

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 26 February 2007
TIME: 1.30 pm
VENUE: Motueka Service Centre, 7 Hickmott Place, Motueka

PRESENT: Crs E M O'Regan (Chair), T B King and E J Wilkins

IN ATTENDANCE: Consents Manager (J Hodson), Consent Planner (M Bishop), Coordinator Regulatory Services (D R Lewis), Administration Officer (B D Moore)

1. D J HORNCastle AND M J MEAR, TADMOR VALLEY ROAD, TAPAWERA, COMMERCIAL HUNTING RESERVE - APPLICATON RM060717

The applicant, Mr D J Horncastle, appeared at the hearing to present the application and apologised for the absence of Mr Mear.

1.1 Proposal

The applicant proposed to run a commercial hunting activity (by appointment only) for hunters who want the opportunity for exclusive upland bird shooting which will be predominantly pheasants. The hunting season will be from April to August inclusive annually between the hours of 9.00 am and 4.00 pm daily. The subject site is 102 hectare on the south east side of Tadmor Valley Road.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision at 3.15 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs O'Regan / King
EP07/02/56**

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

D J Horncastle And M J Mear

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
D J Horncastle And M J Mear	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

Moved Crs Wilkins / King
EP07/02/57

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

CARRIED

2. **D J HORNCastle AND M J MEAR, TADMOR VALLEY ROAD, TAPAWERA, COMMERCIAL HUNTING RESERVE - APPLICATON RM060717**

Moved Crs King / O'Regan
EP07/02/58

THAT pursuant to Section 104D of the Resource Management Act, the Committee GRANTS consent to D J Horncastle and M J Mear as detailed in the following report and decision.

CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Committee Room, Motueka

on Monday, 26 February 2007, commencing at 1.30 pm

A Hearings Committee ("the Committee") of the Tasman District Council was convened to hear the application lodged by **D J Horncastle and M J Mear** relating to the establishment of a game hunting preserve at Tapawera. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Tasman District Council and referenced as RM060717

PRESENT: **Hearings Committee**
Cr O'Regan, Chairperson
Cr King
Cr Wilkins

APPLICANT: Mr D Horncastle

CONSENT AUTHORITY: **Tasman District Council**
Mrs M Bishop- Consent Planner-Land
Mr D Lewis- Co-ordinator Regulatory Services

SUBMITTERS: Mr W Scott

IN ATTENDANCE:

Ms J Hodson , Manager Consents- Assisting the Committee
Mr B Moore- Committee Secretary

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The proposal is to establish and operate a commercial upland game hunting preserve with ringneck pheasants. The operational times will predominantly be weekends (on-call during the week), from April to August, 9.00 am to 4.00 pm. The maximum hunters on the site at any one time will be eight, plus between two and eight staff. One or two staff will also visit the site at other times for pest control and to fill feeder bins.

The property is located at Tadmor Valley Road, Tapawera and the legal description is Proposed Lot 1 of subdivision consent RM060638 (granted 6 December 2006) to be amalgamated with the land in CT 137721.

2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN ("PTRMP") ZONING, AREAS AND RULE(S) AFFECTED

According to the PTRMP the following apply to the subject property:

Zoning: Rural 1 and 2

Area(s): none

The proposed activity does not comply with Permitted Activity Rule 17.4.2(b) (vii) and 17.5.2(b) (vii) of the proposed Tasman Resource Management Plan and is deemed to be a discretionary activity in accordance with Rule 17.4.3 and 17.5.3 of the Plan.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 6 November 2006 pursuant to Section 93 of the Act. A total of three submissions were received, two in opposition and one in support. The following is a summary of the written submissions received and the main issues raised:

Shayne Nathan

Mr Nathan opposed the application, stating concerns over the noise of the shotguns and vehicles. He suggested checks were made to see whether the noise emissions are within acceptable limits for the rural area.

G W Scott and Family

They oppose the application based on concerns of the commercial hunting and its effects on the lifestyle and environment of the area. The Scott family live approximately 1 kilometre from the proposed activities and wish to enjoy listening to birdlife or nothingness in the weekends, not repeated shotgun noise.

S and D Phillips

Support the application and understand the grazing use of this land will continue with minor disruption. If nuisance factors exist, they believe them to be very minor and tolerable considering economic and diversification benefits and retaining good neighbour relations. They do not wish to be heard in support of their submission.

4. PROCEDURAL MATTERS

There were no procedural matters.

5. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Mr Horncastle explained the extent of consultation with neighbours and that two of the 11 neighbours did not want to sign in support of the application, because of concerns regarding firearm noise. Mr Horncastle explained that the proposal could be run as a private operation and the only difference between this and a commercial operation is the transfer of money. He addressed the noise issue saying that a series of noise readings had been carried out and provided those details to the hearing panel.

He explained that the level of noise is affected by the location of gullies, trees and shrubs. He said this is an intermittent activity and that he could not understand how the noise control rules could be applied to this application. Mr Horncastle said that for 95% of the time, there would be only four hunters on site doing any shooting. He said that the applicant had only released 450 birds this season and he expected that 30% of these birds will be harvested during the shooting season. As the season progresses, shooting will reduce dramatically. He said that the applicants will be carrying out a bird tagging programme and will have to see the statistics next year to determine the breeding rate and then assess this. He said that each season it will be necessary to determine the sustainable number of birds to be released onto the property. Mr Horncastle said that the subject site is thick scrubby hill country and the applicant has still to decide how many gun dogs would be used. The applicant proposed to progress to a bird stock of 1500 in two years. The applicant has the approval of Fish and Game and will progress on a private basis this year if resource consent is not obtained.

In his right of reply, Mr Horncastle explained that when they obtained Fish and Game approval, the agreement to purchase the property became unconditional. He said when he obtained the neighbours consents, he provided those persons with a copy of the Fish and Game consent. He said he had disclosed everything upfront to all affected parties. Mr Horncastle said it was logical that the activity will not go on every day in order to ensure that an adequate stock of birds is preserved. He said he was happy to limit shooting to three days per week but required the flexibility of a choice of any day per week to fit in with weather and the availability of shooters.

He said that they may need the month of April for shooting but this was not required this year. He reminded the Committee that they would have adequate fire insurance and would provide first aid kits throughout the property. Mr Horncastle said that they were aware that on 6% of the total property, noise will be more intrusive to neighbouring properties. He said that it was hard to find suitable land in the Nelson/Tasman area for a proposal such as this and the subject site was a prime location.

He said they proposed to use shotgun shells containing number 4 lead shot. Some shooting will occur at the base of the hill on flatter ground where 1 hectare of crops have been planted. They intend to use under and over two barrelled shot guns and birds will be retrieved between shooting each area. There is a legal requirement for a licensed firearms holder to accompany an unlicensed shooter at all times.

The proposed operation will be carried out on a progressive trial basis. He reminded the Committee that the range of shotgun pellets is about 50 metres for maximum harvest distance.

5.2 Submitters' Evidence

Mr G W Scott spoke to his submission in opposition and tabled a location photograph to show the location of adjacent farms and dwellings. He explained that the submitter, Mr S Nathan, who lives 400 metres away from the subject site, was unable to attend the hearing. Mr Scott said that 25 people live within 400 metres of the subject site. He said that he was concerned about the potential gun shot noise from the subject site and its seven day operation.

Mr Scott said that during the months of April to August inclusive, is generally a quiet time in this location especially on Sundays and was concerned that the noise will affect the rural character, amenity values and property values of this rural residential lifestyle location.

Mr Scott said that the applicant had provided no information about the strength of high charge shotgun shells that are needed to shoot fast flying birds. He said that the subject of unlicensed shooters was a concern and needs more scrutiny.

5.3 Council's Reporting Officer's Report and Evidence

Consent Planner, M Bishop, said that the proposal is a commercial activity but acknowledged that a similar non commercial activity does not require resource consent. She said that the proposal is likely to comply with required noise levels in the rural area. She said there is potential for the rural amenity to be changed by the proposal but noted that farmers can shoot on surrounding properties.

She said the proposal would be considered as a home occupation if the applicant partners lived on the property and that they could employ two staff. However there was the additional requirement to meet the noise standards.

Co-ordinator Regulatory Services, D R Lewis, explained the noise standards which the applicant is required to meet. Mr Lewis commented that gun fire at night in a vineyard can occur as of right.

6. PRINCIPAL ISSUES

The principal issue that was in contention was:

- a) Will the noise from the shooting cause a significant adverse effect in terms of the rural character and amenity values currently enjoyed in the area?

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

The noise from the shooting will not exceed the noise limits for the Rural 1 and 2 zone, (although it is acknowledged that noise is subjective and the effects are not necessarily a reflection of the measurements). The conclusion is that the adverse noise effects will not be out of character with the rural environment or excessive.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- (i) Tasman Regional Policy Statement (TRPS);
- (ii) the proposed Tasman Resource Management Plan (TRMP);

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act as well as the overall the purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B of the Act, the Committee **GRANTS** consent subject to conditions.

10. REASONS FOR THE DECISION

The land concerned is zoned partly Rural 1 (on the flats) and partly Rural 2 (on the slopes.)

The Committee considered that the proposed game bird preserve was an appropriate use in the rural zone within the District.

It was noted that recreational hunting and shooting is a permitted activity in the rural zone and it is the commercial aspect of this proposal which triggers the need for a resource consent. The Committee considered that the effects of the proposal would not be dissimilar to the effects of other permitted activities and it is held that in general, the rural zone is not an area where activities are required to have no noise

effects at all, that it is a working environment with various effects. The Committee understood that the proposal would create a greater concentration of shooting than may otherwise occur on such land. However, the Committee understands that the nature of the "hunt" would mean that the shooting would not occur for lengthy continuous periods because the birds would take flight and after a limited time of concentrated shooting, the noise would cease as the hunters would shift to another location after the birds had settled.

It was noted that the land area was quite large with varying topography which would help mitigate the noise effects. In addition the Committee noted and accepted the volunteered limitation offered by the applicant in relation to the number of days per week where shooting could occur plus the limitation on the numbers of hunters and hours of operation and the limited season (five months per year).

The Committee was satisfied that the potential traffic effects would be adequately mitigated by the provision of four on-site carparks (although clearly there was room for more if this was needed) and an improved vehicle crossing.

11. COMMENTARY ON CONDITIONS OF CONSENT

The Committee considered that it was appropriate to impose a condition of consent requiring payment of a development contribution for roading as per the Development Contribution policy contained within the Long Term Council Community Plan (LTCCP). It is noted that the activity will only take place for approximately half a year, but the Policy does not provide for fractions of "Household units of Demand".

Issued this 6th day of March 2007

Councillor O'Regan
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM060717

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

D J HORNCastle and M J MEAR

(hereinafter referred to as "the Consent Holder")

ACTIVITY AUTHORISED

BY THIS CONSENT: Establish and operate a commercial upland game hunting preserve with ringneck pheasants.

LOCATION DETAILS:

Address of property: Tadmor Valley Road, Tapawera
Legal description: Proposed Lot 1 of subdivision consent RM060638 to be amalgamated with the land in CT 137721.
Certificate of title: To be advised
Valuation number: To be advised

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

1. The maximum number of hunters on the site at any one time shall be eight.
2. The maximum number of staff on the site at any one time shall be eight.
3. Commercial hunting may take place no more than three days per week (Sunday to Sunday) subject also to the constraints of condition 4.
4. The operational times for the commercial hunting activity shall be from 1 April to 31 August, 9.00 am to 4.00 pm.
5. The vehicle crossing and on-site access to Proposed Lot 1 of subdivision consent RM060638 shall be formed to a minimum width of 3.5 metres and shall be designed and constructed in accordance with Figure 1 prior to any commercial activities commencing on the subject property, with:
 - (i) a sealed surface provided between the edge of the carriageway of the road to the property boundary;
 - (ii) an extension of the road carriageway area of seal into the on-site access for a distance of 10 metres;
 - (iii) any access gate shall be set back 10 metres from the road reserve carriageway and shall be inward-swinging;
 - (iv) the vehicle access crossing shall be located to provide a minimum sight distance between any vehicle crossing and traffic on the road of not less than 290 metres in either direction.
 - (v) A culvert to be constructed to adequately manage stormwater flow

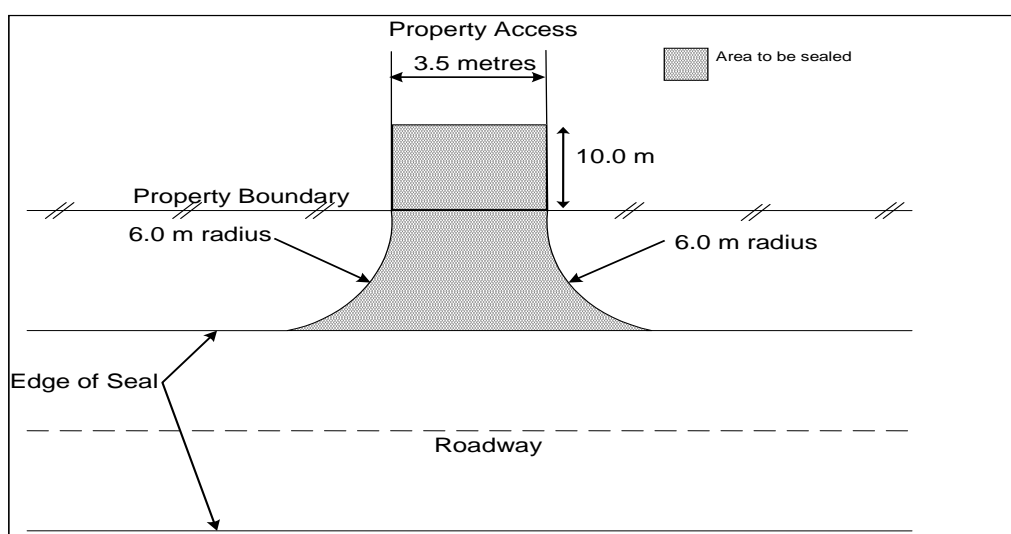


Figure 1: Vehicle Access Crossing and On-Site Access Standard

6. A minimum of four car parks shall be provided on-site prior to the commencement of the commercial activities.
7. The consent holder shall advise the Council when the activity this consent authorises so monitoring of conditions can be programmed.
8. A Development Contribution the equivalent of one Household Unit of Demand for Roading shall be paid before the commencement of the activity. The exact amount to be paid shall be determined by the Long Term Council Community Plan (LTCCP) which is current at the time payment is made.

ADVICE NOTES

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
2. Any matters not referred to in this application for resource consent or are not otherwise covered in the consent conditions must comply with the Proposed Tasman Resource Management Plan (PTRMP) or the Resource Management Act 1991 or a separate consent.

Note:

Permitted noise standards in 17.4.2 (d) and 17.5.2 (d) and dated 3 December 2005 (below) must be complied with, or a variation or new consent is required to be obtained.

Noise

- (d) Noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		70 dBA

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;
- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

Note: Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
 Night= all other times plus public holidays.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:1991, *Measurement of Sound* and NZS 6802:1991, *Assessment of Environmental Sound*.

3. This consent is issued pursuant to the Resource Management Act 1991 and the Proposed Tasman Resource Management Plan. There may be other requirements under other legislations this proposal is also required to meet including obtaining approvals from the Department of Conservation and the Fish and Game Council of New Zealand.

Issued this 6th day of March 2007

Councillor O'Regan
Chair of Hearings Committee

Date Confirmed:

Chair: