



AGENDA

Ordinary meeting of the

Planning and Regulatory Committee

**Thursday 19 June 2014
Commencing at 1.00pm
Council Chamber
Civic House
Trafalgar Street, Nelson**

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

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Orders:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings (SO 2.12.2)
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee (SO 3.14.1)
- It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the table for discussion and voting on any of these items.

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A1203665

Page No.

Apologies

1. Interests

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

2. Confirmation of Order of Business

3. Public Forum

4. Confirmation of Minutes – 8 May 2014

6-16

Document number A1184830

Recommendation

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

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

17-18

Document number A1155974

Recommendation

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

6. Chairperson's Report

19-21

Document number A1204552

Recommendation

THAT the Chairperson's report be received;

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

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

POLICY AND PLANNING

7. Bylaw Controls on the Keeping of Poultry 22-30

Document number A1181422

Recommendation

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

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

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

8. Consolidation of Bylaws 31-40

Document number A1197587

Recommendation

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

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

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

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

Recommendation to Council

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

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

Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 8 May 2014, commencing at 10.14am

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

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

Apology: Councillor I Barker

1. Apology

Resolved

THAT the apology from Councillor Barker be received.

Davy/Ward

Carried

2. Interests

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

3. Confirmation of Order of Business

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

4. Public Forum

4.1 Back Beach Erosion

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

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

4.2 Woodburners

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

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

4.3 Woodburners

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

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

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

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

4.4 Woodburners

Mr Neville Male spoke about woodburners, and noted Greypower's position that the current restriction on woodburners in the Nelson area had negative effects for low income families. He said that there was no evidence that woodsmoke was medically linked to deaths, and that many other countries around the world allowed much greater levels of PM¹⁰ than New Zealand.

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

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

5. Petition

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

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

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

6. Confirmation of Minutes – 20 March 2014

Document number A1159073, agenda pages 7-15 refer.

Resolved

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

Fulton/Ward

Carried

7. Status Report

Document number A1155974, agenda pages 16-17 refer.

Resolved

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

Davy/Ward

Carried

8. Chairperson's Report

There was no Chairperson's report.

POLICY AND PLANNING

9. Nelson Air Quality Plan and Woodburner Review

Document number A1169793, agenda pages 18-51 refer.

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

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

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

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

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

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

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

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

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

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

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

Attendance: Councillor Fulton left the meeting at 12.09pm.

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

Attendance: Councillor Lawrey left the meeting at 12.19pm.

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

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

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

Councillor Davy, seconded by Her Worship the Mayor moved

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

Recommendation to Council

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved

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

Davy/Her Worship the Mayor

Carried

Recommendation to Council

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

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

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

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

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

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

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

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

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

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

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

Davy/Her Worship the Mayor

Carried

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

10. Maori Input into Council RMA Processes and Decision Making

Document number A1165132, agenda pages 52-58 refer.

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

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

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

Resolved

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

McGurk/Copeland

Carried

Recommendation to Council

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

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

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

McGurk/Copeland

Carried

REGULATORY

11. Regulatory Report for 1 January to 31 March 2014

Document number A1172822, agenda pages 59-72 refer.

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

Attendance: Councillor Ward left the meeting at 1.42pm.

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

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

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

Resolved

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

McGurk/Copeland

Carried

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

Document number A1172100, agenda pages 73-89 refer.

Resolved

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

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

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

Copeland/Lawrey

Carried

There being no further business the meeting ended at 1.55pm

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Status Report – Planning and Regulatory 19 June 2014

Date of meeting/Item	Action Resolution	Officer	Status
12/12/13 Council Council Hearing – Plan Change 16 Inner City Noise	THAT the Planning and Regulatory Committee recommends to Council that an independent Commissioner chaired Council assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Change 16 Inner City Noise;	Reuben Peterson	19/06/14: Hearing held 02/05/14. David McMahon appointed as Independent Commissioner. Decision anticipated prior to end of June 2014. UNDERWAY
18/02/14 P&R Committee Alteration to Resolution – Draft Local Approved Products Policy (Psychoactive Substances)	AND THAT hearing of submissions to the draft Local Approved Products Policy by the Planning and Regulatory Committee be delayed until further information is available from the Ministry of Health.	Nicky McDonald	19/06/14: Hearings postponed following Government announcement of withdrawal from sale of all remaining "legal highs". ON HOLD
20/03/14 P&R Committee	THAT officers request Expressions of Interest from interested parties for the delivery of the Ecofest at Founders Heritage Park in 2014.	Chris Ward	19/06/14: Expressions of Interest process closed on 6 May 2014. Officers are finalising the contract for delivery of the event at Founders with the preferred tenderer. UNDERWAY
20/03/14 P&R Committee	AND THAT the Mayor writes to the Primary Industries Minister requesting financial support for these measures; AND THAT the Mayor writes to the Mayors of Tasman District and Marlborough District Councils requesting that this general approach be adopted	Chris Ward	19/06/14: Letters of support from Mayors of Tasman and Marlborough now received. Propose to write to Minister from all three Mayors. Scoping and preliminary

	as a regional approach; AND THAT Council requests that the Top of the South Marine Biosecurity Partnership develop a proposal for a joint regional pathways plan.		development of regional pathway plan now in Top of the South Marine Biosecurity Partnership work programme for 2014/15. UNDERWAY
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Chairperson's Report

1. Purpose of Report

- 1.1 To update the Planning and Regulatory Committee on a number of matters and to make decisions.

2. Recommendation

THAT the Chairperson's report be received;

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

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

3. Tasman Bay

- 3.1 The Biodiversity Forum on 19 May 2014 agreed that staff from the Nelson City Council, the Chairperson of the Planning and Regulatory Committee and Peter Lawless from Phoenix Facilitation would meet with representatives from the Tasman District Council (TDC), Marlborough District Council (MDC), Ministry of Primary Industries (MPI) and the Department of Conservation (DoC) to develop a draft Terms of Reference for a potential Stakeholder Working Group to address the deteriorating ecology of Tasman Bay.
- 3.2 The Manager Environmental Programmes is currently preparing a draft Terms of Reference document prior to a meeting between staff from the other councils and Crown agencies. A proposed Terms of Reference is to be presented at the next meeting of the Biodiversity Forum on 28 July 2014.

- 3.3 The priorities for this Council for Tasman Bay should be addressed through the Long Term Plan (LTP) process.

4. Sugar Sweetened Beverages

- 4.1 Her Worship the Mayor has requested that the Chairperson and Deputy Chairperson lead the development of a policy that restricts the sale or supply of sugar-sweetened beverages (SSB) from Council properties and Council events following the example of the Nelson Marlborough District Health Board (NMDHB).
- 4.2 Since 1 March 2014 the NMDHB does not offer for sale any beverages that are sugar-sweetened, including soft drinks, sugar-added fruit juices, sports drinks and sugar-added flavoured milk pre-point of sale from NMDHB properties. Similarly, the NMDHB does not offer any beverages that have added sugar pre-point of sale but instead offers sugar-free versions of soft drinks, no-sugar-added juices and water. Hot beverages, such as tea and coffee, where sugar is added after point of sale are excluded from the policy.
- 4.3 There is an opportunity for the Nelson City Council to support and promote a positive public health initiative and role model behaviour aimed at reducing the incidence of obesity, Type 2 diabetes and tooth decay amongst the local population, especially children.
- 4.4 It is proposed that officers provide a report to the next meeting of the Planning and Regulatory Committee of options that are available to Council to implement a policy that any beverages that are sugar-sweetened pre-point of sale are not offered for sale or supplied at any Council owned properties and Council events.

5. Hazardous Activities and Industries List

- 5.1 The Council is required to record sites within Nelson City that are or were used for activities listed on the Hazardous Activities and Industries List (HAIL).
- 5.2 Staff are currently compiling database called the HAIL Site Database to enable the Council and community to comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES). The NES is triggered by five listed activities, such as subdivision or disturbing the soil and applies to any piece of land identified as a HAIL site.
- 5.3 Council has to comply both as a landowner and in processing any consent applications.
- 5.4 The Council also has an obligation to ensure any relevant information that the Council holds is both accessible and accurately represented.

- 5.5 There will be a statement placed on LIMs for properties on the HAIL Site Database. Council has a duty to ensure that all information it provides in the LIM is within the categories provided by Section 44A of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and that information is reasonably accurate or correct.
- 5.6 Currently an interim statement in place on LIM of identified pieces of land, and when consultation with affected parties is finished final LIM statements will be applied. The LIM statements will be factual and will state that the site is a HAIL site and note if the Council holds any further information.

6. Tattoo Bylaw

- 6.1 It was recently suggested that the Nelson City Council should follow the example of the Auckland Council and implement a bylaw restricting any person under the age of 18 years from getting a tattoo.
- 6.2 The Auckland Council has developed a single comprehensive bylaw and associated code of practice to assist in the regulation of those commercial activities that pierce the skin, for example tattoos, body piercing and acupuncture, or there is a risk of breaking or burning skin from activities such as exfoliation, sunbeds, pulse light therapy as well as the minimum standards for swimming pools, colon hydrotherapy and commercial sexual services.
- 6.3 The Auckland Council developed the single bylaw and code of conduct for the conduct of premises providing personal services after it inherited eleven different bylaws from previous councils and carried out a comprehensive risk based review of those activities in addition to consulting with stakeholders and industry representatives. The new bylaw and code of conduct comes into effect on 1 July 2014.
- 6.4 The issue has highlighted that the Nelson City Council does not have a consistent approach to managing health and hygiene risks associated with the wide range of premises and commercial activities providing personal services.

7. Conclusion

- 7.1 That the updates provided in this report are noted and that the recommendations are approved.

Brian McGurk
Chair

Attachments

None.

No supporting information follows.

Bylaw Controls on the Keeping of Poultry

1. Purpose of Report

- 1.1 To consider options related to the keeping of chickens in Nelson.

2. Recommendation

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

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

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

3. Background

- 3.1 Cara Miller made a presentation to the Planning & Regulatory Committee on 20 March 2014. She expressed concern about noise from her neighbour's poultry house, which had been erected on the neighbour's side of the boundary fence, less than two metres from Ms Miller's bedroom window. In her presentation, Ms Miller said that Nelson City Council's *Miscellaneous Matters Bylaw* did not regulate where poultry houses could be sited. She asked the Council to consider changing the bylaw and pointed out that both Marlborough and Tasman councils had bylaws which regulated the location of poultry houses.
- 3.2 Tasman District Council requires a setback of at least two metres from property boundaries and 10 metres from dwellings on adjoining sites. Marlborough District Council requires a three metre setback from the boundary of an adjoining property.
- 3.3 Tasman District Council's Compliance and Enforcement Coordinator said the location of poultry houses has not been an issue in Tasman, and the rules are effective and enforceable. Marlborough District Council's Environmental Protection Officer said that the location of poultry houses had not been an issue in Marlborough. In both areas crowing roosters were the main concern.

4. Discussion

Nelson's bylaw

4.1 Nelson's Miscellaneous Matters Bylaw 2008 (No. 215) states:

- No person shall keep or allow to be kept or to remain on any land within the City, any poultry except in a poultry house or otherwise confined within the owner's property;
- No person shall keep more than 12 poultry except with the written permission of the Council and subject to such conditions as the Council may impose;
- No person shall cause, or allow to be kept, or to remain on any land or premises within an urban zone of the City, any rooster.

4.2 It also includes the following provision related to the keeping of animals:

"Every person keeping or having control of any stock, poultry or pet animals on any land or premises within the City shall ensure that any building or other structure or yard in which they are kept is maintained in a clean and sanitary condition to the satisfaction of the Council, and that noise or odours associated with the animal(s) is as far as practicable confined within the land or premises concerned."

Site inspection

- 4.3 Cara Miller made a complaint to the Council regarding her neighbour's keeping of chickens, due to her concerns about flies, smell and noise from the chickens.
- 4.4 An Environmental Inspections Officer visited Ms Miller's property on 18 December 2013. The officer visited the chicken owner's property and viewed the poultry house. She noted that the chickens were all healthy young pullets, in a good sized, clean poultry house.
- 4.5 The officer advised Ms Miller that the poultry house was legal and no action could be taken because there was no smell or flies and the chickens were quiet at the time of her visit.
- 4.6 Ms Miller expressed concerns to the officer that the Council allowed chickens so close to property boundaries. The officer encouraged Ms Miller to contact the Council about this issue, for consideration during the review of the *Miscellaneous Matters Bylaw 2008*.
- 4.7 The *Miscellaneous Matters Bylaw* will expire in June 2015, so it needs to be reviewed before that date.

Other councils' bylaw provisions

- 4.8 Section 146(a)(v) of the Local Government Act 2002 specifically allows councils to make bylaws to regulate the keeping of animals, bees and poultry. Most councils have bylaw provisions related to chickens.
- 4.9 Other urban councils' bylaws related to the keeping of poultry range from restrictive to silent:
- The most restrictive approaches require poultry houses to be 10 metres from any dwelling and from two to five metres away from property boundaries;
 - The mid-range approaches require poultry houses to be two to three metres from the property boundary, with no restrictions related to proximity to buildings;
 - The least restrictive approach is to have no location requirements, but to require that poultry not cause a nuisance to neighbours (for example through noise, smell, dust or flies).
- 4.10 A summary of the approaches taken by other councils is provided in Attachment 1 to this report.
- 4.11 Another matter that Council may wish to consider amending in its bylaw is the number of chickens that are allowed to be kept. Most councils allow up to 12 chickens to be kept on urban properties. However, Tasman District Council has a six chicken limit, as does the Auckland City Council bylaw (updated in 2008, prior to amalgamation of the Auckland councils).

Feedback from Environmental Inspections Ltd

- 4.12 The *Miscellaneous Matters Bylaw* is administered by Environmental Inspections Ltd (EIL). The EIL Manager supports a change to Nelson's bylaw. He noted that Tasman District Council's requirement for a setback of at least two metres from property boundaries and 10 metres from dwellings on adjoining sites would resolve the issues raised by Ms Miller. The EIL Manager also noted, however, that the keeping of chickens appears to be on the increase and a 10 metre setback from any dwelling would exclude many properties from being able to have chickens.

Nelson Resource Management Plan

- 4.13 There are self-reliance and resilience benefits for residents in producing their own food. These need to be weighed up alongside the benefits of residential intensification and the residential amenity policies in the Nelson Resource Management Plan:
- Policy RE2.1 (Noise) – Noise levels at adjacent site boundaries should be consistent with a predominantly residential environment;

- Policy RE2.2 (Nuisances) – The pleasant qualities of residential areas should not be adversely affected by glare, lightspill, dust, vibration or odour.

Options

4.14 Some broad options for controlling the effects of keeping chickens in residential areas are covered below. It would be helpful if guidance could be provided to officers on which of these options should be pursued in developing a revised Miscellaneous Matters Bylaw 2008.

- No change to the current approach (limiting the number of chickens to 12 per property, requiring them to be in a poultry house, not permitting roosters, and a general provision that noise or odours associated with the animals be as far as practicable confined within the land or premises concerned);
- Require poultry houses to be set back from property boundaries;
- Require poultry houses to be set back from dwellings on adjoining properties;
- Set limits on where poultry are permitted, based on the size of the property;
- Set limits on the number of poultry permitted on a property, based on the size of the property.
- Limit the number of poultry permitted on an urban property to six, with written permission from the Council being required to have more than six.

Analysis of options

Option	Advantages	Disadvantages
No change to current approach.	Impacts assessed on a case-by-case basis.	Difficult to objectively assess the impacts of the activity on neighbours, and potential for disputes about whether or not the chickens are causing a nuisance.
Setback from property boundaries.	Distance from the boundary should resolve most issues for neighbours. Easy to enforce due to measurable requirements.	Will exclude some people from owning chickens due to space restrictions, depending on the size of the setback required. Some disruption and/or expense for owners of existing poultry houses located within the boundary setback distance.
Setback from property boundaries	Distance from the boundary should resolve most issues for neighbours.	Will exclude some people from owning chickens due to space restrictions and proximity to neighbouring dwellings. The scale

Option	Advantages	Disadvantages
and dwellings.	This option requires more consideration of effects on neighbours.	of this impact will depend on the setback distance. A complying poultry house could become non-complying as a result of new buildings being established on neighbouring properties.
Limits on where poultry are permitted linked to property size.	Poultry houses can be limited to larger properties more suited to this activity.	More complex requirement to monitor and enforce. Poultry houses could still be located on property boundaries, impacting on neighbours. This approach would exclude some people from owning poultry.
Limits on number of poultry permitted linked to property size	The scale of poultry flocks can be linked to property size.	More complex requirement to monitor and enforce. Could require some people to reduce their poultry flocks. May not resolve the issue, as reducing poultry numbers may reduce impacts sufficiently.
Place a number limit on poultry for all urban properties	Reduces the potential impact of a poultry house on neighbours. Easy to enforce due to measurable requirement. Well aligned with the Council's dog policy (limit of two dogs per property, with written permission required to have more). This could operate in the same way as the dog policy, with a small one-off charge to cover the costs of reviewing the suitability of the property for more chickens.	Could require some people to reduce their poultry flocks (but the proposed limit is unlikely to affect many households).

5. Assessment of Options

- 5.1 Based on the analysis above, and the feedback provided by the Manager of Environmental Inspections Ltd, a setback from property boundaries (for example, of two to three metres) would be a positive change to make to the Miscellaneous Matters Bylaw 2008 (Bylaw No. 215).
- 5.2 An additional setback requirement (for example, of five to 10 metres) from adjoining dwellings could be included in the bylaw. Likewise some limits on the number of chickens that can be kept may be considered. These controls need to be weighed up against the benefits to the community of residents being able to have their own chickens and eggs.

- 5.3 Existing use rights do not apply to activities controlled through bylaws. That means if the Council decided to impose a setback, residents would be required to move (or remove) any poultry houses on their property which were located within the setback distance.

6. Conclusion

- 6.1 The pleasure and value people derive from a close connection with animals, and the self-reliance and resilience benefits of keeping chickens, need to be weighed up alongside the impacts on neighbours, the likelihood of denser urban living environments in Nelson in future and the environmental benefits of intensification.

Nicky McDonald
Acting Group Manager Strategy

Attachments

Attachment 1: Summary of requirements for poultry houses [A1181434](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

Section 146(1)(v) of the Local Government Act specifically provides for the Council to make bylaws to regulate the keeping of animals, bees and poultry.

Considering options for regulating the keeping of poultry in Nelson enables the Council to consider how best to perform this regulatory function in a way that is most cost-effective for households.

2. Fit with Community Outcomes and Council Priorities

People-friendly places – this report considers how best to protect the people-friendly nature of our residential environments.

3. Fit with Strategic Documents

Goals four and six of the Nelson 2060 Strategy and the residential amenity policies in the Nelson Resource Management Plan are relevant.

4. Sustainability

This report considers the sustainability benefits of both allowing people to grow their own food and of residential intensification.

5. Consistency with other Council policies

No known consequential conflicts with 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

This will be carried out during the review of the Miscellaneous Matters Bylaw 2008.

9. Inclusion of Māori in the decision making process

Iwi/Māori have not been consulted in the preparation of this report, but will be able to make submissions during the review of the Miscellaneous Matters Bylaw 2008.

10. Delegation register reference

The Planning and Regulatory Committee's areas of responsibility include animals and dogs. The Committee has powers to perform all functions, powers and duties conferred on Council by relevant legislation that relate to this area of responsibility.

ATTACHMENT 1 - Summary of requirements for poultry houses

This list begins with the most restrictive approaches and progresses down to the least restrictive

Approach	Council
Not within 10 metres from any dwelling, factory or any other building, whether wholly or partially occupied, or within five metres of the boundary of adjoining premises, or such greater distance as may be required under the provisions of the District Plan.	Timaru
Not within 10 metres from any occupied building, and at least three metres from any public place, or boundary of adjoining premises.	Auckland City
Not within 10 metres of a neighbour's house or less than three metres from any boundary, without written consent from the council.	Rodney District
Not within 10 metres of a neighbour's house or less than two metres from any boundary, without written consent from the council.	North Shore
Not within 10 metres of any house or less than two metres from any boundary.	Napier New Plymouth
Not within 10 metres of any house or other sensitive use or less than two metres from any boundary.	Gisborne
Not within 10 metres from any dwelling, factory, or other building, whether wholly or partially occupied, or within two metres from any boundary with adjoining premises.	Ashburton Hastings Hutt City Taupo Upper Hutt Whakatane Hawkes' Bay
Not within 10 metres from any dwelling, factory, or other building, whether wholly or partially occupied, or within two metres from any boundary with adjoining premises, or as otherwise permitted by resource consent or by rules in the District Plan.	Hastings
Not within 10 metres from any dwelling, factory, or other building, or within two metres from any boundary.	Rotorua
Not within 10 metres from dwellings on adjoining sites or within two metres from property boundaries.	Tasman
Not within nine metres of any building or within 2 metres of any boundary of any other property without the written consent of the Chief Executive Officer.	Whangarei
Not within two metres from a dwelling and two metres from the boundary, unless it is a solid fence.	Palmerston North
Not within three metres of a boundary.	Marlborough Tauranga
Not within two metres of any adjoining property boundary, dwelling or building where food is stored for human consumption.	Kapiti
Not within two metres of any adjoining property boundary.	Franklin

A1181434

Approach	Council
General conditions for keeping animals, birds or bees: <ul style="list-style-type: none"> - shall not cause a nuisance through noise, smell, dust or flies, or - shall not become offensive to the occupier of an adjoining property or a threat to health, or dangerous. 	Waitakere City Manukau City Dunedin Wanganui
No location requirements.	Papakura
No location requirements, but poultry shouldn't cause a nuisance by way of odour, flies, noise or trespassing onto neighbours' and surrounding properties.	Christchurch
No location requirements, and the activity is permitted provided no nuisance is being caused to neighbours or health issues.	Hamilton
Director of Environmental and Planning Services has authority to order relocation or removal of poultry or a poultry house where complaints are received and Director is satisfied that the location or number of poultry or location of poultry house has caused a nuisance on any neighbouring property.	Invercargill
No controls related to chickens.	Queenstown Wellington

Consolidation of Bylaws

1. Purpose of Report

- 1.1 To consider grouping the Council's 14 bylaws into a smaller number of bylaws, for a more efficient review process.

2. Recommendation

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

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

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

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

Recommendation to Council

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

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

3. Background

3.1 Nelson City Council has 14 bylaws which all have different review dates. Each review currently requires a Special Consultative Procedure. Changes in the Local Government Act 2002 Amendment Bill (No. 3) would amend this requirement to only needing a special consultative procedure for significant bylaws. However, consultation on other bylaws would still need to comply with a Significance and Engagement Policy and given the rules/enforcement provisions included in bylaws the consultation requirements are likely to still be rigorous.

3.2 As outlined in the Nelson City Council Governance Statement, a Special Consultative Procedure consists of the following steps:

- Preparation of a statement of proposal describing the proposed approach and the reasons for it. The draft bylaw must be included with the proposal;
- Public notice, to publicise the proposal and the consultation being undertaken;
- A submission period of at least one month, and the holding of a hearing for submitters who wish to speak in support of their written submission;
- Deliberations in public, where the Committee considers both the written and verbal submissions and makes decisions about any changes to the proposal (and draft bylaw);
- Follow up, providing a copy of the outcome and a summary of the reasons for the decisions to all submitters.

3.3 Section 158 of the Local Government Act 2002 requires bylaws prepared since 2002 to be reviewed within five years (and thereafter within ten years). If this does not happen, the bylaw is revoked seven years after it was adopted.

3.4 Currently, with 14 bylaws, there is a significant burden of review work for Council. Officers consider there are efficiencies to be gained in grouping issues into a smaller number of consolidated bylaws. At the same time bylaws can be rationalised and any unnecessary provisions removed.

4. Discussion

Consolidation of the Bylaws

4.1 With 14 bylaws, and 14 different review periods, there are a number of bylaws due for review most years. Several of Nelson's bylaws are currently due for review. These are:

- Miscellaneous Matters Bylaw (which was adopted in June 2008, was due for review by June 2013, and will be revoked in June 2015);
 - Burial and Cremation Bylaw (which was adopted in August 2008, was due for review by August 2013, and will be revoked in August 2015);
 - Numbering of Buildings Bylaw (which was adopted in July 2009, was due for review by July 2014, and will be revoked in July 2016).
- 4.2 A consolidation of the 14 bylaws into five groups, with five review dates, would provide for a more integrated and manageable review process. A proposed timeframe for these reviews is outlined below.

Part 1 - utilities bylaws, reviewed by 2014

4.3 The utilities group consists of the following bylaws:

- Water Supply;
- Wastewater.

4.4 These two draft bylaws are currently in the consultation phase, and are due to be adopted by December 2014, with a common review period of 2019. The Works & Infrastructure Committee is responsible for this review. While these bylaws could be grouped into a single bylaw there are special requirements for bylaws covering tradewaste so it would make sense to keep them separate. It is helpful, however, that they will in future be reviewed in tandem as they are now on the same timeline.

Part 2 – place-based bylaws, to be reviewed by 2015

4.5 This place-based group consists of the following bylaws. This grouping of bylaws is diverse, but they all relate to place-based activities.

- Miscellaneous Matters;
- Burial and Cremation;
- Numbering of Buildings;
- Trading in Public Places;
- Control of Drinking in Public Places;
- Advertising of Commercial Sexual Services;
- Reserves.

4.6 There is also potential to develop one system to cover all permits required under these bylaws and to consider a more integrated approach to enforcement of these bylaw provisions.

- 4.7 Reviewing these bylaws by June 2015 would ensure that a new bylaw was in place before the Miscellaneous Matters and Burial and Cremation bylaws expire that year. This consolidated bylaw would then be due for review in June 2020, with a future review date of June 2030 (as bylaw reviews move to a ten year cycle after the first five year review).
- 4.8 One point to note is that the draft Reserves Bylaw 2014 is currently being considered by Council following consultation and hearings. Including this in a draft consolidation bylaw would potentially lead to a re-litigation of the contentious issues that have emerged through that process. Council could issue a draft consolidated bylaw with a proposal that none of the clauses that have recently been reviewed as part of the draft Reserves Bylaw 2014 be changed. Alternatively it could propose inclusion of the reserves provisions into the consolidated bylaw in 2019 when the Reserves Bylaw would again be due for review.
- 4.9 Another issue to be aware of is that while most of these bylaws are within the delegations of the Planning and Regulatory Committee, the Community Services Committee has delegated authority to make decisions on special consultative procedures related to cemeteries and reserves. Council will need to approve the consolidation of these bylaws and the oversight of the process by the Planning and Regulatory Committee.

Part 3 – transport bylaws, to be reviewed by 2016

- 4.10 The transport group consists of the following bylaws:
- Speed Limits;
 - Parking and Vehicle Control.
- 4.11 The Speed Limits Bylaw was adopted in November 2011 and is due for review by November 2016. Similarly, the Parking and Vehicle Control Bylaw was adopted in December 2011 and is due for review by December 2016.
- 4.12 Initiating a review of these bylaws in the second half of 2015 would ensure these bylaws were reviewed by November 2016. This would provide for a future review period of 10 years, with the next review due by 2026. It is proposed to keep these bylaws separate as they are now on a ten year cycle, but to review them in tandem.

Part 4 – Navigation Safety Bylaw, to be reviewed by 2017

- 4.13 The Navigation Safety Bylaw (No. 218) was adopted in December 2012 and is due for review by December 2017.
- 4.14 This is a new bylaw, so it is desirable to delay reviewing it until it has been enforced for some time, and there is more information available about what changes are needed to make the bylaw more effective. It also doesn't sit neatly within any of the other clusters so it is suggested it would remain a separate bylaw.

Part 5 – Control of Dogs, to be reviewed by 2018

- 4.15 The Control of Dogs Bylaw is due for review by February 2018. With approximately 4000 dog owners in Nelson, and the high level of public interest in issues related to the control of dogs, any future review of this bylaw is likely to attract a lot of submissions.
- 4.16 For this reason, Council officers do not recommend combining the review of the Control of Dogs Bylaw with any other bylaw reviews. Completion of the review by February 2018 would mean the following review was not required until 2028.

Additional Benefits of Consolidation

- 4.17 Consolidation of the bylaws, as outlined in this report, would reduce the number of consultation processes to be carried out.
- 4.18 It could also result in a more integrated approach to the development, administration and enforcement of the bylaws.
- 4.19 The review processes are an opportunity to consider which bylaw provisions are well used, and which activities could be better managed through other methods.

5. Timetable

- 5.1 Initiating the process of reviewing place-related bylaws in June 2014 would enable Council to adopt a consolidated bylaw by June 2015. This means that new provisions will be in place before the existing Miscellaneous Matters Bylaw 2008 and the Burial and Cremation Bylaw 2008 are revoked.
- 5.2 A summary of the content of these bylaws is provided in Attachment 1 of this report.
- 5.3 The proposed timetable for the review of the place-based bylaws follows.

Action	Date
Planning & Regulatory Committee meeting to approve Statement of Proposal and draft bylaw.	23 October 2014
Consultation period (allow eight weeks, recognising the scale of the bylaw).	27 October to 15 December 2014
Bylaw hearing by the Planning & Regulatory Committee.	Late February/ early March 2015
Planning & Regulatory Committee meeting – decisions on submissions.	Mid April 2015
Planning & Regulatory Committee meeting – recommend adoption of bylaw to Council.	Late May 2015
Council meeting (adoption of bylaw via committee minutes)	June 2015

6. Process

- 6.1 Section 78(3) of the Local Government Act (2002) makes it clear that Council is not required to undertake any consultation process or procedure in addition to the formal Special Consultative Procedure that must always occur when reviewing a bylaw.
- 6.2 However, carrying out small scale informal consultation with key stakeholders prior to the formal consultation process would highlight what the range of views are likely to be on the draft bylaw. This feedback would assist with the drafting of the statement of proposal, and ensure the proposal is broad enough to enable Council to make changes to the bylaw in response to submissions, without the need to reconsult.

7. Support from Local Government New Zealand

- 7.1 Local Government New Zealand (LGNZ) has established the Equip Limited Partnership to provide tailored services to councils. Dr Steven Finlay (Manager Business Solutions) has advised that bylaws are different around New Zealand, and that LGNZ has not yet set up any specific support services related to their development. However, Dr Finlay is interested in working with Nelson City Council to develop support in this area.
- 7.2 This could consist of:
- Sharing good practice around LGNZ members;
 - Connecting councils with experts (legal and best practice advice).

8. Conclusion

- 8.1 Consolidating the review of bylaws into five groups will provide for a more integrated approach to the development, administration and enforcement of Nelson's bylaws and reduce costs.

Nicky McDonald
Acting Group Manager Strategy

Attachments

Attachment 1: Summary of the place-based bylaws [A1197591](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

Consolidation of the bylaws, resulting in a reduction from 14 to five different review dates, will enhance the efficiency of Council's regulatory functions.

2. Fit with Community Outcomes and Council Priorities

Community outcomes:

- Kind, healthy people – we are part of a welcoming, safe, inclusive and healthy community.

3. Fit with Strategic Documents

The Heart of Nelson Strategy 2009 will influence the review of the Trading in Public Places Bylaw.

4. Sustainability

The following Nelson 2060 goals are relevant:

- Goal Two – we are all able to be involved in decisions;
- Goal Seven – our economy thrives and contributes to a vibrant and sustainable Nelson.

5. Consistency with other Council policies

The review of the place-based bylaws will be aligned with the following documents:

- Community Facilities Activity Management Plan 2012-22 (Burial and Cremation);
- Draft Local Alcohol Policy (Control of Drinking in Public Places);
- Nelson Resource Management Plan (Miscellaneous Matters, Advertising of Commercial Sexual Services).

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

Page 58 of the Draft Annual Plan 2014/15 states that additional resourcing of \$55,000 has been allocated to progress policy work, including possible bylaw consolidation.

7. Decision-making significance

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

8. Consultation

It is proposed that consultation take place informally with a small number of stakeholders to identify potential issues of concern to the community, followed by public consultation using the Special Consultative Procedure.

9. Inclusion of Māori in the decision making process

Consultation with Māori will be provided for through the Special Consultative Procedure.

10. Delegation register reference

The Planning & Regulatory Committee has powers to approve statements of proposals, and to hear and deliberate on submissions for special consultative procedures falling within its areas of responsibility. These areas include: environmental matters, public health and safety, parking and dogs, and maritime harbour safety.

These areas include most of the issues managed through Nelson's bylaws. However, the Community Services Committee has delegated authority to make decisions on special consultative procedures related to cemeteries and reserves, and the Works & Infrastructure Committee has delegated authority to make decisions on special consultative procedures related to water supply and wastewater.

ATTACHMENT 1 – Summary of the Place-Based Bylaws

Miscellaneous Matters Bylaw 2008 (No. 215)

- Prohibits barbed wire on boundary fences
- Limits the keeping of animals to three adult rabbits and 12 hens (and no roosters are allowed within an urban zone)
- Controls the slaughter of stock and poultry, and storage of carcasses
- Sets conditions on buildings, structures or yards used for the keeping of animals
- Sets conditions on the use of caravans for residential purposes
- Controls what can be placed in public rubbish bins.

Burial and Cremation Bylaw 2008 (No. 216)

- Provides for purchase of exclusive right of burial in a plot
- Requires an 'Interment Warrant' prior to any burial in a cemetery
- Sets conditions on cremations
- Sets conditions on headstones and monuments
- Controls planting and damage to trees, leaving of tributes, cemetery opening hours, vehicles, removal and damage of headstones, interruptions to funerals, and photography.

Numbering of Buildings Bylaw 2009 (No. 219)

- Requires numbers allocated to buildings to be displayed in a way that is visible from the road.

Trading in Public Places Bylaw 2007 (No. 213)

- Controls where mobile shops and hawkers set up, and under what conditions they operate
- Controls commercial services in public places through the use of licences
- Controls begging, soliciting of donations and selling of lottery tickets through permits
- Manages busking
- Controls sandwich boards on footpaths
- Controls displays of goods on the footpath
- Controls advertising in the form of banners and posters in public places.

Control of Drinking in Public Places Bylaw 2009 (No. 206)

- Prohibits the possession and consumption of alcohol in specified public places
- Enables the Council to prohibit alcohol and vehicles in a public place during any specific event, function or gathering, provided a resolution is publicly notified at least 14 days before that event.

Advertising of Commercial Sexual Services Bylaw 2011 (No. 208)

- Prohibits any commercial sexual services advertising that is considered to be offensive to the general public, or is incompatible with the existing character of an area.

Draft Reserves Bylaw 2014 (No. 222)

- Controls use of motor vehicles in reserves
- Controls activities that damage reserves or are a hazard to reserve users
- Lists activities in reserves which require written permission from the Council
- Requires people not to impact on other users of reserves
- Enables Council to limit public access to reserves.