

MINUTES

TITLE: Environment and Planning Committee
DATE: Thursday 21 April 2011
TIME: 9.30 am
VENUE: Tasman Council Chamber, 189 Queen Street, Richmond

PRESENT: Cr S G Bryant (Chair), Mayor R G Kempthorne,
Crs M Bouillir, J L Edgar, B W Ensor, G A Glover,
J L Inglis, K Maling, Z Mirfin, T E Norriss and E J Wilkins

IN ATTENDANCE: Mik Symmons (Golden Bay Community Board),
Environment and Planning Manager (D Bush-King),
Regulatory Services Manager (A Humphries), Biosecurity
Coordinator (L Vaughan), Coordinator Compliance
Monitoring (C Cheeseman), Policy Planner
(S Leusink-Sladen), Environmental Education Officer
(R Francis), Administration Officer (J A Proctor)

APOLOGIES

Moved Crs Glover/Ensor
EP11-04-10

THAT apologies from Cr Riley, Cr King and Cr Dowler for absence and Cr Edgar for lateness be received by the Environment and Planning Committee.
CARRIED

Moved Mayor Kempthorne/Cr Maling
EP11-04-11

THAT speaking rights be granted to Mr M Symmons.
CARRIED

1 CONFIRMATION OF MINUTES

1.1 Environment and Planning Committee – 10 March 2011

Moved Crs Norriss/Glover
EP11-04-12

THAT the minutes of the Environment and Planning Committee meeting held on 10 March 2011 containing resolutions EP11-03-01 to EP11-03-11 be confirmed as a true and correct record by the Environment and Planning Committee.
CARRIED

1.2 Environment and Planning Subcommittee (P A Shortley and N M Brown) – 28 March 2011

**Moved Crs Norriss/Ensor
EP11-04-13**

**THAT the minutes of the Environment and Planning Subcommittee (P A Shortley and N M Brown) be received by the Environment and Planning Committee.
CARRIED**

2 RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Glover/Inglis
EP11-04-14**

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

- **Change 14 – Frost Protection Devices – Appeal Mediation**

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:

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
Change 14 – Frost Protection Devices – Appeal Mediation	Good reason to withhold exists under section 7	Section 48(1)(d)

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:

Reason to withhold information under Section 6 or 7	Section
To enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

CARRIED

(Refer to Confidential Minute Book containing resolution EP11-04-15)

3 RESOLUTION TO RESUME PUBLIC MEETING

**Moved Crs Inglis/Glover
EP11-04-16**

**THAT public meeting be resumed.
CARRIED**

4 REPORTS

4.1 REGULATORY MANAGER'S REPORT REP11-04-05

Regulatory Services Manager Mr Humphries was in attendance to speak to the report contained in the agenda.

The purpose of the report was to provide a summary of the key issues/items of interest in relation to the Regulatory Section of the Environment and Planning Department.

Cr Edgar arrived at the meeting at 10.02 am.

**Moved Mayor Kempthorne/Cr Ensor
EP11-04-17**

**THAT the Regulatory Manager's Report REP11-04-05 be received by the
Environment and Planning Committee.
CARRIED**

Cr Inglis left the meeting at 10.42 am.

4.2 NATIONAL POLICY STATEMENT ON INDIGENOUS BIODIVERSITY REPORT REP11-04-03

Biosecurity Coordinator Mr Vaughan was in attendance to speak to the report contained in the agenda.

The purpose of the report was to describe the implications of the Proposed National Policy Statement on Biodiversity for the Council and to approve a submission to the Ministry for the Environment.

Cr Inglis returned to the meeting at 10.44 am.

**Moved Crs Norriss/Maling
EP11-04-18**

**THAT the Environment and Planning Committee receives the report Proposed
National Policy Statement on Indigenous Biodiversity REP11-04-03 and approves
the sending of a submission to the Ministry for the Environment.
CARRIED**

The meeting adjourned at 10.51 am.

The meeting resumed at 11.06 am.

4.3 COMPLIANCE MONITORING QUARTERLY REPORT 1 JANUARY – 31 MARCH 2011 REP11-04-04

Coordinator Compliance Monitoring Mr Cheeseman was in attendance to speak to the report contained in the agenda.

The purpose of the report was to update the Committee on the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring Department's programme of work over the period 1 January – 31 March 2011.

**Moved Crs Norriss/Wilkins
EP11-04-19**

**THAT the Environment and Planning Committee receives the Compliance Monitoring Quarterly report 1 January – 31 March 2011 REP11-04-04.
CARRIED**

4.4 Environment and Planning Manager's Report REP11-04-07

Environment and Planning Manager Mr Bush-King was in attendance to speak to the report contained in the agenda.

The purpose of the report was to update the Committee on various issues.

**Moved Crs Maling/Glover
EP11-04-20**

**THAT the Environment and Planning Committee note, and agree, that commencement of the review of the Regional Pest Management Strategy will be delayed pending enactment of the Biosecurity Amendment Act and development of any national direction arising from the new legislation.
CARRIED**

**Moved Mayor Kempthorne/Cr Wilkins
EP11-04-21**

THAT pursuant to section 37 of the Dog Control Act 1996, the Environment and Planning Committee resolves to set the following fees for dog control for the year 1 July 2011 to 30 June 2012:

Dog Control	Charges applicable 1 July 2011 to 30 June 2012 including GST at 15%
Registration Fees: Urban Dogs	\$50.00
Rural	\$30.00
Seeing Eye and Hearing Dogs	No charge
Search and Rescue Dogs	No charge
Late payment fee	Additional 50%
Impounding Fees: 1st impounding	\$70.00
Neutered dogs	\$35.00
2nd impounding	\$90.00
Neutered dogs	\$50.00
3rd impounding	\$110.00
Neutered dogs	\$65.00
Sustenance	\$13.50/day
Drop Off Fee (where dogs are not impounded)	\$30.00
Micro-chipping impounded dogs if required	\$25.00
Owners whose dog is de-sexed during the registration year following its impounding will receive a \$30 refund	
Kennel Licence: Initial Application	\$100.00
Annual Renewal (plus any additional costs associated with staff time, hearings and inspections)	\$40.00
Replacement Registration tag or disk	\$5.00

CARRIED

4.5 PRIVATE PLAN CHANGE REQUEST – FAIRHOLME CREATIVE LTD – EAST TAKAKA REPORT REP11-04-09

Policy Planner Ms Leusink-Sladen was in attendance to speak to the report contained in the agenda.

The purpose of the report was to recommend to the Committee the approval of Private Plan Change Request Fairholme Creative Ltd: East Takaka rezoning, as a Plan Change to the Tasman Resource Management Plan.

Moved Cr Norriss/Mayor Kempthorne EP11-04-22

THAT in accordance with the First Schedule, Part 2, Section 29 (4) the Environment and Planning Committee approves the Private Plan Change Request of Fairholme Creative Ltd: East Takaka, to rezone Part Section 35 Square 11 (CFR NL6959 Ltd) from Rural-Residential Zone Closed (Gorge Creek) to Rural 1 Zone, to become operative from 1 May 2011 as Change 31 to the Tasman Resource Management Plan.

Reasons

- 1. Rural land use is the predominant land use in the locality.**
- 2. Rural amenity and character attributes, such as open space, rural land use activities and a largely unbuilt environment characterise the area. Such attributes can be maintained by a rural zoning.**
- 3. Land directly adjoining the subject land to the north is Rural 1, ensuring continuity of Rural 1 Zone land in the locality.**
- 4. The land was originally zoned Rural 1 by the Council when the Tasman Resource Management Plan was notified in 1996.**
- 5. Future potential subdivision would be a Discretionary Activity (Restricted) under Rural 1 Zone rules, as any further subdivision would create a title or titles that would not meet the 12 hectares Controlled Activity minimum allotment size.**
- 6. Regarding road access issues associated with the original “closed” zone status, the East Takaka Road seal extends beyond the boundary of the property.**
- 7. Regarding geotechnical issues associated with the original “closed” zone status, this is not considered to be a relevant development constraint for development activity anticipated by a Rural 1 zoning.**

CARRIED

**4.4 – Environment and Planning Manager's Report REP11-04-07
continued**

Environment and Planning Manager Mr Bush-King was in attendance to speak to the report contained in the agenda.

The purpose of the report was to update the Committee on various issues.

Staff would make available to Councillors and the Golden Bay Community Board the report it had received from Control Services relating to time spent dealing with freedom camping issues in Golden Bay during the summer period.

A discussion ensued regarding the Environmental Awards and it was suggested that a strategic review of the event be undertaken. Staff advised that the event was growing in significance and that it had been well received by sponsors and the community. It was suggested that the event proceed in 2011 with entries being limited to the Tasman District.

**Moved Crs Norriss/Wilkins
EP11-04-23**

THAT subject to confirmation from Nelson City Council that they are unable to be involved in the 2011 Environmental Awards, that Tasman District Council run the 2011 Environmental Awards separately for Tasman District only;

And;

THAT a full review be undertaken of the Environmental Awards and be reported back to the Environmental and Planning Committee by 31 March 2012.

CARRIED

**Moved Crs Glover/Ensor
EP11-04-24**

THAT the Environment and Planning Committee receives the Environment and Planning Manager's Report REP11-04-07.

CARRIED

4.6 Chair's Report REP11-04-08

Cr Bryant spoke to the report contained in the agenda.

A discussion ensued and it was acknowledged that the setting of dates for deliberations relating to the Tasman Resource Management Planning Hearings should be reviewed.

Moved Crs Norriss/Wilkins EP11-04-25

THAT the Chair's Report REP11-04-08 be received by the Environment and Planning Committee.

CARRIED

4.7 Interim Final Report – Tasman District Council Consolidation Bylaw: Chapter 11: Freedom Camping 2011 Report REP11-04-06

Environmental Health Coordinator Mr Caradus was in attendance to speak to the report contained in the agenda.

The purpose of the report was to present the results of the public consultation undertaken between 12 March 2011 and 12 April 2011 relating to the Draft Tasman District Council Bylaw: Chapter 11: Freedom Camping 2011 (the Draft Bylaw). It also contained details of reasoning behind proposed changes made to the Draft Bylaw, and presented an updated version of the Draft Bylaw for consideration by the Committee.

Staff advised that three late submissions had been received. Two covered areas that had been dealt with in the report and the third suggested that the information provided by Tasman District Council was incorrect.

A discussion ensued and it was noted that the late submissions would not alter the recommendation contained within the report.

Moved Crs Norriss/Bouillir EP11-04-26

THAT the Environment and Planning Committee accept the three late submissions from Mr S Du Feu, Mr N Moody and Mr J Pawley relating to the proposed Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011.

CARRIED

Staff advised that Tasman District Council welcomed responsible freedom campers in self contained vehicles to the District. A discussion ensued regarding the implementation of a permitting system as operated by other councils in the South Island. Staff advised that this type of system would be costly to operate.

The meeting adjourned at 12.30 pm.

The meeting resumed at 1.14 pm.

5 SUBMISSIONS

Environment and Planning Manager Mr Bush-King spoke about the process that would be adopted during the meeting, regarding the hearing of submissions.

5.1 Mr R Murphy

Mr Murphy spoke in opposition to the proposed Draft Bylaw and questioned what mandate was in place to pass such a bylaw. He continued that it was a breach of human rights and impacted heavily on the lower socio-economic class of society.

5.2 Mr D Newcombe spoke on behalf of Mrs F Morani

Mr Newcombe was opposed to the Draft Bylaw and suggested that a holistic approach was required. He stated that the Draft Bylaw would have a negative impact on the tourism industry and that the real problem was lack of education and infrastructure.

5.3 Mr A Blackie

Mr Blackie spoke in opposition to the proposed Draft Bylaw and spoke about the impact that it may have on the tourism industry. He continued that it was important to educate the public and that there were inconsistencies in the Draft Bylaw.

5.4 Ms R Davies

Ms Davies spoke in opposition to the Draft Bylaw and how she felt it was an infringement of her human rights. She expressed her concern that the use of chemical toilets would impact negatively on the environment. Ms Davies suggested that the public needed to be educated to mitigate the perceived problems.

5.5 Mr A Hodgson

Mr Hodgson spoke in opposition to the Draft Bylaw and the negative outcomes for local communities. He suggested that the majority of people camped responsibly and that these people could help to educate others.

5.6 Ms J Harper spoke on behalf of Ms C Lorrian

Ms Harper spoke in opposition to the Draft Bylaw and presented a petition signed by 222 people which read as follows "I request the Tasman District Council to abandon the proposed freedom camping Bylaw and instead to develop strategies to help educate the few who leave litter, toilet matter, or otherwise provide a nuisance in our community and to develop sustainable solutions to the issues raised which avoid infringing human rights." Ms Harper also presented 22 late submissions.

5.7 Ms J Harper

Ms Harper spoke in opposition to the Draft Bylaw and stated that it was an infringement of the Human Rights Act 1993, the Bill of Rights Act 1990 and the International Covenant on civil and Political Rights. She continued that the Draft Bylaw would impact most on those who could least afford to purchase self contained vehicles. Ms Harper suggested that education was the key to better management of the issue.

5.8 Mr P Foster

Mr Foster spoke in opposition to the Draft Bylaw and stated that the process did not comply with the Local Government Act 2002 and in particular section 77.

5.9 Ms Helen Mead spoke on behalf of Ms A Purucker

Ms Mead spoke in opposition to the Draft Bylaw and stated that people needed to be educated in how to camp responsibly. She continued that the Draft Bylaw would impact negatively on the tourism sector.

5.10 Mrs M Lafrentz

Mrs Lafrentz spoke in support of the Draft Bylaw and suggested that people should be encouraged to obtain self contained certification. She continued that the region needed more facilities to deal with the issue and that composting toilets were a good idea.

5.11 Mr J Lafrentz on behalf of Mr J Imlach, New Zealand Motor Caravan Association Inc.

Mr Lafrentz spoke in support of the Draft Bylaw and that it contained a clear definition of "Self Contained Vehicle". He continued that the prohibited sites noted in schedules one and two of the Draft Bylaw were unnecessarily restrictive towards responsible freedom campers.

5.12 Mr W Rzoska

Mr Rzoska spoke in support of the Draft Bylaw and noted that a small group from Golden Bay were very vocal in opposition to it. He continued that it was important that people were not permitted to monopolise large areas of land by setting up illegal camps.

5.13 Mr L Gamby – Golden Bay Community Board

Mr Gamby spoke in opposition to the Draft Bylaw and suggested that people needed to be better educated in how to camp responsibly. He continued that the Community Board would like to see road reserves deemed places where freedom camping could not take place.

5.14 Mr A J Bell

Mr Bell spoke and provided suggested alternative wording for the Draft Bylaw. He continued that the issue needed more time, consultation and consideration and that people's behaviour could be addressed through education.

5.15 Ms K Hughes – Department of Conservation (DOC)

Ms Hughes apologised that Mr M Rudd could not be present today and that Ms R Ennor was in attendance to answer questions. She continued that DOC staff appreciated the opportunity to be involved in the Draft Bylaw and that it was generally supportive of it.

The meeting adjourned at 3.04 pm.

The meeting resumed at 3.21 pm.

4 REPORTS - Continued

4.7 Interim Final Report – Tasman District Council Consolidation Bylaw: Chapter 11: Freedom Camping 2011 Report REP11-04-06

Staff advised that the Draft Bylaw was close to the generic Bylaw penned by Parliament Counsel Office.

Staff commented that the Draft Bylaw was an enforcement tool which provided Council with the ability to deal with each situation on a case-by-case basis. Experience had shown that irresponsible campers would continue to infringe as they were aware that Council did not have legislation in place to deal with the issue.

A discussion ensued regarding the need to educate irresponsible freedom campers and that enforcement was about exercising flexibility and discretion. It was acknowledged that freedom camping was a vexed issue and that the Draft Bylaw would enable Council to deal with complaints received from the public. It was noted that discussions regarding this issue had taken place at central Government level.

6 RESOLUTION TO CONTINUE

**Moved Crs Edgar/Norriss
EP11-04-27**

THAT the meeting of the Environment and Planning Committee held on Thursday 21 April 2011 may continue until all business on the agenda has been dealt with in accordance with Standing Orders 3.3.7.

CARRIED

Cr Bouillir left the meeting at 3.56 pm.

Cr Bouillir returned to the meeting at 3.57 pm.

A motion was proposed by Mayor Kempthorne and seconded by Cr Glover.

1. THAT having considered submissions and advice on the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 as contained in report REP11-04-06, the Environment and Planning Committee of Tasman District Council agrees to the amended Draft Bylaw as outlined in Appendix 2.
2. THAT the Environment and Planning Committee of Tasman District Council recommends the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 contained in Appendix 2 of report REP11-04-06 be adopted at the meeting of Tasman District Council to be held on 19 May 2011.

A discussion ensued regarding the impact the Draft Bylaw may have on individuals who could not afford a self contained vehicle.

An amendment was proposed by Cr Bouillir and seconded by Cr Edgar.

The amendment including the following changes to the Draft Bylaw:

Section 2 to read as follows:

- d) *Allow freedom camping in certain public places in the District under strictly controlled circumstances.*

Section 4 to read as follows:

4 Compliant Freedom Camping

- a) Freedom camping may only be undertaken by one or more persons in a self contained vehicle that is displaying evidence of a current self containment certificate for at least that number of persons issued pursuant to *NZS 5465:2001 Self Containment of Motor Caravans and Caravans*.
- b) In a non self contained vehicle that has a suitable portable toilet or toilet facility to keep waste contained and secured for appropriate disposal to a receiving facility or safe burial.
- c) Where public toilet facilities are provided.

Section 6.2 to be deleted and replaced with the following:

6.2 Freedom camping in non self contained vehicles or at locations where toilet facilities are provided for a maximum period of one night in any calendar month or consecutive four week period.

1. THAT having considered submissions and advice on the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 as contained in report REP11-04-06, the Environment and Planning Committee of Tasman District Council agrees to the amended Draft Bylaw as further amended outlined in Appendix 2.
2. THAT the Environment and Planning Committee of Tasman District Council recommends the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 contained in Appendix 2 of report REP11-04-06 be adopted as amended at the meeting of Tasman District Council to be held on 19 May 2011.

The amendment was put and a division was called.

Cr Bouillir	For
Cr Bryant	Against
Cr Edgar	For
Cr Ensor	Against
Cr Glover	Against
Cr Inglis	Against
Mayor Kempthorne	Against
Cr Maling	For
Cr Mirfin	Against
Cr Norriss	Against
Cr Wilkins	Against

The amendment was lost.

A discussion ensued and it was suggested that the Bylaw be reviewed in 12 months time.

Mayor Kempthorne and Cr Glover were in agreement that the original motion could be amended to include an obligation to review.

**Moved Mayor Kempthorne/Crs Glover
EP11-04-28**

1. **THAT having considered submissions and advice on the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 as contained in report REP11-04-06, the Environment and Planning Committee of Tasman District Council agrees to the amended Draft Bylaw as outlined in Appendix 2.**
2. **THAT the Environment and Planning Committee of Tasman District Council recommends the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 contained in Appendix 2 of report REP11-04-06 be adopted at the meeting of Tasman District Council to be held on 19 May 2011.**
3. **THAT the Consolidated Bylaw: Chapter 11: Freedom Camping 2011 be reviewed in 12 months time.**

CARRIED

Cr Bouillir, Cr Edgar and Cr Maling voted against the motion.

The meeting closed at 4.35 pm.

Date Confirmed:

Chair:

CONFIRMED MINUTES