzta.govt.nz](http://www.nzta.govt.nz)

Dear Kayleen

### **Variable Speed Limits Consultation**

I am writing in response to your consultation on the introduction of variable speed limits around schools in Nelson. The NZTA supports activities to implement safe speed environments as this is a key outcome in the Safer Journey's road safety strategy.

We appreciate that you have also shared the technical report prepared by the Traffic Design Group as this provides the level of detail that we need to understand how the proposed changes align with the rule.

At present you are considering a variable speed environment around:

- Saint Joseph's School
- Nelson College for Girls
- Nelson Intermediate
- Nelson College
- Hampden Street School
- Victory School
- Tahunanui School

We note that under section 3.2.5 of the Setting of Speed Limits, 2003 (the rule) that Nelson City Council (NCC) may implement these changes. However, the NZTA encourages Nelson to consider the following inputs into the proposed implementation plan.

1. Introducing measures around schools where mean and 85<sup>th</sup> percentile speed are already in line with the proposed speed environment may not deliver benefits required to satisfy the NZTA's value for money principle. NCC should review if measures are required or whether it might be appropriate to undertake implementation from the unsubsidised programme.
2. To comply with the rule the NZTA expects that electronic variable speed signs would be introduced. This increases clarity around the operation of the variable speeds
3. Where variable speed areas are implemented that do not fully comply with the rule the rationale for doing so should be clearly documented in the council bylaw and additional consultation with the police should be undertaken to ensure that the signs are enforceable.

The NZTA agrees with the proposed time extension request for the implementation of Nelson Intermediate, Hampden Street School/Nelson College and Victory School as the intent here is to decrease the severity of any crash with a vulnerable road user. We also strongly support some physical traffic calming measures at this site and also around the Victory School appear warranted as there are

RAD# 1563829

operating speeds well in excess of the proposed 40 km/h speed environment. Our Highways and Network Operations Group would like to work closely with you on the SH6 implementation (Tahunanui school).

We look forward to working with you to introduce an effective safer speed environment around schools in the city. Thank you for consulting us in this process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Hookham', written in a cursive style.

**Peter Hookham**  
Planning and Investment Manager Wellington

## The Brook Area Walking and Cycling Improvements

### 1. Purpose of Report

- 1.1 To consider the revised proposals for Walking and Cycling Improvements within the Brook area.

### 2. Recommendation

***THAT the report The Brook Area Walking and Cycling Improvements (1561385) and its attachments (1483637, 1576195, 1563202) be received;***

***AND THAT Council notes the three main areas of concern raised in the engagement, namely:***

- ***Loss of parking outside the Brook Street Store and on Manuka Street***
- ***Potential for conflicts with pedestrians on the shared paths***
- ***Operation of the Manuka Street/Tasman Street intersection***

***have been addressed in the revised proposals shown in 1563202;***

***AND THAT a second round of engagement with the Brook area community be undertaken during September 2013 with the results reported back to Councillors via the Chief Executive's Newsletter.***

### 3. Background

- 3.1 The Brook area was part of the original application to NZTA for R funding for improved walking and cycling facilities. These proposals are focussed on improving the journey to school for both walking and cycling.
- 3.2 The draft proposals circulated in May 2013 are shown in Attachment 1 and will be displayed at the Council meeting. The main elements were the construction and designation of various 3m wide footpaths as shared

paths for pedestrian and cyclist use on Brook Street, Manuka Street and Nile Street. This required the removal of some parking in Brook Street and a reduction in the number of parking spaces in Manuka Street. It was also proposed to designate Harper Street and Brook Street/Westbrook Terrace south of Seymour Avenue as "Cycle Friendly routes" through signage. Additionally it was proposed to remove the existing roundabout to install priority control on Manuka Street. Vehicle speeds at this intersection were proposed to be controlled by installing a raised table at the intersection.

- 3.3 In conjunction with this work it is intended to upgrade the road pavement and install kerbs where they are missing on Tasman Street, between Nile Street and Bronte Street.
- 3.4 The draft plans were circulated to all residents and businesses in April and May, 82 responses were received, together with 2 petitions and a community organised meeting with approximately 70 attendees.
- 3.5 A summary of the responses is included as Attachment 2. The two petitions received were from:
- 22 residents of Harper Street (including 2 from Cleveland Terrace) objecting to the designation of Harper Street as a cycle friendly street to encourage its use by cyclists from the Maitai pathway to the Brook.
  - Approximately 630 residents and users of the Brook and surrounding areas signed a petition at the Brook Street Store objecting to the removal of 2 of the 4 parking bays opposite the store. They consider the parking too valuable and convenient to be lost.

Copies of the petitions will be available in the Councillors' Lounge prior to the meeting.

- 3.6 These responses focussed on three key areas:
- Loss of parking outside the Brook Street Store and on Manuka Street
  - Potential for conflicts with pedestrians on the shared paths
  - Operation of the Manuka Street/Tasman Street intersection

## **4. Discussion**

### **Public Response**

- 4.1 The strongest messages received from the submissions were:
- The loss of parking both on Manuka Street and Brook Street, is not supported due to the inconvenience and impact on the hospital,

hospice and store. Both these proposals have been deleted from the project.

- There is widespread support for improvements to cycling and walking facilities in the area. However, shared paths are not widely supported due to the risk of pedestrian/cyclist conflict and cyclist/car conflict at the numerous driveways. There is a concern mountain bike cyclists will use the shared paths at speed. The feedback from the community indicates concerns the shared path has been proposed to accommodate existing cyclists, specifically mountain bikers using the trails in the Brook Valley. This was not the case, the paths were proposed to provide an off road facility to encourage unconfident cyclists to use the paths to cycle to school and into the CBD. The residents have not given their support for these paths; consequently the shared paths on Brook Street and Manuka Street have been removed from the scheme. In order to achieve the objectives of the proposals as described in 3.1 above and responding to advice given by the residents that the east/west links are more important than the north/south links for school children, the proposals have been revised to focus on providing east/west links, with Willow Walk providing the north/south link.
- The hospice has strongly disagreed with the proposal to construct a raised table to slow traffic speeds at the intersection of Manuka Street and Tasman Street. They are concerned it will cause discomfort to their patients. The design for the intersection is being changed to remove the need for the raised table.
- A number of responses highlighted the need for a crossing point on Brook Street between Bronte Street East and Moorhouse Avenue to provide safer crossing for the schoolchildren using the popular route via the Bronte Street East bridge over the river to reach Willow Walk.
- The use of Harper Street by more cyclists is not supported by the residents due to their concerns about the safety issues on this narrow street which has only one footpath. The improved cyclist signage on Harper Street has been removed from the scheme. Harper Street will, however, still form a signed link for the Dun Mountain Trail which is part of Nga Haerenga, the New Zealand Cycle Trail.
- Other features that have been removed from the scheme are: the planting of trees on the north side of Manuka Street; the Give Way sign on Cleveland Terrace and the raised tables at the intersections of Moorhouse Avenue and Rata Street with Brook Street.
- There were extensive comments regarding the cycling behaviour of bike track users which have been passed on to the Police for enforcement.



- Complaints have also been received regarding the parking associated with the Codgers Track in the residential area at the start of the track. This is being addressed in a separate project being developed.

### **Revised Proposal**

- 4.2 The above feedback has helped refine the proposals as shown in Attachment 3.
- 4.3 The proposed features that remain the same are:
- The designation of shared paths on Nile Street between Domett Street and Alton Street including a pedestrian refuge on Nile Street to the east of Harper Street;
  - An intersection upgrade at Manuka Street/Tasman Street, however, the proposal to install a raised table at this location has been removed;
  - Improvements to pedestrian visibility and access at the intersection of Westbrook Terrace, Seymour Avenue and Brook Street;
  - The use of the "share with care" message through signage on Brook Street south of Seymour Avenue and on Westbrook Terrace
  - Road and kerb upgrade on Tasman Street between Nile Street and Bronte Street East.
- 4.4 The new features of the proposals are:
- The upgrade of the east/west links including minor modification to the handrail on the two bridges at Manuka Street and Bronte Street East to improve their use by cyclists,
  - The intersection of Domett Street with Nile Street will be narrowed to improve cyclist and pedestrian visibility;
  - Work will be undertaken on Willow Walk to improve its width and quality, this may include the use of school land;
  - Bronte Street and Manuka Street foot bridges will have minor modifications to be more cycle friendly, to link in with the footpath from Bronte Street East to Willow Walk;
  - Brook Street and Westbrook Terrace from the intersection with Nile Street to south of Blick Terrace will be designated as a vehicle/cycle "Share with Care" area by messaging using signage and road markings;
  - The intersection at Manuka Street and Tasman Street will still be upgraded. The current roundabout will be increased in size to

improve its visibility and encourage slower through traffic speeds on Tasman Street;

- A pedestrian refuge is proposed on Brook Street to the south of Bronte Street East. This will encourage slower vehicle speeds along that section of Brook Street and will provide a safer crossing place for schoolchildren to access the link to Willow Walk.

- 4.5 This project is scheduled for construction in 2014/15 therefore construction cost estimates are required in October for inclusion in the Annual Plan.
- 4.6 After the Council meeting officers will engage with the residents and businesses directly affected by both the original and the revised proposals and will report this feedback to Councillors. The feedback, (assuming it is mostly affirmative) from the second round of engagement would be communicated via the Chief Executive's Newsletter.

## **5. Conclusion**

- 5.1 The community have made it very clear they do not support parts of the original proposal. This feedback has formed the basis of the development of the revised proposals which still achieve the original objective of improving the walking and cycling facilities in the Brook area, particularly for the school journey
- 5.2 Approval is sought from Council for officers to engage with the community to circulate the revised proposal to the wider community and to report that feedback to Councillors via the Chief Executive's Newsletter.

Rhys Palmer  
**Principal Adviser Transport and Roading**

### **Attachments**

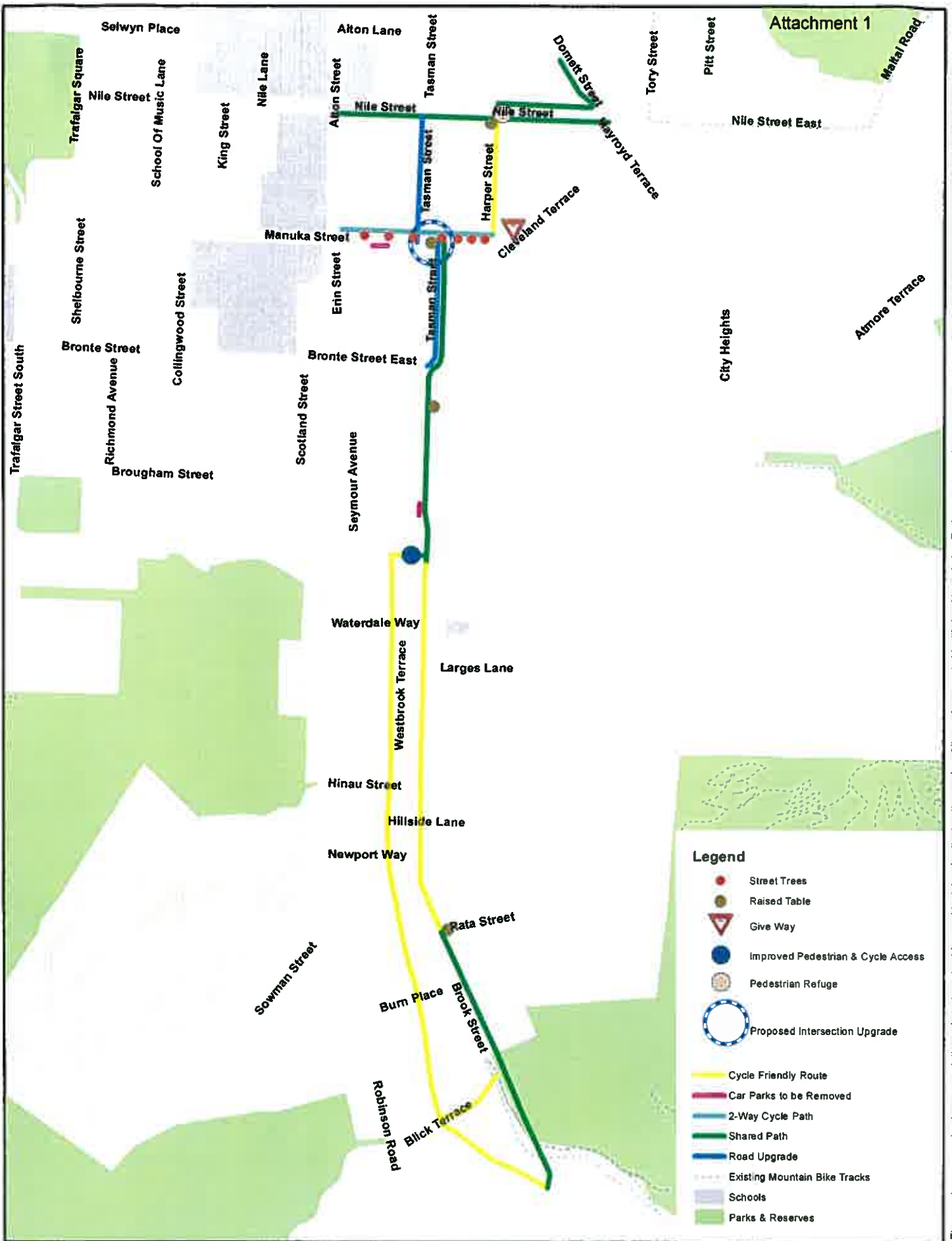
Attachment 1: Plan of proposals as circulated to residents in April/May 2013 ([1483637](#))

Attachment 2: Summary of submissions [1576195](#)

Attachment 3: Plan of revised proposals [1563202](#)

Supporting information follows.

<b>Supporting Information</b>	
<b>1. Fit with Purpose of Local Government</b>	These facilities will improve pedestrian and cycling facilities and is in line with Council's role in providing good quality local infrastructure.
<b>2. Fit with Community Outcomes and Council Priorities</b>	This project aligns with Council's priority to improve pedestrian and cycle safety in the City.
<b>3. Fit with Strategic Documents</b>	The improvement in pedestrian and cycling facilities aligns with the Transport Activity Management Plan 2012 and the Regional Land Transport Strategy 2012-2015.
<b>4. Sustainability</b>	The facilities will promote the use of sustainable forms of transport.
<b>5. Consistency with other Council policies</b>	No known consequential inconsistencies with other Council policies.
<b>6. Long Term Plan/Annual Plan reference and financial impact</b>	Funding allocated in Years 1-3 of the Long Term Plan 2012/2022
<b>7. Decision-making significance</b>	This is not a significant decision in terms of the Council's Significance Policy.
<b>8. Consultation</b>	Initial engagement with the Brook Area residents and businesses has been undertaken. This report takes the response into account.
<b>9. Inclusion of Māori in the decision making process</b>	Maori groups have not been included specifically in the engagement.
<b>10. Delegation register reference</b>	This is a Council decision.



# BROOK STREET to CODGERS TRACK

## PROPOSED CYCLE CONNECTIONS



Scale 1:8,000



April 2013

PDF RAD#1483637

The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council Information: Increased under a Creative Commons Attribution-NonCommercial-ShareAlike license.

**The Brook Area - Summary of Responses May-June 2013**

		<b>Address</b>	<b>Contact</b>	<b>Summary of comments</b>
1	ATAG feedback form	Nelson Mountain Bike Club	Chris Mildon - President 021 2309120	This is the most commonly used route to get from the city to the start of the Dun Mountain Trail and the Codgers MTB Park. The provisions detailed here look good, but we would suggest extending the shared path past the Dun Mountain Trail entrance, past the entrance to Blick terrace, past Betsy Eyre Park and on to the entrance to the river track (on the left) just before the road crosses the Brook Stream. This entrance to the lower trails of the Codgers MTB Park and the Andrews Farm area is heavily used and may benefit from the same treatment as the rest of the Cyclelanes Project shown. We also really applaud the push to look at this particular project as safely feeding cyclists to and from this area can only be a good thing for Nelson.
2	email	Cycle Trust	Peter Pattullos	Space more of an issue
				Similar aspects from above can apply here too
				I think shared paths are needed going up and down the brook
				But best option maybe substantial shared path so as to encourage all and sundry to get on their bikes and have no on road cycle lane
				Competent cyclists doing the Dun can use the road, less car traffic up here too.
				Tourists who are not so familiar or confident can use the shared path
3	email	Bicycle Nelson Bays	Chris Allison	Brook St
				Nile St section - good, was felt that ped numbers are low here (especially on the north side) so shared path will work fine.
				The proposal's preference for routing through the shared zone of Harper st is seen as fine (watch for potential pinch point at curb build-out for cyclists going west on Nile into the Nile/Tasman roundabout)
				Strong support for raised platforms at various points on Brooks st/Westbrook to keep traffic speeds down. Suggestion for similar treatment at east end of Blick Terrace and Blick/Westbrook intersection.

				Reworked intersection at Manuka/Tasman/Brook supported (watch for tight shared space on SE corner. If both Harper st and Manuka st between the ford and the new intersection are shared/home zone, what about east end of Manuka st between new intersection and Harper st? This makes for a whole shared/home zone.)
				Some questions about the inconsistency in approach to cycle facilities on Brooks St and on Westbrook - on Brook st the route changes from shared path to dedicated on-road cyclelane to shared path, not seen as ideal but no clear alternative arose. It was accepted that there is a degree of shared path use already on the footpath near the start of Codgers.
				Some unease over treatment of the northbound route down Westbrook: the expectation that MTBers off codgers will use the south end of the shared path as far as 95 Brook st then use the culvert crossing to enter Westbrook - likely many will continue to use Blick Terrace to enter Westbrook - this section of Westbrook has no cycle lane. Useful therefore to have the raised platform treatment at Blick/Westbrook intersection to slow traffic, plus 'watch for bikes' signage.
				At the north end of Westbrook, the facility goes from a dedicated on-road cyclelane to what was felt to be a very narrow shared path - doubts about this, especially as many riders will remain on the road over this short stretch. (Shared path looks very narrow on the map but actually this is 2.4m so fairly wide. If there is this much space why not continue and on-road cyclelane, although this probably results in minimum footpath and cyclelane widths (which maybe underlines the issue of asking the same space to serve both)
4	through BNB	Resident: Brook/Manuka st who regularly walks and cycles	Chris Allison	I think that shared pedestrian/cyclists paths are problematic. Especially for the Brook st area. Most cyclists (need a survey done?) are going fairly quickly to the mountain bike park. If they were on the same path as walkers, runners, kids on scooters, reversing cars from driveways, etc an serious accident would happen at some time.20kph cyclists do not mix with these other users.
				I wouldn't use the path, and I guess many others wouldn't. Likewise mixed use paths for commuter routes don't work. Just as car drivers are focussed on getting to work and hate being slowed for anything - lights, road works etc, so are cyclists focussed and want the quickest shortest route. That is why people cycle on Main road Stoke instead of using the railway reserve or Wakatu Drive tracks - they both take considerably longer to get from Nelson to Richmond. You can't have commuters on bikes (road bikes at 30 plus kph?) using the same path as children going to school. I was confused going up Vanguard st a couple of days ago - cycle route on the road and pavement? When overtaking pedestrians I and another cyclists swerved onto the road, and then back onto the path - not safe for anyone unless you are careful!

				Council need to get on their bikes (if the cycling officer doesn't ride then she should) and see how it is hard for cyclists to slow down/ speed up again, especially if it is windy. It uses quite alot of effort to get the legs spinning again, so we will do a lot to prevent yo-yoing speeds.
5	Visit/interview 26/3/13	Nelson Tasman Hospice, 46 Manuka ST, 7010, PO Box 283, Nelson 7040, 5463914/0277039 147	Frans Dellebeke, Chief Exec 5463950, frans.dellebeke@nelsonhospice.co.nz	Showed Franz the detailed plan of Manuka St, discussed issues of parking being removed, he indicated they would have a problem with that. Most of their nurses 8-9 of them are on site between 8.30and 9.00 and again at 3pm-4pm. Capacity of 10 patients, 5 staff plus admin staff. Parking is very important as many visitors are very emotional and upset. He did mention that they may be able to rationalise some parking on site near the garages on Tasman St. I left a copy of the plan with Frans, he was going to present it to his board meeting that week. I clarified that they were draft plans, we were consulting to get feedback and identify issues that need to taken into consideration in the final proposals, obviously parking is the biggest issue for them. He supported the changes to the intersection to slow vehicles etc. Did not think noise would be an issue with the raised table.
6	Visit/Interview	Manuka St Trust Hospital, 36 Manuka St, Nelson 548 8566, administration@manukastreet.org.nz	Margaret Gibb 5488566	Showed Margaret the plans and we walked out into Manuka St. She suggested they may be able to help with the parking issue , as they are about to formalise parking on one of the adjacent vacant blocks that they own. Staff would be able to park there. Support continued use of Manuka St by the bus . 9 May 2013: written feedback recieved from Margaret (after talking to The Board) tardis 1511637
	Meeting 17th May 2013	Nelson Hospice & Manuka St Hospital Margaret Gibbs, Manager Manuka St Hospital and Frans, CEO of Hospice.	Margaret Gibbs Frans Dellebeke	Talked through the proposals and listened to their feedback. Both Boards are opposed to the loss of parking (already oversubscribed and getting bussier, they park on the grassed area. Don't want to lose any parks, have day surgery patients that need to park close by). Frans thought we could work with the Board to develop the raised table to minimise the 'bump' for the hospice patients. Both support improving safety at the intersection at Manuka St. Margaret: Surgical bus that comes once a month uses the width of the road to get in and out - felt that reduced width would compromise that. Ford/Bridge is a safety issue for cyclists and pedestrians as quite difficult to see them.
	Letters 1511637(9th May 2013)/(1533583 (10th June 2013)	Manuka St Trust Hospital, 36 Manuka St, Nelson 548 8566, administration@manukastreet.org.nz 1533583	Margaret Gibbs.	Do not agree with the changes to Manuka St, parking and trees. Volume of traffic created by the Hospital does not create safe environment for a dedicated cycle pathway especially when children are the predominant users. Fully endorse the upgrade of the Manuka ST intersection, it is dangerous as it currently stands. Welsome any initiatives that stops pedestrians, including children using the Ford, poor visibility of walkers etc . No empirical evidence to justify the proposal. Have provided details of the 18m surgical bus that arrives every 3 months, need manouevring space, must be taken into account in the design on Manuka St and at the roundabout.

	email 1553706 - 27th May 2013	Nelson Tasman Hospice, 46 Manuka ST, 7010, PO Box 283, Nelson 7040, 5463914/0277039 147	Frans Dellebeke, Chief Exec 5463950, frans.dellebeke@nels onhospice.co.nz	1. Oppose any loss of parking spaces, they expect to need more spaces as patient numbers have doubled since 2011. Will be introducing Day clinics and respite care which will intensify parking demand. 2. Raised intersection at Manuka St /Tasman St is of some concern as it may affect patient comfort when being transported to Hospice, suggest a 2 or 4 way stop with a fixed camera.
7	Visit Interview, phone call on 1/5/13. Petition : 1511603 and 1516047	The Brook Store	Martin Mead, owner, operator, 548 3257	Opposes loss of parking bays outside/opposite the dairy, have already lost a number, dairy relies on parking for the convenience of its customers. Suggest the design of the cyclepath is changed to emerge off the footpath further north to avoid losing the parking bays, safer location.
8	Message on phone	Resident: 5468485	?	Opposes the proposals
9	Phone call.	Resident: 15a Harper St	Nick James	Thinks the plans look good but thinks there should be yellow lines up the western side of Harper St to limit parking to the east side. If we increase the number of cyclists it will be too tight with parking on both sides.
10	Phone message, returned call and left message. Spoke to Mike 29/4/13	Resident: 88 Westrooke Tce, 5466465	Mike Addison-Saipe	Wants to know what will be done about cyclist who rides on a daily basis up Westbrooke Tce the wrong way with a headlight on dazzling oncoming traffic. Mike would like our feedback on that issue because it is not a cycle friendly street. Spoke to Mike, 28/04/13- its the cyclists riding northbound on Brook St from Codgers north bound, some go over the bridge north of Rata St, others continue up Brook ST the wrong way. When riding in 'packs' they take up the whole road, can dazzle traffic going right way and can be abusive to car drivers. Suggested there needs to be an education programme.
11	Phone call	Resident: 35 Manuka St , 5489072	Mark Allen	Mark opposes street trees on the north side of Manuka St, particularly deciduous trees due the mess, if trees have to be put in for beautification then he would prefer Kowhai etc which do not make a mess. Would question the gain against the cost of street trees. Supports waking and cycling improvements, is concerned about the reduction in parking but doesn't like the introduction of commercial uses into the residential area so does not mind if they have a parking problem.
12	EMAIL 1501461	Resident: 62 Manuka St	Darren and Michell Wintour	Supports the project but worried about reduction in parking on Manuka St



13	email - 1501768 Met Thomas on site to discuss issues.	37 Brook St	Thomas Koed	Various issues regarding parking in this section of Brook St between 33-37. Footpath and road are very narrow, parking is at a premium as do not have off street parking, suggests the cycle facility is left on the road further north, path will create hazards, suggests widening over the stream as an option, Thinks the route from the Brook down Harper St to Nile St and the Maitai Walkway does not serve the residents of the Brook but does suit commercial operators of cycle tourism. This should be stated.
14	email - 1501769	2/135 Tasman St	Valerie Stirling 0211268557	Thinks proposals are wonderful, but is a cyclist and is not sure about shared paths on Tasman St and does not support changes to roundabout, thinks it should be a larger roundabout.
15	S/R 210757 and 1556910	16 Rata St	Caroline Donovan 545 9318	Spoken to Caroline, she is concerned at the raised table at the end of Rata St, and feels the cycleways will only cater for mountain bikers at expense of pedestrian safety. She mentioned that Martin at the shop is getting a petition together about the loss of parking bays outside the shop. Discussed that the overall project was for school kids, unconfident cyclists etc. She remained unconvinced!. She has also sent letter in , supports aim of improving road use for cyclists but does not feel proposals help, felt we should improve facilities for walking first.
16	s/r 211272, RAD 1502193/1502803	Westbrooke Tce	Alex Thompson [Alex.Thompson@mpi.govt.nz] 0210774204	Supports proposals but would like some speed control introduced on Westbrooke Tce/Brook St.
17	Submission - rad 1502821/1557378, Reply - 1502822	Harper St	John Higginbotham	Concerned about use of Harper St, lots of kids now, near misses with cyclist already, will only get worse, only footpath on one side, narrow road. Childrens playing or just coming out of gates have to be aware of cyclists who can be quiet. Has suggested widening Tasman St over the stream to provide more room there and use Tasman St for cycling. Has compiled petition of 20 residents against encouraging use of Harper St by cyclists.
18	Counter and letter from Carllen and Adele Larson 1557305	5 Burns Close	Carleen Trewavas	Initial comment is that all the side roads off Westbrooke Tce have not been consulted. Drainage at Moorhouse Av raised table, should cover in the creek and put cyclists down the centre. Longer submission received, Too icy in Manuka St to introduce more trees and shared paths, suggests retain the parking on Manuka St, suggests mirrors at the intersection of Manuka St and Tasman St, no to raised table at Moorhouse Ave due to drainage. Suggests mirrors at the intersection of Manuka St and Tasman St, no to raised table at Moorhouse Ave due to drainage . Suggests covering the Brook to create more space. Cyc;ist education required, signage will not really help, require parking at Blick Tce, bells on bikes, concerns for safety of children using the Ford on Manuka St
19	Web feedback	Andy High, 43 brook Street 0274954234	<a href="mailto:andy.high@opus.co.n">andy.high@opus.co.n</a>	Brook Street & Tasman Street cycle & street upgrades:

				Generally a good scheme which has emphasis on off-road facilities at the expense of on-road cycling. However, I have concerns regarding the area around the Seymour Street Bridge. There is a lack of width for vehicles turning left to head north on Brook street as they come off the bridge. The new shared path is not proposed to be wider than the existing footpath at this point and vehicles heading south up the brook have to hug the kerb to avoid vehciles turning north off the bridge. More detail is needed on the proposed new footbridge here too. The ROW accessing 43A Brook Street has broken kerb and sunk pavement just where the shared path ends.
				Is there any provision for ensuring that there is adequate visibility for vehicles exiting driveways to ensure that cyclists and peds can be seen?
				Shared paths always have problems with peds walking full width and cyclists surprising peds - will there be line-marking delineation between the users or signs advising Keep Left?
20		Road Transport Association, Private Bag 72008, Richmond 5464829/0274752 817	Derek Nees	Brook Street area
	1504634	<a href="mailto:derek.nees@tnl-group.co.nz">derek.nees@tnl-group.co.nz</a>		<ul style="list-style-type: none"> <li>• Main truck need is construction vehicles but there is a reasonable construction vehicle demand in the Brook area with new subdivisions etc</li> </ul>
				<ul style="list-style-type: none"> <li>• Thought trucks would be ok with the turn from Tasman Streete to Manuka Street with the intersection layout shown</li> </ul>
				<ul style="list-style-type: none"> <li>• Agrees the deliveries to the Hospitals are generally smaller vehicles</li> </ul>
				<ul style="list-style-type: none"> <li>• Agreed there should be no significant truck demand to Manuka Street east of Tasman Street</li> </ul>
				<ul style="list-style-type: none"> <li>• He had read the article about the Tasman Street dairy, and agreed with the dairy owner, re loss of parking, and over the years thinks parking has been removed outside the dairy.</li> </ul>
				<ul style="list-style-type: none"> <li>• He had a general comment that loss of parking is an issue. He disagrees with removal of too much parking around town in general</li> </ul>

21	1557388/1557389, spoken to Kayleen	28 Nile St	Margaret and Arthur Middleton	Main concern is with the shared cycle path on the south side of Nile St, visibility of cyclists from garage would be difficult. The two heritage trees shed branches and one is a ginkgo which sheds fruit and leaves making the footpath slippery
22	Phone call	126 Brook St, 5390910 (?)	Judy Scurr	Cyclists currently park in front of her house early on weekend mornings, they come down off the mountain bike tracks too fast and continue cycling like that up Brook St, ride 6 abreast up Brook St, noisy, leave bikes all over footpaths and front gardens, rubbish bins overflowing, need changing facilities and toilets, intrusive to residents, bus can't stop outside 126 Brook St due to parking. Parking needs to be managed, Betsy Eyre Park is being torn up by parking. Need to look at weekends as well as for schoolchildren.
23	phone call	41 Sowman St, 5488753	Angela Craig	Supports scheme, currently uses the footpath in Seymour Ave to get to Central school, can be difficult to cross Scotland St. Don't really want to lose parking in Manuka St but would prefer the shared path, no problem with loss of parking at the Dairy. Need bike stand at the dairy, and extra yellow lines in Tasman St on the approach to Town. Need pram crossings on the footpaths on the bridges, and need to improve the accessibility on Seymour Bridge.
24	phone call	5467221	Belinda Davis	Speed through the Tasman St/Manuka St intersection is a problem, width of Manuka St for all the different users, car parking issues, ice and frost on north side of Manuka footpath.
25	Email - dated 7th May 2013 1556857	helen.hamberg@gmail.com, 8a Sowman St	Helen Black	Asked number of questions/request further information re designs and protocol of Shared path use, minimum widths of shared paths, cycle friendly routes, details of raised tables, any Betsy Eyre Park proposals, width of mobility scooters, what will be achieved allowing more bikers to share footpaths. Very concerned about the shared use of footpaths, some are too narrow already for pedestrians, concerns regarding overall development of the valley. Need cyclist education to improve cyclists behaviour.
26	Phone call and letter 1515471	6 Moorhouse Ave	Brenda Preece	Intersection of Moorhouse Ave and Brook St is a blind corner, vision to right needs improving, lots of kids and elderly cross Brook St between Bronte St and Moorhouse Ave. Require cyclist education.
27	Email - see RAD 1531869	St John Ambulance Assoc	Gary Tobin	I have had absolutely no feedback from any of my staff despite having sent the request to all. On that basis I can say that I have no hesitation in endorsing the council plan from an ambulance perspective.
28	submission 1523369	10 Harper St	Julie McIntosh 5488549	Opposed to cyclists being encouraged to use Harper St, suggest Tasman St is more appropriate.
29	1536053	nzlyndon@gmail.com	Lyndon Chandler 5479777	Supports the changes but is concerned about the parking around Betsy Eyre Park

30	1536054	<a href="mailto:the.sollys@xtra.co.nz">the.sollys@xtra.co.nz</a>	Jane Solly 5489508	Fully supports improvements to make it easier for children to walk/cycle/scooter to St Jo's and Central Schools including removal of parking spaces. However has some concerns: Manuka St path is slippery in winter, trees will add to danger. Concerned about cyclists on shared path and reversing vehicles.
31	email - see RAD 1536511	<a href="mailto:freyas@nelsoncentral.school.nz">freyas@nelsoncentral.school.nz</a>	Nelson Central school - Freya Sonneland- Acting Principal	Nelson Central School is in support of the changes you have proposed. We are very concerned about the safety of our children, especially along Nile Street and coming from the Brook. The proposed changes should provide much safer routes to and from school.
32	email 15379994 / 1556948	<a href="mailto:mandy@kinect.co.nz">mandy@kinect.co.nz</a> , 10 Westbroke Tce	Mandy Blades	Concerned about Willow Walk, should be upgraded, and used only for pedestrians
33	email 1537992	<a href="mailto:g.h.mcdonnell@clear.net.nz">g.h.mcdonnell@clear.net.nz</a> Moorhouse Ave	Helen McDonnell	Need safer crossing of Brook St to reach the Dairy , suggests move raised table from Moorhouse Ave to across Brook St.
34	letter 1537996	63 Brook St	C.I.St Johanser	Would like comprehensive study done of the projected traffic flows to cover all developments in the Valley before any changes are made. Would like letter to Police to be a public letter. NCC should enforce parking by laws in Betsy Eyre Park.
35	email 1537598	<a href="mailto:john@granthunt.co.nz">john@granthunt.co.nz</a> Moorhouse Ave	John Douglas	In favour of the proposal, but would prefer a mirror at the blind spot on Brook St
36	email 1537597	A4A forum	Sarah Downs	Forum felt the cyclists were being treated well, but pedestrians being overlooked, feel changes in cycle facility designs will be confusing for vulnerable pedestrians. Main concern is loss of parking at Dairy. Support upgrade to Tasman St.
37	letter 1537594	<a href="mailto:maunka33@yahoo.com">maunka33@yahoo.com</a> 33 Manuka St	Sharon Wright	Does not see the need for a shared path on Manuka St, objects to planting trees on Manuka St due to loss of parking spaces, leaves, shade, etc. Objects to loss of parking through shared path on Manuka St, thinks the current roundabout works well at Manuka St, raised table would be noisy especially at night.
38	email 1516520 and 1556939	<a href="mailto:mturnernz@yahoo.co.nz">mturnernz@yahoo.co.nz</a> 169 Tasman St, 539 4381	Mark Turner and Annette Win	Support cycling initiatives. Considers the traffic on Tasman St needs to be slowed down before it reaches the raised table, northbound. Concerned about shared path being hard up against the boundary as they have to reverse out of the driveway, very restricted visibility. Interested in the details of the drainage for the street upgrade.

39	email. 1549726	<a href="mailto:bill@billrevelldesign.co.nz">bill@billrevelldesign.co.nz</a> 4 Charlotte St, 5391060/0210531 219	Bill Revell	In favour of developing a comprehensive cycling network, but considers the proposals to be fragmented/incoherent. Does not support the use of shared paths. Too much signage required, can develop a comprehensive system on road or dedicated cycleways.
40	Discussion	124 Nile St	Marianne Rendle	Discussion regarding drainage issues
41	email	<a href="mailto:rob.s.mckenzie@gmail.com">rob.s.mckenzie@gmail.com</a> 66Bronte St	Rob McKenzie	Well thought out plan, but need to include parking on one side of Tasman St between Hardy St and Bridge St in the future
42	letter to Cllr Davey 1556390	13 Hillside Lane ,The Brook 7010	Karen Wood.	Concerned at Stop-start nature of the shared path. Codgers Track should be pedestrian only
43	S/R213873, RAD 1512424	43 Brook St	Ali Birtwistle	Concerned too many different types of facilities, supports footpath on Tasman St, would prefer good on road cycle facility.
44	S/R 213500 Rad 1511301	5 Charlotte St	Bernadette Power	Supports changes but would like no raised table at Moorhouse Ave and better vision to right here
45	1557262	65 Manuka St	Tom and Liz Gavin	Like overall initiative, have concerns about existing speeds through the Manuka St /Tasman St intersection. Support trees on Manuka St.
46	1557279	15 Burns Place	Peter Lucas	Doesn't support cyclelanes, supports more off street parking at Blick Terrace, needs parking restrictions on Brook St near Blick Tce
47	155294	St John's	Matt Wikinson	None of the proposals will significantly affect their capacity to respond in the area.
48	SR 211507 Rad 1503069	132 Brook St	Roger Chapple	Met on site with Kayleen, discussed the parking around start of Codgers, mainly on both sides of the street in front of residences, noise, and narrowing of road for emergency services. Would like parking restrictions, residents parking, and parking provided down at Betsy Eyres Park.
49	1557378	588 Brook St	Donna Butler	Thinks changes are a great idea, but thinks the plan should include a review of other developments planned for the Brook Valley. Suggests the shared path needs to be widened and started earlier, the Seymour Ave Bridge is too narrow, needs to be widened, Betsy Eyre Park needs to be formalised, and needs bike access (plus vehicles) through from Bishopdale.

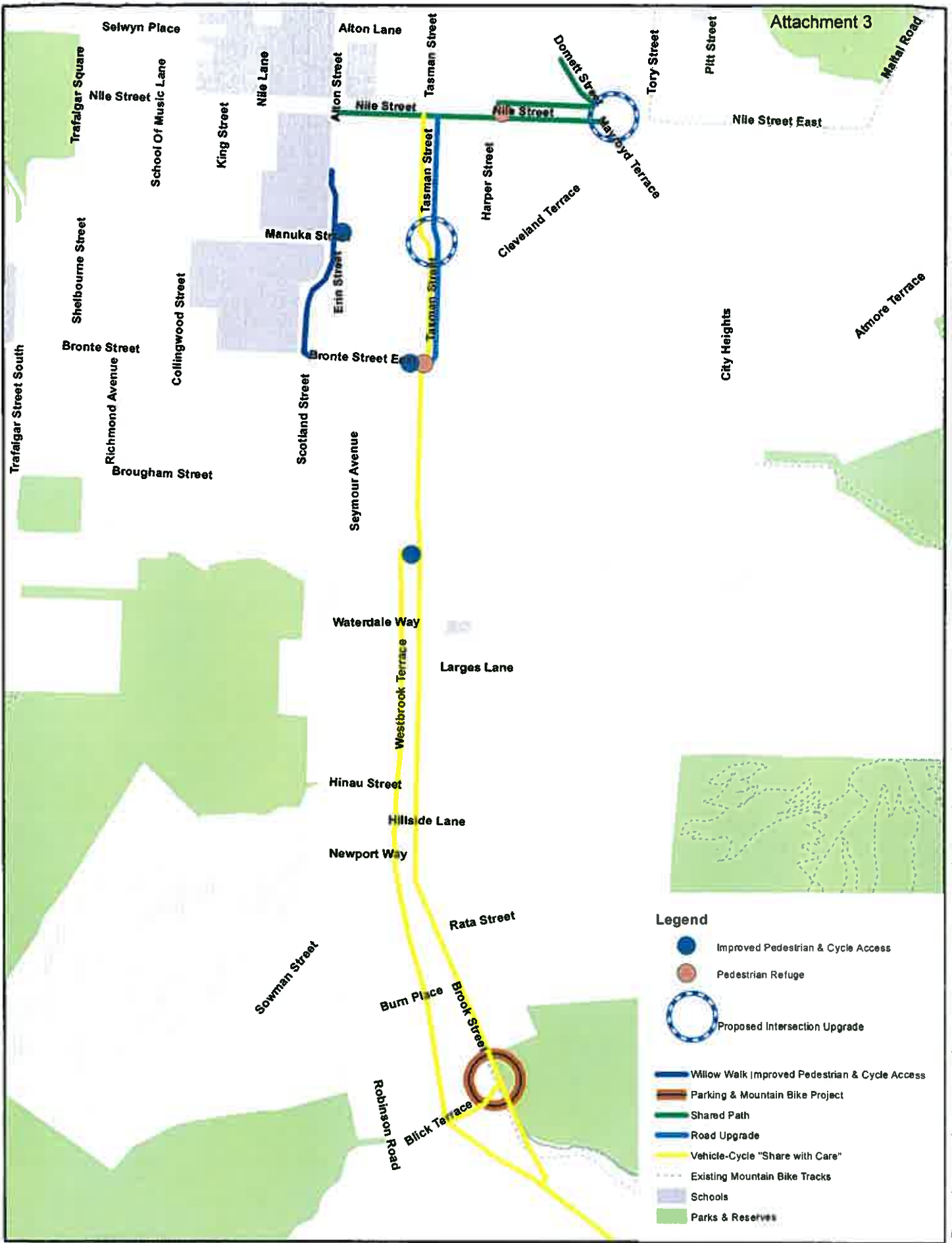
50	1502181	2/138 Nile Street	Bill Black	Would like parking restrictions outside his property on Nile St.
51	1557386	Charlotte St	Kevin Neilson	Concerned about raised table at Moorhouse Ave, due to flooding issues which may affect an underground transformer. Happy for roundabout at Manuka St to be removed.
52	phone	47a Dommett St	Susan Gibson	Blind corner at Dommett/Nile, lots of elderly in the area and they would not see a cyclist .
53	Phone-5488753	41 Sowman St,	Anna Craig	Supports cycling to Central school, currently use Seymour Ave, would like a better crossing at Seymour/Westbrooke. Manuka St will be difficult to park with loss of bays, but would prefer a shared path, no problem with loss of parking at dairy. Would like to see yellow lines on Tasman, St on left side of Tasman /Manuka. No problem with loss of parking at Dairy, would like better bike stand there. No pram crossings on bridges, need to upgrade and accessibility on Seymour.
54	Phone	135 Tasman St	Jane Teasdale	Would like Tasman St one way, too narrow for residents to park, need residents parking due to students parking
55	Met on site 1527715	127 Brook St	Richard Brown	Met on site with Kayleen ( see Roger Chapple above)Supports cycling initiatives but thinks proposals favour mountain bikers and will not benefit residents. Brook St is too narrow, unsafe parking and high speeds. Lack of parking near shop.
56	S/R 213025	13 Charlotte St	Barbara Lloyd	Supports plans but not raised table at Moorhouse. Visibility is terrible and would prefer a crossing on Brook St to get kids across to Central school safely.
57	phone 5467221	39 Cleveland Tce	Belinda Davies	Concerned about the speed on Tasman St through the intersection with Manuka St, north side of Manuka St is very frosty, additional trees will make it worse and slippery , concerned over loss of parking on Manuka St.
58		<a href="mailto:brucenelson02@gmail.com">brucenelson02@gmail.com</a>	Sarah Callow	Need a toilet at Codgers Mountain Bike Track
59	1527715	126 Westbrook Tce	Joan and Richard Armstrong	Roads are too narrow, need parking spaces at Store, speeds affect everybody , parking at track start is hazardous
60	1527715	134b Westbrook Tce	Ingrid Trewavas and Adele Larson	Suggest NCC pipes be removed, area then used for Track parking, other suggestions for how the parking should be arranged, Community esp elderly need the parking near the store, for post box, children's playground etc Also parking for Blick Tce playground.
61	1527715		Dave Heap	Thinks the proposals are part of plan to develop the Valley, camp resident who is concerned about camp future.

62	1527715	30 Blick Tce	Sue Harris	Valley and its roads are too narrow, too narrow for cyclists, Blick Tce and Betsy Eyre Park are turned into a mess by parking, ideas on how to provide parking for Track.
63	1527715		Terrance Walsh	Strongly objects to loss of parking near the store on Brook St
64		Rata St	Kate and Graeme Eden	Need a toilet at Codgers Mountain Track/
65		47a Brook St, 5468909	Timothy Percival	Opposes the use of the footpath on the narrow part of Brook St for shared path, pedestrians must have right of way on that section, otherwise it is dangerous
66	1533983	Tory St, sayrbill@gmail.com	Bill Sayer	Supports proposals 100%, inadequate car parking at Track. Parking on Westbrook Tce should be banned to improve visibility and safety for cyclists. Proposes an all weather near RDA/Waimarama Gardens to Tantragee Rd
67		12 Burn Place	Adrian Wardrop	Concerned about the use of the streets at night, with powerful headlights, raised tables will exacerbate flooding in side streets
68		1 Brook Tce 548 7018, SR 211312 Rad 1549736	Kate Askew	Wants detailed plans when available
69		37 Manuka St	Mark Lile on behalf of Nelson Oral Surgery	Supports proposed cycleway, but concerned at loss of parking suggest use of 2hrs parking, and traffic calm Manuka St.
70		<a href="mailto:primaveranz@gmail.com">primaveranz@gmail.com</a>	John Herd	Would like to see more details of the intersection of Manuka St and Tasman St, suggest make priority to Manuka St to slow Tasman St traffic speeds. Concerned about cyclists and unleashed dogs sharing the footpath, should constrain the cars not the pedestrians.
71		1 Charlotte St	Rosemary Weir	Opposes raised table at Moorhouse Ave.
72	1527715		Margaret Chalklen	Pleased bus stops are being kept, but save parking at Store
73	1527715	35 Manuka St	Mark Allen	Prefer not to have trees, esp if deciduous, parking is at capacity now, parking should not be reduced on Manuka St.

74	1527715	1 Waterdale Way, 5456380	D C Staig	No shared paths in the Brook, already too busy to be safe, cyclists should ride single file, noisy, inconsiderate, no trees in Manuka St, No reduction in parking in Manuka St, keep parking at Store
75	1533953	166 Tasman St	Carol Garnett	Would suggest Tasman St/Brook St become one way from Nile St south, using Westbrook Tce and Seymour Ave for north bound traffic, consider speed humps at corner of Tasman and Brook , no reduction in parking on Manuka St, will result in overflow parking in Tasman St and loss of privacy for residents. Cyclists are noisy, esp tyres, prefer quieter seal.
76	1559209		Katie Holman	Against upgrade, satisfactory as it is, shared paths are hazardous,
77		1/6 Hinau Sr	Ken Shirley	Suggests residents parking on Tasman St, No to removal of parking at Dairy, would like to see pedestrian crossing on Seymour Ave at Westbrook Tce, supports changes to roundabout, and to pedestrian improvement at Seymour Ave Bridge
78		6/77 Brook St	Annie Blake	Needed some "terms" defined
79		39 Manuka St	Sally Quintrell and Richard Prosser	Would like to know the timeline, North kerb of Manuka St is cold and icy, trees will make it worse. Move trees and shared path to south side.
80		13 Harper St	Alison Moore	Not keen on Shared paths, prefer segregated paths. Not in support of changes to Manuka/Tasman . Suggests better cyclist education
81	1536081	61 Robinson Rd	Nico Van Loon	Does not think plans will help cyclists, Plans propose no restrictions on cars, they just transfer the conflict from car/cyclist to pedestrian/cyclist. Would prefer more speed and space restrictions put on cars.
82		5 Charlotte St	Rod Jones	No to Moorhouse raised table, prefer a mirror.



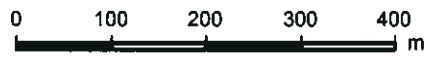




The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike license.

# THE BROOK AREA

WALKING and CYCLING IMPROVEMENTS



Scale 1:8,000



August 2013

PDF RAD# 1563202

## Plan Change 16 – Inner City Noise Notification

### 1. Purpose of Report

- 1.1 To seek Council approval to notify Plan Change 16 – Inner City Noise under the First Schedule of the Resource Management Act 1991 (RMA).

### 2. Recommendation

***THAT the report Plan Change 16 – Inner City Noise Notification (1526862) and its attachments (1520514 and 1243377) be received;***

***AND THAT draft Plan Change 16 – Inner City Noise (plan amendments 1520514 and Section 32 report 1243377) be notified under the First Schedule of the Resource Management Act 1991;***

***AND THAT it be confirmed that the proposed Plan Change 16 has been prepared in accordance with the statutory procedures set down in the First Schedule to the Resource Management Act 1991;***

***AND THAT the Chief Executive be delegated authority to approve minor technical wording amendments, or correction of errors, to the draft Plan Change documents to improve readability and/or consistency prior to public notification;***

***AND THAT an independent hearings commissioner be appointed to hear, consider and make decisions on the submissions and further submissions to the proposed Plan Change.***

### 3. Background

- 3.1 The development of this Plan Change commenced due to the ongoing issue of the production and management of noise in the Inner City. This issue has been subject to an Environment Court decision (2006) which found that Council is required to effectively enforce the current rules within the Nelson Resource Management Plan (NRMP). This has proven not to be possible due primarily to issues of contamination of noise readings and the subsequent inability to carry out enforcement relying

on those readings. Consequentially a Plan Change is required to introduce noise management provisions which are practical and enforceable and provide a long term solution in the best interests of the various parties involved.

- 3.2 Above all however, the Plan Change takes the opportunity to assist in achieving the Communities' and Council's vision for the Inner City and its surrounding area as expressed through the Heart of Nelson, Nelson 2060 and the NRMP. This vision can be summarised as Nelson's City Centre being a vibrant and vital place which also provides for residential uses at a standard of amenity appropriate to the location. It also recognises that adverse effects should not be created that significantly diminish the amenity of neighbouring areas such as the Residential Zone.
- 3.3 The previous report to Council (report 1292769, 9 August 2012) outlines in more detail the background, consultation and options considered in the development of this Plan Change. In summary the Plan Change commenced with a public meeting where options ranging from strict enforcement of existing noise rules, to raising the permitted noise limits were explored with the public, stakeholders, acoustic experts, Council officers and Councillors. The scope was subsequently agreed by Council resolution to focus on NRMP provisions relating directly to noise, and to exclude consideration of closing times. Further consultation with the community and consideration of the response has resulted in a package of Plan Change methods which are recommended by the Plan Change 16 Working Group for notification.

## **4. Discussion**

### **Recent consultation**

- 4.1 Since the previous report went to Council (9 August 2012) feedback has been sought on a draft of the Plan Change. Letters were sent out to Inner City landowners, liquor licence holders, residential land owners adjacent to the Inner City, submitters to Council's resource consents on noise for events and in public parks, and to other parties who have previously expressed an interest in the Plan Change. In addition the general public were invited to comment through Live Nelson.
- 4.2 Valuable feedback was received on the methods proposed. The feedback also showed there is substantial support for the general direction being proposed. This process enabled greater understanding of the views of the affected parties and the general public which in turn resulted in a number of amendments to the proposal. These are intended to increase the certainty and workability of the Plan Change package.

### **Working Group process**

- 4.3 By resolution of Council a working group (Councillors Rackley, Ward and Fulton) was convened to oversee the response to the feedback received and to recommend a final version of the Plan Change to full Council for the purposes of notification. The working group considered the feedback

received and the advice of the Council officers, an acoustic engineer to the project, and a Quantity Surveyor and recommends the final draft of the Plan Change for notification.

### **Recommended Plan Change content**

- 4.4 The proposed approach recognises that both those producing and receiving noise in the Inner City Zone have a responsibility for its management. The Plan Change is not about changing the level of noise in the Inner City but is about improving how noise is managed. The approach also recognises the NRMP policies which state that the Inner City Zone provides a central area containing diverse activities which enhance vitality and vibrancy, while also providing for a standard of amenity appropriate to the location.
- 4.5 The Plan Change recommended for notification is a package of amendments summarised as follows:
- Introduce permitted activity requirements for new bedrooms in residential units, or new rooms intended to be used for sleeping in Short Term Living Accommodation units (hotels, motels etc) in the Inner City Zone to be acoustically insulated to reduce noise entering these sleeping areas.
  - Require new or extended 'noise generating activities' to apply for a resource consent to allow for consideration of noise issues.
  - Plan provision retaining control over night time maximum noise level ( $L_{AFmax}$ ).<sup>1</sup>
  - Retain and amend the rule controlling noise at properties in the Residential Zone.
  - Use the unreasonable and excessive noise provisions of the RMA to manage and enforce noise within the Inner City Zone rather than the current noise rule ICr.42.
  - Non-regulatory approaches including ongoing education, negotiation and mediation.
- 4.6 As noted in section 4.3 the feedback sought and the Working Group process has resulted in changes to the draft that was consulted on. The main changes are:
- addition of an appendix and further explanation on how the assessment of noise will be carried out;

---

<sup>1</sup>  $L_{AFmax}$  control at night time is an upper limit to single noise events which provides a level of certainty around the limits to a single 'spike' of sound. Note this does not act as a limit that a more continuous source of noise (such as music or an air conditioner unit) can generally operate to and be deemed to be reasonable and not excessive.

- use of specified minimum construction standards as an option for achieving acoustic insulation;
- new bedrooms and new rooms intended to be used for sleeping in Short Term Living Accommodation units to be acoustically insulated (rather than all habitable space as originally proposed);
- changes to the definition of noise generating activity to permit lower powered sound systems and activities to be operated later on a Friday and Saturday than during the week;
- removal of the proposal for specific bass noise control – this is to be managed, as for other noise, under the provisions of the RMA.

4.7 The final Plan amendments for the purpose of notification are attached as Attachment 1.

### **Section 32 and First Schedule**

4.8 Section 32 of the RMA requires Council to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule or method in a Plan or Policy Statement prepared under the RMA. This document is attached as Attachment 2 and finds that the proposal is the most appropriate method of managing noise in and around the Inner City.

4.9 The Plan Change process has followed that identified in the First Schedule of the RMA and will continue to meet the requirements of the RMA. This includes the specific notification of externally referenced documents being the Standards New Zealand noise standards NZS6801:2008, NZS6802:2008 and construction noise standard NZS6803:1999.

### **Independent Decision making**

4.10 Council officers recommend that an independent hearings commissioner with appropriate technical knowledge of acoustics be appointed to hear, consider and make decisions on the submissions and further submissions to the proposed Plan Change. The reasons for this recommendation are:

- Council events which occur on the streets within the Inner City will be affected by the proposed changes. In addition, any future activity similar to The Hub would also be affected by the proposal.
- Council has previously adopted an informal policy of noise issues being dealt with independently to provide a separation between decision making and/or rule development, and enforcement. An independent hearing commissioner would also retain consistency with the approach taken to recent Council resource consent applications.

- The technical nature of acoustics requires specialist knowledge of the topic.

## **5. Conclusion**

- 5.1 The proposed Plan Change has been developed to encourage a vibrant night life and more people living in the Nelson CBD. This approach is vital to keeping the young and young at heart living in and visiting the city. It also recognises that noise is a component of some inner city attractions and activities and that both providers of inner city dwellings and entertainment have a role to play in managing this.
- 5.2 The development of the Plan Change to date has been through a robust process over a period of years and has been assessed as the most appropriate of the identified options under the RMA. The current proposal, as recommended by the Working Group to full Council, is ready for notification. Notification allows any person to formally submit on the proposed Plan Change and to know that their views will be heard and considered at a hearing. The Plan Change provisions will then be determined by a commissioner taking into account all views and evidence expressed in submissions.

Reuben Peterson  
**Planning Adviser**

### **Attachments**

Attachment 1: Proposed Plan Amendments [1520514](#)

Attachment 2: Section 32 Report [1243377](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

The development of Plan Changes is a core role of Local Government falling under 'performance of regulatory functions' under the Local Government Act 2002. The appropriateness, cost effectiveness, of the provisions of Plan Change 16 – Inner City Noise has been assessed through the Section 32 RMA report which concludes that the provisions put forward are the most appropriate.

### 2. Fit with Community Outcomes and Council Priorities

Provisions of this Plan Change specifically help to achieve the following Community Outcomes:

- Goal 2 – People-Friendly Places;
- Goal 5 – A Fun, Creative Culture.

The provisions of this draft Plan Change specifically help to achieve the following Council Priorities:

- A leading lifestyle;
- A rich diverse community.

This is due to the increasing viability of residential living in the Inner City Zone and recognising the variety and vitality that entertainment venues add to the central area.

### 3. Fit with Strategic Documents

This Plan Change has taken account of the Nelson Tasman Regional Alcohol Strategy in formulating the scope of work and it does not conflict with the stated action points of the Strategy. Closing times are being considered under the Sale and Supply of Alcohol Act 2012 (Local Alcohol Policies). The Plan Change also fits with the Activity Objectives of the Heart of Nelson, Central City Strategy. Specifically these are:

*'To achieve an engaging, activity filled central city, with activities that encourage people into the central city and to spend more time once there'; and 'To encourage more people to live in, or close to, the central city to support the vibrancy and economy of the City Centre'.*

The Plan Change supports the vision of Nelson 2060. In particular Theme One, A sustainable city of beauty and connectivity which includes the statement *'The central city is a vibrant, attractive place in which people live, work and play'.*

### 4. Sustainability

By managing noise from both the producer and receiver in the Inner City, land uses (such as bars and residential units) provide an appropriate level of urban amenity and make more sustainable use of the land resource. The proposal also improves the quality of life and well being of local people.

### 5. Consistency with other Council policies

Provisions of this Plan Change are consistent with the Objectives and Policies of the NRMP. Specifically these are:

- DO16.1.1 2 Inner City Zone: A City Centre which provides a strong and vibrant focus to the city, together with a City Fringe which supports and complements the City Centre.
- Objective IC4 Activities and Adverse Effects: A diversity of activities which do not adversely affect the environment sought for the City Centre and City Fringe.
  - Policy IC4.1 Range of Activities: Activities which enhance the vitality and vibrancy of the City Centre shall be encouraged.
  - Policy IC4.2 Adverse Effect: Activities should not give rise to levels of noise, smell, dust, and smoke, or traffic, landscape, aesthetic or other adverse effects which will detract from the character being sought for the City Centre and City Fringe areas.
  - Policy IC4.3 Residential Amenity: The Inner City, and sites used for residential activity, should provide a reasonable standard of residential amenity, but recognising that the fundamental character of the area is non-residential.
- Policy IC5.2 Residential Zones: Special regard shall be had to preventing any deterioration of the amenity of the Residential Zone as a result of expansion of activities from the Inner City Zone, or as a result of adverse effects across the zone boundary.

**6. Long Term Plan/Annual Plan reference and financial impact**

The Plan Change work is funded from existing budgets and there is no anticipated further financial impact on Council.

**7. Decision-making significance**

This is not a significant decision in terms of the Council’s Significance Policy.

**8. Consultation**

Initial consultation has been carried out through a public meeting (23 February 2009) and through other avenues as outlined in section 4.2 of the Section 32 report. Consultation has been carried out with relevant Ministers, local authorities and tangata whenua (as per RMA First Schedule, Clause 3 (1)). Consultation also included giving public notice of the proposal to externally reference New Zealand Standards NZS6801 & 2: 2008, and NZS6803:1999 (RMA First Schedule, Cl 34) in the Plan Change. Notification of the Plan Change will allow the submission, further submission, hearing and appeal processes of the RMA First Schedule to commence.

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

Consultation with Iwi on the draft Plan Change occurred as under the RMA First Schedule, Clause 3 (1) requirements. The proposed Plan Change will be provided to Iwi when notified (as per RMA First Schedule, Clause 5 (4)).

**10. Delegation register reference**

Decision of Council.



## NELSON CITY COUNCIL

### **Nelson Resource Management Plan**

Proposed Plan Change 16  
Inner City Noise

#### **Proposed Plan Amendments**

**Notification Date**  
XX XX

**Submissions Close**  
XX XX



1520514

## 1.0 Introduction (not part of the formal Plan Change text)

### 1.1 Plan Change Vision

A vibrant night life and encouraging more people to live in our CBD both play an important part in keeping our young and young at heart living in and visiting our city. However some inner city attractions and activities can be noisy and some inner city dwellings were designed for quieter environments. People choosing to live in the CBD are much more likely to use the city and its restaurants, bars and clubs as their playground but they need to recognise that living in the CBD is likely to be noisier than living in the suburbs. There is much that the providers of inner city dwellings and the providers of entertainment can do to create a "liveable" inner city environment. If this is to happen we all need to take responsibility for managing noise; Council seeks to strike a balance between those who make the noise and those on the receiving end. We want to improve how noise is managed by supporting entertainment-makers, patrons and residents to make this city a great place to live, work and play.

### 1.2 Background and Explanation of Plan Change

This Plan Change consists of a number of parts as described below.

The background, context and resource management issues and options are contained in the Section 32 Documentation report (document 1243377) available from the Council, the public libraries, or on Council's website [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz). The current Operative Nelson Resource Management Plan (NRMP) can also be viewed at these locations.

### 1.3 Proposed Plan Change Description

The proposed Plan Change contains the following amendments to the Nelson Resource Management Plan.

**Amendment 1:** Introduce permitted activity requirements for new bedrooms (as defined in the Nelson Resource Management Plan for residential units), or new rooms intended to be used for sleeping in short term living accommodation units (hotels, motels etc) in the Inner City Zone to be acoustically insulated to reduce noise entering. This new rule is based on a similar rule that is currently used for houses near the Port where an acoustic engineer designs the building to achieve a specified reduction in sound level inside the building. It also incorporates the option to use specified minimum construction standards to achieve this reduction.

**Amendment 2:** Introduce a new rule requiring new or extended 'Noise Generating Activities' to apply for a resource consent with the requirement for a noise management plan addressing location, noise production and management, acoustic insulation and any mitigation measures proposed. This change includes a definition of 'Noise Generating Activities' which includes the assembly of people inside or outside for a commercial activity at night time and where amplified sound is being played. The definition allows activities to operate later on Friday and Saturday nights than during the week, and allows a low level of amplified sound to be played without the need for a resource consent.

**Amendment 3:** Plan provision retaining control over maximum noise level ( $L_{AFmax}$ ) at night time. This provision is part of the current rule ICr.42 dealing with noise in the Inner City which is proposed to be removed under this Plan

Change (see Amendment 5 below).  $L_{AFmax}$  control at night time is an upper limit to single noise events which provides a level of certainty around the limits to a single 'spike' of sound. Note this does not act as a limit that a more continuous source of noise (such as music or an air conditioner unit) can generally operate to and be deemed to be reasonable and not excessive.

**Amendment 4:** Retain rule ICr.43 'Noise – at residential boundary' (with minor amendments). This Inner City Zone rule provides specific noise levels which cannot be exceeded when received within any site in the Residential Zone. The change involves minor amendments to the existing rule to better reflect the construction noise standard and to allow a change from NZS6801:1991 Measurement of Sound, and NZS6802:1991 Assessment of Environmental Sound to the 2008 versions of the same standards. In addition specific assessment criteria and explanations are added where these previously did not exist. The amendments also allow a broader set of construction activities to utilise the construction noise standard than is currently the case, but otherwise result in no change to the permitted noise levels heard in the Residential Zone.

**Amendment 5:** Utilise noise provisions of the Resource Management Act 1991 for enforcement of noise in the Inner City Zone, specifically Section 16 'Duty to avoid unreasonable noise' and Section 327 'Issue and effect of excessive noise direction'. This involves the removal of rule ICr.42 'Noise' which currently relies on the measurement of specific noise levels produced by an individual activity. The current rule resulted in enforcement difficulties and an Environment Court decision against Council's enforcement approach at the time.

**Amendment 6:** As a non-regulatory method ensure that Council officers continue to proactively engage with existing owners and operators to encourage noise management plans and other ways to actively reduce noise. Also provide access to guidance and information around noise production, management and reception in and around the Inner City.

**Externally referenced documents:** Within the Plan Change text relating to the amendments above Plan Change 16 also externally references three Standards New Zealand Standards:

NZS 6801:2008 Acoustics – Measurement of environmental sound

NZS 6802:2008 Acoustics – Environmental noise

NZS 6803:1999 Acoustics – Construction noise

## 1.4 Format of the Plan Change provisions

For the ease of the reader the full text of provisions to be changed have been used in this document.

**The reader should be aware that operative provisions and text that are not proposed to be changed are unable to be submitted upon.**

Within this Plan Change:

- 'Normal' text applies to operative provisions and text which are to remain unchanged.
- 'Underline' text applies to proposed new provisions.
- '~~Strikethrough~~' text applies to operative provisions proposed to be deleted or amended as described.
- '*Italic*' text applies to instructions (therefore are non statutory).

## 2.0 Proposed Plan Change 16: Proposed Amendments to the Nelson Resource Management Plan (Statutory Provisions)

### Amendment 1 – Acoustic insulation for any new bedrooms or rooms intended to be used for sleeping in short term living accommodation units in the Inner City

Add a new rule, assessment criteria and explanation to Inner City Zone (City Centre and City Fringe areas) of the Nelson Resource Management Plan

<u>Item</u>	<u>Permitted</u>	<u>Controlled</u>	<u>Discretionary/Non-complying</u>
<u>ICr.43A</u> <u>Acoustic</u> <u>Insulation of</u> <u>Buildings</u>	<u>ICr.43A.1</u> <u>Construction of new Bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units is permitted if:</u> <u>a) the new Bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units are acoustically insulated in accordance with Appendix 19 (AP19.3 Inner City Zone, Table 3), or</u> <u>b) the new Bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units are acoustically insulated to achieve a façade sound level difference of not less than 30dB <math>D_{2m,nT}+C_{tr}</math>, and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 (AP19.3 Inner City Zone), and</u> <u>c) If option b) is used then prior to commencement of any construction or site works a certificate is obtained from a suitably qualified acoustic engineer to demonstrate that the building design complies with option b) above.</u>	<u>ICr.43A.2</u> <u>Not applicable</u>	<u>ICr.43A.3</u> <u>Activities that contravene a permitted condition are discretionary.</u>

<u>Assessment Criteria</u>	<u>Explanation</u>
<u>ICr.43A.4</u> <u>a) The location and orientation of the new Bedrooms or rooms intended to be used for</u>	<u>ICr.43A.5</u> <u>This rule proactively ensures that the new Bedrooms or rooms intended to be used for</u>

<p><u>sleeping in Short Term Living Accommodation Units in relation to noise sources.</u></p> <p>b) <u>The likely exposure to the noise, the type of noise (volume, tone and audio frequency), and the duration of exposure.</u></p> <p>c) <u>The time of day or night the noise is likely to be experienced.</u></p> <p>d) <u>The measures proposed to be undertaken to ensure an appropriate sleeping noise environment is achieved.</u></p>	<p><u>sleeping in Short Term Living Accommodation Units in the Inner City Zone have acoustic insulation features designed into the building from the start to create reasonable sleeping environments. The rule operates in conjunction with other rules to manage noise in the city centre. It recognises that new Bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units in the Inner City Zone, which is inherently a noisier environment than that generally experienced in the Residential Zone, should undertake some measures to protect against the adverse effects of noise.</u></p> <p><u>Two methods of achieving compliance with the rule are possible; one allows a developer or owner to select from a list of specified materials, and construction methods to use, whilst the second allows any material or construction style to be used (subject to the Building Code) but it must be certified by a suitably qualified acoustic engineer to achieve a specified level of noise reduction.</u></p>
--	---

#### *Amendments to contents page of Inner City Zone rule tables*

Add

ICr.43A Acoustic Insulation of Buildings

#### *Amendments to Appendix 19, AP19.2 Port Effects Control Overlay*

### **AP19.2 Port Effects Control Overlay**

**AP19.2.i** Acoustic insulation requirements for the Port Effects Control Overlay area included in the rules for the respective zones. However, no minimum construction requirements for habitable spaces (~~MW71A~~) are specified for the Port Effects Control Overlay. Instead the rules require certification from an acoustic engineer that the building design will achieve the required design noise level for that zone and, certification on completion of the works.

**AP19.2.ii** In addition, where the indoor design level cannot be achieved with ventilating windows open, the minimum ventilation requirements for habitable spaces require either:

- a) A mechanical system or mechanical ventilation system capable of:
- providing at least 15 air changes of outdoor air per hour in the principal living room of each building and give 5 air changes of outdoor air per hour in the other habitable spaces of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non-habitable spaces that need to be ajar to provide air relief paths;
  - enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus .01) of outdoor air per hour in all habitable spaces;
  - limiting internal air pressure to not more than 30 Pascals above ambient air pressure;
  - being individually switched on and off by the building occupants, in the case of each system; and

- creating no more than 40 dBA  $L_{eq(15 \text{ min})}$  in the principal living room, no more than 30 dBA  $L_{eq(15 \text{ min})}$  in the other habitable spaces, and no more than 50 dBA  $L_{eq(15 \text{ min})}$  in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least one meter away from any diffuser.

Note: This is the ventilation option provided for by the Port Noise Mitigation Plan. In the event that qualifying residents opt for the following (more expensive) air conditioning option (option b), those residents shall be required to pay the difference.

or:

b) Air conditioning plus mechanical outdoor air ventilation capable of:

- providing internal temperatures in habitable spaces not greater than 25 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water & Atmosphere Research ("NIWA") (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000), with all external doors and windows of the habitable spaces closed;
- providing 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable spaces;
- each of the air conditioning and mechanical ventilation systems shall be capable of being individually switched on and off by the building occupants; and
- creating no more than 40 dBA  $L_{eq(15 \text{ min})}$  in the principal living room, no more than 30 dBA  $L_{eq(15 \text{ min})}$  in the other habitable spaces, and no more than 40 dBA  $L_{eq(15 \text{ min})}$  in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.

and:

- c) a mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such an extractor fan is not already installed and in sound working order.

AP19.2.iii A single Residential Unit may contain a combination of the ventilation options a) and b) set out above to achieve the most practicable and cost effective approach. As an example it may be best for the principal living room to comply with option b) whilst the other habitable spaces may comply with option a).

## **AP19.3 Inner City Zone**

AP19.3.i Acoustic insulation requirements for the Inner City Zone are included in the rule ICr.43A 'Acoustic Insulations of Buildings'. Under this rule a choice can be made between minimum construction requirements or having the acoustic insulation specifically designed for the proposed development. When designing acoustic insulation the rule requires certification from an acoustic engineer that the building design will achieve the required design noise level.

AP19.3.ii This appendix sets out the minimum ventilation requirements for new Bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units in the Inner City Zone where the indoor design level cannot be achieved with ventilating windows open. These require either:

- a) A mechanical system or mechanical ventilation system capable of:
- 5 air changes of outdoor air per hour in new bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units. In each case with all external doors and windows of the building closed with the exception of such windows in non-habitable spaces that need to be ajar to provide air relief paths;
  - enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all new

- bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units;
- limiting internal air pressure to not more than 30 Pascals above ambient air pressure;
  - being individually switched on and off by the building occupants, in the case of each system; and
  - creating no more than 30 dBA  $L_{eq}(15 \text{ min})$  in new bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units. Noise levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.

or:

- b) Air conditioning plus mechanical outdoor air ventilation capable of:
- providing internal temperatures in new bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units, not greater than 25 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water & Atmosphere Research ("NIWA") (NIWA Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000), with all external doors and windows of the new bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units, closed;
  - providing 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all new bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units;
  - each of the air conditioning and mechanical ventilation systems shall be capable of being individually switched on and off by the building occupants; and
  - creating no more than 30 dBA  $L_{eq}(15 \text{ min})$  in new bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units. Noise levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.

AP19.3.iii Individual rooms in a single Residential Unit or Short Term Living Accommodation Unit may contain a combination of the ventilation options a) and b) set out above to achieve the most practicable and cost effective approach.

AP19.3.iv The minimum measures identified in Table 3 below are one of two ways of demonstrating permitted activity status for acoustic insulation of new Bedrooms and rooms intended to be used for sleeping in Short Term Living Accommodation Units in the Inner City Zone. See rule ICr.43A 'Acoustic Insulation of Buildings'.

**table 3: acoustic insulation of new Bedrooms and rooms intended to be used for sleeping in Short Term Living Accommodation Units in the Inner City Zone**

<b><u>Building Element</u></b>	<b><u>Required Construction</u></b>
<b><u>Walls</u></b>	<u>Exterior: 20mm timber weatherboards</u> <u>or 2 x 6mm fibre cement</u> <u>or 1 x 9mm compressed fibre cement</u> <u>Frame: nominal 100mm with acoustic blanket</u> <u>Interior: 3 x 13mm high density gypsum plasterboard for top floor</u> <u>Bedrooms and rooms intended to be used for sleeping in</u> <u>Short Term Living Accommodation Units</u> <u>2 x 13mm high density gypsum plasterboard for mid-level</u> <u>Bedrooms and rooms intended to be used for sleeping in</u> <u>Short Term Living Accommodation Units</u> <u>Or: 190 series concrete blocks (minimum every 4<sup>th</sup> core filled)</u> <u>Or: 100mm thick pre cast concrete slabs</u> <u>Or: Solid clay brick veneer (minimum 70mm thick) with standard</u> <u>internal framing and plasterboard lining.</u>
<b><u>Windows</u></b>	<u>Minimum 17mm thick laminated glass for top floor Bedrooms and rooms</u> <u>intended to be used for sleeping in Short Term Living</u> <u>Accommodation Units</u>

	<p>Minimum 13mm thick laminated glass for mid-level Bedrooms and rooms intended to be used for sleeping in Short Term Living Accommodation Units</p> <p>Or: Double glazed unit with 10mm and 6mm panes, separated by a minimum 50mm air gap.</p>
<u>Roof</u>	<p>Top floor only, not needed for mid-level Bedrooms and rooms intended to be used for sleeping in Short Term Living Accommodation Units</p> <p>Cladding: 0.5mm profiled steel or tiles or 6mm corrugated fibre cement  Frame: Timber truss with acoustic blanket  Ceiling: 3 x 13mm high density gypsum plasterboard</p>
<u>External Door</u>	Hinged solid core door of at least 40kg/m <sup>2</sup> with airtight seals (or if glazed, as per window requirements). Sliding doors are not suitable.
<u>Internal Door</u>	Internal doors to new bedrooms or rooms intended to be used for sleeping in Short Term Living Accommodation Units shall be hinged solid core of at least 16kg/m <sup>2</sup> .
<u>Ventilation</u>	The indoor design sound level shall be achieved with windows and doors shut. This requires the use of minimum ventilation requirements as set out in Appendix 19.3 Inner City Zone.

Acoustic Blanket: 75mm of acoustically absorbent material with minimum area density of 580g/m<sup>2</sup>, such as fibreglass, rockwool, polyester or wool. Thermal insulation such as R1.8 is also suitable.

High Density Plasterboard: Gypsum Plasterboard of minimum density 960kg/m<sup>3</sup>.



**Amendment 2 – New Noise Generating Activities required to apply for resource consent including noise management requirements up front**

Include a new definition in Chapter Two Meanings of Words to the Nelson Resource Management Plan

**Noise Generating Activity**

is an activity that takes place at a site or building located in the Inner City Zone, involving:

- the assembly of people within a building for a commercial activity involving the playing of amplified sound (from a sound system with greater than 100W output) between the hours of 11:00pm and 7:00am Sunday to Thursday nights, and for the nights of Friday, Saturday, Christmas Eve and New Year's Eve 1:00am and 7:00am, or
- the assembly of people in an outdoor area (i.e. an area that is outside of the main part of the building such as garden bars, outdoor dining and smoking areas) associated with a commercial activity between the hours of 11:00pm and 7:00am Sunday to Thursday nights, and for the nights of Friday, Saturday, Christmas Eve and New Year's Eve 1:00am and 7:00am, and
- temporary events occurring no more than once per year in any one site or building are excluded from this definition. Noise from these events is still required to take account of Section 16 and 327 of the RMA, and rule ICr.42B and Appendix 13 of this Plan.

Add a new rule, assessment criteria and explanation to Inner City Zone (City Centre and City Fringe areas) of the Nelson Resource Management Plan

<u>Item</u>	<u>Permitted</u>	<u>Controlled</u>	<u>Discretionary/Non-complying</u>
<b>ICr.42A Noise Generating Activities</b>	<u>ICr.42A.1</u> The establishment or extension of a 'noise generating activity' is not a permitted activity. For the purposes of this rule 'extension' is defined as any alteration or change which: a) results in a 10% or greater increase in permitted patrons, or b) any increase in operating hours, or c) results in an outdoor area accessible to patrons which is new, has a different location, or is increased in size by 10% or more.	<u>ICr.42A.2</u> Not applicable	<u>ICr.42A.3</u> The establishment or extension of a 'noise generating activity' is a discretionary activity if a noise management plan is provided in accordance with the provisions of Appendix 13.1 Noise Generating Activities.

<u>Assessment Criteria</u>	<u>Explanation</u>
<u>ICr.42A.4</u> a) the suitability of the site, the activity on the site and in any outdoor areas, having regard to its location, and the proximity of residential or other noise-sensitive activities. b) expected hours of operation and type of	<u>ICr.42A.5</u> Before a Noise Generating Activity establishes or extends in the Inner City Centre a resource consent is required to assess the suitability of the site and specific proposal in terms of management and reduction of noise at source. Conditions can be imposed as appropriate to

<p>noise expected to be generated.</p> <p>c) <u>The adequacy of measures to manage or reduced noise at source, including the provisions of a Noise Management Plan in accordance with Appendix 13.</u></p>	<p><u>maintain an acceptable level of noise generation for the Inner City (see policies IC4.2, IC4.3 and IC5.2 in particular). In addition to this rule, rules ICr.42, ICr.42B and the relevant sections of the Resource Management Act 1991 apply to the ongoing operation of the activity and to existing activities already established.</u></p> <p><u>The permitted activity standard includes a definition of extension based on there being a 10% or greater increase in permitted patrons. The number of permitted patrons in a building is determined through the Building Codes fire safety provisions (Clause 'C'). Any changes which will result in a 'change of use' must be advised to the Territorial Authority for consideration under the Building Code.</u></p>
--	--

### *Amendments to contents page of Inner City Zone rule tables*

*Add*

ICr.42A Noise Generating Activities

*Add new paragraph to ICr.46.5 Explanation*

Rule ICr.42A 'Noise Generating Activities' may also be applicable to activities considered under rule ICr.46. See definition of 'Noise Generating Activity' in Chapter Two 'Meanings of Words' and rule ICr.42A.

*Add a new appendix to the Nelson Resource Management Plan*

## **appendix 13**

# **Inner City Zone: Noise Management Plans and assessment of unreasonable and excessive noise**

## **AP13 Overview**

Relating to rule ICr.42A this appendix prescribes the matters that shall be included in the Noise Management Plans for new and extended Noise Generating Activities. The overall intent of a Noise Management Plan is that the best practicable option is undertaken to ensure that the emission of noise from a site does not exceed a reasonable level.

Relating to rule ICr.42B this appendix sets out aspects which may help form an opinion for assessment of unreasonable and excessive noise as it relates to noise produced within the Inner City Zone (City Centre and City Fringe, including the Intense Development Area).

## **AP13.1 Noise Generating Activities**

### **AP13.1.1 Minimum Noise Management Plan Provisions**

**AP13.1.1.i** The Noise Management Plan required under Rule ICr.42A shall be prepared by a professional acoustic engineer and shall, at a minimum, contain the following:

- a) The intended outcomes of the Noise Management Plan, including the design noise level to be received outside of the building and site.
- b) A description of the premises including details of walls, roof, cladding, door openings and windows, ventilation, site layout, outdoor areas and any acoustic insulation that has been, or will be, installed, and a description of how these assist to reduce noise levels and meet the design noise level specified above.
- c) A description of the surrounding land uses and in particular residential or short term living accommodation units, including a description of the existing sound environment in the area.
- d) A description of all noise generating activities carried out in the premises or on the site.
- e) A floor plan of the premises, including outdoor areas, with the noise sources marked on it.
- f) The hours of operation of the noise generating activities.
- g) The specifications of the sound systems and any mechanisms to govern the maximum noise output.
- h) Details of any noise data that has been recorded, and any noise modelling; noise monitoring; auditing and reporting procedures, including methods used.
- i) Any methods proposed to manage noise produced by patrons, including either leaving the venue, or queuing for entry.
- j) The name and contact details of the manager responsible for noise generating activities in the premises.
- k) Complaint handling and recording procedures, and
- l) Procedures for achieving noise reduction through operational procedures and staff training.

### **AP13.1.2 Minimum Monitoring and Reporting Requirements**

**AP13.1.2.i** The minimum monitoring and reporting requirements on any approved consent and associated Noise Management Plan are as follows:

- a) A inventory shall be kept of all noise sources at the premises, and
- b) Copies of the Noise Management Plan and the inventory required above are to be held at the premises and made available to Council staff as and when requested.

### **AP13.1.3 Measurement of Noise**

**AP13.1.3.i** The measurement of noise is to be in accordance with NZS 6801: 2008 and 6802: 2008

## **AP13.2 Assessment of unreasonable and excessive noise**

### **AP13.2.1 Noise assessment criteria**

**AP13.2.1.i** Nelson City Council, for the purposes of assessing compliance with permitted activity conditions, relevant resource consent conditions, and sections 16(1), or in forming an opinion under 327(1) of the Resource Management Act will

generally take into account the following matters when determining whether or not noise is unreasonable or excessive:

- i) the frequency (number of events) of noise emission, and
- ii) the intensity of the noise, as indicated by volume, tone and audio frequency and the degree of disturbance, and
- iii) the duration of each noise event, and
- iv) the nature of the noise, and
- v) the location and timing of the noise, having regard to the time of day or night and the sensitivity (including reverse sensitivity) of the receiving environment.

AP13.2.1.ii Assessment may also consider the following matters.

- a) Other noise complaints or events relating to emissions from the same location which have been found to be unreasonable or excessive, including what remedial action has previously been undertaken.
- b) Where possible and relevant, noise level measurements from a calibrated noise meter to determine actual noise level.
- c) Information regarding the effectiveness of any noise management plan, or on site noise management.
- d) Whether the best practicable option is being undertaken to ensure noise produced does not exceed a reasonable level.

## AP13.2.2 Construction Noise

AP13.2.2.i Construction activity by necessity can produce higher levels of noise than would be expected, or be deemed reasonable, from other activities. In recognition of this Standards New Zealand have produced NZS 6803:1999 Acoustics – Construction Noise. In assessing construction noise produced in the Inner City Zone Nelson City Council will use this standard, in addition to the points outlined in AP13.2.1.i and AP13.2.1.ii, as a guide to the reasonableness of the construction noise produced.

AP13.2.2.ii Separately to this appendix rule ICr.43 provides that the provisions of NZS 6803:1999 Acoustics – Construction Noise apply to construction noise received in the Residential Zone.

**Amendment 3 – Plan provision retaining control over maximum noise level ( $L_{AFmax}$ ) at night time.**

Add a new rule, assessment criteria and explanation to Inner City Zone (City Centre and City Fringe areas) of the Nelson Resource Management Plan

Item	Permitted	Controlled	Discretionary/Non-complying
<u>ICr.42</u> <u>Maximum Night Time Noise</u>	<p><u>ICr.42.1</u> Noise measured 1 metre from the façade of any Residential Unit or Short Term Living Accommodation Unit shall not exceed the following maximum noise levels during the hours 10:00pm to 7:00am:</p> <p>75 dB <math>L_{AFmax}</math></p> <p>All measurements and assessment shall be in accordance with NZS6801:2008 and NZS6802:2008.</p>	<p><u>ICr.42.2</u> Not Applicable</p>	<p><u>ICr.42.3</u> Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p><u>ICr.42.4</u> a) The length of time, number of times, or the level by which, the noise standards will be exceeded at night, and the likely disturbance that may cause. b) The nature and location of nearby activities and the effects they may experience, particularly the night time effects on occupants of Residential Units and Short Term Living Accommodation within the Inner City and neighbouring zones. c) Whether the noise is likely to detract from the amenity sought for the Inner City and Residential Zones.</p>	<p><u>ICr.42.5</u> <math>L_{AFmax}</math> control at night time provides an upper limit to single noise events which provides a level of certainty around the limits to a single 'spike' of sound. Note this does not act as a limit that a more continuous source of noise can generally operate to and be deemed to be reasonable and not excessive.</p> <p>In addition to controls on maximum noise; noise will be controlled by Council officers under the relevant sections of the Resource Management Act for unreasonable and excessive noise. See rule ICr.42B (General Noise Emission) for information and guidance on this process. As a pro-active measure, Council officers will also offer information and advice to noise producers on ways in which they can reduce and control their emission of noise.</p>

Amendments to contents page of Inner City Zone rule tables

Add

ICr.42 Maximum Night time Noise

### Amendment 4 – Retain and Amend Existing Rule ICr.43 Noise at Residential Boundary

Amend rule ICr.43 Noise at residential boundary and associated assessment criteria and explanation in the Inner City Zone (City Centre and City Fringe areas) as follows:

Item	Permitted	Controlled	Discretionary/Non-complying
ICr.43 <u>Noise received at sites in the Residential Zone</u> At residential boundary	<p>ICr.43.1</p> <p>a) Noise levels measured at any site within a Residential Zone must not exceed:</p> <p style="padding-left: 40px;"><b>Daytime:</b></p> <p style="padding-left: 80px;"><del>L10:55dBA</del></p> <p style="padding-left: 80px;"><u>53 dB L<sub>Aeq</sub></u></p> <p style="padding-left: 40px;"><b>Other times:</b></p> <p style="padding-left: 80px;"><del>L10:45dBA</del></p> <p style="padding-left: 80px;"><del>Lmax: 75 dBA</del></p> <p style="padding-left: 80px;"><u>43 dB L<sub>Aeq</sub></u></p> <p style="padding-left: 80px;"><u>75 dB L<sub>Afmax</sub></u></p> <p style="padding-left: 40px;">(Daytime means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays).</p> <p>b) All measurements and assessment in accordance with NZS6801:1994 2008 and NZS6802:1994 2008.</p> <p>c) Parts a) and b) of this rule do not apply to <u>construction building and demolition</u> activities, which, when assessed at, or within, any site within the Residential Zone, must comply with <u>the provisions of NZS6803P:1984 'The measurement of Noise from Construction, Maintenance and Demolition'</u> <u>NZS6803:1999 'Acoustics - Construction Noise'</u>.</p>	ICr.43.2 Not Applicable	ICr.43.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
ICr.43.4 As for ICr.42.4 a) <u>The length of time, number of times, time of day or night, or the level by which, the noise standards will be exceeded, and the likely disturbance that may cause.</u> b) <u>The nature and location of nearby activities and the effects they may experience, particularly the</u>	ICr.43.5 As for ICr.42.5 <u>The rule is to prevent unreasonable levels of noise affecting properties in the Residential Zone. When compared to the Inner City Zone it is expected there will be a higher standard of residential amenity, and particularly a night time environment conducive to</u>

<p><u>night time effects on occupants of residential units and Short Term Living Accommodation within the Inner City and neighbouring zones.</u></p>	<p><u>sleeping.</u></p>
<p><u>c) Whether the noise is likely to detract from the amenity sought for the Residential Zone.</u></p>	<p><u>This recognises the greater sensitivity of the Residential Zone, the generally lower ambient noise levels, and that noise has a major influence on residential amenity. For this reason any proposal for noise in excess of the permitted standard will be assessed as a non-complying activity where it affects the Residential Zone.</u></p>

*Amendments to contents page of Inner City Zone rule tables*

*Amend*

ICr.43 Noise received at sites in the Residential Zone ~~at residential boundary~~

**Amendment 5 - Remove Existing Noise Rule ICr.42 and Enforce Noise using provisions of the RMA**

Delete existing rule ICr.42 Noise and associated, assessment criteria and explanation from Inner City Zone (City Centre and City Fringe areas) of the Nelson Resource Management Plan

<p>ICr.42 Noise</p>	<p>ICr.42.1 a) — Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed: Day Time (7am to 10pm) L10: 65 dBA Other Times L10: 55 dBA Lmax: 75 dBA b) — All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.</p>	<p>ICr.42.2 not applicable</p>	<p>ICr.42.3 Activities that contravene a permitted condition are discretionary.</p>
<p>ICr.42.4 a) — the length of time, and the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause. b) — the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residential units within the Inner City, and neighbouring zones. c) — whether the noise is likely to detract from the general environmental quality being proposed for the City Fringe or City Centre, or the amenity of the Residential Zone. d) — the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.</p>		<p>ICr.42.5 The rule is to prevent unreasonable levels of noise affecting neighbouring properties. Different levels are specified for noise received in the Inner City Zone, compared to a residential area. This recognises the greater sensitivity of areas containing dwellings and generally lower ambient levels. Noise has a major influence on the amenity of an area. For this reason any proposal for noise in excess of the permitted standard will be assessed as a non-complying activity where it affects a Residential Zone. NZS 6801:1991 is New Zealand Standard (Measurement of Sound). NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound).</p>	



*Add a new rule, assessment criteria and explanation to Inner City Zone (City Centre and City Fringe areas) of the Nelson Resource Management Plan*

Item	Rule
<u>ICr.42B</u> <u>General Noise</u> <u>Emission</u>	<u>ICr.42B.1</u> <u>Noise produced within the Inner City Zone (City Centre and City Fringe, including the Intense Development Area) must comply with the following general conditions:</u> <u>a) not exceed a reasonable level under s16 of the RMA 1991</u> <u>b) not be determined to be 'excessive noise' under s327 (1) of the RMA 1991.</u> <u>In addition compliance with rules ICr.42 Maximum Night Time Noise and ICr.43 Noise received at sites in the Residential Zone is required.</u>

Explanation
<u>ICr.42B.5</u> <u>These are provisions of the Resource Management Act 1991 which, unless otherwise stated, apply in all instances.</u> <u>Any breach of the condition a) or b) will not result in requirements for resource consent but rather will be enforced via the Council's monitoring and enforcement mechanisms.</u> <u>This approach allows Council Enforcement Officer's to determine if unreasonable or excessive noise is being produced utilising sections 16, 326 and 327 of the Resource Management Act 1991. In making this assessment the matters in Appendix 13.2 Assessment of Unreasonable and Excessive Noise will generally be taken into account when determining whether or not noise is unreasonable or excessive.</u>

*Amendments to contents page of Inner City Zone rule tables*

*Delete*

*ICr.42-Noise*

*Add*

ICr.42B General Noise Emission

*Add a new appendix 13 to the Nelson Resource Management Plan (for content see Amendment 2 above).*



**IC4.3.i** The Inner City is not the suburbs and a similar level of residential amenity cannot be expected. Higher levels of noise and glare, for example, must be expected in the Inner City, particularly given the presence of places of assembly, licensed bars and restaurants and other noise generating activities. Also the expectation of outdoor space must be lower than in suburban areas. Similarly, given the height of some buildings in the City Centre, expectation regarding privacy and sunlight must be lower. At the same time, the policy recognises a broad bottom line to provide a reasonable level of protect-residential amenity in the Inner City. This recognises residential activity is a valid activity, deserving of a degree of protection from more traditional Inner City activities.

#### Methods

**IC4.3.ii** Provision of information on opportunities for inner city living and the relevant Resource Management Plan provisions.

**IC4.3.iii** Rules setting performance standards for residential activity.

**IC4.3.iv** Rules requiring acoustic insulation in new Bedrooms and rooms intended to be used for sleeping in Short Term Living Accommodation Units in the Inner City Zone.

**IC4.3.v** Rules setting performance standards, or the use of management practices, for emissions such as noise, smoke, dust, and odour.

### *Amendments and new methods to Inner City Zone Policy IC5.1 Amenity of Neighbouring Areas*

#### **policy**

#### **IC5.1 amenity of neighbouring areas**

---

***Activities within the Inner City should not have adverse effects which significantly diminish the amenity of neighbouring areas, having regard to the character of these areas and the cumulative effects of such activities.***

#### Explanation and Reasons

**IC5.1.i** Any impacts that activities in the Inner City have on neighbouring areas need to take account of the nature of that area. Residential areas and activities will be more sensitive to certain effects such as noise and glare, than commercial areas. Also a single activity may have effects that are acceptable to residential neighbourhood activities, but the addition of further similar activities may eventually lead to an unacceptable level of effect. The policy aims to address such cumulative effects.

#### Method

~~**IC5.1.ii** Rules setting performance standards for effects such as noise and odour.~~

**IC5.1.ii** Rules setting performance standards, or the use of management practices, for emissions such as noise, smoke, dust, and odour.

# NELSON CITY COUNCIL

## **Nelson Resource Management Plan**

Proposed Plan Change 16  
Inner City Noise

### **Section 32 Report**

**Draft for Council**  
Day Month Year



**Nelson City Council**  
te kaunihera o whakatū

## **1.0 Introduction**

### **1.1 Purpose of report**

Section 32 of the Resource Management Act 1991 (RMA) requires Council to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule or method in a Plan or Policy Statement prepared under the RMA. Before publicly notifying a proposed Plan or Plan Change, the Council is required to prepare a Section 32 report summarising these considerations.

The purpose of this report is to fulfil these Section 32 requirements for proposed Plan Change 16 (Inner City Noise).

### **1.2 Steps followed in undertaking the Section 32 evaluations**

The 7 broad steps which this section 32 evaluation follow are:

1. identifying the resource management issue;
2. evaluating the extent to which any objective is the most appropriate way to achieve the purpose of the RMA;
3. identifying alternative policies and methods of achieving the objective;
4. assessing the effectiveness of alternative policies and methods;
5. assessing the benefits and costs of the proposed and alternative policies, rules, or other methods;
6. examining the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
7. deciding which method or methods are the most appropriate given their likely effectiveness and their likely costs, relative to the benefit that would likely be delivered.

### **1.3 Description of proposed Plan Change**

#### **1.3.1 Vision**

A vibrant night life and encouraging more people to live in our CBD both play an important part in keeping our young and young at heart living in and visiting our city. However some inner city attractions and activities can be noisy and some inner city dwellings were designed for quieter environments. People choosing to live in the CBD are much more likely to use the city and its restaurants, bars and clubs as their playground but they need to recognise that living in the CBD is likely to be noisier than living in the suburbs. There is much that the providers of inner city dwellings and the providers of entertainment can do to create a "liveable" inner city environment. If this is to happen we all need to take responsibility for managing noise; Council seeks to strike a balance between those who make the noise and those on the receiving end. We want to improve how noise is managed by supporting entertainment-makers, patrons and residents to make this city a great place to live, work and play.

#### **1.3.2 Approach**

The Council has a responsibility under Section 31 to give effect to the Resource Management Act, and to control, amongst other things, the actual and potential effects from the use of land, the emission of noise and the mitigation of the effects of noise (section 31(1)(d) of the RMA).

Proposed Plan Change 16 has been developed in recognition of the issue of the emission and effects of noise within Nelson City's Inner City Zone (and surrounding Residential Zone). This issue is expanded on further in section 2.3 'Identification of Issues'. In summary there are three primary aspects to this issue.

- Residents of both the Inner City and surrounding Residential Zone's concern over the level of noise produced within the Inner City.
- Owners and operators of premises which produce noise desire to continue to do so as an integral part of their business.
- The inability to reliably measure noise outside of all properties where it is being produced within the Inner City. This issue is particularly prevalent in upper Bridge Street due to the concentration of similar activities and the ambient noise level on the street.

Due to the nature of noise, and the different needs of those producing it, and receiving it, this Plan Change seeks that each party plays a role in mitigating the adverse effects generated. Proposed Plan Change 16 therefore focuses on achieving a legislative framework which balances these three aspects. Detail of the options to achieve this are outlined in Section 1.3.4.

### **1.3.3 Scope**

This proposed Plan Change relates to noise produced in the Inner City Zone and measured both within the zone and at any site within the Residential Zone. Noise from moving vehicles and aircraft is controlled under other legislation and is not included in this proposed Plan Change.

The Plan Change also does not include specific provisions relating to:

- community events producing noise on a temporary basis (for example a festival on the street or in a park);
- closing times;
- creation of a specified 'entertainment precinct';
- availability of liquor, or any aspect of liquor licensing;
- specific control of bass frequencies.

The scope of the proposed Plan Change therefore involves:

- the production of noise within the Inner City Zone (excluding items noted above);
- the reception of noise within both the Inner City and Residential Zones (where it emanates from the Inner City Zone).

### **1.3.4 Description**

The proposed Plan Change contains the following amendments to the Nelson Resource Management Plan.

- 1.3.4.1 Amendment 1: Introduce permitted activity requirements for new habitable space (bedrooms, living areas etc of a dwelling), or short term living accommodation units (hotels, motels etc) in the Inner City Zone to be acoustically insulated to

reduce noise entering a building. This new rule is based on a similar rule that is currently used for houses near the Port where an acoustic engineer designs the building to achieve a specified reduction in sound level inside the building. It also incorporates the option to use specified minimum construction standards to achieve this.

- 1.3.4.2 **Amendment 2:** Introduce a new rule requiring new or extended 'Noise Generating Activities' to apply for a resource consent with the requirement for a noise management plan addressing location, noise production and management, acoustic insulation and any mitigation measures proposed. This change includes a definition of 'Noise Generating Activities' which includes the assembly of people inside or outside for a commercial activity at night time and where music is being played. The definition allows activities to operate later on Friday and Saturday nights than during the week, and allows a low level of music to be played without the need for a resource consent.
- 1.3.4.3 **Amendment 3:** Plan provision retaining control over maximum noise level ( $L_{AFmax}$ ) at night time. This provision is part of the current rule ICr.42 dealing with noise in the Inner City which is proposed to be removed under this Plan Change (see Change 5 below).  $L_{AFmax}$  control at night time provides an upper limit to single noise events which provides a level of certainty around the limits to a single 'spike' of sound. Note this does not act as a limit that a more continuous source of noise (such as music or an air conditioner unit) can generally operate to and be deemed to be reasonable and not excessive.
- 1.3.4.4 **Amendment 4:** Retain rule ICr.43 'Noise – at residential boundary' (with minor amendments). This Inner City Zone rule provides specific noise levels which cannot be exceeded when received within any site in the Residential Zone. The change involves minor amendments to the existing rule to better reflect the construction noise standard and to allow a change from NZS6801:1991 and NZS6802:1991 to the 2008 versions of the same standards. In addition specific assessment criteria and explanations are added where these previously did not exist. The amendments also allow a broader set of construction activities to utilise the construction noise standard than is currently the case, but otherwise result in no change to the permitted noise levels heard in the Residential Zone.
- 1.3.4.5 **Amendment 5:** Utilise noise provisions of the Resource Management Act for enforcement of noise in the inner City Zone, specifically Section 16 'Duty to avoid unreasonable noise' and Section 327 'Issue and effect of excessive noise direction'. This involves the removal rule ICr.42 'Noise' which currently relies on the measurement of specific noise levels produced by an individual activity. The current rule resulted in enforcement difficulties and an Environment Court decision. See Section 2 for further details.

- 1.3.4.6 Amendment 6: As a non-regulatory method ensure that Council officers continue to proactively engage with existing owners and operators to encourage noise management plans and other ways to actively reduce noise. Also provide access to guidance and information around noise production, management and reception in and around the Inner City.

## 1.4 Consultation

In addition to continuing availability of Council Officers to discuss the issue and proposed Plan Change the consultation outlined in the table below has been carried out. This has helped to inform noise issue and develop the proposed Plan Change provisions. As per the First Schedule of the Resource Management Act 1991 formal consultation will be carried out upon notification.

Date	Consultation method	Stakeholders	Impact on proposed Plan Change
8 November 2008	Live Nelson Article – Issue 239 (706282)	General Public	Stating work will be carried out on the Inner City Noise issue.
20 December 2008	Live Nelson Article – Issue 242 (718681)	General Public	Introducing the Inner City Noise Plan Change.
31 January 2009	Live Nelson Article – Issue 244 (726366)	General Public	Article further introduced the Inner City Noise Plan Change and invited people to attend a public meeting.
23 February 2009	Public Meeting	Attendees – interested parties	Opinions expressed helped to inform the development of the plan change scope and provisions.
14 February 2009	Live Nelson Article – Issue 245 (729615)	General Public	Reminder about the public meeting
14 March 2009	Live Nelson Article – Issue 247 (735766)	General Public	Update on public meeting
1 August 2009	Live Nelson Article – Issue 257 (807276)	General Public	Article outlining findings from the public meeting.
August 2009	Individual meetings with stakeholders	Individual Stakeholders	Specific discussion on options developed. This helped to refine proposal and gauge the opinion of different interest groups.
11 September 2010	Live Nelson Article – Issue 285 (1022899)	General Public	Advising of the status of plan change and how this fits with the planned resource consents for events in public parks



9 August 2012	Media Release	General Public	Advising that draft Plan Change has been accepted for purposes of consultation with the public. Also included in 18 August 2012 Live Nelson (1353614)
6 November 2012	Schedule 1, Clause 3 consultation (1402288)	Ministry of the Environment	Schedule 1, Clause 3 consultation under the Resource Management Act.
10 November 2012	Live Nelson Article – Issue 339 (1402865)	General Public	Pre-notification consultation on the draft plan change for purpose of informing final drafting.
Nov – 14 Dec 2012	Public consultation	Stakeholders and general public	Pre-notification consultation on the draft plan change for purpose of informing final drafting.
8 December 2012	Live Nelson Article – Issue 341 (1419617)	General Public	Reminder of the closing of the pre-notification consultation.
2009 – present	Meetings and correspondence	Individual Stakeholders	Ongoing meetings and correspondence has helped to refine options and provide information to individuals.

## 2.0 Resource Management issue

### 2.1 Resource Management issue being addressed

An issue is an existing or potential problem that must be resolved to promote the purpose of the RMA. The RMA does not require the identification or analysis of issues within Section 32 evaluations. Notwithstanding this issues are being included in this report because it will be helpful to users to understand the basis and origin of the issue as this provides a context for the evaluations of the objectives and policies that follow. The relevant identified resource management issues in Chapter 4 of the Plan are:

RI15 Adverse Environmental Effects of Activities:

*RI15.1.iii: Loss of opportunities to use or enjoy resources and values as a result of adjacent land use or activities.*

*RI15.1.iv: Risk to public health, safety, and amenity values associated with traffic, aircraft and vessel movement, noise, and other contaminant discharges.*

### 2.2 Background to issue

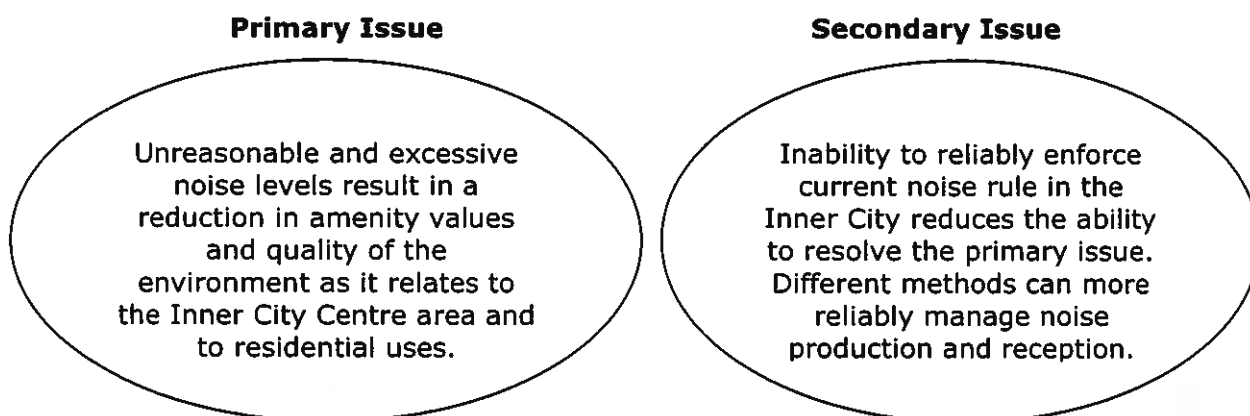
The issues relating to noise in the inner city, particularly at night time, has been the subject of complaint through the years. The complaints have primarily been from occupiers of residential dwellings in both the surrounding Residential Zone and within the Inner City Zone. These complaints are made due to the impact of noise on the amenity levels, and quality of the environment, that people expect to receive in their living (and particularly sleeping) environments.

In relation to this issue, monitoring of noise levels has been carried out at various locations in the city centre and surrounding areas in March and April 2009. Noise levels have also been measured periodically over a number of years and have regularly been carried out for the purposes of enforcement. These periods of monitoring and recording noise levels have shown that at times noise levels exceed those specified in the operative Nelson Resource Management Plan.

The second aspect of the noise issue relates to enforcement of the current operative noise rules, with particular reference to rule ICr.42 'Noise'. This requires noise to be measured '*...at, or as close as practicable to, the boundary of any site...*' and for specified levels not to be exceeded. Experience shows that this is difficult to monitor and enforce due to contamination from adjacent noise sources and from the high ambient noise levels on the street. Ultimately Nelson City Council enforcement officers were relying on enforcing compliance with rule ICr.43 'Noise – At residential boundary'. This rule sets limits for the noise produced in the Inner City Zone but received at sites within the Residential Zone.

This approach was the subject of the Environment Court decision number C9/2006, Env C 70/05, 30 Jan 2006. The Court found that the Council should be enforcing the Plan rule at the boundary of the property emitting the noise (ICr.42) regardless of whether or not there was compliance at residentially zoned sites under rule ICr.43. As noted above rule ICr.42 is not able to be practicably enforced in many situations. This is a resource management issue due to the inability to use this method to achieve the objectives of the Plan and the purpose and principles of the RMA.

### 2.3 Identification of issue(s)



## 3.0 Appropriateness in achieving the purpose of the RMA

### 3.1 Overall Plan Change options

#### 3.1.1 Introduction

Prior to going into detail on the objectives, policies and rules of the proposed Plan Change, it is appropriate to consider the overall options for facilitating the resolution of the identified issues. This section considers the appropriateness and the potential benefits and costs of the proposed Plan Change and compares it to alternative options.

#### 3.1.2 Appropriateness of alternative options

Alternative 1: Status Quo

Retain and enforce existing NRMP rules ICr.42 'Noise' and ICr.43 'Noise - At residential boundary'. Including use of Section 16 'Duty to avoid unreasonable noise' and Section 327 'Issue and effect of excessive noise direction'.

**Alternative 2: Raise permitted noise levels**

Retain the existing NRMP rules ICr.42 and ICr.43 but allow for increased noise limits.

**Alternative 3: Earlier closing time for licensed premises**

Bring forward the current closing time of 3am under rule ICr.46 'Closing times - services to the public'.

**Alternative 4: Proposed Plan Change**

See section 1.3.4 for description of proposed Plan Change.

**3.1.3 Costs and Benefits of alternative options**

Within the table below is a summary of the costs and benefits of each alternative option.

Alternative Option	Costs	Benefits
Alternative 1, Status Quo:	<ul style="list-style-type: none"> <li>• Demonstrated problems applying and enforcing both ICr.42 and ICr.43.</li> <li>• Inability to follow Environment Court direction to apply the rules effectively.</li> <li>• The onus for managing noise remains solely with the noise producer.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to the NRMP required.</li> <li>• Existing rules and stated noise levels are retained – the stated noise limits are understood by the community.</li> </ul>
Recommendation	This option is not recommended as it does not resolve the current demonstrated noise issue or the difficulty with enforcing the current noise rules in the Inner City Zone.	
Alternative 2, Raise permitted noise levels:	<ul style="list-style-type: none"> <li>• Inner City noise producers can still exceed an increased limit if no acoustic insulation, or noise management measures are undertaken.</li> <li>• Enforcement still relies on monitoring being undertaken in difficult circumstances with contamination issues.</li> <li>• Increased limits may not encourage owners/operators of noise generating activities to seek other ways of reducing noise emissions.</li> <li>• Increased allowance for noise production does not address the demonstrated reduction in residential amenity experienced.</li> <li>• Any increase is unlikely to be acceptable to many residents.</li> <li>• Plan change unlikely to fully satisfy noise producers or noise receivers.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased level provides limited improvement in ability for Inner City noise producers to operate within the noise level.</li> <li>• Increased level provides limited improvement in enforceability, particularly when measuring against background noise.</li> </ul>

Alternative Option	Costs	Benefits
	<ul style="list-style-type: none"> <li>Requirement (cost and time) to undertake a plan change process.</li> </ul>	
Recommendation	<p>This option is not recommended as it potentially alleviates but does not resolve the noise enforcement issues and does not resolve the noise issue experienced by residents within and surrounding the Inner City.</p>	
<p><b>Alternative 3,</b> Earlier closing time for licensed premises:</p>	<ul style="list-style-type: none"> <li>Earlier closing times relate to issues beyond the scope of this Plan Change – This is an action identified in the Nelson Tasman Regional Alcohol Strategy 2006 and involves considerations beyond the ambit of the RMA process. This is more appropriately considered under the Sale and Supply of Alcohol Act 2012 (Local Alcohol Policies).</li> <li>Likely to result in a significant amount of consultation to which the Plan Change process could not respond.</li> <li>Changing the closing time to resolve a noise issue alone is likely to have other unintended consequences.</li> <li>Plan change unlikely to fully satisfy noise producers or noise receivers.</li> <li>Requirement (cost and time) to undertake a plan change process.</li> </ul>	<ul style="list-style-type: none"> <li>Is likely to remove the noise issue of music until 3am and disruption caused by patrons on the street and heading home, or to other locations, at that time (although noting that the current rule only applies to the serving of alcohol – a venue with no alcohol for sale can remain open beyond 3am).</li> <li>Simple to enforce</li> </ul>
Recommendation	<p>This option is not recommended as the extent of the issues surrounding closing times go beyond that able to be accommodated by the plan change process.</p>	
<p><b>Alternative 4,</b> Proposed Plan Change:</p>	<ul style="list-style-type: none"> <li>Removal of a specific noise limit in the Inner City potentially results in uncertainty from residents and noise producers over what is an acceptable level of noise.</li> <li>Additional cost to new noise receivers and producers from carrying out acoustic insulation or the requirements of a noise management plan.</li> <li>Plan change may not fully satisfy noise producers or noise receivers.</li> <li>Requirement (cost and time) to undertake a plan change process.</li> </ul>	<ul style="list-style-type: none"> <li>Allows for the operation of businesses and establishment of residences that can add to the vitality and vibrancy of the city centre.</li> <li>Places onus for noise management on both the noise emitter (within the Inner City) and the noise receiver (for residents of the Inner City).</li> <li>Consistent with the approach to noise management for the airport and the port areas, but tailored specifically to the Inner City.</li> <li>Retains the certainty of the noise limit at the Residential Zone boundary rule.</li> <li>Removes the current difficulties</li> </ul>

Alternative Option	Costs	Benefits
		in enforcement of existing rules. • It recognises an enforcement officer's ability to use their experience and judgement within the bounds of the RMA (Sec 16 and 327) to carry out enforcement.
Recommendation	This option is recommended and is the subject of this Section 32 RMA report. It recognises the provisions (Sec 16 and 327) of the RMA to carry out noise management and enforcement. It spreads the responsibility for noise management between both the noise producer and noise receiver. The option also retains the existing noise limits at sites within the Residential Zone which provides certainty for residents of these areas.	

### 3.2 Appropriateness of objectives in achieving the purpose of the RMA

#### 3.2.1 Introduction

Section 32 requires an evaluation of the extent to which the objective is the most appropriate to achieve the purpose of the Act. Appropriateness is not defined in the Act. In undertaking the evaluation it has generally been helpful to consider alternative forms of the objective and test them in terms of how well they met the environmental, social, cultural, and economic outcomes in Section 5, plus achieving other Part 2 matters. Often these assessments require value judgements because they are not readily quantified. Usually the objective is also tested against how well it addresses the elements of the issue.

#### 3.2.2 Objectives

No existing objectives of the operative Nelson Resource Management Plan are proposed to be amended by this Plan Change. Also no new objectives are proposed to be added. This section examines the relevant existing objectives and the extent to which this proposed Plan Change relies on these as the most appropriate way to achieve the purpose of the Act.

No	Existing Objectives	Extent to which it is the most appropriate way to achieve the purpose of the RMA
1	Residential Zone: Objective RE2 Residential Character: <i>An environment that is principally residential in character.</i>	The proposed retention of rule ICr.43 'Noise – at residential boundary' ensures that the permitted activity standard for noise received in the Residential Zone is no different if that noise is produced within the Inner City or Residential Zones. This achieves the stated objective to a standard the same as that across the Residential Zone. The purpose of the Act is achieved by allowing activities to occur in a way that enables people and communities to provide for their social, economic, and cultural wellbeing. It also provides for a level of

		health and safety within the Residential Zone that has been deemed to be appropriate through previous consultation in developing the Nelson Resource Management Plan.
2	Inner City Zone: Objective IC4 Activities and Adverse Effects: <i>A diversity of activities which do not adversely affect the environment sought for the City Centre and City Fringe.</i>	The proposed Plan Change recognises the importance of the two aspects of this objective, 1) the diversity of activities to draw people into the city centre, 2) managing any adverse effects to maintain an attractive, desirable environment. The proposed Plan Change therefore intends to strike a balance between allowing activities (such as music and bars) to be undertaken but to manage the adverse effects (in this case noise, which can impact on people's health and general amenity) that are often generated by these activities. This achieves the purpose of the Act by allowing activities to occur in a way that enables people and communities to provide for their social, economic, and cultural wellbeing.
3	Inner City Zone: Objective IC5 Effects on Neighbouring Zones: <i>Development on the edges of the Zone which does not detract from neighbouring or nearby zones but seeks to complement in function and design the values of the adjacent zones.</i>	As noted in item 1 above rule ICr.43 manages noise received within the Residential Zone when it is produced in the Inner City Zone. In respect of noise the intent of the rule is that the amenity of the neighbouring Residential Zone is no different to that which would be expected in any other part of the Residential Zone.

### **3.3 Whether the policies, rules, or other methods are the most appropriate for achieving the objectives in terms of their efficiency and effectiveness, benefits and costs, and in regards to the risk of acting or not acting**

#### **3.3.1 Introduction**

The following tables provide an evaluation of the costs and benefits of the proposed policies and methods which form the Plan Change. It considers whether these are the most appropriate for achieving the objectives, having regard to their efficiency and effectiveness. The terms efficiency and effectiveness are not defined in the RMA and, therefore, the guidance set out below have been used to help focus the analysis.

Costs and benefits have largely been assessed subjectively and or comparatively because of the great difficulty in assessing/quantifying intangible costs e.g. environmental and amenity costs or benefits. Where possible quantitative assessments of costs have been given.

The concept of risk has two dimensions, the probability of something adverse occurring and the consequence of it occurring. For example, if there is low risk associated with acting but high risk associated with not acting, then taking action is clearly the sensible option.

The policy and method alternatives assessed in this section will achieve the objectives to different degrees and combinations of policy approaches will be used to form the final

preferred option. The preferred option has been outlined in Section 1.3.4 and 3.1.3 of this report.

It is important to remember that the methods outlined below all form part of the overall package – no one method alone is proposed as a way of resolving the identified issue of Inner City noise.

**3.3.2 Amendment 1: Proposed new rule:** Introduce permitted activity requirements for new habitable space (bedrooms, living areas etc of a dwelling), or short term living accommodation units (hotels, motels etc) in the Inner City Zone to be acoustically insulated to reduce noise entering a building. This new rule is based on a similar rule that is currently used for houses near the Port where an acoustic engineer designs the building to achieve a specified reduction in sound level inside the building. It also incorporates the option to use specified minimum construction standards to achieve this.

Methods	Option 1: Status Quo: dwellings or short term living accommodation not required to provide acoustic insulation	Option 2: Restrict any new dwellings or short term living accommodation in Inner City	Option 3: Acoustic insulation for any new dwellings or short term living accommodation in Inner City
<b>Environmental, Economic, Social, Implementation, and Compliance Costs</b>	<p>Does not require dwellings or short term living accommodation units to mitigate against the level of noise permitted within the Inner City environment.</p> <p>Increases the noise issue as more people move to the city (as anticipated and encouraged through the Central City Strategy) without providing acoustically insulated living environments.</p> <ul style="list-style-type: none"> <li>• More potential for complaint</li> <li>• Potential negative impact on other activities adding vibrancy to City Centre</li> <li>• Additional ongoing compliance requirements relating to complaints</li> </ul> <p>Onus for noise management solely on those producing noise</p>	<p>This option does not provide people with the option of living in the Inner City. This reduces Inner City vibrancy, impacts on economic activity in the city, removes positive surveillance effects of having people living in the city and restricts the amount of short term accommodation able to be provided in the city centre.</p> <p>Removes people's ability to choose a living environment that suits their requirements – may result in a resource consent required for any dwelling or short term living accommodation unit.</p> <p>Does not resolve the noise issue for any current dwellings or short term living accommodation.</p> <p>Does not meet Council's intent of having an increased number of people living in the Inner City.</p> <p>Plan Change process required.</p>	<p>Increased monetary cost to developers of dwellings and short term living accommodation in the Inner City. Costs are estimated to be ....</p> <p>Potential for this increased cost to restrict the viability of development thereby reducing the opportunity for more residents of the Inner City.</p> <p>This option also considered the inclusion of significantly altered dwellings or short term living accommodation but this was not included as the costs versus benefits was not favourable. Retrospective acoustic insulation of an existing building is more expensive than including it at the initial construction stage. Also there are a limited number of units within the city centre and only a small portion of these would be 'significantly altered'. As a middle ground the Council will provide information and education so these existing owners can make an informed decision on acoustic insulation should they decide to 'significantly alter' their building. In addition it avoids the uncertainty of determining what consists of 'significant alteration'.</p>
<b>Environmental, Economic, Social, Implementation, and Compliance Benefits</b>	<p>No additional costs to development of dwellings or short term living accommodation in Inner City. Leaves any acoustic insulation provided as a voluntary measure.</p> <p>No Plan Change measures required and retains existing understanding of Plan requirements.</p>	<p>Maintains the current number of people living in the Inner City.</p> <p>Effectively caps the number of people who can live or stay in the city centre thereby controlling how many people may experience issues with noise production. Extent of future enforcement resource required from Council is more accurately known.</p>	<p>Provides people who do live or stay within the Inner City with an appropriate noise level within their dwelling or unit. Increases the amenity level for people which in turn increases the number of people who are attracted to Inner City living or visiting.</p> <p>Improves the compliance environment as residents are 'insulated' from outside noise.</p>



Methods	Option 1: Status Quo: dwellings or short term living accommodation not required to provide acoustic insulation	Option 2: Restrict any new dwellings or short term living accommodation in Inner City	Option 3: Acoustic insulation for any new dwellings or short term living accommodation in Inner City
			<p>Option within the rule to either use an acoustic consultant or to follow minimum construction standards will allow the most cost effective option to be followed.</p> <p>The option is consistent with the approach undertaken for noise produced at the port. In terms of implementation this is efficient as the systems and knowledge is already in place within Council and for external consultants.</p>
<b>Overall Efficiency and Effectiveness</b>	<p>This option is not efficient or effective as it does not resolve the current demonstrated noise issue or the difficulty with enforcing the current noise rules in the Inner City Zone. This does not assist in achieving the objective IC4 'A diversity of activities which do not adversely affect the environment sought for the City Centre and City Fringe'.</p>	<p>This option is not efficient or effective as it does not resolve the noise issue for current residents and does not achieve Council's goal of increasing the number of residents in the Inner City. This does not assist in achieving the objective IC4 'A diversity of activities which do not adversely affect the environment sought for the City Centre and City Fringe'.</p>	<p>This option is efficient and effective as it ensures those receiving noise in the Inner City undertake actions which help to reduce the impact of the noise. This recognises the Plan policy direction that the Inner City is a vibrant place, but also a place where residential use is encouraged.</p> <p>Consistency with Plan provisions for noise from the Port makes this an efficient option.</p> <p>For the reasons stated above this option assists in achieving the objective IC4 'A diversity of activities which do not adversely affect the environment sought for the City Centre and City Fringe'. This is supported by Policy IC4.1 Range of Activities, and IC4.3 Residential Amenity stating that activities which enhance the vitality and vibrancy of the city centre shall be enhanced, and that the Inner City should provide a reasonable standard of residential amenity but recognising that the fundamental character of the area is non-residential.</p>
<b>Appropriateness</b>	<p>This option is not appropriate as it does not resolve the current demonstrated noise issue or the difficulty with enforcing the current noise rules in the Inner City Zone.</p> <p>Any measures to manage the noise issue would then be placed solely on the noise producers.</p>	<p>This option is not appropriate as it does not resolve the noise issue for current residents and does not achieve Council's goal of increasing the number of residents in the Inner City. It also is not appropriate as it removes a housing choice from people for whom it is a desirable alternative.</p>	<p>This option is appropriate as, in conjunction with other methods proposed, it allows for increased residential activity in the Inner City while recognising that it is a noisier place than the Residential Zone. This means measures should be undertaken by those wanting to live there to reduce the impact of that noise on their amenity.</p> <p>This option, in conjunction with other methods proposed, splits the responsibility for managing the impact of noise produced between both the produces</p>

<b>Methods</b>	<b>Option 1: Status Quo: dwellings or short term living accommodation not required to provide acoustic insulation</b>	<b>Option 2: Restrict any new dwellings or short term living accommodation in Inner City</b>	<b>Option 3: Acoustic insulation for any new dwellings or short term living accommodation in Inner City and receivers.</b>
<b>Risk of Acting</b>	Not relevant to this option.	A housing choice is removed. The City centre does not benefit from an increased number of residents.	Residential unit and short term living accommodation will not be developed in the Inner City as additional costs could be a barrier.
<b>Risk of Not Acting</b>	This option creates risk as the Plan sets the expectation that the Inner City will be a vibrant place with an increased level of noise than that experienced in the Residential Zone. Residential, or short term living accommodation activities without acoustic insulation will always leave this expectation exposed to complaint.	Residential activity will continue to grow in the Inner City without the impact of noise in the Inner City being addressed. This is anticipated to result in an increased level of complaint.	Complaints, and possibly increased restrictions on noise producing activities, may increase as more people move to the Inner City and live in dwellings (or short term accommodation) without acoustic insulation.  All onus for managing effects of noise will be placed on noise producers which may not allow for activities to meet the vibrant Inner City policy direction set in the Plan.
<b>Conclusion</b>			<b>This option is the most appropriate for achieving the objective of the Plan.</b>

**3.3.3 Amendment 2, Proposed new rule:** Introduce a new rule requiring new or extended 'Noise Generating Activities' to apply for a resource consent with the requirement for a noise management plan addressing location, noise production and management, acoustic insulation and any mitigation measures proposed. This change includes a definition of 'Noise Generating Activities' which includes the assembly of people inside or outside for a commercial activity at night time and where music is being played. The definition allows activities to operate later on Friday and Saturday nights than during the week, and allows a low level of music to be played without the need for a resource consent.

<b>Methods</b>	<b>Option 1: Status Quo: noise generating activities not required to apply for resource consent or have noise management requirements up front</b>	<b>Option 2: Restrict any new noise generating activities in Inner City</b>	<b>Option 3: Noise generating activities required to apply for resource consent including noise management requirements up front</b>
<b>Environmental, Economic, Social, Implementation, and Compliance Costs</b>	Does not require noise generating activities to take any measures when they are being planned and developed to mitigate against the levels of noise often produced by their activities.  As more people and noise generating activities	This option limits the establishment of new noise generating activities which could be counter to Council's policy direction of developing a vibrant city centre.  A portion of the community that desires the type of	Increased monetary cost to developers of noise generating activities in the Inner City. Due to the wide range of possible noise generating activities, locations and buildings that house them costs are not estimated. Any idea on costs? – even just for noise management plan preparation and RC ie. no physical

Methods	<b>Option 1: Status Quo: noise generating activities not required to apply for resource consent or have noise management requirements up front</b>	<b>Option 2: Restrict any new noise generating activities in Inner City</b>	<b>Option 3: Noise generating activities required to apply for resource consent including noise management requirements up front</b>
	<p>occur in the city centre (as anticipated and encouraged through the Central City Strategy) the potential for complaint grows higher. This has the potential to negatively impact on activities which add vibrancy to City Centre.</p> <p>Additional ongoing compliance requirements relating to increased complaints.</p> <p>Onus for noise management solely on those receiving noise (see table 3.3.2 above).</p>	<p>entertainment that noise generating activities provide would have limited opportunity to meet this need. Also impacts on job creation and an income generator.</p> <p>Does not resolve the noise issue for any current noise generating activities.</p> <p>Resource consent process (possibly for more than just noise issues) required to establish any noise generating activity.</p> <p>Plan Change process required.</p> <p>Restriction could also apply to only allowing new noise generating activities in an identified 'entertainment precinct'. This would focus noise generation (and other associated issues) in one area and due to Nelson's small size the effects would be felt widely. Not following this 'entertainment precinct' approach allows a spread of activity across the city enhancing vitality and vibrancy and allowing a healthier mix of activity in different areas.</p>	<p>work.</p> <p>Potential for this increased cost to restrict the economic viability of development thereby reducing the opportunity for more entertainment and employment opportunities in the Inner City.</p> <p>Requirement (cost and time) to undertake a plan change process, plus additional resource consent processing.</p>
<b>Environmental, Economic, Social, Implementation, and Compliance Benefits</b>	<p>No additional costs to development of noise generating activities in the Inner City. Leaves any acoustic insulation / noise management provided in the up front development of the premises as a voluntary measure.</p> <p>No Plan Change measures required and retains existing understanding of Plan requirements.</p>	<p>Effectively caps the number of noise generating activities in the city centre thereby controlling noise production. Extent of future enforcement resource required from Council is more accurately known.</p>	<p>Places onus for noise management on both the noise emitter (within the Inner City) and the noise receiver (for residents of the Inner City).</p> <p>Ensures a proactive, up front approach to managing noise before a potential problem is created.</p> <p>Definition of noise generating activity can be tailored to allow activities which produce low levels of noise, or are open later on a Friday or Saturday night to operate without the need for a resource consent up front.</p> <p>Increases certainty for an operator of a noise generating activity as they can gain a resource consent (including an approved noise management plan) identifying actions they need to carry out in the management of noise.</p>

<b>Methods</b>	<b>Option 1: Status Quo: noise generating activities not required to apply for resource consent or have noise management requirements up front</b>	<b>Option 2: Restrict any new noise generating activities in Inner City</b>	<b>Option 3: Noise generating activities required to apply for resource consent including noise management requirements up front</b>
			Improved noise management allows additional activity in the city centre but with reduced adverse effects from noise. This supports NRMP policies to enhance vitality and vibrancy, manage adverse effects, and provide a reasonable standard of residential amenity.
<b>Overall Efficiency and Effectiveness</b>	This option is not efficient or effective as it does not resolve the current demonstrated noise issue or the difficulty with enforcing the current noise rules in the Inner City Zone.	This option is not efficient or effective as it does not resolve the current demonstrated noise issue or the difficulty with enforcing the current noise rules in the Inner City Zone.	<p>This option is efficient and effective as it ensures those producing noise in the Inner City undertake actions which help to reduce the emission and impact of that noise. This recognises the Plan policy direction that the Inner City is a vibrant place, but also a place where residential use is encouraged.</p> <p>For the reasons stated above this option assists in achieving the objective IC4 'A diversity of activities which do not adversely affect the environment sought for the City Centre and City Fringe'. This is supported by Policy IC4.1 Range of Activities, and IC4.3 Residential Amenity stating that activities which enhance the vitality and vibrancy of the city centre shall be enhanced, and that the Inner City should provide a reasonable standard of residential amenity but recognising that the fundamental character of the area is non-residential. In addition it gives effect to policy IC4.2 'adverse effects' seeking that activities should not give rise to effects which adversely affect the character of the City Centre and City Fringe areas.</p>
<b>Appropriateness</b>	This option is not appropriate as it does not resolve the current demonstrated noise issue or the difficulty with enforcing the current noise rules in the Inner City Zone.	This option is not appropriate as it does not resolve the current demonstrated noise issue or the difficulty with enforcing the current noise rules in the Inner City Zone.	<p>This option is appropriate as, in conjunction with other methods proposed, it specifically requires that noise generating activities recognise and proactively manage the issue of noise emission from their activities. In doing this the rule and the NRMP Objectives and Policies still anticipate noise generating activities as an integral part of the Inner City environment. This means measures should be undertaken by those wanting to produce noise to manage this at a level appropriate in the Inner City environment.</p> <p>This option, in conjunction with other methods proposed, splits the responsibility for managing the impact of noise produced between both the produces</p>

<b>Methods</b>	<b>Option 1:</b> Status Quo: noise generating activities not required to apply for resource consent or have noise management requirements up front	<b>Option 2:</b> Restrict any new noise generating activities in Inner City	<b>Option 3:</b> Noise generating activities required to apply for resource consent including noise management requirements up front
			and receivers.
<b>Risk of Acting</b>	Risk of acting 'ie doing nothing' is that the noise issue is not resolved as expected by the Environment Court. Council is exposed to a legal challenge over management of noise.	Future growth of noise generating activities is restricted. If a 'entertainment precinct' approach was undertaken risk is noise and associated issues would cumulate and due to Nelson's small size the effects would be felt widely	New Noise Generating Activities will not be developed in the Inner City as additional costs could be a barrier.
<b>Risk of Not Acting</b>	See above.	The existing identified noise issues are unresolved as expected by the Environment Court. Council is exposed to a legal challenge over management of noise.	Complaints and enforcement action may increase if more noise generating activities establish without considering noise management upfront.  All onus for managing effects of noise may be placed on noise receivers which is an unfair distribution of responsibility and may not meet the vibrant Inner City policy direction set in the Plan.
<b>Conclusion</b>			<b>This option is the most appropriate for achieving the objective of the Plan.</b>

**3.3.4 Amendment 3, Proposed New Rule:** Plan provision retaining control over maximum noise level ( $L_{AFmax}$ ) at night time. This provision is part of the current rule ICr.42 dealing with noise in the Inner City which is proposed to be removed under this Plan Change (see Change 5 below).  $L_{AFmax}$  control at night time provides an upper limit to single noise events which provides a level of certainty around the limits to a single 'spike' of sound. Note this does not act as a limit that a more continuous source of noise (such as music or an air conditioner unit) can generally operate to and be deemed to be reasonable and not excessive.

<b>Methods</b>	<b>Option 1:</b> Retain Existing Rules	<b>Option 2:</b> Include specific bass frequency control with $L_{max}$ control	<b>Option 3:</b> Plan provision retaining control over night time maximum noise level ( $L_{max}$ ) at any frequency.
<b>Environmental, Economic, Social, Implementation, and Compliance Costs</b>	Retention of the rules which currently contain the $L_{max}$ control is discussed in full in sections 3.3.5 and 3.3.6 Option 1 below.	Specific bass frequency control (depending on the levels set) can constrain activities which seek to produce higher levels of bass.  Enforcement of a specific bass frequency control will be difficult due to remaining levels of contamination and the need to use a specialist noise meter for that component	Some commercial activities (including construction) may be limited in the extent of noise they can produce.  Requirement (cost and time) to undertake a plan change process.

Methods	Option 1: Retain Existing Rules	Option 2: Include specific bass frequency control with L <sub>max</sub> control	Option 3: Plan provision retaining control over night time maximum noise level (L <sub>max</sub> ) at any frequency.
		<p>of the noise spectrum whilst the rest is managed under option discussed in section 3.3.6 below.</p> <p>Requirement (cost and time) to undertake a plan change process.</p>	
<b>Environmental, Economic, Social, Implementation, and Compliance Benefits</b>		<p>Bass frequencies and maximum noise have a defined numerical limit.</p> <p>L<sub>AFmax</sub> control at night time provides an upper limit to single noise events which provides a level of certainty around the limits to a single 'spike' of sound. Note this does not act as a limit that a more continuous source of noise can generally operate to and be deemed to be reasonable and not excessive.</p> <p>The L<sub>AFmax</sub> control proposed is consistent with that for the Residential Zone so a single noise source heard across both zones will be managed in the same way and at the same level.</p> <p>Assists in achieving the amenity sought for the Inner City and Residential Zones.</p>	<p>L<sub>AFmax</sub> control at night time provides an upper limit to single noise events which provides a level of certainty around the limits to a single 'spike' of sound. Note this does not act as a limit that a more continuous source of noise can generally operate to and be deemed to be reasonable and not excessive.</p> <p>The L<sub>AFmax</sub> control proposed is consistent with that for the Residential Zone so a single noise source heard across both zones will be managed in the same way and at the same level.</p> <p>Assists in achieving the amenity sought for the Inner City and Residential Zones.</p>
<b>Overall Efficiency and Effectiveness</b>		<p>This option has limited efficiency and effectiveness as the bass frequency control would still be subject to some level of contamination. Whilst not as significant as that experienced for general noise currently it could still present difficulties in measurement and enforcement – particularly as other frequencies would be assessed under the RMA noise provisions.</p>	<p>This option is efficient and effective as it retains a 'cap' on maximum noise levels permitted at night time and in a manner which is consistent with that allowable in the Residential Zone. It also acts as part of the package of noise control measures proposed under this Plan Change.</p>
<b>Appropriateness</b>		<p>This option of including the bass noise limits is not appropriate as it does not resolve the noise issue, particularly in regard to the noise receivers, but also noise producers, and noise enforcement as there is still some level of contamination when carrying out measurements.</p>	<p>This option is appropriate as it forms part of the wider package of methods in the Plan Change to manage noise in the Inner City. This assists in achieving the standard of amenity desired for the City Centre and surrounding residential area as set out in the Plan.</p>
<b>Risk of Acting</b>		<p>Bass frequencies provisions are difficult to enforce and similar problems to that which currently occur are likely to develop.</p>	<p>No identified risk as this is effectively retention of an existing provision that is able to be monitored and enforced.</p>
<b>Risk of Not Acting</b>		<p>Bass levels and maximum noise are not specifically managed by the Plan. Lack of a specified maximum noise level reduces the level of certainty to residents as to the maximum noise they can expect to experience.</p>	<p>This aspect of the package of methods under this Plan Change is not given effect to and the specified maximum noise level is not provided.</p>
<b>Conclusion</b>			<b>This option is the most appropriate for achieving the</b>

Methods	Option 1: Retain Existing Rules	Option 2: Include specific bass frequency control with Lmax control	Option 3: Plan provision retaining control over night time maximum noise level (Lmax) at any frequency. objective of the Plan.

**3.3.5 Amendment 4, Retain and Amend Existing Rule:** Retain rule ICr.43 'Noise – at residential boundary' (with minor amendments). This Inner City Zone rule provides specific noise levels which cannot be exceeded when received within any site in the Residential Zone. The change involves minor amendments to the existing rule to better reflect the construction noise standard and to allow a change from NZS6801:1991 and NZS6802:1991 to the 2008 versions of the same standards. In addition specific assessment criteria and explanations are added where these previously did not exist. The amendments also allow a broader set of construction activities to utilise the construction noise standard than is currently the case, but otherwise result in no change to the permitted noise levels heard in the Residential Zone.

Methods	Option 1: Retain and Amend Existing Rule	Option 2: Increase noise levels for noise received in the Residential Zone	Option 3: Delete existing rule and utilise RMA provisions for managing noise as is proposed for Inner City
<b>Environmental, Economic, Social, Implementation, and Compliance Costs</b>	<p>Amendments to use 2008 standards require the enforcement team to use a different noise measurement practice than they do now – training maybe required.</p> <p>The full use of the construction noise standard expands this aspect of allowable noise production from 'building and demolition' to all construction activities covered by the standard, thereby the number of activities that can produce additional noise which is then received in the Residential Zone.</p>	<p>An increase in permitted noise levels will reduce the amenity (in terms of noise) of the adjacent Residential Zone below that expected.</p> <p>Increased limits may not encourage owners/operators of noise generating activities to seek other ways of reducing noise emissions.</p> <p>Requirement (cost and time) to undertake a plan change process, plus increased likelihood of a protracted process due to objections.</p>	<p>Removal of a specific noise limit for Inner City Noise heard in the Residential Zone results in uncertainty from residents and noise producers over what is an acceptable level of noise.</p> <p>Noise control for the Residential Zone would then be inconsistent between noise produced within the Zone and noise received from the Inner City Zone.</p> <p>Requirement (cost and time) to undertake a plan change process, plus increased likelihood of a protracted process due to objections.</p>
<b>Environmental, Economic, Social, Implementation, and Compliance Benefits</b>	<p>The noise permitted in the Residential Zone is not changed from that permitted under the current operative rule – this maintains certainty and consistency for residents of this area and importantly retains the level of residential amenity anticipated in the Residential Zone.</p> <p>Amended rule better reflects current standards and its enforceability is improved by including specific explanations and reasons in the rule.</p>	<p>Increased level provides limited improvement in ability for Inner City noise producers to operate within a new noise level.</p> <p>Increased level provides limited improvement in enforceability, particularly when measuring against background noise.</p>	<p>Removes the current difficulties in enforcement of existing rules.</p> <p>It recognises an enforcement officer's ability to use their experience and judgement within the bounds of the RMA (Sec 16 and 327) to carry out enforcement.</p> <p>Consistent with noise management proposed for within the Inner City Zone.</p>

Methods	<b>Option 1: Retain and Amend Existing Rule</b>	<b>Option 2: Increase noise levels for noise received in the Residential Zone</b>	<b>Option 3: Delete existing rule and utilise RMA provisions for managing noise as is proposed for Inner City</b>
	<p>As noted in 'costs' above there is a proposed increase in the number of construction type activities that can produce a higher level of noise – this is also a benefit due to the need to undertake construction within the city which does not always meet the standard noise limits. Construction is a relatively short term activity that is necessary for the economic well being of Nelson.</p> <p>Limited change to the NRMP required.</p>		
<b>Overall Efficiency and Effectiveness</b>	<p>This option is efficient and effective as it maintains the current operative rule and updates it to the current New Zealand Standard for noise management – including the construction noise standard.</p>	<p>This option has some efficiencies and effectiveness as it provide an increased ability for noise producers to operate with a higher permitted noise level. In regard to noise receivers however it increases their exposure to noise, without any means of mitigating this.</p>	<p>This option has some efficiencies and effectiveness as it allows enforcement to be undertaken without relying on noise measurement in situations where contamination exists (however this issue is not as prevalent as it is when attempting to carry out measurements within the Inner City), and is consistent with the approach proposed in the Inner City Zone. However it reduces certainty for residents of the Residential Zone.</p>
<b>Appropriateness</b>	<p>This option is appropriate as it maintains the current noise environment for the Residential Zone adjacent to the Inner City.</p>	<p>This option is not appropriate as it does not resolve the noise issue, particularly in regard to the noise receivers and reduces the amenity levels expected in the Residential Zone.</p>	<p>This option is not appropriate as the enforcement issues of the city centre are not present, or not as prevalent in the surrounding Residential Zone and therefore the specific noise limits can be retained. Use of specific noise limits confirms the level of amenity expected and experienced in the Residential Zone is retained.</p>
<b>Risk of Acting</b>	<p>Limited risk of acting as the proposal substantially retains the current rule and any amendments do not significantly change its intent.</p>	<p>Residents of the Residential Zone experience a higher level of noise and subsequent reduction in amenity. Increased likelihood of objection to the Plan Change.</p>	<p>Removal of a specific noise limit in the Residential Zone results in uncertainty from residents and noise producers over what is an acceptable level of noise and makes noise enforcement in the Residential Zone adjacent to the Inner City inconsistent with other Residential Zone areas.</p>
<b>Risk of Not Acting</b>	<p>Limited risk of not acting as the proposal is to basically retain the current rule but it would become out of date as it uses an older (although still applicable) standard and is not updated in line with the rest of the proposed Plan Change.</p>	<p>Limited risk of not acting as the current operative noise limits remain in place.</p>	<p>Limited risk of not acting as the current operative noise limits remain in place.</p>
<b>Conclusion</b>	<p><b>This option is the most appropriate for achieving the objective of the Plan.</b></p>		



**3.3.6 Amendment 5, Approach to existing rule ICr.42 'Noise':** Utilise noise provisions of the Resource Management Act for enforcement of noise in the inner City Zone, specifically Section 16 'Duty to avoid unreasonable noise' and Section 327 'Issue and effect of excessive noise direction'. This involves the removal rule ICr.42 'Noise' which currently relies on the measurement of specific noise levels produced by an individual activity. The current rule resulted in enforcement difficulties and an Environment Court decision. See Section 2 for further details.

Methods	Option 1: Retain Existing Rule	Option 2: Increase Noise limit	Option 3: Remove Existing Rule and Enforce Noise using provisions of the RMA
<b>Environmental, Economic, Social, Implementation, and Compliance Costs</b>	<p>Demonstrated problems applying and enforcing rule ICr.42 in particular with resulting costs for amenity reduction, and compliance in particular. Also difficult for noise producers due to uncertainty around acceptability of noise levels (due to inability to reliably measure and enforce the stated levels – see issue statement).</p> <p>Inability to follow Environment Court direction to apply the rules effectively.</p> <p>The onus for managing noise remains solely with the noise producer.</p>	<p>Inner City noise producers, particularly bars can still exceed an increased limit if no acoustic insulation measures are undertaken.</p> <p>Enforcement still relies on monitoring being undertaken in difficult circumstances with contamination issues.</p> <p>Increased limits may not encourage owners/operators of noise generating activities to seek other ways of reducing noise emissions.</p> <p>Increased allowance for noise production does not address the demonstrated reduction in residential amenity experienced.</p> <p>Requirement (cost and time) to undertake a plan change process.</p>	<p>Removal of a specific noise limit in the Inner City could result in uncertainty from residents and noise producers over what is an acceptable level of noise.</p> <p>Additional supporting material and possible training of enforcement staff required to maintain/develop consistent enforcement practices using this method.</p> <p>Requirement (cost and time) to undertake a plan change process.</p>
<b>Environmental, Economic, Social, Implementation, and Compliance Benefits</b>	<p>No change to the NRMP required.</p> <p>Existing rules and stated noise levels is retained – the stated noise limits are understood by the community.</p>	<p>Increased level provides limited improvement in ability for Inner City noise producers to operate within the noise level.</p> <p>Increased level provides limited improvement in enforceability, particularly when measuring against background noise.</p>	<p>In combination with other methods proposed places onus for noise management on both the noise emitter (within the Inner City) and the noise receiver (for residents of the Inner City).</p> <p>Removes the current difficulties in enforcement of existing rules and results in a proven enforcement method that is currently being successfully utilised.</p> <p>It recognises an enforcement officer's ability to use their experience and judgement within the bounds of existing legislation in the RMA (Sec 16 and 327) to carry out enforcement.</p>
<b>Overall</b>	This option is not efficient or effective as it does	This option has some efficiencies and effectiveness	This option is efficient and effective as it allows

Methods	Option 1: Retain Existing Rule	Option 2: Increase Noise limit	Option 3: Remove Existing Rule and Enforce Noise using provisions of the RMA
Efficiency and Effectiveness	not resolve the current demonstrated noise issue or the difficulty with enforcing the current noise rules in the Inner City Zone.	as it provides an increased ability for noise producers to operate with a higher permitted noise level. In regard to noise receivers however it increases their exposure to noise, without any means of mitigating this.	enforcement to be undertaken without relying on noise measurement in situations where contamination exists.
Appropriateness	This option is not appropriate as it does not resolve the current demonstrated noise issue or the difficulty with enforcing the current noise rules in the Inner City Zone.	This option is not appropriate as it does not resolve the noise issue, particularly in regard to the noise receivers, but also noise producers, and noise enforcement as there is still a contamination issue in carrying out measurements.	This option is appropriate as it utilises existing sections of the Resource Management Act 1991 to carry out noise control. This resolves an identified issue of contamination making noise measurement and enforcement difficult in many circumstances.
Risk of Acting	Risk of acting 'ie doing nothing' is that the noise issue is not resolved as expected by the Environment Court. Council is exposed to a legal challenge over management of noise.	Residents and visitors of the Inner City and surrounding areas experience a higher level of noise and subsequent reduction in amenity.	Removal of a specific noise limit in the Inner City results in uncertainty from residents and noise producers over what is an acceptable level of noise.
Risk of Not Acting	Not applicable.	Noise producers carrying out standard operations are in contravention of permitted activity standards, resulting in the current difficult enforcement regime.	Council is exposed to legal challenge for not enforcing a current rule as expected by the Environment Court. There is no improvement in current noise situation and an established method of enforcing noise under the RMA is not utilised fully.
Conclusion			<b>This option is the most appropriate for achieving the objective of the Plan.</b>

**3.3.7 Amendment 6, Non-regulatory:** As a non-regulatory method ensure that Council officers continue to proactively engage with existing owners and operators to encourage noise management plans and other ways to actively reduce noise. Also provide access to guidance and information around noise production, management and reception in and around the Inner City.

Methods	Option 1: Provide non-regulatory support for the Plan Change	Option 2: Do not provide non-regulatory support for the Plan Change
Environmental, Economic, Social, Implementation, and Compliance Costs	Economic cost to provide, develop and maintain material and support.	The proposed Plan Change does not achieve the full level of results anticipated as it is not supported with the non-regulatory material.  No change to the NRMP required.
Environmental, Economic, Social, Implementation, and Compliance Benefits	The proposed Plan Change approach will produce better results over all if it is supported by non-regulatory methods such as educational material and advice.  No change to the NRMP required.	No cost in time or money to provide, develop and maintain the material.

<b>Methods</b>	<b>Option 1: Provide non-regulatory support for the Plan Change</b>	<b>Option 2: Do not provide non-regulatory support for the Plan Change</b>
<b>Overall Efficiency and Effectiveness</b>	This option is efficient or effective as it assists in improving the outcomes possible from the proposed Plan Change.	This option is not efficient or effective as there is no supporting non-regulatory material developed to assist the Plan Change implementation.
<b>Appropriateness</b>	This option is appropriate as it provides education and advice or support beyond that possible in the strictly regulatory environment.	This option is not appropriate as there is no supporting non-regulatory material developed to assist the Plan Change implementation.
<b>Risk of Acting</b>	Limited risk identified.	The Plan Change does not achieve the full level of results anticipated as it is not supported with the non-regulatory material.
<b>Risk of Not Acting</b>	The proposed Plan Change does not achieve the full level of results anticipated as it is not supported with the non-regulatory material.	Not applicable.
<b>Conclusion</b>	<b>This option is the most appropriate for achieving the objective of the Plan.</b>	

## 4.0 Conclusion

The proposed Plan Change has been developed to resolve the identified issue of noise production and its impact on the city centre and surrounding areas. Consultation has been carried out throughout the development phase and this has resulted in a package of methods which together improve the way noise is managed in Nelson's Inner City Zone. The proposed package recognises that the Nelson Resource Management Plan Objectives and Policies, and the Heart of Nelson direction that Nelson has a <vital and vibrant centre that is full of activity and life> add / adjust to incorporate PC vision statement from earlier. The Plan Change is not about changing the noise level in the Inner City but is about improving how noise is managed. It does this by requiring that new and extended noise producers and new noise receivers in the inner city both play a role in managing noise. For enforcement of noise produced it utilises the existing provisions of the RMA for noise management. The Plan Change package also includes retention of the existing noise rule relating to noise which is produced in the Inner City Zone but received in the Residential Zone. This is important as it retains consistency for people in the surrounding residential area. Also an important aspect of the proposed Plan Change is the non-regulatory components where Council will provide guidance and information around noise production, management and reception in and around the city centre.

As assessed in this section 32 report the proposed Plan Change is the most appropriate way of achieving the objectives of the Plan in regard to Inner City noise.

---

## **Plan Change 14 – Residential Subdivision, Land Development Manual and Comprehensive Housing**

---

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

- 1.1 To approve and set an operative date for the outstanding provisions of Plan Change 14, for which the appeal has been resolved.

### **2. Recommendation**

***THAT the report Plan Change 14 Residential Subdivision, Land Development Manual and Comprehensive Housing (1556131) and its attachments (1559211 and 1560075) be received;***

***AND THAT policy "RE3.5 Streetscape" and rules "REr.25 Front Yards" and "REr.31 Fences" be publicly notified as operative on 9 September 2013, pursuant to Clause 20(1) of the First Schedule of the Resource Management Act 1991.***

### **3. Discussion**

- 3.1 Plan Change 14 was made operative in part on 12 November 2012. The outstanding provisions of Plan Change 14 that were the subject of an appeal to the Environment Court are:

RE3.5	Streetscape Policy
REr.25	Front Yard Rule
REr.31	Fence Rule

- 3.2 The appellant has withdrawn the appeal in respect of the RE3.5 Streetscape Policy and the REr.25 Front Yard Rule (Attachment 1).
- 3.3 A consent order has been negotiated between the parties avoiding the need for formal Environment Court mediation with respect to the REr.31 Fence Rule. The Resource Management Act Procedures Committee resolved on 18 June 2013 that Council agree to the consent order in relation to the appeal on the REr.31 Fence Rule.

- 3.4 The Environment Court has signed the consent order (Attachment 2) directing Council to amend the fence rule as agreed with the parties. The appeal has therefore been resolved.
- 3.5 The consent order provides for an alternative front fence option for local (unclassified) roads and boundaries adjoining reserves. This option provides a choice of either constructing a 1.2m high solid fence or a 1.8m high totally visually permeable fence.
- 3.6 The Streetscape Policy, Front Yard and Fence Rules of Plan Change 14 'must be treated operative' under Section 86F of the Resource Management Act 1991 and are now beyond challenge. Council can now approve those provisions and set an operative date, thereby completing Plan Change 14.

#### **4. Conclusion**

- 4.1 The appeal on Plan Change 14 has been resolved. The provisions that were subject to an appeal are now 'to be treated as operative' under section 86F of the Resource Management Act 1991. This report seeks that Council approves the setting of an operative date of 9 September 2013 via public notice.

Lisa Gibellini  
**Planning Adviser**

#### **Attachments**

- Attachment 1: Memorandum seeking order by consent ([1560075](#))
- Attachment 2: Consent Order NCC/Lile ([1559211](#))

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

The recommendation to make the outstanding provisions of Plan Change 14 operative represents the end of the RMA democratic decision making process for this plan change, and the appeal has been resolved prior to entering mediation ensuring an efficient and cost effective process.

### 2. Fit with Community Outcomes and Council Priorities

The Plan Change is consistent with the community outcome of:

- Building healthy, accessible and attractive places and live in a sustainable region.

It is also particularly aligned with the following Council Priority:

- A leading lifestyle. Council wants to be recognised internationally as being an outstanding place to live.

### 3. Fit with Strategic Documents

The Plan Change is consistent with strategic documents including the Long Term Plan, the Land Development Manual 2010, and Nelson 2060.

### 4. Sustainability

The Plan Change is consistent with Council's commitment to sustainability, particularly given it has been developed under the sustainable management mandate of the Resource Management Act 1991.

### 5. Consistency with other Council policies

The Plan Change is consistent with other Council policies, in particular the Nelson Regional Policy Statement, the Nelson Resource Management Plan, the Nelson City Council Land Development Manual 2010 and the Long Term Plan 2012-2022.

### 6. Long Term Plan/Annual Plan reference and financial impact

The Plan Change directly links to the Development Contributions Policy and Council's capital works programmes by providing for the strategic roll out of infrastructure to serve growth areas and specifying when works are to be funded by Council and when they are to be funded by developers.

### 7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

### 8. Consultation

Consultation has been undertaken in accordance with the First Schedule of the Resource Management Act 1991 and included:

- A Steering Group was established to oversee the development of the proposed Plan Change. The Steering Group comprised four Councillors, and five local professional group representatives (a surveyor, architect, engineer, valuer and a developer). The role of the Steering Group was to

provide strategic direction and ensure that direction was met, provide expert knowledge, and provide sector group leadership.

- Stakeholder consultation was undertaken through three workshops on the issues, options, preferred responses and the integration with the engineering standards at different stages throughout the policy development process.
- Wider public consultation was undertaken through a series of 'Towards Better Urban Design' newsletters sent around the local development community, through Live Nelson (the Council's monthly publication to all residents), through release of the draft Plan Change and Land Development Manual for public comments, and through a public questions and answer workshop session.
- Other parties were consulted as required under Clause 3 of Schedule 1 of the Resource Management Act 1991, including the Minister of the Environment, tangata whenua of the area, and Tasman District Council.
- The proposed Plan Change and Section 32 Report were publicly notified on 25 September 2010. Submissions closed on 3 December 2010. A summary of submissions was publicly notified on 22 January 2011 and closed on 4 February 2011.

Council heard submissions at a public hearing on 28 November 2011 and Council publicly notified decisions on those submissions on 30 June 2012.

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

Council's Kaihautū consulted Ngāti Toa Rangatira and Ngāti Kuia on the draft Plan Change. Consultation with Tiakina te Taiao on the draft Plan Change was undertaken at their six weekly meeting with Council staff.

**10. Delegation register reference**

This is a decision of Council.



**Before the Environment Court**

**ENV 2012 WL 000088**

**In the matter** of appeals under clause 14 of the first schedule of the Resource Management Act 1991

**Between** **K & M Lile** a submitter on Plan Change 14  
Appellant

**And** **Nelson City Council** a local authority carrying out the functions of both a regional council and a territorial authority within Nelson City  
Respondent

---

**Memorandum seeking order by consent**  
**Dated 14 June 2013**

---

---

FLETCHER VAUTIER MOORE  
LAWYERS  
PO BOX 3029  
RICHMOND 7050


Telephone: (03) 543 8301  
Facsimile: (03) 543 8302  
Email: abesier@fvm.co.nz  
Solicitor: JC Ironside/AC Besier


**May it please the Court:**


1. Nelson City Council publicly notified Plan Change 14 to the Nelson Resource Management Plan (NRMP) on 25 September 2010. Plan Change 14 proposed the following amendments to the NRMP:
  - New urban design issues and explanations in Chapter 4.
  - New district wide objectives and policies for land transport, urban design and subdivision and development in Chapter 5
  - Amendments to the Residential Zone policies and rules for streetscape, front yards, fences, subdivision, comprehensive housing and for subdivision in the services and landscape overlays
  - Deletion of Appendix 13 and adoption of the NCC Land Development Manual
  - A new Appendix 14 (containing residential subdivision design and information requirements)
  - Amendments to Appendix 22 (Comprehensive housing).
2. Submissions on Plan Change 14 were heard on 28 November 2011 and the Council's decision was notified on 30 June 2012.
3. An appeal was lodged by K & M Lile on the streetscape policy (Policy RE3.5) applying within the Residential Zone, the front yard rule (Rule REr.25) and the fences rule (REr.31).
4. Marsden Park Ltd and Daelyn Holdings Ltd joined the appeal as parties under section 274 of the Act.
5. No other Plan Change 14 provisions were appealed and the Council made Plan Change 14 operative (apart from the three provisions under appeal) on 12 November 2012.
6. Meetings have taken place between the Council, appellants and section 274 parties in an attempt to resolve the appeal.


7. The appellants have advised that they now wish to confine their appeal to the fences rule (Rule REr.31) and withdraw the appeal in relation to the streetscape policy (Policy RE3.5) and the front yard (Rule REr.25).
8. The parties are agreed that the appeal may be resolved by consent by amending Rule REr.31 in accordance with the document attached to this memorandum setting out the amended rule in full.
9. On the making of such an order, the appeal will be resolved. No party seeks costs.
10. The parties seek an order accordingly.

Dated 14 June 2013

  
\_\_\_\_\_  
Counsel for K & M Lile

  
\_\_\_\_\_  
Counsel for Marsden Park Ltd

  
\_\_\_\_\_  
Counsel for Daelyn Holdings Ltd

  
\_\_\_\_\_  
Counsel for Nelson City Council

IN THE MATTER of the Resource Management Act 1991  
AND

IN THE MATTER of an appeal under clause 14 of the First  
Schedule of the Act

BETWEEN K & M LILE  
(ENV-2012-WLG-000088)  
Appellants

---

AND NELSON CITY COUNCIL  
Respondent

---

BEFORE THE ENVIRONMENT COURT

Environment Judge B P Dwyer sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

CONSENT ORDER

**Introduction**

[1] The Court has read and considered the appeal and the memorandum received 1 July 2013.

[2] Daelyn Holdings Limited and Marsden Park Limited gave notice of an intention to become parties under s274, and have signed the memorandum setting out the relief sought.

[3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to



relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

**Order**

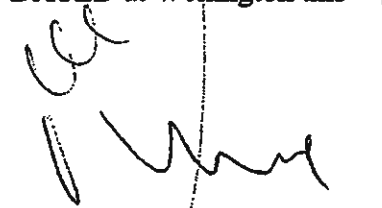
[4] The Court orders, by consent, that Rule REr.31 of the Nelson Resource Management Plan be amended in accordance with the attached document setting out the amended rule in full.

[5] The appeal is otherwise dismissed.

---

[6] There is no order as to costs.

DATED at Wellington this 18<sup>th</sup> day of July 2013



B P Dwyer  
Environment Judge



Confidential and Without Prejudice

Item	Permitted	Controlled	Discretionary/Non-complying
REr.31 Fences	<p>REr.31.1 Fences are permitted if:</p> <p>a) In a front yard or on a road boundary of an Unclassified Road:</p> <ul style="list-style-type: none"> <li>i) the maximum height does not exceed 1.2m, or</li> <li>ii) for any fence over 1.2m in height the maximum height does not exceed 1.8m and the entire fence is visually permeable,</li> </ul> <p>and</p> <p>b) In a front yard or on a road boundary of a Classified Road:</p> <ul style="list-style-type: none"> <li>i) the maximum height does not exceed 1.2m, or</li> <li>ii) for any fence over 1.2m in height                             <ul style="list-style-type: none"> <li>• the maximum height does not exceed 1.8m and</li> <li>• at least 50% across the entire front boundary is visually permeable (as measured by the total length of the front boundary and the height of the fence),</li> </ul> </li> </ul> <p>and</p> <p>c) on a boundary with a reserve, walkway or other publicly owned space:</p> <ul style="list-style-type: none"> <li>i) the maximum height of the fence does not exceed 1.2m within 1.5m of the boundary, or</li> <li>iii) for any fence over 1.2m in height the maximum height does not exceed 1.8m and the entire fence is visually permeable,</li> </ul> <p>and</p> <p>d) on all other property boundaries the maximum height does not exceed 1.8m, and</p> <p>e) where board or paling fences are used, structural railings do not face a road, walkway, reserve or other publicly-owned space.</p>	<p>REr.31.2 Not applicable</p>	<p>REr.31.3 Fences that contravene a permitted condition are restricted discretionary.</p> <p>Discretion is restricted to the following assessment matters which will be guided by the assessment criteria in REr.31.4:</p> <ul style="list-style-type: none"> <li>(i) Height, Length and Location</li> <li>(ii) Design and Appearance</li> <li>(iii) Residential Character and Streetscape</li> <li>(iv) Surveillance and Safety</li> <li>(v) On site amenity</li> </ul> <p>Resource consent applications for restricted discretionary activities will be considered without notification.</p>

Assessment Criteria	Explanation
<p>REr.31.4</p> <p>a) the proportion of the front yard to be contained by the fence and whether the objectives of an open, high amenity, pleasant and safe streetscape can still be achieved, and, and</p> <p>b) the design and appearance of the fence (including physical dimensions), materials and colour of the fence and whether this provides a pleasant, human scaled streetscape, and</p> <p>c) whether any site specific circumstances exist that result in the need for a higher solid front fence for safety of the residential occupants and/or animals or to reduce noise effects from Classified Roads on residents, and</p> <p>d) the relationship of the fence with the dwelling, garage, and driveway on the site and the cumulative effects of those elements on the streetscape, and</p> <p>e) the degree to which landscaping between the fence and the road boundary mitigates the visual effects of solid fences, and</p> <p>f) the degree of surveillance when viewed from public spaces and the consistency with the outcomes sought in policy RE3.5 and DO13A.3.1 and</p> <p>g) the topography of the site and whether that mitigates the fence height encroachment effects on streetscape and/or reserve amenity, residential character and surveillance and safety.</p>	<p>REr.31.5</p> <p>The concept of open frontages onto roads, walkways and reserves is promoted. A sense of openness between residential properties and streets, reserves and walkways is required to maintain streetscape amenity, encourage a sense of community, provide opportunities for passive surveillance and improve safety in public spaces.</p> <p>The requirements of REr.31.1 a) to b) relate to the entire front yard i.e. the section of side boundaries that are within the front yard. In some circumstances multiple rules may apply, particularly where boundaries adjoin a reserve or walkway and are also within the front yard. On boundaries adjoining a walkway or reserve rule REr.31.1(c) applies rather than REr.31.1(a or b).</p> <p>The rule provides for different degrees of height and visual permeability for classified and unclassified roads in recognition of the different function, traffic effects and privacy needs of the residents living in that street.</p> <p>Fences on boundaries between properties are limited in height to avoid having a dominant effect, keep them human scaled, and to maintain a level of openness while providing for privacy.</p> <p>Development, including front fences, should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.I. and RE3.5.</p> <p>Visually permeable for front fences means the ability to clearly see through from the street to the front yard of the site, and is determined by a comparison of the solid portion of the fence structure against any gaps provided within the structure, or between fence structures.</p> <p>Notes: Refer to rules REr.29 corner sites, REr.40 Access and section 4.3.16.4 of the NCC Land Development Manual, and REr.92 Heritage Precincts Front fences for other rules relating to fence heights or locations. Refer to the NCC Residential Street Frontage Guidelines.</p>



---

**Minutes of a meeting of the Framing Our Future Committee**  
**Held in the Council Chamber, Civic House, Trafalgar Street, Nelson**  
**On Tuesday 6 August 2013, commencing at 3.05pm**

---

- Present:** Councillor D Shaw and M Ward (Co-Chairpersons), Councillors A Boswijk, K Fulton and P Rainey
- In Attendance:** Executive Manager Strategy and Planning (M Schruer), Executive Manager Regulatory (R Johnson), Manager Administration (P Langley), Administration Adviser (E-J Ruthven)
- Apologies:** His Worship the Mayor (A Miccio), Councillors I Barker, G Collingwood, R Copeland, E Davy, P Matheson, J Rackley and R Reese

**1. Apologies**

Resolved

***THAT apologies be received and accepted from His Worship the Mayor, and Councillors Barker, Collingwood, Copeland, Davy, Matheson, Rackley and Reese.***

Shaw/Ward

Carried

**2. Interests**

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

**3. Confirmation of Order of Business**

There was no change to the order of business.

**4. Confirmation of Minutes**

**4.1 Framing Our Future Committee – 26 October 2012**

Document number 1395964, agenda pages 4-6 refer.

Resolved

***THAT the minutes of a meeting of the Framing Our Future Committee, held on 26 October 2012, be confirmed as a true and correct record.***

Shaw/Boswijk

Carried

- 4.2 Framing Our Future Committee – to hear Submissions to the draft Nelson 2060 Strategy – 9 April 2013

Document number 1489736, agenda pages 7-12 refer.

Resolved

***THAT the minutes of a meeting of the Framing Our Future Committee – to hear Submissions to the draft Nelson 2060 Strategy, held on 9 April 2013, be confirmed as a true and correct record.***

Shaw/Boswijk

Carried

- 4.3 Framing Our Future Committee – to Deliberate on Submissions to the draft Nelson 2060 Strategy – 30 April 2013

Document number 1502401, agenda pages 13-18 refer.

Resolved

***THAT the minutes of a meeting of the Framing Our Future Committee – to Deliberate on Submissions to the draft Nelson 2060 Strategy, held on 30 April 2013, be confirmed as a true and correct record.***

Shaw/Boswijk

Carried

## **5. Draft Nelson 2060 Implementation Plan 2013/14**

Document number 1489317, agenda pages 19-29 refer.

Manager Strategic Response, Chris Ward, and Policy Adviser, Sarah Yarrow, joined the meeting and presented the report.

Ms Yarrow explained that the Chief Executive had asked each division within Council to take actions to move the organisation towards the Nelson 2060 goals, and she tabled a document setting out the actions each division would undertake during 2013/14 (1567443).

There was a brief discussion regarding these initiatives, and Committee members noted their appreciation of the targets set. However, it was also noted that the initiatives were largely to 'do the same things differently', rather than examining daily activities to see whether taking



different actions would move the Council organisation closer to the Nelson 2060 goals. In this respect, officers were encouraged to think creatively and take actions that would also encourage different behaviours within the community.

There was a brief discussion regarding the Network Services' division initiative for contractors to specifically address their carbon footprint. A suggestion was made that carbon footprints or 'green' initiatives could be included as a weighted attribute during the tender process.

There was a brief discussion regarding the Communities for Climate Protection Action Plan 2008 (CCPAP). It was noted that some aspects of this plan were captured by the Nelson 2060 Strategy, but that others were not. It was agreed that the Nelson 2060 Strategy should not replace the CCPAP at this time.

Resolved

***THAT the report Draft Nelson 2060 Implementation Plan 2013/14 (1489317) and its attachment (1551208) be received;***

***AND THAT the draft Nelson 2060 Implementation Plan for 2013/14 (1551208) be confirmed by the Framing Our Future Committee.***

Fulton/Boswijk

Carried

Recommendation to Council

***THAT the draft Nelson 2060 Implementation Plan for 2013/14 (1551208) be adopted;***

***AND THAT Council's Sustainability Policy 2008, and Sustainability Action Plan 2008-2011 be replaced by the Nelson 2060 Strategy and Council's Nelson 2060 Implementation Plan 2013/14.***

Fulton/Boswijk

Carried

There being no further business the meeting ended at 3.26pm.

Confirmed as a correct record of proceedings:

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

---

**Minutes of a meeting of the Audit, Risk and Finance Committee  
Held in the Council Chamber, Civic House, Trafalgar Street, Nelson  
On Tuesday 20 August 2013, commencing at 9.00am**

---

Present: Councillors I Barker (Chairperson), G Collingwood, R Copeland and P Matheson, and Mr Graeme Thomas

In Attendance: Councillors E Davy and R Reese, Chief Executive (C Hadley), Executive Manager Support Services/Acting Executive Manager Community Services (H Kettlewell), Acting Chief Financial Officer (T Hughes), Executive Manager Regulatory (R Johnson), Executive Manager Network Services (A Louverdis), Executive Manager Kaihautū/Community Relations (G Mullen), Manager Community Relations (A Ricker), Manager Administration (P Langley), Manager Resource Consents (M Bishop), Manager Building (M Brown), and Administration Adviser (E-J Ruthven)

Apology: His Worship the Mayor (A Miccio)

**1. Apologies**

Resolved

***THAT the apology from His Worship the Mayor be received and accepted.***

Collingwood/Thomas

Carried

**2. Interests**

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

**3. Confirmation of Order of Business**

There was no change to the order of business.

Attendance: Councillor Copeland joined the meeting at 9.03am

**4. Confirmation of Minutes – 23 July 2013**

Document number 1560966, agenda pages 4-7 refer.

Resolved

***THAT the minutes of a meeting of the Audit, Risk and Finance Committee, held on 23 July 2013, be confirmed as a true and correct record.***

Collingwood/Barker

Carried

## **5. Status Report – Audit, Risk and Finance Committee**

There was no status report.

## **6. Finance Report for the Period Ending 30 June 2013**

Document number 1567112, agenda pages 8-31 refer.

### **6.1 Bad Debt Write-Offs**

In response to a question, it was clarified that bad debt figures would be included in the end of year final accounts in the draft Annual Report.

### **6.2 Transport – Parking Revenue**

There was a discussion regarding the drop in parking revenue, during which possible reasons for this were suggested.

### **6.3 Water**

In response to a question, the Chief Executive clarified that the surplus in this activity resulted from the fact that the December 2011 rainfall event had led to a deficit being budgeted for, which had not transpired.

### **6.4 Stormwater**

In response to a question, the Chief Executive explained that lower stormwater rates this financial year was as a result of a decrease in finance costs associated with this activity.

### **6.5 Flood Protection**

In response to a question, Acting Chief Financial Officer, Tracey Hughes, explained that the budget variances noted in this activity occurred as the figures in previous monthly reports were not seasonalised, and that financial year-end processes resulted in costs being assigned to where they should lie.

A suggestion as made that the incoming Council could consider requesting that regular financial reporting figures be seasonalised, to remove significant variations at the end of the financial year.

## 6.6 Environment

In response to a question, Ms Hughes explained that solid waste budgeting had been influenced by solid waste trends throughout New Zealand, but that the Nelson results indicated that residents were recycling more and sending less solid waste to the landfill.

## 6.7 Social - Festivals

Ms Hughes explained that a processing error had led to \$91,000 of Festivals activity budget being accidentally omitted from Council's accounting system, and that this had resulted in a \$44,000 surplus in this area.

The committee noted that Festivals income appeared to be tracking in a positive manner, but requested a comprehensive report regarding Festivals income to be brought to Council as soon as possible.

## 6.8 Economic

In response to a question, Acting Executive Manager Community Services/Executive Manager Support Services, Hugh Kettlewell, explained that underspends in the contestable fund and Sister Cities area resulted from objectives being met without the budgeted spend being required.

## 6.9 Capital Expenditure

In response to a question, the Chief Executive clarified that discussions relating to strategic property purchases would continue to be held at full Council meetings.

In response to a further question, Ms Hughes explained that the line beginning 'Reserve Development', through to 'hockey turf' in the 'Significant variances against budget' column of Attachment 2 related to the Parks and Active Recreation activity.

## 6.10 Elected Members Training and Travel

Ms Hughes noted that the correct title of Attachment 10 was 'elected members training and travel up to 30 June 2013', rather than 31 December 2012.

A suggestion was made that the incoming Council should consider requesting this report information in a different format, to distinguish expenses incurred when acting in a representative role for Council, such as at Local Government zone meetings, from expenses involved with individual training opportunities.

Resolved

***THAT the Finance Report for the Period Ending 30 June 2013 (1567112) and its attachments (1566367, 1568231, 1545455, 1234107 and 1560321) be received.***

Collingwood/Copeland

Carried

**7. Statutory and Internal Compliance Reporting Review for Reporting Period Ending 30 June 2013**

Document number 1560781, agenda pages 32-60 refer.

Resolved

***THAT the report Statutory and Internal Compliance Reporting Review for Reporting Period Ending 30 June 2013 (1560781) and its attachments (1561431 and 1561556) be received;***

***AND THAT the Committee note the progress made on identifying and reducing risks associated with non-compliance to date.***

Collingwood/Thomas

Carried

**8. Regulatory Report for 1 April to 30 June 2013**

Document number 1556352, agenda pages 61-70 refer.

Resolved

***THAT report Regulatory Report for 1 April to 30 June 2013 (1556352) be received.***

Collingwood/Copeland

Carried

**9. Corporate Risk Management Progress Report**

Document number 1516356, agenda pages 71-78 refer.

Resolved

***THAT the report Corporate Risk Management Progress Report (1516356) be received.***

Matheson/Copeland

Carried

Audit, Risk and Finance Committee  
20 August 2013

**10. Future Governance Arrangements**

Document number 1574119, agenda pages 79-81 refer.

There was general agreement that the matters raised in this report should be forwarded to the incoming Council for consideration.

Resolved

***THAT the report Future Governance Arrangements (1574119) for the Audit, Risk and Finance Committee be forwarded to the incoming Council for consideration.***

Matheson/Collingwood

Carried

**11. Final Committee Meeting of Triennium**

It was noted that this was the final Audit, Risk and Finance Committee meeting of the triennium. Mr Thomas thanked Committee members, and paid tribute to Councillor Collingwood, noting that she was the only Committee member not standing in the forthcoming election. The Chair also thanked Mr Thomas, noting the contribution he had made to the Committee over the triennium.

There being no further business the meeting ended at 10.26am.

Confirmed as a correct record of proceedings:

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

## Trafalgar Centre - Way Forward

### 1. Purpose of Report

- 1.1 To report to Council the findings of the consultants assessment report (earthquake and liquefaction) of the Trafalgar Centre.
- 1.2 To recommend to Council a way forward for the Trafalgar Centre.

### 2. Recommendation

***THAT the report Trafalgar Centre – Way Forward (1495463) and its attachment (1566223) be received;***

***AND THAT Council notes the consultant’s advice to have their liquefaction report peer reviewed and accordingly officers will commission an independent peer review of this report;***

***AND THAT Council provides officers with a clear direction as to whether they should be submitting the information at hand to the Building Unit for assessment;***

***AND THAT Council confirms that the Trafalgar Centre remain open;***

***AND THAT Council accepts that no work (including work to any amenities – toilets and kitchen) is possible on the Centre this current financial year;***

***AND THAT all work on the Northern upgrade be placed on hold indefinitely until a future direction for the Centre is formulated;***

***AND THAT Council confirms that bookings continue to be taken on the basis that all who make bookings be advised of the earthquake status of the Centre and decide for themselves as to whether they book the venue out;***

**AND THAT Council does not classify the Centre as a special post disaster building (IL4) for use following an earthquake, but accepts that the building could be used for other events such as flooding (where this occurs elsewhere in the region) or pandemic outbreak;**

**AND THAT Council officers be requested to undertake further investigation and report this back to Council in the new triennium based on:**

- **Any direction from Council;**
- **The suitability of the Centre in its current location;**
- **Whether the Centre can be accommodated elsewhere in the Rutherford Park complex;**
- **Whether any components from the existing structure can be salvaged;**

**AND THAT this further work be funded from provision made in the 2013/14 Annual Plan in the amount of \$3 million.**

### **3. Background**

- 3.1 The Trafalgar Centre was discussed in detail at the 2012 February Annual Plan workshop and February 2013 Annual Plan deliberations, where officers advised councillors of the implications of new information received as part of the northern upgrade works relating specifically to earthquake and liquefaction issues and the potential impact of this new information on the existing Trafalgar Centre and the recently completed southern upgrade.
- 3.2 There was general consensus at the workshop that the project should continue, but that the funding allocated to this project should be wisely spent. Councillors also agreed that a detailed earthquake assessment and geotechnical report was a priority and that this be progressed during the 2012/13 financial year within the existing budget of \$785,000.
- 3.3 Councillors also allocated an amount of \$3 million in the 2013/14 Annual Plan to address the issues of:
- Earthquake strengthening and liquefaction remediation of the Main part of Trafalgar Centre and the recently completed southern upgrade;
  - Amenity improvements (including possible works to the existing toilets and kitchen).



- 3.4 This advice was again confirmed by Council on 29 May 2013, where Council resolved:

*THAT the Council reaffirms its decision made on 21 February 2013;*

*THAT detailed earthquake and geotechnical assessments of the Trafalgar Centre be undertaken in 2012/13;*

*AND THAT \$3 million of the total Long Term Plan allocation of \$10.237 million be provided in the draft 2013/14 Annual Plan to address the issues of earthquake strengthening and amenity improvements at the Trafalgar Centre;*

*AND THAT \$6.452 million of the total Long Term Plan allocation be provided in 2014/15.*

- 3.5 Design on the northern section was placed on hold pending outcome of this further work and a decision from Council.
- 3.6 The Trafalgar Centre is also currently demarcated as a Civil Defence Welfare building and has a Priority 1 rating (special post disaster functions) and an importance level of 4 (IL4), which requires the building to be strengthened to 100% NBS.
- 3.7 Refer to Attachment 1 for location plan.

#### **4. Investigation Feedback**

- 4.1 Officers received the consultant's investigation report in June 2013 and the report covers the estimated costs of strengthening works to bring the structures up to 67% NBS and 100% NBS as well as works required to take into account the liquefaction issues.
- 4.2 In brief the report shows that the area on which the Trafalgar Centre is located is sited on an area of very high potential for liquefaction in a moderate earthquake and that to address the issue of liquefaction extensive works are required to the area surrounding the Centre and to the Centre itself.

#### **5. Assessment Summary**

##### **Earthquake Assessment**

- 5.1 The summary of earthquake assessments for each of the three sections is shown over the page. All three buildings are below 33% NBS and are classified as Earthquake Prone.

<b>Building</b>	<b>Detailed assessment</b>
Southern	25-30% NBS
Main	20-25% NBS
Northern	15% NBS (building rating in current form)

- 5.2 Suitable notices have been placed on all entrances to the Centre notifying users that the building is rated as Earthquake Prone – the same as for all other Council owned buildings.
- 5.3 Bookings continue to be taken for the Centre and all those seeking bookings are advised of the earthquake status and are free to make up their own minds as to whether they continue with the bookings.
- 5.4 The estimated costs to strengthen the individual parts of the building are shown below:

<b>NBS Strengthening</b>	<b>Building</b>	<b>Cost to strengthen</b>
67% NBS	Southern	\$ 236,000
	Main	\$ 570,000
	Northern	\$ 40,000 * see note below
	Total	\$846,000
100% NBS IL3	Southern	\$ 845,000
	Main	\$1,300,000
	Northern	\$ 322,000 * see note below
	Total	\$2,467,000
100% NBS IL4	Southern	\$ 845,000
	Main	\$1,400,000
	Northern	\$ 322,000 * see note below
	Total	\$2,567,000

Note 1: The Northern part of the Trafalgar Centre is earmarked to be upgraded sometime in the future and includes a total re-build. The costs shown above reflect the costs to strengthen the northern section in its current state.

### **Liquefaction**

- 5.5 The assessment following a detailed investigation of the site, from Tonkin and Taylor, notes that:
- the soils underlying the site have the potential to liquefy;

- following a major earthquake, liquefaction effects such as lateral spreading, total and differential surface settlements and limited ejection of liquefied material to the surface is likely;
- the presence of liquefaction of the soils is likely to result in a loss of stiffness and strength of the soil supporting the existing Centre foundations preventing them from resisting the required building loads;
- the preferred remedial solution involves large diameter bored piles at key locations on the outside of the existing structure, smaller diameter bored piles elsewhere and perimeter treatment to provide lateral spreading resistance.

5.6 The consultant has however advised and is comfortable with the notion that their report be peer reviewed. It should also be noted that the assessments were undertaken under existing design standards and that this (or any other design standard) may or may not remain the same following the Christchurch Earthquakes.

5.7 Specifically with respect to the individual buildings, the assessment also shows that with respect to:

- the Main building, that the timber arch beams that support the roof will fail if liquefaction occurs and if the beams are subject to more than 1% rotation;
- the Southern section, that the existing screw piles (typically 6-8m below ground level) are insufficient to resist lateral spreading forces;
- the existing northern section, that the foundations will settle.

5.8 The estimated cost to address liquefaction for the entire site is detailed below. It is worthwhile to note that any work to the foundations and ground improvements would need to be undertaken as one continuous piece of work. In addition, the remedial costs to the foundations reflect the work required to lift the floors and undertake work to the existing foundations.

<b>Strengthening status</b>	<b>Foundations</b>	<b>Ground Improvements</b>	<b>Total</b>
67% NBS IL3	\$16.4 Million	\$7.2 Million	\$23.6 Million
100% NBS IL3	\$16.9 Million	\$7.2 Million	\$24.1 Million
100% NBS IL4	\$19.7 Million	\$9.5 Million	\$29.2 Million

- Definition of level of importance in the above table:
  - IL3 is defined as structures that may contain people in crowds or contents of a high value to the community;

- IL4 is defined as structures with special post-disaster functions.
- Definition of strengthening values in the above table:
  - If the building is to be used as a Civil Defence Welfare Centre then it needs to have a greater level of strengthening namely 100% NBS. Strengthening to 67% NBS will enable the building to successfully withstand a moderate earthquake and allow the crowds to be successfully vacated, but would not allow the building to be used as a welfare centre.

5.9 The overall costs to address liquefaction and earthquake strengthening are substantial and summarised below:

<b>% NBS</b>	<b>Foundation and Ground Improvement costs</b>	<b>Strengthening</b>	<b>Total</b>
67% NBS IL3	\$23.6 Million	\$ 846,000	\$24.5 Million
100% NBS IL3	\$24.1 Million	\$2,467,000	\$26.6 Million
100% NBS IL4	\$29.2 Million	\$2,567,000	\$31.8 Million

Note that the costs above exclude detailed design costs, resource and building consents costs as well as site supervision and administration costs.

## 6. Amenity Upgrade

- 6.1 The existing dressing and changing room facilities located along the western side of the Main centre were upgraded in 2011 and are deemed by Council's architects and officers to be up to modern standards.
- 6.2 The existing toilets located along the eastern side of the Main part of the Centre were upgraded in 2008 and are, other than perhaps new flooring, deemed by Council's architects and officers to be up to modern standards.
- 6.3 The existing kitchen and male/female toilet facilities situated in the current northern section (opposite the existing Centre entrance) are certainly not suitable and need a lot of work. Both of these are earmarked to be removed, relocated and upgraded as part of the northern upgrade works which is currently on hold.
- 6.4 Whilst these items certainly require attention, their resolution lies further down the track as part of any potential northern upgrade works. To place valuable funding into renovating these two amenities when they are earmarked to be demolished is not a wise spend of money as clearly there are other more pressing needs and priorities.

- 6.5 For the 2013/14 financial year it is recommended that no amenity improvements be undertaken, but that the focus rather be on the future of the Centre.

## **7. Discussion**

### **Strengthening and Liquefaction**

- 7.1 Funding in the amount of \$3 million has been provided in the 2013/14 Annual Plan to address strengthening and liquefaction of the Trafalgar Centre and recently upgraded southern end and to address amenity improvements.
- 7.2 Clearly the latest consultant report has revealed a far greater issue and cost than previously envisaged and the \$3 million earmarked for work is inadequate.
- 7.3 Doing nothing accepts the risk of liquefaction and building damage/failure from a moderate earthquake, to a facility that is well used and attracts income of around \$200,000/year.

## **8. Implication for Upgrade Works**

- 8.1 The findings of the consultant's report have major implications to the future northern upgrade works and in fact to the entire Centre.
- 8.2 Clearly any plans on the proposal to upgrade the northern centre need to be placed on hold.
- 8.3 Equally any plans to upgrade the toilets and kitchen need to be placed on hold.
- 8.4 Serious thought needs to be given to the future of the Centre in its current location before any further planning works are undertaken.
- 8.5 A desk top study of what could be saved from the existing Centre and possibly re-used in a new building in a new location has been estimated at \$2 million.

## **9. Safety Considerations**

- 9.1 All three buildings (southern, northern and main) are clearly below 33% NBS and are rated as Earthquake Prone.
- 9.2 The implications to the Centre during a moderate earthquake are potentially significant as any resulting liquefaction (of which the risk is high) would cause the supporting structure to move outwards resulting in significant damage/failure to the Centre.
- 9.3 However, this said the consultants have not indicated in any of their reports that the Centre should not be used or occupied. Council may have a different view.

9.4 It should also be noted that under a major earthquake that most access roads and foot bridges to the Trafalgar Centre could be either destroyed or severely damaged, severely limiting access to and from the Centre, thus defeating the objective of having this as a welfare building in an earthquake.

## **10. Special Post Disaster Functions**

10.1 The Manager Emergency Management advises as follows:

- The Trafalgar Centre is currently designated as a Welfare Centre for civil defence purposes. The Trafalgar Centre is also designated by the Nelson Marlborough District Health Board as a facility that would be used in a pandemic response.
- The other designated Welfare Centres in Nelson City are the Suburban Club at Tahunanui and the Annesbrook Church at Stoke. The Suburban Club is the preferred Welfare Centre and has been used the most in recent years, although that building also has earthquake prone issues.
- The Trafalgar Centre is the least preferred Welfare Centre for the City because of its age and because of the availability of other more modern, comfortable venues. In addition, the philosophy around using Welfare Centre has changed, with civil defence moving away from using large, open "hall-type" space for Welfare response.
- It should be noted that, Welfare Centres do not open automatically in an emergency event. Their use in an emergency will depend on a number of considerations, such as safety of the building, suitability of the location and our ability to resource the facility. Following an earthquake, any Welfare Centre that is planned to be opened would be inspected by an engineer before being used. This is the same process as for the primary Emergency Operations Centre, which is located in Civic House. Civil Defence maintain plans for alternate locations for all key facilities in case they cannot be used.
- Welfare Centres with earthquake prone issues can still be useful in response to other hazards – for example flooding or pandemic response.

## **11. Conclusion**

11.1 Remedial work to address earthquake strengthening and liquefaction are required to bring the Centre up to building code as well as to potentially address Civil Defence welfare requirements.

11.2 The costs to strengthen and address the liquefaction issues are substantial and no further work on the northern upgrade or amenity upgrade should be undertaken in light of the new information.

- 11.3 Clear direction on whether Council wishes to consider the Centre as a future Civil Defence welfare centre is required but it should be noted that this is not the first choice of venue and that during a major earthquake irrespective of strengthening to the Centre to withstand a major earthquake, that most if not all the access roads and foot bridges could potentially be either destroyed or severely damaged. This questions the worth of having the Centre fulfilling a post disaster function in an earthquake but could still be useful in response to other hazards such as flooding or pandemic.
- 11.4 Post disaster functions aside, serious consideration needs to be given to the future of the Centre in its existing location.
- 11.5 Officers recommend that the consultant's investigation on liquefaction be peer reviewed.
- 11.6 Officers also recommend that further work be undertaken on a range of issues including the following and the implications and costs be reported back to Council for further consideration:
- The suitability of the Centre in its current location;
  - Whether the Centre can be accommodated elsewhere in the Rutherford Park complex;
  - Whether any components from the existing structure can be salvaged.

Alec Louverdis  
**Executive Manager Network Services**

### **Attachments**

Attachment 1: Location plan [1566223](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

The issue relates to an existing Council asset that was built for the purposes of providing good quality local infrastructure and good public services. This fits in with the purpose of the Local Government Act.

### 2. Fit with Community Outcomes

Providing direction on earthquake risk and prone buildings contributes to a strong economy a safe community and good leadership.

### 3. Fit with Strategic Documents

Strengthening does not contradict existing Council strategies.

### 4. Sustainability

Creating a safe environment contributes to a sustainable community.

### 5. Consistency with other Council policies

Current Earthquake Prone, Dangerous and Insanitary Buildings Policy.

### 6. Long Term Plan/Annual Plan reference and financial impact

Whilst funding exists in the 2013/14 Annual Plan for various works, it is inadequate to address the findings of the consultants to address liquefaction and strengthening.

### 7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy but is in itself a significant decision.

### 8. Consultation

Any decision to undertake remedial works will need to be consulted on due to the cost. Any decision to keep the building open will need to be clearly articulated to the users for the Centre.

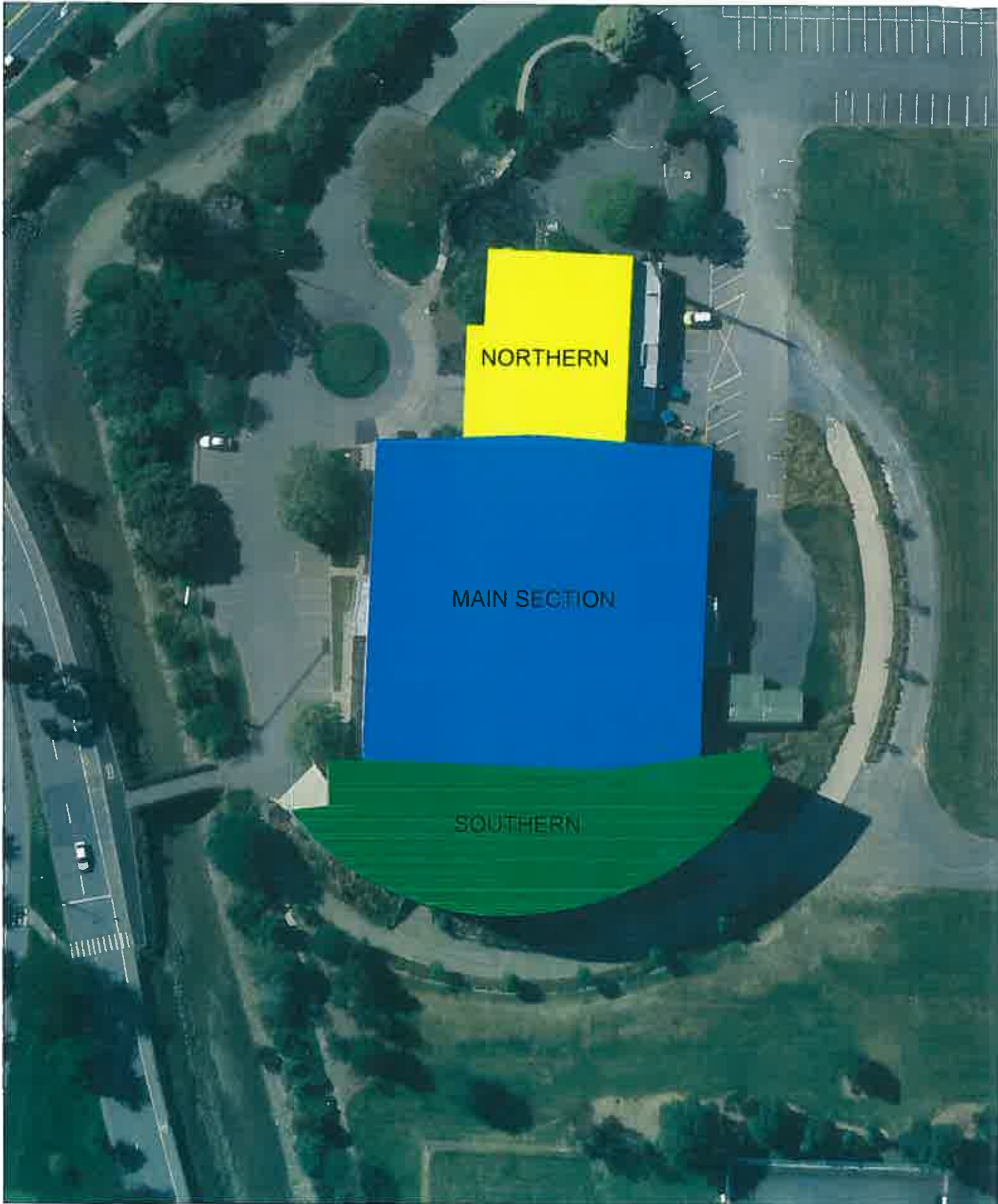
### 9. Inclusion of Māori in the decision making process

N/A.

### 10. Delegation register reference

This is a Council decision.





1566223