

# MINUTES

**TITLE:** Environment and Planning Committee  
**DATE:** Thursday 17 May 2012  
**TIME:** 9.30 am  
**VENUE:** Tasman Council Chamber, 189 Queen Street, Richmond.

**PRESENT:** Cr B W Ensor (Chair), Mayor R G Kempthorne,  
Crs M L Bouillir, B F Dowler, J L Edgar, G A Glover, J L Inglis,  
T B King, C M Maling, P F Sangster, E J Wilkins

**IN ATTENDANCE:** Chief Executive (L McKenzie)  
Acting Environment and Planning Manager (A Humphries)  
Environmental Education Officer (R Francis)  
Co-ordinator Environmental Health (G Caradus)  
Policy Planner, (M-A Baker)  
Policy Planner (R Biss)  
Co-ordinator Biosecurity (L Vaughan)  
Resource Scientist – Environmental (T James)  
Environmental Information Manager (R Smith)  
Policy Manager (S Markham)  
Communications Adviser (C Choat)

Chief Executive, Wakatu Incorporated (I Sheves)

Administration Officer (G Woodgate)

## **APOLOGIES**

**Moved Crs Glover/Edgar**  
**EP12-05-01**

**THAT apologies for absence from Crs S G Bryant, Z S Mirfin and T E Norriss be received.**  
**CARRIED**

The Minutes were requested to note that Cr S G Bryant had been omitted from the Agenda.

## **1 PUBLIC FORUM**

### **1.1 Mr Peter Williams**

Mr Williams advised that he was a new home owner who had serious concerns regarding the roof valleys on his property that were 'spongy'. Upon investigation, he believed that the valleys had insufficient rafters under them and the valleys were made from decking timber.

Mr Williams felt that this issue had escaped the attention of Council's Building Inspectors and could potentially become a leaky home issue. He added that he had written to the Acting Environment and Planning Manager on 17 April 2012 regarding this matter but was yet to receive a reply.

The Acting Environment and Planning Manager advised Mr Williams that a written response would be forwarded to him shortly.

## **1.2 Cr Paul Sangster**

Cr Sangster spoke of his frustration at the lack of a Council staff response to a planning application for an amalgamated title he had lodged.

Acting Environment and Planning Manager to investigate.

## **2 CONFIRMATION OF MINUTES**

### **2.1 Environment and Planning Subcommittee - 5 March 2012**

**Moved Cr King/Mayor Kempthorne  
EP12-05- 02**

**THAT the minutes of the Environment and Planning Subcommittee meeting held on 5 March 2012 be confirmed as a true and complete record.  
CARRIED**

### **2.2 Environment and Planning Committee - 29 March 2012**

**Moved Crs Inglis/Dowler  
EP12-05-03**

**THAT the minutes of the Environment and Planning Committee meeting held on 29 March 2012, containing resolutions EP12-03-04 to EP12-03-20 be confirmed as a true and complete record.  
CARRIED**

## **3 ENVIRONMENT & PLANNING MANAGER'S REPORT - REPORT REP12-05-08**

Acting Environment and Planning Manager Mr Adrian Humphries was in attendance for discussion on his item.

The report covered the following matters:

- Environment Court decision on Motueka Plan Change and consent to take water  
The Environment Court has asked iwi and Council to confer and seek to agree on wording changes to the TRMP provisions and consent conditions.
- Fish Passages
- 'Go Wild' Book Launch  
Cr Bouillir asked 'How much the book had cost Council and how many copies would need to be sold to cover this?' Acting Environment and Planning Manager to investigate and advise.
- Staff Presentation to the Korean Hydrological Society
- Unregistered Dogs  
It was advised that there are only six dogs known to Council that are yet to be registered within the Tasman district.
- Aerial Seeding and Tree Planting for Erosion Prevention
- Prosecutions  
The Acting Environment and Planning Manager tabled the oral judgement on a case of a builder who had wilfully obstructed or hindered a TDC enforcement officer.
- Delegations Register.

**Moved Crs Glover/Wilkins**  
**EP12-05-04**

**THAT the Environment and Planning Committee:**

- 1. Receives the Acting Environment & Planning Manager's Report REP12-05-08.**
- 2. Agrees to amend the Delegations Register Section 171 to read:**

***"In consultation with the Chairman or Deputy Chair of the Environment & Planning Committee, the power to initiate prosecution proceedings for offences under any Act, Regulation or Bylaw listed in the Delegations Register which involves the Summary Proceedings Act 1957, and to issue injunctions to restrain continuing breaches of the Building Act (under Section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under Section 162 of the Local Government Act 2002). Any proceedings will be reported to the first available Committee meeting."***

**CARRIED**

**4 MOTUEKA WEST AND CENTRAL PLAN CHANGE - UPDATE REPORT - REPORT REP12-05-01**

The Chairman welcomed Mr Ian Sheves, Property Manager, Wakatu Incorporated to the meeting.

The Environment and Planning Committee had previously resolved to place the draft Motueka West and Central Plan Change on hold while arbitration was held between some of the horticultural lessees and the major landowner, Wakatu Incorporation.

Mr Sheves advised the following during general questioning:

- Commercial negotiations between Wakatu Incorporated and its horticultural lessees were commercially sensitive to both parties
- Wakatu Incorporated have not talked to any of their tenants as yet regarding the freeing up of any land
- Any negotiations will come down to individual lessees
- When appropriate, Wakatu Incorporated will sit down with each lessee on a case by case basis
- Wakatu Incorporated consider the development of Motueka West to be a long term proposal that will be driven by demand. Re-zoning will be required first.
- 100 hectares is involved in the proposal and, of that, approximately 60% is currently in horticulture
- The leases have 21 year term renewals and Wakatu Incorporated cannot bring any of them to an end - this comes down to commercial negotiations and to individual lessees.

Cr Dowler advised that some lessees, following a zone change, fear an increase in capital values followed by a corresponding increase in rates and an increase cost of their lease rentals. He added that they feel this will drive them from their land.

Cr Dowler called for staged development and for Council not to rate those who shouldn't be.

Cr Glover was concerned with the creation of 'super profits' following a zone change and asked if a smaller block than 100 hectares could be considered. Mr Sheves advised that smaller land areas would make the development more piecemeal.

Cr Inglis advised that Motueka locals do not want shops to be moved out of town. He recommended concentrating on light industrial first.

Mayor Kempthorne asked if a deferment could be considered and Mr Sheves replied that a partial deferment could be considered.

This item was then deferred and raised again later under 'Confidentiality Business'.

10.37 - 10.55 am: Morning Tea.

## **5 TASMAN-NELSON PROPOSED REGIONAL PEST MANAGEMENT STRATEGY 2012 - 2017 - REPORT REP12-05-02**

The Co-ordinator Biosecurity, Mr Lindsay Vaughan, was in attendance for discussion on his report.

The purpose of this report was to seek approval from Council to adopt the recommendation of the Strategy Review Committee to notify the Proposed Regional Pest Management Strategy 2012-2017 for public submission by 30 June 2012.

The Co-ordinator Biosecurity advised that 36 stakeholders had been consulted, public meetings held and a Strategy Review Committee set up. He then outlined the six current matters to be considered.

Mayor Kempthorne requested, and was given, a definition of 'Progressive Control'.

Cr Bouillir raised her concerns regarding Climbing Asparagus and asked 'Where is the onus on people to remove this?' The Co-ordinator Biosecurity replied that Council sends out a legal request for landowners to remove it.

The Chairman noted that the Argentine and Darwin Ants brochure required 'less words and more punch'.

Cr Dowler noted that European canker was currently rampant. He added that with growers pulling out apple trees at present, they should be burning them immediately to stop canker from getting into the ground. The Co-ordinator Biosecurity advised that the Motueka Fruit Growers Association had laid down a strategy for this.

Cr Sangster felt that a little seeding money would be very beneficial in getting rid of isolated pests.

### **Moved Crs Glover/Maling EP12-05-05**

**THAT the Environment and Planning Committee adopt the following recommendation of the Strategy Review Committee:**

**'That Council approves the notification of the Proposed Tasman-Nelson Regional Pest Management Strategy 2012-17, Report No. REP12-05-02 for public submission containing the listed changes to the Tasman Nelson Regional Pest Management Strategy 2007-12'.**

**CARRIED**

**6 CONTACT RECREATION WATER QUALITY ANNUAL REPORT 2011-2012 -  
REPORT REP12-05-06**

Resource Scientist - Environmental, Mr Trevor James was in attendance for discussion on the report.

In showing slides of fish passages, it was noted that NZTA have agreed to spend \$150k on fish passages on their land.

The report outlined results of bathing water quality monitoring at 22 of Tasman's most popular beaches over the 2011/2012 summer.

Bathing water quality monitoring in Tasman District has been ongoing since the mid-1990s. During that time about two thirds of sampling sites in the programme have been sampled consistently with other sites being surveyed for short periods and then discontinued because of consistently good water quality. To ensure Council gets some water quality information at additional lesser-used sites or sites with lower risk of faecal pollution, additional short-term investigations have been carried out. Where it is found that there are on-going issues, such as Tukurua, those sites may then be brought into the programme.

Council results were posted on the Council website within three days of each sampling event.

**Moved Crs Bouillir/Wilkins  
EP12-05-06**

**THAT the Environment and Planning Committee receives the Contact Recreation Water Quality Annual Report: 2011-2012, Report No. REP12-05-06.  
CARRIED**

**7 ENVIRONMENT & PLANNING CHAIR'S REPORT - REPORT  
REP12-05-07**

The Chair's report was tabled at the meeting and contained the following matters:

- The passing of conservationist Mr Martin Conway
- The wish for the creation of a more user friendly environment that encourages business growth and job opportunities in the region
- The region's dependency on agriculture
- The fear of an invasion from foreign pests.

**Moved Crs King/Inglis  
EP12-05-07**

**THAT the Environment and Planning Committee receives the Environment and Planning Chair's Report REP12-05-07.  
CARRIED**

**8 REVIEW OF THE FREEDOM CAMPING BYLAW - REPORT  
REP12-05-04**

The Co-ordinator Environmental Health, Mr Graham Caradus was in attendance for discussion on his report.

A review of the Tasman District Council Freedom Camping Bylaw 2011 (the Bylaw) was proposed. Guidance of the Environment & Planning Committee was sought on the

philosophical direction that should be taken in achieving that review. Three potential options were discussed, and a recommendation made that one of those options be pursued.

The following issues were raised in general discussion:

- Two sets of rules apply - one for white baiters and one for everyone else
- Noise, nuisance and litter were other issues raised with regards to Freedom Camping
- The need to support existing Camp Grounds within the District
- The fact that the TDC Bylaw that covered the 2011/12 summer period had worked well
- The need to 'marry' the Freedom Camping Act 2011 with Council's 2011 Bylaw
- Nelson discourages freedom camping altogether and has no Bylaws while Gisborne allows freedom camping by permit
- Fruit pickers freedom camp in their vans for extended periods.

**Moved Mayor Kempthorne/Cr Dowler  
EP12-05-08**

**THAT the Environment & Planning Committee receives the Review of Freedom Camping Bylaw 2011 Report REP12-05-04, and requests staff to report on Council controlled locations at which self contained and non self contained freedom camping may be undertaken under prescribed conditions, and;**

**THAT the report required above includes cost implications for Council, and;**

**THAT such report presented to the Environment & Planning Committee includes a statement of proposal to commence the special consultative process to begin the promulgation of a new Freedom Camping Bylaw under the provisions of the Local Government Act 2002 and the Freedom Camping Act 2011.**

**CARRIED**

12.33 - 1.10 pm: Lunch. Cr Bouillir remained absent.

**9 ENVIRONMENTAL EDUCATION REPORT - REPORT REP12-05-03**

The Environmental Education Officer, Mr Rob Francis was in attendance for discussion on his report. Mr David Francis, Sustainable Business Advisory Service (SBA) was also in attendance.

The Environmental Education Officer's report covered the following matters:

- The Environmental Education team
- Tasman Nelson Environment Awards review
- Ecofest Golden Bay
- Enviroschools
- Schools
- Recent Collaboration with Council Departments
- Community Vegetable gardens
- Good Wood
- Sustainable Business Advisor and Tasman District Council Energy Assessment
- Focus until next Environment and Planning Meeting.

Also attached was a Status Report as prepared by Mr David Francis from SBA.

Mr David Francis was welcomed to the meeting and he advised:

- SBA is a free service but if no funding is secured, will have to wind up in June
- 10 to 20% energy savings can easily be achieved by most businesses

1.17 pm: Cr Bouillir returned.

- TDC facilities were recently assessed for lighting, heating and office equipment
- For Project 2, SBA has been working with Bio-Diesel NZ to set up a regional supply hub for bio-diesel in Nelson
- For Project 3, SBA is working with suppliers and consumer's to implement the large scale implementation of photovoltaic distributed generation.

Cr Dowler advised that the new Motueka swimming pool had photovoltaic distributed generation incorporated into its design.

Mayor Kempthorne was advised that the Richmond Swimming Pool held a lot of potential for photovoltaic distributed generation.

**Moved Crs Edgar/Maling**  
**EP12-05-09**

**THAT the Environment and Planning Committee receives the Environmental Education Report, Report No. REP12-05-03.**

**CARRIED**

**10 TRMP LAND DISTURBANCE PROVISIONS REVIEW: PROJECT OUTLINE - REPORT REP12-05-05**

Policy Planner, Ms Mary-Anne Baker was in attendance for discussion on her report.

The Tasman Resource Management Plan (TRMP) provisions for managing adverse effects arising from land disturbance activities were first introduced in 1996. A number of changes affecting the rules and related rules in other parts of the plan have been made at various times since then.

The current arrangement and content of the land disturbance rules is complex, a number of inconsistencies have arisen and there are a number of implementation issues. For example, the complexity of the rules is making it difficult in some instances to determine the status of an activity. This is costing the community time and money and creating unnecessary confusion.

The report described the project scope required to address some of the more significant issues relating to the land disturbance provisions and sought approval for this project to commence.

Matters raised in general discussion included:

- This review is a Priority 1 project and the key issues are:
  1. Inconsistent and complex rules
  2. Flood flows / water quality issues
  3. Plan Change 3
  4. Good Practice
  5. Urban earthworks consent requests were the main drivers for of this review
- It was noted that Plan Change 3 has been ongoing since 2002 and that it will be 'wrapped up' in this review

- The impact of the NES report on forestry on this review is not known.

Mayor Kempthorne noted that it would be useful to get feedback from industry sector people on this review.

**Moved Crs Edgar/Wilkins  
EP12-05-10**

**THAT the Environment & Planning Committee:**

- a) **RECEIVES the TRMP Land Disturbance Provisions Review: Project Outline, Report No. REP12-05-05.**
- b) **INSTRUCT staff to prepare a scoping report on the proposed review of the land disturbance provisions of the TRMP that considers:**
  - (i) **Any inconsistencies in the way activities are managed;**
  - (ii) **Measures to improve readability and format of rules, including a review of how thresholds are expressed;**
  - (iii) **Alternative approaches to ensuring adoption of best practice measures to manage erosion and sedimentation effects of land disturbance activities;**
  - (iv) **Relationship between relevant policies and land disturbance rules across the plan, including biodiversity, landscape effects in the Coastal environment (but limited in scope to that covered by Change 3), flood effects of ground level change, (but not in relation to Mapua/Ruby Bay);**
  - (v) **Extent of at risk terrain (LDA2) and level of control on risk activities including management of land disturbances in urban areas**
  - (vi) **Appropriate measures to manage cleanfill operations.**

**CARRIED**

**11 RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Bouillir/Inglis  
EP12-05-11**

**THAT the public be excluded from the following part(s) of the proceedings of this meeting.**

- **Motueka West and Central Draft Change**

**The general subject of the matter while the public is excluded, the reason for passing this resolution in relation to each 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>Item</b>	<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)(d) for the passing of this resolution</b>
4. and 11.	Motueka West and Central Draft Change	Good reason to withhold exists under section 7(2)(f)	Section 48(1)(d)
<b>Item</b>	<b>Reason to withhold information under Section 7</b>		<b>Section</b>



4. and 11.	To deliberate in private in a proceeding where a right of appeal lies to a Court against the final decision.	48(i)(d)
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**CARRIED**

(Refer to Confidential Minute Book containing resolutions EP12-05-12 to EP12-05-13)

**Moved Mayor Kempthorne/Cr Edgar  
EP12-05-13**

**THAT public meeting be resumed.  
CARRIED**

The meeting closed at 3.03 pm

Date Confirmed:

Chair: