

**Minutes of a meeting of the Planning and Regulatory Committee
to deliberate on submissions to the draft Urban Environments
Bylaw**

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,
Nelson**

On Thursday 2 April 2015, commencing at 10.05am

Present: Councillor B McGurk (Chairperson), I Barker, E Davy, K
Fulton (Deputy Chairperson), M Lawrey, and M Ward, and Ms
G Paine

In Attendance: Group Manager Strategy and Environment (C Barton),
Manager Planning (M Heale), Manager Administration (P
Langley), and Administration Adviser (G Brown)

Apologies: Her Worship the Mayor R Reese and Councillor R Copeland

1. Apologies

Resolved

***THAT apologies be received and accepted from
Her Worship the Mayor and Councillor
Copeland.***

Davy/McGurk

Carried

2. Confirmation of Order of Business

There were no changes to the order of business.

3. Interests

There were no updates to the Interests Register, and no interests with
agenda items were declared.

4. Confirmation of Minutes – 12 March 2015

Document number A1333233, agenda pages 5-8 refer.

Resolved

THAT the minutes of the meeting of the Planning and Regulatory Committee, to hear submissions to the draft Urban Environments Bylaw, held on 12 March 2015, be confirmed as a true and correct record.

McGurk/Fulton

Carried

5. Analysis of Submissions on the draft Urban Environments Bylaw

Document number A1329982, agenda pages 9-77 refer.

Manager Planning, Matt Heale, contractor, Debra Bradley, and legal counsel, Mr Julian Ironside presented.

Mr Heale gave a presentation (A1339876).

In response to a question, Mr Heale advised the reference in the powerpoint presentation to 'street frontage' should actually read 'shop frontage'.

In response to a further question, Mr Heale clarified that the status quo was being recommended in relation to sandwich boards for upstairs shops, which would be placed adjacent to the kerb. He said shops on the ground floor would continue to place the sandwich board adjacent to the shop frontage.

Mr Heale said there were provisions in the Nelson Resource Management Plan relating to size and height of promotional material for shops to hang from above.

In response to questions, Mr Heale said the Police noted in their submission that by extending the liquor ban boundary further, this would restrict the preloading and sideloading distance for those individuals walking to bars. He added that the Police provided supporting evidence in relation to preloading and sideloading areas.

In response to a question, Ms Bradley advised that the Invercargill City Council's experience was that Section 33 of the Health Act 1956 would have been a better mechanism to deal with cat issues in relation to being a nuisance, rather than use of a bylaw, due to court costs and the length of time taken to resolve.

In response to a further question, Ms Bradley said Council had the right to seize sandwich boards if an offence was being committed, and the offender would get the opportunity to retrieve it.

The Chairperson advised that the recommendations would be taken in parts.

Resolved

THAT the report Analysis of Submissions on the Draft Urban Environments Bylaw (A1329982) and its attachments (A1329988, A1330114, A1329992, A1329999, A1330000, A1330003, A1334438, and A1334602) be received;

Barker/Davy

Carried

There were some concerns around the wording of the bylaw in relation to 'Obstruction of Enforcement Officer' and 'Breach of alcohol-related bylaw provisions and penalty', however Mr Ironside advised that the wording only draws attention to the fact that these issues are an offence under the Local Government Act 2002.

It was suggested that increased publicity and information in relation to the changes in the Urban Environments Bylaw would assist in informing the public.

Attendance: Councillor Lawrey left the meeting at 10.52am and returned to the meeting at 10.55am.

Resolved

AND THAT the Draft Urban Environments Bylaw be amended to reflect the Committee's decisions on submissions as follows:

AND THAT an overnight (9pm-7am) alcohol ban for the additional area bounded by Riverside Drive, Tasman Street, Hardy Street and Collingwood Street be added and clauses 6.12, 6.18 and 6.19 of the Bylaw be amended accordingly in accordance with map A1330114;

Barker/Davy

Carried

AND THAT Council increase publicity and information about the provisions of the Bylaw and its enforcement;

Davy/Fulton

Carried

Mr Ironside clarified that section 3.2 'Keeping of animals' of the Urban Environment Bylaw was still relevant to the keeping of cats even though there would be no specific provision for cats within the Bylaw.

AND THAT the bylaw make no specific provisions regarding the keeping of cats;

Davy/Barker

Carried

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After discussion on sandwich boards and relevant submissions, Councillor Fulton, seconded by Councillor Davy moved the following motion:

AND THAT the Bylaw be amended to require sandwich boards to be adjacent to the kerb and placed within the 600mm of the kerb;

There was a discussion about having sandwich boards on one side of the pavement to maintain consistency.

It was highlighted that publicity along with a long term view would assist with the location of sandwich boards adjacent to the kerb.

Attendance: The meeting adjourned from 11.29am until 11.33am.

Resolved

AND THAT the Bylaw be amended to require sandwich boards to be adjacent to the kerb and placed within the 600mm of the kerb;

Fulton/Davy

Carried

A division was called.

Councillor Barker	No
Councillor Copeland	Apology
Councillor Davy	Aye
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor McGurk	No
External Appointee – Glenice Paine	Aye
Councillor Ward	Aye
Her Worship the Mayor	Apology

The motion was passed 5-2.

Mr Heale read through Attachment 1, Individual Submissions Analysis.

In response to a question, Mr Heale said the operational issue raised by Submitter 3 had been referred to the appropriate department of Council for consideration.

Attendance: Councillor Ward left the meeting at 11.35am, and Councillor Barker left the meeting at 11.37am. Councillor Ward returned to the meeting at 11.41am.

In response to a question, Mr Heale advised that a permit could still be obtained for events such as a wedding at Queens Gardens.

It was discussed that the wording 'Reject the submission' may discourage people from submitting in the future.

Attendance: Councillor Lawrey left the meeting at 11.52am and returned to the meeting at 11.55am.

In relation to submitter 15, it was suggested that the recommendation conflicted with the road user rules and the decision should be changed to reflect that the road user rules apply.

Resolved

AND THAT the Council officer's recommendations in attachment 1 (A1329988) Individual Submissions Analysis be confirmed.

McGurk/Fulton

Carried

Recommendation to Council

THAT the amended draft Urban Environments Bylaw, reflecting the Planning and Regulatory Committee's decisions on submissions, be adopted.

McGurk/Davy

Carried

There being no further business the meeting ended at 12.00pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

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