

# MINUTES

**TITLE:** Environment & Planning Subcommittee  
**DATE:** Tuesday, 30 May 2006  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond

**PRESENT:** Councillor E M O'Regan (Chair), Mayor J C Hurley, Councillors S J Borlase, M J Higgins, R G Kempthorne and E J Wilkins

**IN ATTENDANCE:** Environment & Planning Manager (D C Bush-King), Resource Scientist (T James), Hazardous Substances Advisor (P Milsom), Co-ordinator Compliance Monitoring (C Cheeseman), Resource Scientist (A Burton), Harbourmaster (G Caradus), Compliance Officers (K Bunting and D Page), Administration Officer (B D Moore)

## 1. PUBLIC FORUM

Mr K Eggers and solicitor Mr G Praat asked for an opportunity to speak to the application to operate a jet boat on the Buller River. Cr O'Regan advised that this matter would be held at 2.15 pm and that an opportunity would be provided to speak at that time.

## 2. CONFIRMATION OF MINUTES

### 2.1 Environment & Planning Subcommittee – 28 April 2006

Moved Crs O'Regan / Kempthorne  
EP06/05/27

**THAT the minutes of a meeting of the Environment & Planning Subcommittee held on 28 April 2006 for R and A Baldwin, containing resolutions EP06/04/04 to EP06/04/11, be approved as a correct record.**

**CARRIED**

### 2.2 Environment & Planning Subcommittee – 28 April 2006

Moved Crs O'Regan / Higgins  
EP06/05/28

**THAT the minutes of a meeting of the Environment & Planning Subcommittee held on 28 April 2006 for Rocksnot Café, containing resolutions EP06/04/12 to EP06/04/15, be approved as a correct record.**

**CARRIED**

### **2.3 Environment & Planning Subcommittee – 5 May 2006**

**Moved Crs Borlase / O'Regan  
EP06/05/29**

**THAT the minutes of a meeting of the Environment & Planning Subcommittee held on 5 May 2006 for J Harris and A Cole, containing resolutions EP06/05/01 to EP06/05/04, be approved as a correct record.**

**CARRIED**

### **2.4 Environment & Planning Subcommittee – 10 May 2006**

**Moved Crs O'Regan / Borlase  
EP06/05/30**

**THAT the minutes of a meeting of the Environment & Planning Subcommittee held on 10 May 2006, containing resolutions EP06/05/05 to EP06/05/17, be approved as a correct record.**

**CARRIED**

### **2.5 Environment & Planning Subcommittee – 15 May 2006**

**Moved Crs Kempthorne / O'Regan  
EP06/05/31**

**THAT the minutes of a meeting of the Environment & Planning Subcommittee held on 15 May 2006 for R and K Cooper, containing resolutions EP06/05/19 to EP06/05/22, be approved as a correct record.**

**CARRIED**

### **3. SUMMER 2005/2006 RECREATIONAL WATER QUALITY SAMPLING PROGRAMME - REPORT EP06/05/15**

Resource Scientist, Mr T James, spoke to this report of 15 May 2006. He reported on the sampling carried out through the summer at 26 sites and the level of compliance with national guidelines for contact recreation in both freshwater and marine sites.

**Moved Crs Wilkins / Borlase  
EP06/05/32**

**THAT the Summer 2005/2006 Recreational Water Quality Sampling Programme Report EP06/05/15, be received.**

**CARRIED**

**4. RESULTS OF RICHMOND INDUSTRIAL SURVEY OF COMPLIANCE WITH COUNCIL'S HAZARDOUS FACILITIES RULES - REPORT EP06/05/16**

Hazardous Substances Advisor, Mr Paul Milsom, attended the hearing and spoke to his report of 24 May 2006 contained within the agenda. Compliance Officers C Cheeseman, K Bunting and D Page were also present to respond to Councillors questions. The report discussed the findings following inspection of 110 businesses in the Richmond area. Mr Milsom tabled some photographs to demonstrate some instances of poor housekeeping and work practices involving hazardous facilities. Mr Milsom said that the level of non compliance in smaller industries is a problem. He recommended that any industrial expansion to the west of Richmond should be in a controlled industrial park setting.

**Moved Crs O'Regan / Kempthorne  
EP06/05/33**

**THAT the Environment & Planning Subcommittee receives Report EP06/05/16, results of Richmond industrial survey, to determine their compliance with the Council's hazardous facilities rules. The Subcommittee notes that follow up work on the Richmond industrial businesses, will take place with a view to improving on site practices and obtaining necessary resource consents and that staff are working on guidelines for wash facilities.**

**CARRIED**

**5. WATER METERING PROJECT COMPLIANCE SUMMARY FOR THE 2005/2006 SEASON - REPORT EP06/05/22**

Compliance Officer, Mr D Page, spoke to his report of 22 May 2005 contained within the agenda. He explained that this is an interim report and a full report including project administration and any recommended changes for the 2006/2007 irrigation season, will be presented at a subsequent meeting. The report advised that water rationing in the Waimea Plains was introduced at the start of the 2005/2006 season and was in place for 16 out of 25 weeks. The report discussed the level of compliance monitoring and meter reading returns. Cr Kempthorne thanked all staff for their work on the summer management of water and said that the system ensures fairness.

**Moved Crs Kempthorne / Borlase  
EP06/05/34**

**THAT the Environment & Planning Subcommittee receives Report EP06/05/22, Water Metering Project Compliance Summary for the 2005/2006 season and notes that a further report on the project administration will be tabled at a subsequent meeting.**

**CARRIED**

## **6. CLEAN STREAMS ACCORD PROGRESS - REPORT EP06/05/21**

Compliance Officer, Ms K Bunting, spoke to the report of 17 May 2006 about the district wide progress report concerning how dairy farms are meeting the targets of the clean streams accord. The dairying and clean streams accord is an agreement between the Ministers of Agriculture and Environment, Fonterra Co-operative Group and Local Government NZ, to improve the environmental performance of dairying with a goal of achieving clean, healthy water in dairying areas.

The report detailed farm improvements to date and compliance monitoring the action which has been carried out.

### **Moved Crs Kempthorne / Borlase EP06/05/35**

**THAT the Report EP06/05/21 be received;**

**The RAP signatories (TDC and Fonterra) develop and implement a strategy to ensure that all farms have a nutrient budget of some sort by 2008 in order to meet this Accord target;**

**The RAP signatories (TDC and Fonterra) develop and implement a strategy to ensure all farms (particularly those in the Golden Bay sub-region who have the poorest bridging rate) have 50% of their regular crossings bridged/culverted by 2007, and 90% by 2012;**

**The Compliance Team in conjunction with the RAP signatories develop a strategy to classify all unbridged crossings in the district based on their environmental effects with the aim of prioritising bridging;**

**The RAP signatories (TDC and Fonterra) develop and implement a strategy to ensure full compliance with Section C of Rule 36.1.3 of the TRMP (contingency plans);**

**Ongoing and regular (annual) inspections of all farm dairies be undertaken to ensure compliance with the permitted activity rules, resource consent conditions, and to keep track of Tasman's progress towards meeting the various performance targets as set out in the Clean Streams Accord.**

**CARRIED**

## **7. ANNUAL DAIRY EFFLUENT DISCHARGE COMPLIANCE MONITORING REPORT - REPORT EP06/05/17**

Compliance Officer, Ms K Bunting, presented the results of compliance for the 2005/2006 dairy season for those farm dairies that hold resource consent to discharge treated dairy effluent to water in particular those pursuant to Section 15(1)(b) of the Resource Management Act.

**Moved Crs Kempthorne / Borlase  
EP06/05/36**

**THAT EP06/05/17, Annual Dairy Effluent Discharge Compliance Monitoring Report be received and that staff recover all reasonable costs above and beyond the annual monitoring fee, including costs for repeated sampling and the staff time involved.  
CARRIED**

**8. RESULTS OF PERMITTED ACTIVITY DAIRY FARM SURVEY - REPORT  
EP06/05/18**

Compliance Officer, Ms K Bunting, spoke to this report and presented the results of compliance for the discharge of dairy shared effluent onto land as a permitted activity pursuant to Rule 36.1.3 of the PTRMP. The level of compliance was detailed in the conclusion to the report.

**Moved Crs Borlase / Kempthorne  
EP06/05/37**

**THAT EP06/05/18 be received;**

**The RAP signatories (TDC and Fonterra) develop and implement a strategy to ensure full compliance with Section C of Rule 36.1.3 of the TRMP;**

**Ongoing and regular (annual) inspections of all farm dairies be undertaken to ensure compliance with the permitted activity rules, resource consent conditions, and to keep track of Tasman's progress towards meeting the various performance targets as asset out in the Clean Streams Accord;**

**Funding from Fonterra be investigated as a means of covering some of the costs of this ongoing monitoring of farm dairies as required by the Clean Stream Accord.  
CARRIED**

**9. PROPOSED CHARGES FOR COUNCIL INVESTIGATIONS INTO  
ENVIRONMENTAL INCIDENTS AND COMPLAINTS - REPORT EP06/05/19**

Co-Ordinator Compliance Monitoring, Mr C Cheeseman, spoke to this report of 24 May 2006 contained within the agenda. Mayor Hurley arrived at the meeting at this time. Mr Cheeseman spoke to this report which sought the recovery of costs incurred in inspecting activities that contravene the Resource Management Plan or Resource Management Act, where costs cannot be reasonably met by other means. Attached to the report was a suggested process for charging for incident inspections. Councillors deleted the options and agreed that charges be incurred for the inspection costs following staff having to visit the same site for the same purpose after the second time.

**Moved Crs Kempthorne / Borlase  
EP06/05/38**

**THAT the Environment & Planning Subcommittee receives Report EP06/05/15, proposed charges for Council investigations into environmental incidents and complaints;**

**Agrees to the implementation of a charging policy on incident inspections as set out in Attachment A to that report and resolves to notify this policy using the special consultation procedures under Section 83 of the Local Government Act 2002.**

**CARRIED**

**10. SOILS INFORMATION IN THE TASMAN DISTRICT - REPORT EP06/05/11**

Resource Scientist, Mr A Burton, made a presentation to Council on this report and the recent Takaka Valley soil mapping. The soil mapping information for this area has been compiled into a report titled "Soils in the Lower Takaka Valley" by Doctor Iain Campbell, Land and Soil Consultancy Services. Mr Burton's report also referred to other existing and proposed soils mapping work within the Tasman District.

**Moved Crs Kempthorne / Wilkins  
EP06/05/39**

**THAT Report EP06/05/11 Soils Information in the Tasman District be received;**

**THAT the report "Soils of the Lower Takaka Valley" by Doctor Iain Campbell, Land and Soil Consultancy Services be adopted by Council for use and publication.**

**CARRIED**

**11. STATEMENT OF PROPOSAL: DRAFT AMENDMENT TO TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW, CHAPTER V, NAVIGATION SAFETY JANUARY 2005, INCLUDING CHANGES TO MANAGEMENT OF KAITERITERI BAY, LAKE ROTOITI AND PORT CHARGES - REPORT EP06/05/20**

Harbourmaster, Mr G Caradus, spoke to this report and provided an illustrated presentation to assist the explanation of proposed amendments including management of activities on the water in Kaiteriteri Bay and the area proposed to be reserved for swimmers at Kerr Bay, Lake Rotoiti. Changes to the wording concerning Kerr Bay were sought by Cr Higgins to provide exemptions for events such as the Vintage Boat Regatta and Speedboat Racing. Staff noted these proposed changes.

A copy of the draft consolidated bylaw including proposed amendments was included within the agenda attached to this Report EP06/05/20.

**Moved Crs Higgins / Kempthorne  
EP06/05/40**

**THAT the Tasman District Council proceeds with amendment of the current Tasman District Council Consolidated Bylaw, Chapter V, Navigation Safety January 2005 and that the draft amended bylaw contained in Part III of the statement of proposal, be adopted and notified to commence the consultative procedure as set out in the Local Government Act 2002.**

**CARRIED**

**12. APPLICATION TO OPERATE A COMMERCIAL JET BOAT OPERATION ON THE UPPER BULLER GORGE, NEAR MURCHISON – REPORT EP06/05/23**

Cr O'Regan outlined the proposal which had been received from Mark Allen, Principal of Goldrush Jets Limited, for a Commercial Vessel Operator's Licence (CVOL) to operate a commercial jet boating operation on the Upper Buller Gorge, near Murchison. The application had been received on 28 April 2006 and was supported by a copy of the current Maritime NZ Certificate of Compliance.

The applicant, Mr M Allen, was represented at this meeting by Ms V Chisnell who tabled and read a submission in support of the application. She said that no other operator is licensed to operate on the Upper Buller Gorge. She read Section 35 of the Maritime Transport Act 1994 regarding application for maritime document and Section 41 of that Act regarding issue of maritime documents and recognition of documents. She acknowledged that Mr Kelvin Eggers and his legal representative, Mr G Praat, would be speaking in support of a further application for a Certificate of Compliance to operate a jet boat on the Upper Buller Gorge in the same location as Mr Mark Allen's application.

She said that Goldrush Jet Limited is the only jet boat operator which has a Certificate of Compliance to operate on the Upper Buller Gorge and that no other operator currently has a CVOL to operate in that location and both Maritime NZ and the Harbourmaster are satisfied that Goldrush Jet Limited will operate safely on the Upper Buller River.

Mr Jeff Horne, Safety Auditor Adventure Tourism, Maritime NZ made a verbal statement of his involvement with the applicant company and the previous jet boat operator on the Upper Buller Gorge. He acknowledged that he was aware that Mr Allan had a driving conviction and that the Maritime Safety "Fit and Proper Person Test" was carried out and no further action was taken. He advised the hearing that applications made by Mr Eggers under various company names did not have Maritime NZ approval.

Mr M Allan read a brief of evidence and explained his level and extent of training in the safe operation of jet boats on the Upper Buller Gorge. He referred to a previous application on his behalf for a CVOL in December 2004 which had been declined by the Environment & Planning Subcommittee decision on 8 August 2005 and that circumstances had changed as a result of the sale of the business trading as Buller Experience Jet following the death of Mr Peter Goodwin. He commented on the Council's concerns about safety and in particular the other users of the Upper Buller Gorge, within his evidence. He confirmed that he had been in discussions with the other potential boat operator in this location and spoke of how they were both prepared to use radio communication to ensure safe navigation between the two boats.

In answer to a question from Cr Wilkins, Mr Allan acknowledged that he had three driving convictions, but noted that two were some years ago.

Mr Horne provided a copy of a Certificate of Compliance for commercial jet boats operating on rivers under the name of Goldrush Jet Murchison dated 15 July 2005 and issued by Maritime NZ and signed by Jeff Horne.

A submission on behalf of Kelvin Eggers, Buller Jet Experience was tabled and read by Mr G J Praat. He acknowledged that Mr Allan's driving conviction occurred as a result of his activities when driving within a paddock and not on the open road. He said that Maritime NZ has suspended Mr Egger's Certificate of Compliance because of a change of company name. He said that the relevant details of the licence are mostly the same. He said that Council should consider clause 5.4.1 of the Navigation Safety Bylaw as other activities including kayaks, rafting, private jet boats, jet skis, gold mining and free diving could diminish the level of safety in the vicinity of the proposed jet boating activities by Goldrush Jets Limited.

Mr K Eggers said he had spent 12 months in setting up the original jet boating business with Gavin Martin. He said that Mr Greg Peacock was training him but he was 15 hours short of the required training time. He said he recently bought the business off the estate of the late Mr Pete Goodwin and then changed the company name but did not think this would interfere with Maritime NZ audit. He was advised by Mr Jeff Horne of Maritime NZ that he had cancelled the CVOL. He was also advised that the safe operating plan for his proposed business was not up to date and Mr Nick Hamilton had tried to help with this but he was now working in Queenstown. He said Mr Marty Black is also helping a little and Mr Lindsay Munro said he could complete the safe operating plan in three days.

Mr Praat had provided copies of an email dated 7 May 2006 from Mr J Horne which verified that the safe operating plan was not complete.

Harbourmaster, Mr G Caradus, spoke to his report of 24 May 2006 contained within the agenda and said that the important issue is the communications between jet boat drivers. He said that they are required to have radio contact at all times. He said that Council has established a radio protocol and he had discussed this with Mr K Eggers and Mr M Allan. He advised that the recommended expiry date for the proposed Goldrush CVOL was 30 October 2006 which was the same for all similar consents. In response to a question from Cr O'Regan, Mr J Horne advised that an annual audit is required but a backup boat is not required. He said that there has to be sufficient emergency procedures in place.

Cr O'Regan allowed the applicant to respond. On behalf of the applicant, Mr Horne said that he was not aware of Mr Allen's previous convictions and he said that information would have to be passed on to the head office of Maritime NZ for a decision. He said regarding the company name change by Mr Eggers that the suspension/revocation was based on the company not having vessels so it was treated as a new company.

Ms V Chisnell said that the applicant does not think he should be the only operator on the river and that she could not understand why the Harbourmaster was not considering this application under delegated authority. She said that Maritime NZ should be able to consider the application.

Cr O'Regan noted the Committee would adjourn to await the receipt of advice from Ms Chisnell about Maritime NZ's view on Mr Allen's previous convictions.

The Environment & Planning Subcommittee reserved its decision at 4.20 pm.

### **13. RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Higgins / Kempthorne  
EP06/05/41**

**THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**

Consideration of Commercial Vessel Operation Licence Application

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

| <b>General subject of each matter to be considered</b> | <b>Reason for passing this resolution in relation to each matter</b> | <b>Ground(s) under Section 48(1) for the passing of this resolution</b> |
|--|--|---|
| CVOL Goldrush Jet Limited                              | Good reason to withhold exists under section 7                       | Section 48(1)(a)  |

**This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interests protected by Section 6 or 7 of the Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:**

| <b>Reason to hold information under Section 7</b> |                    |
|---|--------------------|
| Consideration of CVOL application                 | Section 7(2)(f)(i) |

**CARRIED**

**Moved Crs Higgins / Kempthorne  
EP06/05/42**

**THAT for the purposes of discussing the application of Goldrush Jets Limited CVOL has an in committee item, the Environment & Planning Manager and Harbourmaster be authorised to be in attendance as advisors.**

**CARRIED**

**Moved Crs O'Regan/Kempthorne  
EP06/05/43**

**THAT the public meeting be resumed and the business transacted during the time the public was excluded be adopted.**

**CARRIED**

This part of the meeting concluded at 4.45 pm.

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**Date Confirmed:**

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**Chair:**