

MINUTES OF THE MEETING OF THE ENVIRONMENT COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON TUESDAY 8 MAY 2007 COMMENCING AT 9.00AM

PRESENT: Councillor E Davy (Chairperson), His Worship the Mayor (P Matheson), Councillors I Barker, M Cotton, J Fryer (Deputy Chairperson), I Ford and M Holmes

IN ATTENDANCE: Councillors D Henigan and A Turley, P Dougherty (Deputy Chief Executive) R Johnson (Divisional Manager Planning and Consents) and R Palmer (Administration Adviser)

APOLOGIES: Apologies from Councillor G Collingwood, and Councillor I Barker for lateness were received and accepted

1.0 PUBLIC FORUM

1.1 Sandra Jacobs on behalf of NELSUST spoke to the Committee regarding the group's concern in respect of vehicle congestion within Nelson and the Council's plans for a multi story car parking building.

It was noted that Ms Jacobs had been referred to the Environment Committee from the Policy Committee to address transportation and environmental issues.

Ms Jacobs stressed that NELSUST's concerns were that there were alternatives to private vehicle use which the Council should be actively pursuing and that the provision of a multi storey car parking building would only add to rather than ameliorate the problem.

It was agreed that the notes tabled by Ms Jacobs would be circulated to all other Councillors via the Councillor's Newsletter.

Attendance: Councillor Henigan left the meeting at this point.

2.0 CONFIRMATION OF MINUTES

27 March 2007

Resolved

THAT the minutes of the meeting of the Environment Committee, held on Tuesday 27 March 2007, be confirmed as a true and correct record.

Davy/Homes

Carried

3.0 CHAIRPERSON'S REPORT

Agenda pages 12-13 refer.

The meeting discussed the likely regulations which might be imposed by Government in relation to solar heating and solar water heating, and it was agreed that having regard to the Government's recent requirements for double glazing, owners of new houses would likely be given little choice in the matter.

Resolved

THAT the Chairperson's Report be received.

Cotton/Barker

Carried

4.0 BATHING WATER SURVEILLANCE 2005-2007

Report No 7209, dated 17 April 2007, file ref RN0110-01, agenda pages 14-16 refer.

Paul Sheldon, Monitoring Co-ordinator, presented the report.

Mr Sheldon outlined the results of the bathing water surveillance program advising that the draft report from Environmental Scientists, ESR in relation to the Collingwood Street Bridge site indicated that it could not determine the source of the contamination.

He explained that the scientists had suggested a range of further possible projects to use in an attempt to isolate the source of the contamination, and he explained that the Cawthron Institute might also undertake a possible tracking study which could determine the actual animals from which the contamination arose.

Mr Sheldon also explained the results for the Wakapuaka River, advising that the most appropriate action to identify possible sources of contamination in the river would be a sanitary inspection of the area; however no specific provision had been made in the Department's estimate for this type of project.

Resolved

THAT the report on the microbiological water quality of the marine and fresh water recreational areas within Nelson City 2005-2007 be received.

Holmes/Cotton

Carried

5.0 VARROA SURVEILLANCE

Report No 7226, dated 23 April 2007, file ref RN1001, agenda pages 17-20 refer.

The Divisional Manager Planning and Consents explained that while the Council was committed to paying the levy set for the 2006/07 financial year, provision made within its estimates for the 2007/08 year would not now be required.

Resolved

THAT it be noted that the Varroa Agency Incorporated will not be setting a levy for the 2007-08 financial year nor asking for a contribution to the Agency from South Island Regional and Unitary Councils;

AND THAT the letter from the Varroa Agency Incorporated attached as Attachment One to Report Number 7226, be treated as a submission to the 2007/08 Draft Annual Plan for the expenditure within the pest and weed control section to be reduced by \$17,945.00.

Holmes/Barker

Carried

6.0 NZ HISTORIC PLACES TRUST PROPOSALS TO REGISTER THE SURVEY TEST MARKS AND REVIEW THE REGISTRATION OF ALBION SQUARE HISTORIC AREA

Report No 7230, dated 27 April 2007, file ref RU0500, agenda pages 21-33 refer.

Richard Frizzell, Policy Planner, presented the report.

Mr Frizzell tabled photographs of the various features within Albion Square and the survey test marks adjacent to Bridge and Hardy Streets.

It was noted that the Council may change the Nelson Resource Management Plan if it considers it necessary to acknowledge the registration or change of registration by the NZ Historic Places Trust. This would be carried out as part of a future omnibus change.

Resolved

THAT the Council support the proposal by the NZ Historic Places Trust to:

- (i) Register the survey test marks at 204 Bridge Street and 319 Hardy Street as a Category One Historic Place and**
- (ii) To modify the registration of the Albion Square Historic Area in the NZ Historic Places Trust register of Historic Places, Historic Areas, Waihitapu and Waihitapu Areas;**

AND THAT the Committee endorse the letters attached as Attachments 2 and 3 to Report Number 7230 as expressing the Council's support for the registration proposal;

AND THAT the Nelson Resource Management Plan be changed in due course to reflect any new or additional registration in the NZ Historic Places Trust register in respect of the Albion Square Historic Area.

Fryer/Cotton

Carried

7.0 HEARING PROCEDURE FOR PLAN CHANGE 06/04 - STOKE RAILWAY RESERVE

Report No 7222, dated 17 April 2007, file ref RM0100-02, agenda pages 34-35 refer.

Resolved

THAT the resolution passed by the Environment Committee at its meeting of 27 March, namely:

THAT Councillors I Barker, D Henigan and J Fryer be appointed as a Hearing Committee to hear and determine submissions on Plan Change 06/04 (Stoke Railway Reserve);

AND THAT the Committee be delegated the power to determine the submissions heard and make a final decision on the Change.

AND THAT the Hearing Committee elect its own Chairperson.

BE REVOKED

AND THAT the Divisional Manager, Planning and Consents be authorised to appoint a Commissioner to hear the submissions in respect of Plan Change 06/04 and to make a recommendation to the Council.

Fryer/Holmes

Carried

8.0 OPERATIVE PLAN CHANGES

Report No 7224, dated 26 April 2007, file ref RM0609, RM0100-06 and RM0100-07, agenda pages 36-37 refer.

Recommendation to the Council

THAT the Council approve, in terms of Clause 17(1) of the First Schedule of the Resource Management Act 1991:

- a) Nelson Resource Management Plan Change 04/01 (Freshwater), and*
- b) Nelson Resource Management Plan Change 05/03 (Stoke Valley Holdings Ltd), and*
- c) Nelson Resource Management Plan Change 05/04 (Solitaire Investments Ltd);*

AND THAT the Council resolve to make

- a) Nelson Resource Management Plan Change 04/01 (Freshwater), and*
- b) Nelson Resource Management Plan Change 05/03 (Stoke Valley Holdings Ltd), and*
- c) Nelson Resource Management Plan Change 05/04 (Solitaire Investments Ltd)*

operative on 5 June 2007 under Clause 20(1) of the First Schedule of the Resource Management Act 1991.

His Worship the Mayor/Fryer

Carried

9.0 PROPOSED PORT NOISE VARIATION 07/01

Report No 7228, dated 26 April 2007, file ref RM0300-02, agenda pages 38-50 refer.

John Pattison, Policy Planning Adviser, and Gary Rae, Consultant Planner, presented the report.

His Worship the Mayor declared an interest in the matter and took no part in the debate or voting thereon.

The Committee's attention was drawn to the Draft Variation and the Section 32 analysis which had been circulated as separate documents with the agenda.

The meeting discussed the proposed minimum monitoring and reporting requirements to be included within Appendix AP 29.A.2 of the Plan and in particular whether it would be appropriate to provide some more direct oversight of the Port Company's continuous monitoring of noise emanating from the Port activities.

Attendance: Councillor M Holmes left the meeting.

The Committee was advised that the monitoring proposed in paragraph (a) of Appendix AP29.A.2(i) was not for the purpose of complaints but was monitoring carried out at fixed locations to provide state of the environment information, while monitoring for complaints would be carried out by the Council as required at

locations appropriate to the complaint which would not necessarily bear any relationship to the continuous monitoring sites.

It was agreed however that paragraph (a) should be amended by replacing the word “conduct” in the second line of paragraph (a) with the words “arrange for a suitably qualified person to perform”.

The Committee also discussed the timing of the coming into the effect of the Variation noting that in normal circumstances a Variation took effect as from the date of notification. In this instance it was felt that if it were to be delayed until after all submissions and appeals had been heard and settled it would lead to considerable uncertainty for all parties and also delay substantially the implementation of any works which might be required to be undertaken by the Port Company to ameliorate the possible noise nuisance.

It was also noted that providing for the variation to have effect from the date of notification was in line with what had occurred in relation to the introduction of Port noise controls in respect of other Ports in the country.

Resolved

THAT the Committee:

- 1. Adopt and approve for public notification Proposed Variation 07/01 (Port Noise) to the Nelson Resource Management Plan as in the amended Attachment 1 to Report 7228***
- 2. Adopt the Section 32 Report for Variation 07/01 as in Attachment 2 to Report 7228***
- 3. Confirm that Variation 07/01 has been prepared in accordance with the statutory procedures set down in Part I of the First Schedule to the Resource Management Act 1991;***

AND THAT in accordance with Clause 16B(2) of the First Schedule of the Resource Management Act 1991, the provisions of Proposed Variation 07/01 have effect from the date of notification;

AND THAT the Chairman of the Environment Committee and the Divisional Manager Planning and Consents be given authority to approve minor technical wording amendments to the Variation documents to improve readability and/or consistency prior to public notification.

Davy/Fryer

Carried

10.0 VARIATIONS TO NELSON AIR QUALITY PLAN

Report No 7176, dated 13 April 2007, file ref RM0700-06, agenda pages 51-84 refer.

David Jackson, Senior Policy Planner, presented the report.

The Committee discussed the process required to authenticate an existing burner or fireplace noting that at the present time a resource consent was required but it was proposed that this be replaced by a simpler and less costly process namely an inspection by Environmental Inspections Limited or an approved building consultant.

It was noted that there was some confusion regarding the cut-off date in relation to:

- a. the replacement of old wood burners with new burners; and
- b. the replacement of an open fire with a new wood burner.

Mr Jackson explained that in relation to open fires any person wishing to replace an open fire with an approved, enclosed burner would need to do so before the cut-off date of 1 January 2008. Any persons wishing to replace a non-complying enclosed burner with an approved enclosed burner would need to do so prior to the cut off date of 1 January 2010, 2012 or 2013 depending on the date of the initial installation and airshed.

Resolved

THAT the Committee:

1. *Adopt for public notification Variations 07/02, 07/03, 07/04, 07/05 and 07/06 to the proposed Nelson Air Quality Plan as in Attachment 1 to Report 7176*
2. *Adopt the section 32 Report for Variations 07/02, 07/03, 07/04, 07/05 and 07/06 as in Attachment 3 to Report 7176*
3. *Confirm that Variations 07/02, 07/03, 07/04, 07/05 and 07/06 have been prepared in accordance with the statutory procedures set down in Part I of the First Schedule to the Resource Management Act 1991;*

AND THAT in accordance with Clause 16B(2) of the First Schedule of the Resource Management Act 1991, the provisions of Proposed Variations 07/02, 07/03, 07/04, 07/05 and 07/06 have effect from the date of notification.

His Worship the Mayor/Ford

Carried

11.0 BUILDING CONSENT ACCREDITATION

Phil Ruffell, Manager Consents and Richard Popenhagen, Building Inspector, were present.

Mr Ruffell spoke to the Committee regarding the Accreditation and Registration process being undertaken for the Council to become a Building Consent Authority under the Building Act 2004.

Mr Ruffell advised that Council's application was the 12th lodged by Councils. It was now with the accreditation agency-International Accreditation NZ (IANZ) for processing.

He explained that at this stage the fee for Accreditation had not been established. It was anticipated that this would be about \$40,000. Accreditation would need to be reviewed on a 2 yearly basis or within a shorter period if circumstances changed or if verifiable complaints were lodged against the Council.

Mr Ruffell explained that there was still a considerable amount of work to do to complete the various tasks in support of the accreditation and this included involvement in an assessment visit by IANZ and Department of Building and Housing (DBH) representatives.

Mr Ruffell stressed that this was only the first step in a process which by 2013 would see all Building Consent Authorities employing only staff having or working towards an appropriate qualification.

Mr Ruffell advised that the Department of Building and Housing was looking at whether or not it could develop some co-ordinated package related to the training of staff, as it acknowledged that one of the major concerns local authorities faced was the issue of staffing.

Councillors noted the critical path relating to the accreditation and the work that IANZ would need to undertake to meet the required deadlines.

12.0 GENERAL BUSINESS

12.1 Building Consent Processing

The Chairperson advised that the Divisional Manager Planning and Consents and himself would be attending the meeting of the Local Government and Environment Select Committee in Wellington to talk to it regarding the proposal to introduce an amendment to the Building Act 2004 requiring Councils to provide building consents at no charge when they don't meet the processing timeline.

Councillor Davy stressed that the Council's attitude was that it did not support such a change.

12.2 Apology

Councillor Davy tendered his apology for the next meeting of the Committee.

The meeting closed at 11.50am.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE