

MINUTES OF A MEETING OF THE ENVIRONMENT COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON TUESDAY 13 MAY 2008 COMMENCING AT 9.02AM

- PRESENT:** Councillor R Reese (Chairperson), His Worship the Mayor (K Marshall), Councillors I Barker, A Boswijk, G Collingwood, A McAlpine and D Shaw (Deputy Chairperson)
- IN ATTENDANCE:** Councillors M Holmes and G Thomas, R Johnson (Divisional Manager Planning and Consents), R Ruffell (Manager Consents) and R Palmer (Administration Adviser)
- APOLOGIES:** Apologies on behalf of Councillors D Henigan and A Miccio were received and accepted.
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1.0 PUBLIC FORUM

1.1 National Bovine Tuberculosis Pest Management Strategy

Ron Walker of Southern Pest Management spoke to the Committee elaborating on the proposed review of the National Pest Management Strategy for Bovine Tuberculosis and to outline progress of the scheme in the Nelson Tasman area.

Mr Walker advised that in the future the management of the strategy would be under the control of the Animal Health Board and the scheme was presently under review with four options being proposed, the favoured option being an eradication strategy.

He advised that if this strategy was adopted there would be an initial high cost of approximately \$104 million however, by 2035 it was anticipated that the disease would be eradicated and thereafter maintenance would be in the order of \$1-2 million a year.

Mr Walker advised the Committee that for the 2008/09 year there was a budget of approximately \$2.8 million for the Nelson Tasman area. This would predominantly be used for possum control in the areas buffering the Kahurangi National Park and the upper Wairau Valley, comprising an area of approximately 320,000 hectares. 30,000 hectares of this would be subject to aerial control by the use of 1080.

He explained that as part of the ongoing strategy an intensive study of feral animals and in particular pigs obtained from pig hunters and farmers is carried out.

He advised that the most recent study of between 2,000 and 2,500 wild pigs resulted in only one pig showing up with tuberculosis.

The meeting was advised that at a recent meeting of the South Island local authorities, agreement had been reached that the National Pest Management Strategy should continue with containment rather than eradication.

Mr Walker advised that his personal opinion was that eradication should be the option chosen however, this was a matter for the Animal Health Board to decide in due course.

The meeting discussed the boundaries proposed between the North of the South Island and the West Coast - Tasman disease management areas noting that at this

stage the boundaries had not been fixed and it was anticipated that Nelson City would go with Tasman into the West Coast - Tasman disease management area.

1.2 Palace Backpackers

Mr Dave Enting, the owner of Palace Backpackers, spoke to the Committee regarding the report which had been prepared for the Committee in respect of the anti-social behaviour issues in the vicinity of the Shell Rutherford Service Station and McDonalds.

The Committee was advised that Mr Enting had a DVD which would be available for Councillors to view at their leisure, which indicated some of the problems occurring particularly on the forecourt of the Shell Rutherford Service Station, which were causing him and his clients concern.

Mr Enting advised that he had noted that the McDonalds car park was basically being used as an all night BYO with people purchasing food from McDonalds and sitting in the cars drinking. He explained that there was no security provided by McDonalds to prevent this occurring.

Mr Enting also expressed concern at the statement within the report which indicated that there was an uncertain connection between the services offered by Shell Rutherford and McDonalds and the loud objectionable behaviour of the public. His opinion was that the connection was clear and certain as this was the place to go to get food when the pubs shut. If the food was not available people wouldn't go there and the objectionable behaviour would not occur.

Mr Enting also expressed concern that despite him raising the matter at the meeting with Council staff, the Police and other interested parties in October of last year no work had yet been carried out to definitively establish the distance between the backpackers premises and the McDonalds restaurant to determine whether in fact it was in breach of the Nelson Resource Management Plan.

He advised that if he had been aware that the delay would be such he would have had the work carried out himself and he was still prepared to do this.

Mr Enting also expressed concern regarding the lighting in Kerr Street, explaining that in the last 18 months, nine cars had been either broken into or interfered with. He had asked for improved lighting however, Council staff considered that the present lighting was sufficient but he considered that if it was the same as in Selwyn Place this would prevent the problem.

Mr Enting explained that he had once been abused and assaulted when he requested the disturbance to cease however, he had not reported the matter to the Police.

It was agreed that concerned persons should be urged to report all incidents to the Police as it was recognised that this was a problem area and the Police did not have the resources to maintain a continuous presence.

In conclusion, Mr Enting expressed concern that McDonalds now closed its toilets at 4am and this contributed to some of the problem.

He also expressed the opinion that one solution would be to permit entertainment businesses to remain open all night to provide somewhere for these people to go.

1.3 Atawhai Telephone Exchange – Proposed Cell phone Tower

Sarah Allen (President, Atawhai Play centre) and Nick Duncan (Co-owner Brightsparks Play centre) spoke to the Committee outlining their concerns at the proposal by Telecom Mobile Limited to erect a 22 metre high cell phone tower at the Atawhai Exchange next door to the Atawhai Play centre.

Ms Allen explained that in her opinion the proposal went well beyond the limits of the designation and therefore the consent recently given to the Outline Plan by the Council should be withdrawn and a notified application should be required.

She explained that the Steering Committee opposing the tower requested the Council to:

- (i) Initiate a plan change to remove the designations from Telecom New Zealand and other private organisations and ensure that cell phone towers are not covered by existing designations.
- (ii) Consider and implement steps to require notified Resource Consent for cell phone towers at other telecommunications designated sites within the City.
- (iii) Review the adequacy of the application and the consent given to the present proposal.
- (iv) Make a commitment to publicly notify any subsequent applications for this site and any others within 1000 metres of educational faculties.

Sue Gray also spoke to the Committee regarding the proposal, tabling a submission outlining her concerns being that the activity was not provided for by the designation, there had been a failure to consult, the application in relation to the outline plan was seriously deficient, and the Council had failed to adequately assess the application.

In conclusion, Ms Gray requested that the Council seek a full and frank report from staff as to its options to address the concerns of the community, and revoke the approval which was based on Telecom's misleading application.

She also requested the Council delay issue of any building consent until the community had been fully consulted and all possible alternative sites had been considered.

2.0 CONFIRMATION OF MINUTES

1 April 2008

Resolved

THAT the minutes of the meeting of Environment Committee, held on Tuesday 1 April 2008, be confirmed as a true and correct record.

His Worship the Mayor/Barker

Carried

3.0 ENVIRONMENT COMMITTEE STATUS REPORT – MAY 2008

Agenda pages 10-13 refer.

The meeting discussed the report that was requested to outline the difference between a policy and a strategy. The Divisional Manager Planning and Consents advised that a brief report had been prepared which it was proposed would be circulated via the Councillors Newsletter as it likely had relevance for all Councillors. It was agreed that in the meantime the matter should remain on the status report so as to provide an opportunity for Councillors to discuss the matter should they feel it necessary at a future meeting.

Resolved

THAT the status report to May 2008 be received.

Boswijk/Shaw

Carried

4.0 CHAIRPERSON'S REPORT

The Chairperson advised that the only comment which she wished to make was that responses to her regarding the 2008/09 budgets had basically been to the effect that the Council should have been more "bullish" in relation to the money allocated for changes to the Nelson Resource Management Plan.

5.0 REVIEW OF REGIONAL PEST MANAGEMENT STRATEGY – ANT CONTROL WORKS 2007/08

Document No 660257, dated 23 April 2008, agenda pages 14-20 refer.

Lindsay Vaughan (Biosecurity Officer Tasman District Council) and Paul Sheldon (Monitoring Supervisor Nelson City Council) presented the report.

Mr Vaughan outlined the background to the spread of Argentine and Darwin ants within the Nelson City and the Tasman District, and the strategy which has been adopted within the Nelson Tasman Regional Pest Management Strategy to contain the spread of the infestations.

Mr Vaughan advised that he was satisfied that the present budgets were sufficient. Under the strategy the responsibility for individual properties lies with the landowner and the focus of the Council's Pest Management Staff was on the margins of the infested areas.

It was noted that additional publicity will be provided around October approaching the optimal time for baiting and that this information would provide landowners with the appropriate advice as to how to bait their properties.

Mr Vaughan acknowledged that at the present time it was not possible to eradicate the ants and thus the emphasis was on containment which would hopefully buy the time necessary to enable the development of biocontrols.

He advised there were presently 18 species of exotic ants and 12 species of native ants in New Zealand with the exotic ants generally not displacing native ants but filling empty niches in the ecosystem.

Mr Vaughan also advised that there was no finance available from Central Government to assist with the control as the ants had not been declared an unwanted organism due to the fact that they were widespread in the North Island.

Resolved

THAT the report be received and the demands that ant infestations are placing on limited biosecurity resources be noted;

AND THAT consideration be given to reviewing the Regional Pest Management Strategy rule provisions as they apply to invasive ants following the completion of the Ant Control Programme in the 2008/09 financial year.

His Worship the Mayor/Shaw

Carried

6.0 TOP OF THE SOUTH MARINE BIOSECURITY STRATEGY

Document No 663398, dated 5 May 2008, agenda pages 20A-20D refer.

Paul Sheldon (Monitoring Co-ordinator) presented the report.

Mr Sheldon explained that as there had been a series of Marine Biosecurity failures throughout New Zealand, Biosecurity New Zealand was keen to work with regional government in developing appropriate strategies. It saw this as a pilot scheme which could be applicable elsewhere in New Zealand.

Mr Sheldon advised that the draft strategy was presently being prepared by a consultant with assistance from local authority staff and would be submitted to the Environment Committee for its consideration in due course.

Resolved

THAT the Council support the preparation of a Top of the South Marine Biosecurity Strategy;

AND THAT Council staff continue to assist with the development of a draft Top of the South Marine Biosecurity Strategy and once a draft Strategy is complete, it be reported to the Environment Committee.

Shaw/Boswijk

Carried

The Chairperson congratulated staff for taking a positive and proactive step in this matter.

A query was raised regarding the situation with the brown mussel infestation in Golden Bay resulting from the cleaning of the oil rig recently anchored there.

Mr Sheldon advised that the owners of the drilling rig had undertaken substantial dredging of the area and Biosecurity New Zealand had recently indicated that by its calculations the numbers of brown mussels left was such as not to be viable.

7.0 RESPONSE TO DISCUSSION DOCUMENT – IMPROVING PUBLIC SAFETY UNDER THE DOG CONTROL ACT 1996

Document No 661671, dated 29 April 2008, agenda pages 21-25 refer.

Resolved

***THAT** the submission on the Government Discussion Document “Improving Public Safety under the Dog Control Act 1996”, attached as Appendix 1 to document 661671, which was forwarded to the Department of Internal Affairs on 31 March 2008, be endorsed.*

Barker/Shaw

Carried

8.0 CONSENTS DEPARTMENT, DOG CONTROL, ENVIRONMENTAL HEALTH FEES AND CHARGES

Document No 661779, dated 29 April 2008, agenda pages 26-30 refer.

Attendance: Stephen Lawrence (Environmental Inspections Limited) presented the report.

The Committee’s attention was drawn to Appendix A on page 29 of the agenda and members were advised that the proposed fee for all dogs classified as dangerous should in fact be shown as \$125.75

Resolved

***THAT** subject to the abovementioned amendment the schedule of Dog Control Fees and Charges for 2008/09 as detailed in Appendix A to document no 661779, be adopted;*

***AND THAT** the schedule of Environmental Health Fees and Charges for 2008/09 as detailed in Appendix B to document no 661779, be adopted;*

***AND THAT** the charges apply as from 1 July 2008 until such time as they are varied or amended by the Council.*

Shaw/McAlpine

Carried

Attendance: Councillor Holmes entered the meeting.

9.0 RUTHERFORD STREET ANTI-SOCIAL BEHAVIOUR ISSUES

Document No 661790, dated 29 April 2008, agenda pages 30A-30I refer.

Attendance: Richard Johnson (Divisional Manager Planning and Consents), Stephen Lawrence (Environmental Inspections Limited) and Kathy Mardon (Administration Officer Planning and Consents) presented the report.

The Divisional Manager Planning and Consents elaborated on the issue regarding the separation distance between McDonalds restaurant and the Residential Zone and the importance of ensuring that the evidence in this regard was indisputable, bearing in mind that measurements taken from the Council GIS system showed it was very close to 50m.

Mr Johnson also advised that the issues relating to the careless use of cell phones and smoking on the forecourt of Shell Rutherford Service Station was a matter for the Department of Labour.

It was acknowledged that Council enforcement staff or contractors do not become involved in any situation of enforcement without Police assistance if there was likelihood that they would be assaulted.

It was generally agreed that there was a connection between the provision of food and the assembly of the people and that the lack of toilets at a critical time did not assist.

The Chairperson tabled a letter and a report relating to an initiative of the World Health Organisation in relation to safe communities and outlined the discussions which she and His Worship the Mayor had had with the Police Area Commander Inspector Brian McGurk.

Members of the Committee raised a number of issues relating to anti-social behaviour within the City.

The Chairperson drew the Committee's attention to the fact that the role of the Environment Committee was to consider the matter in relation to the provisions of the Nelson Resource Management Plan and the wider issues were something which needed to be addressed at another meeting.

Resolved

THAT the report be received and the actions taken to date be noted;

AND THAT McDonalds restaurant's compliance with rule ICR.46.1, which stipulates certain closing times for any commercial premise that is less than 50m from a residential zone, be determined by a surveyor and the results be reported back to the Committee;

AND THAT staff be requested to prepare a report for the Infrastructure Committee on the costs and other implications for additional services by The Late Late Bus;

AND THAT the Council relay its concerns regarding the Health and Safety issues on the Shell Rutherford forecourt to the Department of Labour;

AND THAT the taxi companies be advised that the Council is concerned that their use of Shell Rutherford for a pick up spot may be exacerbating the situation and it be enquired of them as to whether there may be other arrangements which they could make;

AND THAT Council staff undertake an investigation as to the availability of toilets within the area.

Reese/His Worship the Mayor

Carried

It was accepted that the Divisional Manager Planning and Consents would report back to the Committee via the Status Report.

10.0 GENERAL BUSINESS

10.1 Public Forum Discussion – Telecom Cell Phone Tower Site

Staff advised that they understood that the building permit had not yet been lodged and explained that when lodged, the Council had 20 days to deal with it.

The Divisional Manager Planning and Consents stressed that there had been nothing untoward as regards the processing of the Amended Outline Plan. The Council could not require Telecom to make an application for Resource Consent as the site was designated for its use.

He also explained that as he saw it the matter was a political rather than a regulatory issue.

It was acknowledged that the process undertaken by the staff could not be revisited and while individuals could challenge the designation and the use proposed, the Council was limited by law in the way it dealt with designated land. It was not possible for it to remove the right of a requiring authority to use a designated site for designated purposes, however, the Council could look closely at the use of undesignated land when any such application was made, bearing in mind that the requiring authority could always request the land to be designated.

It was acknowledged that the staff would respond to the letters which had been lodged and the submissions made to the Committee and would approach Telecom for its advice as to what towers already existed within the City.

It was agreed that His Worship the Mayor and staff should continue discussions with Telecom in an endeavour to find an alternative site, and that a report would be provided to the Committee regarding the issue, particularly addressing the concerns raised at public forum and the legal position regarding designations.

11.0 PLANNING AND CONSENTS DIVISION MAJOR PROJECT UPDATE

Document No 659715, dated 17 April 2008, agenda pages 31-33 refer.

Attendance: Martin Workman (Manager Environmental Policy) presented the report.

Mr Workman undertook to provide information as to the number of industrial or commercial users who would be required to apply for discharge consents, and also provide monthly updates on breaches of the national air quality standards, as attachments to the Councillor's Newsletter.

Resolved

THAT the report outlining the status of major projects in the Planning and Consents Division be received.

Shaw/Boswijk

Carried

12.0 SUBMISSION ON THE PROPOSED NEW ZEALAND COASTAL POLICY STATEMENT 2008

Document No 659168, dated 17 April 2008, agenda pages 33A-33D refer.

The Chairperson ruled that as the meeting needed to conclude this matter would be either referred to the Council or to the next meeting of the Environment Committee.

The meeting closed 12.15pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE