

# MINUTES

**TITLE:** Environment & Planning Committee  
**DATE:** Wednesday, 28 February 2007  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond

**PRESENT:** Cr R G Kempthorne (Chair), Mayor J C Hurley, Crs E M O'Regan, S J Borlase, S G Bryant, R G Currie, E E Henry, M J Higgins, T B King, T E Norriss, J L Inglis, N Riley and E J Wilkins

**IN ATTENDANCE:** Environment & Planning Manager (D C Bush-King), Policy Planner (L Vaughan), Policy Planner (R Biss), Policy Planner (M Baker), Manager Policy (G S Markham), Resource Scientist (J Easton), Compliance Officer (D Page), Coordinator Regulatory Services (D R Lewis), Administration Officer (B D Moore)

## APOLOGIES

Moved Crs Bryant / Borlase

EP07/02/41

THAT apologies from Cr O'Shea for absence be sustained.

CARRIED

## 1. CONFIRMATION OF MINUTES

### 1.1 Environment & Planning Committee - 24 November and 18 December 2006

Moved Crs O'Regan / Borlase

EP07/02/42

THAT the minutes of a meeting of the Environment & Planning Committee held on 24 November and 18 December 2006, containing resolutions EP06/12/28 to EP06/12/30 be confirmed as a correct record.

CARRIED

### 1.2 Environment & Planning Committee - 18 December 2006

Moved Crs O'Regan / Borlase

EP07/02/43

THAT the minutes of a meeting of the Environment & Planning Committee held on 18 December 2006 containing resolutions EP06/12/25 to EP06/12/27 be confirmed as a correct record.

CARRIED

## 2. PUBLIC FORUM

Mr D McConochie spoke in support of unregulated recreational motorcycle riding.

Mr S Rutledge of Nelson Motorcycle Club sought that recreational motorcycling be subject to the minimum amount of control.

Mr I Robinson, a managing director of a motorcycle company said he employs 12 staff and that additional controls and legislation would impact on a large number of recreational motorcyclists. He complained about the lack of consultation with Council staff and claimed that the noise figures in the staff report within today's agenda were incorrect.

Ms J Pope, Secretary Nelson Motorcycle Club and Nelson Classic Motorcycle Club, said that the proposed controls would impact on the activities of those clubs. She said there had been no consultation between the parties and complainants. She sought that the status quo regarding controls on recreational motorcyclists be retained and complained of the short notice to attend this meeting.

Mr P Pavletich, Chief Executive of Motorcycle NZ, said that this organisation does not support the proposed legislation and said that the proposed controls were excessive. He referred to measures which Motorcycle NZ has taken to obtain noise measuring devices.

Mr D Craig, Motorcycle Commissioner of Motorcycle NZ, claimed that the decibel readings in the report are not correct and that Motorcycle NZ already has systems in place for noise control of motorcycles involved in events arranged by that organisation.

Mr R Ching said that every motorcycle track should be subject to a resource consent to allow neighbours input and Council to regulate on noise levels. He sought that Council controls include and retain a limitation on the number of motorcycles and hours of operation.

Mr R Lukomski said that the staff report regarding motorcycling in today's agenda is fair and reasonable. He said Council has a duty to control noise limits.

Mr P Searancke said that the current rules regarding motorcycling and noise levels have been in the TRMP since its introduction in 1996. He said that there were 52 related complaints in five years to the Council regarding motorcycling noise and activities and since the voluntary code was introduced only 12 additional complaints had been received. He said the Council should have a role in mediation and that a noise level of 40 decibels on Sundays and public holidays would completely stop any private recreational activity on motorcycles and their access to forestry areas. He criticised the drafting of the proposed variation.

Mr R Anglesey said motorcycling events had been conducted on his property without any known complaints or problems within the farm property.

Ms A Holland said that noise control should apply to recreational motorcycling just as they do to her poultry farming activities at 88 Valley.

**3. TASMAN-NELSON REGIONAL PEST MANAGEMENT STRATEGY 2007/2012 - REPORT EP07/02/15**

Bio-security Co-ordinator/Policy Planner, L Vaughan, spoke to his report of 20 February 2007 contained within the agenda and responded to Councillors questions and comments. He advised that the financial input from Nelson City Council has been increased and Mr Bush-King said that the overall proposed budget is up by \$50,000.00. The agenda contained recommended changes to the proposed strategy and these were listed as an appendix to the report. Mayor Hurley expressed disappointment at the level of control proposed for Argentine ants and noted that Bio-Security NZ has not moved to support that situation.

Mr Vaughan said that a Bio-Security Officer is working in that area within the district.

**Moved Crs Norriss / King  
EP07/02/44**

**THAT the Environment & Planning Committee approves the Tasman-Nelson Regional Pest Management Strategy.  
CARRIED**

**4. DRAFT VARIATION, TEMPORARY ACTIVITIES - RECREATIONAL MOTORCYCLING - REPORT EP07/02/16**

Ms Biss referred to the report contained within the agenda and produced copies of a circular letter which had been received from over 2000 people and also provided copies of additional circular letters and emails.

Co-ordinator Regulatory Services, D Lewis, said he did not believe the proposed noise control was practical and sought that controls be implemented in other forms such as a limitation on the number of motorcycles and time periods for riding. Cr Norriss said that the vast majority of riders are not Motorcycle NZ members. He referred to the Council records for the number of complaints received during the 2001 to 2007 period.

Cr Norriss questioned how long the noise rules for other activities have been in the proposed Tasman Resource Management Plan. Ms Biss responded that the period was since 1996. Cr Higgins sought that Council provide a clear direction on noise levels to allow adequate enforcement by Council staff. He said that the code of practice has not been successful in providing the controls required.

Cr King said that in a small number of cases and sites the impact of motorcycle noise is significant.

Mayor Hurley believed the way forward was to work with Motorcycle NZ on an amended voluntarily code.

Cr Henry requested that another report on the motorcycle noise issue be provided to Council in 12 months time.

Cr O'Regan said that the cost of enforcement of the proposed variation would be disproportionate to the benefits and enforcement action is impractical.

**Moved Cr O'Regan / Mayor Hurley  
EP07/02/45**

**THAT the Council:**

- 1. retains the status quo, using the Code of Practice for recreational use of motorbikes on a voluntary basis;**
- 2. seeks to resolve conflicts by mediation, asking the Nelson Motorcycle Club for assistance when required.**

**Cr Bryant called for a division.**

<b>Cr Borlase</b>	<b>For</b>
<b>Cr Bryant</b>	<b>For</b>
<b>Cr Currie</b>	<b>For</b>
<b>Cr Henry</b>	<b>For</b>
<b>Cr Higgins</b>	<b>Against</b>
<b>Mayor Hurley</b>	<b>For</b>
<b>Cr Inglis</b>	<b>For</b>
<b>Cr Kempthorne</b>	<b>For</b>
<b>Cr King</b>	<b>For</b>
<b>Cr Norriss</b>	<b>For</b>
<b>Cr O'Regan</b>	<b>For</b>
<b>Cr Riley</b>	<b>For</b>
<b>Cr Wilkins</b>	<b>For</b>

**CARRIED**

**5. 2006/2007 WATER METERING – MID-SEASON SUMMARY AS AT 30 JANUARY  
2007 - REPORT EP07/02/18**

Compliance Officer, D Page, spoke to this report of 20 February 2007 contained within the agenda. The report sought Council direction on the subject of sending warning letters about water overtakes especially with water users with a history of overtakes.

Cr Kempthorne said he would like a letter to be sent to water users to explain this situation.

**Moved Crs Norriss / Currie  
EP07/02/46**

**THAT the 2006/2007 Water Metering – Mid-Season Summary Report EP07/02/18 be received and the Environment & Planning Committee confirms the policy of a warning letter for the first overtake each year, unless the overtake is deemed excessive and there is a history of overtakes in any previous season.**  
**CARRIED**

**6. SUBMISSION - MANAGING CONTAMINATED LAND - REPORT EP07/02/17**

The agenda contained a copy of a submission on Ministry for the Environment's discussion paper "Working Towards a Comprehensive Policy Framework for Managing Contaminated Land in New Zealand" and the proposed submission was attached to Report EP07/02/17 contained within the agenda.

Resource Scientist, J Easton, and Policy Planner, M Baker, were present to speak to this report. The Council suggested some amendments to the proposed submission and sought that Section 2 regarding resourcing for enforcement be deleted.

Mr Bush-King said that staff could do some merging between Sections 2 and Section 6 of the proposed submission.

**Moved Crs Henry / Borlase**  
**EP07/02/47**

**THAT the Environment & Planning Committee approves the amended submission to the Ministry for the Environment on the discussion paper, “Working Towards a Comprehensive Policy Framework for Managing Contaminated Land in NZ”.**  
**CARRIED**

**7. SUBMISSION - PROPOSED NATIONAL STANDARD FOR WATER MEASURING DEVICES - REPORT EP07/02/19**

Policy Planner, M Baker, advised that the copy of the submission to the Ministry for the Environment on the proposed national standard for water measuring devices had been lodged on 16 February 2007. The Council suggested the submission should indicate that the Tasman District Council rejects the mandatory requirement for consented water takes being metered. Councillors discussed the draft submission and suggested several alterations.

**Moved Crs Borlase / O’Regan**  
**EP07/02/48**

**THAT the Environment & Planning Committee confirms the amended submission to the Ministry for the Environment, on the discussion paper on the proposed national environment standard for water measuring devices, as attached to Report EP07/02/19 of 21 February 2007.**  
**CARRIED**

**8. RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Norriss / Borlase**  
**EP07/02/49**

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

Live Appeals Briefing – Friends of Nelson Haven and Tasman Bay; Horticulture NZ

**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 the matter to be considered	Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this resolution
Live Appeals Briefing – Friends Of Nelson Haven And Tasman Bay; Horticulture NZ	To receive policy advice	Section 48(1)(d)

**CARRIED**

**Moved Crs King / Borlase  
EP07/02/50**

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

**CARRIED**

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**Date Confirmed:**

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**Chair:**