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**MINUTES**  
of the  
**ENVIRONMENT AND PLANNING COMMITTEE MEETING**  
held  
**9.30 am, Thursday, 1 June 2017**  
at  
**Tasman Council Chamber, 189 Queen Street, Richmond**

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**Present:** Councillor T King (Chair), Mayor R Kempthorne, Councillors S Brown, S Bryant, P Canton, M Greening, P Hawkes, K Maling, D McNamara, D Ogilvie, P Sangster, A Turley, T Tuffnell, D Wensley

**In Attendance:** Environment and Planning Manager (D Bush-King), Executive Assistant (G Crichton),

**Part Attendance:** Resource Scientist (Glenn Stevens), Building Assurance Manager (Sharon Threadwell), Regulatory Manager (Adrian Humphries), Environment Policy Manager (Barry Johnson), Coordinator Natural Resources Policy (Lisa McGlinchey), Coordinator Urban and Rural Development Policy (Maxine Day)

**1 OPENING, WELCOME**

Chair, Cr Tim King welcomed everyone to the meeting.

**2 APOLOGIES AND LEAVE OF ABSENCE**

Nil received

**3 PUBLIC FORUM**

**3.1 Jim Waring**

Mr Waring addressed the Chair and asked if the private plan change request regarding the Commercial Zone at the corner of Champion Road and Salisbury Road, Richmond was being dealt with in the meeting today. The Chair advised Mr Waring that it had been placed in the confidential section of the meeting.

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Mr Waring expressed his concerns that this had not been noted in the public agenda and his disappointment that the local people were not being kept informed.

The Chair advised that the absence of the confidential section would be followed up and that the matter would not be considered by Council today, but deferred to another Council meeting. The Chair explained the process of confidential items on agendas and the legal responsibilities the Council must adhere to. The Chair assured Mr Waring that people would be notified as soon as the Council's decision was released.

### **3.2 Steve Grey**

Mr Grey addressed the Chair and expressed his concerns about the Commissioner's Report on the private plan change request regarding the Commercial Zone at the corner of Champion Road and Salisbury Road, Richmond. He believed the report should be discussed openly and transparently. He pointed out that the traffic counts that were included in the application were recorded in 2015 and were forecasting that in 2017 there would be 64 vehicles turning left into the zoned land, but at peak hour 144 vehicles moving across a shared cycle way.

### **3.3 John Ayling**

Mr Ayling, on behalf of the Marahau/Sandy Bay Ratepayers and Residential Association Inc., highlighted their concerns around the increasing number of over 150,000 to 160,000 visitors a year to their small community of less than 100 residents. The Department of Conservation had undertaken a survey of residents and the Association wished to provide Council with their conclusions and suggestions arising from this survey; including matters to consider in the current review of the Council's Long Term Plan.

Through Mr Ayling, the Association wished to raise the further issues of only two highly unsatisfactory toilets for all these visitors; erosion of the beach front; a sustainable water supply; rubbish disposal; and lack of cellphone coverage. Mr Ayling drew attention to a Boffa Miskell Report commissioned by Council in 1988.

Mr Ayling concluded that the Association would welcome engagement with Council.

## **4 DECLARATIONS OF INTEREST**

Nil

## **5 LATE ITEMS**

Nil

## **6 CONFIRMATION OF MINUTES**

**Moved Cr Hawkes/Mayor Kempthorne  
EP17-06-1**

**That the minutes of the Environment and Planning Committee meeting held on Thursday, 27 April 2017, be confirmed as a true and correct record of the meeting.**

**CARRIED**

**That the confidential minutes of the Environment and Planning Committee Meeting held on 16 March 2017 and 27 April 2017 be confirmed as a true and correct record of the meeting.**

**CARRIED**

## **7 REPORTS OF COMMITTEE**

Nil

## **8 PRESENTATIONS**

Nil

## **9 REPORTS**

### **9.1 Building Manager's Report: 1 April 2016 to 28 February 2017**

Ms Threadwell spoke to her report.

Councillors discussed the report and noted that the 474 projections on page nine were not for the full year and across the district should show 344. Also noted was that on section 9.2 the heading should read '2014 to 2017 Actuals'.

**Moved Cr Ogilvie/Mayor Kempthorne  
EP17-06-2**

**That the Environment and Planning Committee**

- 1. receives the Building Manager's Report: 1 April 2016 to 28 February 2017 report  
REP17-06-04**

**CARRIED**

### **9.2 Waimea Groundwater Nitrate Synoptic Survey**

Resource Scientist Glenn Stevens spoke to his report with the aid of a power point presentation. He was also joined by Coordinator Natural Resources Policy Lisa McGlinchey.

Councillors noted that management of the Waimea plains land and water resources were being reviewed by Waimea Freshwater and Land Advisory Group (FLAG). The FLAG group, currently in recess, needs three members to be replaced.

Mr Stevens responded to questions from Councillors in relation to the increased nitrate levels and the effect on health and drinking water, concluding that it was very hard to predict where the

sources of the nitrate were coming from. Where bore holders had been affected by increased levels of nitrate in their drinking water, the Council had already advised these people and to date two letters had been sent to them.

Councillors were aware of the concerns and that it was crucial to apply good proactive management, applying the best way to move forward and with good communication to the people.

Councillors asked whether nitrates were alluded to when issuing resource consents and their potential management. The Environment and Planning Manager Dennis Bush-King advised this was provided for in the TRMP but would be reviewed as part of the FLAG process.

**Moved Cr Maling/Cr Greening  
EP17-06-3**

**That the Environment and Planning Committee**

- 1. Receives the Waimea Groundwater Nitrate Synoptic Survey report REP17-06-05; and**
- 2. Supports continued advocacy regarding good land use practises with respect to nitrogen inputs to land. This should include:**
  - **fertiliser use;**
  - **irrigation efficiency;**
  - **animal effluent and/or other discharges containing nitrogen;**
  - **operation and maintenance of domestic wastewater systems**

**CARRIED**

**9.3 Freedom Camping**

Regulatory Manager Adrian Humphries spoke to his report on freedom camping. The Council was working closely with the Top of the South Island and West Coast Councils together with the Department of Conservation to provide a consistent approach in the drafting of the bylaw. It was acknowledged that the TDC also had a good working relationship with New Zealand Motor Camping Association and some social media sites by keeping them informed.

Mr Humphries advised that if Council agrees, 12 June 2017 was earmarked for the proposal for the new draft by law to go out, then two months are planned for submissions with the expectation that it would be in place by 1 October 2017. Councillors Canton, Brown, Hawkes and Turley agreed to be on a subcommittee to consider and hear any submissions to the draft bylaw.

Councillors asked for amendments to be made relating to Wai-iti Reserve (remove from Schedule 2); change the hours of occupation at Decks Reserve from 6.00am to 6.00pm, to avoid conflict with the Sunday Market; include the parking area at Thorps Bush; adjust the boundary of Edward Baigent Domain.

**Moved Cr Bryant/Cr Tuffnell  
EP17-06-4**

**That the Environment and Planning Committee**

- 1. receives the Freedom Camping report REP17-06-01; and**
- 2. determines that a bylaw is the most appropriate way of addressing the perceived problems with freedom camping; and**
- 3. notes that the draft Freedom Camping Bylaw 2017, does not give rise to any implications under the New Zealand Bill of Rights 1990; and**
- 4. approves the draft Freedom Camping Bylaw 2017 (Attachment 1) as amended, the statement of proposal (Attachment 2), and the summary of information (Attachment 3) for public consultation using the special consultative procedure outlined in sections 83 and 86 of the Local Government Act 2002; and**
- 5. delegates authority to the Chief Executive to sign off any amendments to the proposed bylaw that may be agreed at the meeting, including any editorial changes; and**
- 6. agrees the most appropriate method for distribution for public consultation is by public notice on Saturday 10 June 2017 and then making copies of the Freedom Camping Bylaw 2017, the statement of proposal, and the summary of information available for viewing on the Council website, at its offices and libraries from Monday 12 June 2017; and**
- 7. appoints a subcommittee consisting of Councillors Canton, Brown, Hawkes and Turley to consider and hear any submissions to the draft bylaw as amended, if required; and**
- 8. Delegates to the Chair of the sub-committee the ability to appoint replacement members to the sub-committee should a member be unavailable.**

**CARRIED**

**9.4 Rural Fire - Transfer of Assets**

Regulatory Manager Adrian Humphries spoke to his report and advised that the new Fire Emergency New Zealand (FENZ) legislation effective from 1 July 2017 would be far reaching. From 1 July TDC would save \$450,000 a year and the assets that the Council was passing on to FENZ, although of no use to Council, would enable the facilities to be utilised as community centres and enable the fire volunteers to continue to protect our communities.

After clarification on the value and whereabouts of the Toyota Hilux (no dollar value) currently in Marahau; and the Nissan Navara, (valued at \$12,000) based at Lake Rotoiti; Councillors expressed their support for the transfer of assets to the Fire Emergency New Zealand (FENZ).

**Moved Cr Hawkes/Cr McNamara  
EP17-06-5**

**That the Environment and Planning Committee**

- 1. receives the Rural Fire - Transfer of Assets report; and**

2. **approves the transfer of firefighting equipment to FENZ in Appendix 1 to report REP17-06-03; and**
3. **approves the leasing of the specified council land and buildings to FENZ at the rates indicated in the Appendix 2.**

**CARRIED**

#### **9.5 Tasman Housing Accord - Consideration of Lead Policy and Memorandum of Understanding with Nelson City Council**

Environment Policy Manager Barry Johnson spoke to the report.

Councillors were assured that the criteria set out in Section 2.1 to 2.8 of the proposed policy will be appropriately met by staff and that there could be consultation with the neighbours of the proposed areas, with the development community and also with the Nelson City Council. These criteria were similar to those adopted by Queenstown and Tauranga Councils, but had been adapted to fit in with the Tasma situation.

Councillors asked how the proposal would impact current applications. Mr Johnson advised that these would be considered under the Special Housing Area declaration and that there was some pressure on considering the upcoming general election.

Cr Greening asked for his vote against the Tasman Housing Accord – Consideration of Lead Policy to be recorded.

#### **Moved Mayor Kempthorne/Cr Brown EP17-06-6**

**That the Environment and Planning Committee**

1. **receives the Tasman Housing Accord - Consideration of Lead Policy and Memorandum of Understanding with Nelson City Council report REP17-06-06; and**
2. **approves and adopts the lead policy for considering and making recommendations on requests for Special Housing Area requests under the Housing Affordability and Special Housing Areas Act and the Tasman Housing Accord as included in Attachment 1 to report REP17-06-06.**
3. **notes a Memorandum of Understanding between Tasman District Council and Nelson City Council to work together where new developments have cross-boundary implications is in development**

Cr Greening asked for his vote against to be recorded.

**CARRIED**

#### **9.6 Review of Environment and Planning Services, S17A Local Government Act**

Environment and Planning Manager Dennis Bush-King spoke to this report.

**Moved Cr Ogilvie/Cr Bryant**

**EP17-06-7**

**That the Environment and Planning Committee**

- 1. receives the Review of Environment and Planning Services, S17A Local Government Act report REP17-06-02; and**
- 2. approves the s.17A Local Government Act 2002 assessments for Building Assurance, Resource Consents, Environmental Information, Biosecurity, Civil Defence Emergency Management, Resource Consents Monitoring and Enforcement, Parking Control, Dog and Stock Control, Maritime Safety, Environmental Health, and Environmental Policy contained in Attachments 1 to 11 respectively in report REP17-06-02**

**CARRIED**

Council retired for lunch at 12.30pm and resumed at 1.05pm

**9.7 Environment and Planning Chair's Report**

The Chair, Councillor Tim King addressed the meeting.

**Fresh Water Symposium**

Councillors Brown and King recently attended a national freshwater symposium in Wellington and discussed the outcomes of the symposium. There is good water quality in our region, however central government are setting out a whole new set of rules around water quality which include Tasman District Council improving its water quality standard from 96% to something higher.

**Golden Bay Community Board**

The Chair had recently received a letter from the Golden Bay Community Board requesting that Council reconsider its position in relation to food operators subject to National Programmes. The Environmental and Planning Manager Dennis Bush-King highlighted to Council the issues facing food stall operators and volunteer fund raising groups having to comply with the national template since the Food Safety Act had come into force.

Discussion followed around the Council taking back the responsibility of administering this aspect of the Food Safety Act and Councillors agreed that central government was responsible for this situation and that there should be no change in position.

**Moved Cr Sangster/Cr Hawkes**

**That**

- 1. the Mayor writes to the Ministry for Primary Industries outlining the Council's concerns around the cost and complexity of administering the Food Safety Act in relation to small food operators and volunteer fund raising groups; and**
- 2. the Chair reply to the Golden Bay Community Board accordingly.**

**CARRIED**

## **Moved Cr Maling/Cr Turley**

### **That the Environment and Planning Committee**

- 1. receives the Environment and Planning Chair's verbal Report.**

**CARRIED**

## **9.8 Environment & Planning Manager's Report**

Environment and Planning Manager Dennis Bush-King spoke to the report.

### **Intensive Housing**

Councillors discussed the issue of a property that had recently been brought to Council's attention. The house on the property was accommodating 21 people and a building consent had been received to increase the number of bedrooms from three to six. The Committee supported the staff position.

### **Motueka Climate station**

Councillors asked if the movement of the climate station from Richmond Park to its new location in Motueka included a sunshine recorder. Mr Bush-King said it was a straight relocation and unlikely to include solar panels.

Councillors discussed the current spate of burning orchard waste, the smoke pollution, discomfort and possible health issues resulting from these fires. Mr Bush-King Dennis advised that these activities were permitted under the TRMP and that land owners are not doing anything that the Council had not anticipated. Councillors agreed it could be timely for staff to put out information on burning practices.

### **Wetlands Tool**

Councillors requested that staff report back to the Committee on where Council is currently with regard to assessing the significance of identified wetland regions.

## **Moved Cr Sangster/Cr Hawkes**

**EP17-06-8**

### **That the Environment and Planning Committee:**

- 1. receives the Environment & Planning Manager's Report REP17-06-08 and**
- 2. authorises the Mayor to sign the Te Tau Ihu Alliance MOU on behalf of the Council REP17-06-08**

**CARRIED**



**9.9 Procedural motion to exclude the public**

**Moved Mayor Kempthorne /Cr King  
EP17-06-9**

**THAT the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered 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 the passing of this resolution follows.**

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

**1 Environment and Planning Manager's Report - Addendum Private Plan Change Request  
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Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	48(1)(d) - To deliberate in private in a procedure where a right of appeal lies to a Court against the final decision.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

The meeting concluded at 2.10 pm

Date Confirmed:

Chair: