
MINUTES
of the
ENVIRONMENT AND PLANNING COMMITTEE MEETING
held
9.30 am, Thursday, 26 September 2013
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Cr S G Bryant (Chair), Mayor R G Kempthorne, Crs M L Bouillir, B F Dowler, J L Edgar, B W Ensor, J L Inglis, T B King, C M Maling, Z S Mirfin, T E Norriss, P F Sangster & E J Wilkins

In Attendance: Chief Executive Officer (L McKenzie)
Acting Environment and Planning Manager (R Smith)
Regulatory Manager (A Humphries)
Motueka Community Board Chairman (D Ogilvie)
Resource Scientist (J Thomas)
Resource Scientist (T James)
Strategic Projects Adviser (M Tregurtha)
Co-ordinator Biosecurity (L Vaughan)
Environmental Education Officer (R Francis)
Policy Manager (S Markham)
Consent Planner – Coastal (R Squire)
Policy Planner - Urban & Rural Development (M Day)
Environmental Health Officer (T Waddington)
Administration Officer (G Woodgate)

1 OPENING, WELCOME

2 APOLOGIES

Moved Cr Maling/Cr Inglis
EP13-09-2

That apologies from Cr G A Glover for absence, and Cr J L Edgar for lateness, be accepted.
CARRIED

3 PUBLIC FORUM

3.1 Mr Lawson Davey, Fish and Game New Zealand

Mr Davey spoke about the water allocation of the upper Motueka River and questioned the accuracy of the models available water.

9.35 am: Cr Sangster arrived.

4 DECLARATIONS OF INTEREST

Nil.

5 LATE ITEM

**Moved Cr Ensor/Cr Inglis
EP13-09-3**

That the Environment and Planning Committee agrees to receive the Hearing of Submissions on the Draft Local Alcohol Policy Report REP13-09-11 for discussion later in the meeting. The reason for the late item is that submissions needed to be heard at the Extraordinary Environment and Planning Committee of 23 September 2013 before discussion could take place on them today.

CARRIED

6 CONFIRMATION OF MINUTES

**Moved Cr Inglis/Cr Wilkins
EP13-09-4**

That the minutes of the Environment and Planning Committee meeting held on Thursday, 15 August 2013 and the minutes of the Extraordinary Environment and Planning Committee meeting held on Monday, 23 September 2013, be confirmed as a true and correct record of the meeting.

CARRIED

7 REPORTS OF COMMITTEE

Nil.

8 REPORTS

8.1 Mapua: Removal of Deferred Status for Residential Zone on Freilich Lands, Report REP13-09-01

The Manager Policy, Steve Markham, was in attendance to speak to his report contained within the agenda.

The report recommended removal of the deferred residential status over certain lands owned by D and A Freilich, Mapua, as the servicing proposals that are necessary to enable residential use had been approved by Council's Engineering Services Department, as required under the relevant deferred residential zone rule.

Committee members discussed:-

- If the Freilich's had been made aware of the rating implications of removing the deferred residential status
- The water allocation for the 85 allotments.

**Moved Cr King/Cr Norriss
EP13-09-5**

That the Environment and Planning Committee:

- 1) receives the Mapua: Removal of Deferred Status for Residential Zone on Freilich**

Lands, Report REP13-09-01; and

- 2) approves the removal of the deferred Residential zone status over the lands (as shown on map attachment to REP13-09-01) under Rule 17.14.2(b)(v) (as amended by consent order) to make the Residential Zone effective over those lands from the date of this resolution.**

CARRIED

8.2 Psychoactive Substances Act, Report REP13-09-02

Regulatory Manager, Adrian Humphries, was in attendance to speak to the report contained within the agenda.

The purpose of the report was to inform Committee members of the provisions of the Psychoactive Substances Act 2013 and the ability to develop a local approved products policy.

The Regulatory Manager advised:-

- That the new regulations come into effect in December 2013
- There are two shops in Richmond approved to sell psychoactive substances at present
- Licence applications to sell approved psychoactive substances are actioned by the Ministry of Health
- The Ministry of Health monitors shops that sell approved psychoactive substances.

Committee members discussed:-

- The definite need for a Council policy on the sale of approved psychoactive substances
- The accuracy of the Council CBD maps supplied
- Summary of Information A (ii) – The maximum distance Council can put in their policy to not permit the sale of approved psychoactive substances near a kindergarten, early childhood centre, school, library, community centre, reserve, playground or place of worship.
The Regulatory Manager advised that the 100 metre distance used was in other legislation but that he would investigate and advise if this can be increased.
- The maps supplied in the draft Local Approved Products Policy contain the word 'Bylaw' and not 'Policy' – this requires amendment.

**Moved Cr Dowler/Cr Bouillir
EP13-09-6**

That the Environment and Planning Committee;

- 1) receives the Psychoactive Substances Act Report REP13-09-02; and**
- 2) approves the commencement of the special consultative process on the Statement of Proposal for Draft Tasman District Council Approved Products Policy; and**
- 3) approves the Summary of Information on the Draft Tasman District Council Approved Products Policy; and**
- 4) agrees that the Summary of Information be distributed through Newsline.**

CARRIED

8.3 Environment & Planning Committee Chairman's Report REP13-09-08

The Chairman's Report covered the following matters:-

- Rural Review Presentations
- Local Alcohol Policy

- Highlights of this Term
- Notified Consents
- Appreciation
- End of Council Term – Thank you all.

**Moved Mayor Kempthorne/Cr Ensor
EP13-09-7**

That the Environment and Planning Committee receives the Environment & Planning Committee Chairperson's Report REP13-09-08.

CARRIED

8.4 Environment and Planning Manager's Report REP13-09-08

Acting Environment and Planning Manager, Rob Smith, was in attendance to speak to his report contained within the agenda.

The Acting Environment and Planning Manager tabled an addendum to his report entitled 'Council's Submission on the Discussion Document from the Ministry for the Environment on Activity Classifications under the Exclusive Economic Act'.

The item was then left to lie on the table.

8.5 Environmental Education Work-Plan Report REP13-09-03

The Strategic Projects Adviser, Mark Tregurtha was in attendance to speak to the report contained within the agenda.

The purpose of the report was to present the Environmental Education Work-Plan for 2013/2014 for the Committee's approval. The report set out the range of activities covered in the work-plan and the principles of the matrix approach to achieve the delivery of a well considered programme of works based on an objective set of conditions.

**Moved Mayor Kempthorne/Cr Norriss
EP13-09-8**

That the Environment and Planning Committee:

- 1) receives the Environmental Education Work-plan Report REP13-09-03; and**
- 2) approves the 2013/2014 Environmental Education Work-Plan as set out in Attachment 1 to the report.**

CARRIED

Cr Maling voted against the resolution.

8.4 Con't Environment and Planning Manager's Report REP13-09-08

Acting Environment and Planning Manager, Rob Smith, was in attendance to speak to his report contained within the agenda.

The report covered the following matters:-

- Animal Health Board

- A consent has yet to be issued.
- Resource Management Amendment Act 2013
A meeting was requested by Committee members to highlight the issues involved.
- Geological and Nuclear Sciences Ltd Report
Committee members asked what could Council do to help the Anatoki Salmon Farm and were advised that Council officers were in discussions with them.
- Tasman Bay and Golden Bay Shellfisheries Health
Council staff are working with Cawthron at present regarding the monitoring in the local coastal marine environment and this work will continue for at least another 18 months.
- Riwaka Water Users Meeting
- Ecofest Funding Application
- Updated Mean High Water Springs positioning for Tasman District. The final NIWA report is available from Policy Planner - Urban & Rural Development (M Day)
- Water Quality Indicator Reports
- Fixed-wing Over Flight
This will be undertaken annually from now on.

The item was again left to lie on the table.

10.45 – 11.00 am: Morning tea.

8.6 Upper Motueka Water Allocation, Report REP13-09-04

Resource Scientist, Joseph Thomas, and Andrew Fenemor from Landcare Research, Nelson, were in attendance to speak to the report contained within the agenda.

The report summarised results of computer modelling of the river-aquifer system and interpreted the results. Five scenarios for future land and irrigation water use were simulated in the model to determine potential new allocation limits which would meet environmental objectives including minimum flows and maximum drawdowns of water levels in wells. Recommendations were made for Committee members to consider developing new allocation limits through a plan change to the Tasman Resource Management Plan (TRMP).

The Resource Scientist gave a power point presentation on the Upper Motueka water allocation.

The Resource Scientist and Mr Fenemor advised of the five water allocation scenarios modelled:-

1. Current actual water use
2. Maximum use of the current allocations
3. Irrigate the entire valley at current No. 1 rates
4. Irrigate below Tapawera Bridge at current rates
5. Effects on groundwater of river beds degrading.

Not yet modelled:-

6. More / less pine trees in the upper catchment
7. 2040 and 2090 projected climate changes.

11.10 am: Cr Edgar arrived.

Committee members asked:-

- Any concerns regarding tributaries drying up - such as the Rainey River?
Mr Fenemor replied 'No concerns'.
- How much water is taken from the upper Rainey River?
The Resource Scientist replied that he could get that information if required.

- What is the percentage amount taken of the River?
The Resource Scientist replied 15% but in times of drought it reaches around 20%.
- Is there an over allocation on the Motupiko River?
The Resource Scientist replied that there had been no new allocations since 1998 and that storage was needed to increase irrigation ability.
- With regards to the 1990 upper Motupiko River water allocation, is it fully allocated or over allocated?
The Resource Scientist replied that it was fully allocated.
- When do the Motupiko River water permits expire?
The Resource Scientist replied 2016 or 2019 – will check but they will be reviewed when they expire.

Committee members discussed:-

- The upper Motupiko River drying up in the summer
- A new dairy farm along the upper Motueka River
- The concerns expressed by Mr Lawson Davey from Fish and Game New Zealand. Mr Fenemor advised that Mr Lawson's concerns had been taken into account in the calculations.
- Older maps of the Motueka River containing weirs and if they were still relevant
- Forestry impacts on water yield.

Moved Cr Bryant/Cr King
EP13-09-9

That the Environment and Planning Committee:

- 1) receives the Upper Motueka Water Allocation report REP13-09-04; and
- 2) adopts the recommendations:-
 - a) that the current Tapawera Water Management Zone be split into two new zones, that is the Hinetai-Glenrae and Tapawera-Upper Motueka zones
 - b) that the water allocation limit set in the new Tapawera-Upper Motueka Zone be set at the level of total current allocations, that is 314 l/s
 - c) that the water allocation limit for the new Hinetai-Glenrae Zone be set at 300 l/s
 - d) and that to protect existing spring flows in the new Hinetai-Glenrae Zone a springhead protection area should be considered; and
- 3) directs the Manager Policy to proceed with reviewing the water allocation limits in the TRMP in accordance with those recommendations.

Cr Mirfin called for a division.

Bouillir	Against
Bryant	For
Dowler	For
Edgar	For
Ensor	For
Glover	Absent
Inglis	For
Kempthorne	For
King	For
Maling	Against
Mirfin	Against
Norriss	For
Sangster	For
Wilkins	Against
CARRIED	

11.50 am: Crs Maling, Sangster and Wilkins departed.

8.7 Annual Biosecurity Report REP13-09-05

Co-ordinator Biosecurity, Lindsay Vaughan, was in attendance to speak to his report contained within the agenda.

The purpose of the report was to present the Operational Plan for the 2013-2014 Financial Year and summarise the achievements of the 2012-13 Operational Plan.

The Co-ordinator Biosecurity gave Committee members a power point presentation on Biosecurity.

Moved Cr Norriss/Cr Ensor EP13-09-10

That the Environment and Planning Committee;

- 1) receives the Annual Biosecurity Report REP13-09-05; and**
- 2) approves the 2013-14 Operational Plan; and**
- 3) receives the Review of the 2012-13 Operational Plan for the Tasman-Nelson Region.**

CARRIED

8.8 The Health of the Moutere Inlet, Report REP13-09-06

Resource Scientist, Trevor James, was in attendance to speak to his report contained within the agenda.

The purpose of the report was to present results of "State of the Environment" sampling of the Moutere Inlet, to compare them to previous sampling and to suggest responses as appropriate.

The Resource Scientist gave Committee members a power point presentation on broad scale mapping and fine scale monitoring results of the Moutere Inlet.

Committee members discussed:-

- Forestry effects on the sediment increase
- Land disturbance rules
- The Muddy Buddy event, the associated Wriggle Coastal Management Ltd report and staff's recommendation that the Tasman School be required to apply for a resource consent for the event in future.

12.30 pm: Cr Maling returned.

12.45 – 1.15pm: Lunch. Cr Wilkins and Motueka Community Board Chairman, David Ogilvie did not return to Chambers after lunch.

9 PRESENTATION

9.1 Golden Bay Landscape Group Deputation, Report REP13-09-09

The Golden Bay Landscape Group made a presentation to the Committee on the Golden Bay Landscape Protection Project. The deputation included Mr Nigel Harwood, Ms Trina Mitchell and Mr Don Mead.

8 REPORTS Con't

8.8 Con't The Health of the Moutere Inlet, Report REP13-09-06

Resource Scientist, Trevor James, and Consent Planner – Coastal, Rosalind Squire, were in attendance to speak to the report contained within the agenda.

The Muddy Buddy Event

Consent Planner – Coastal advised Committee members of the Tasman Resource Management Plan rules that apply regarding the disturbance of the foreshore and seabed adding that the Department of Conservation and the Ornithological Society consider the Moutere Inlet mudflats to be a sensitive area.

Committee members discussed:-

- The costs and time involved for the school in applying for a Resource Consent
- Recreation activities requiring Resource Consents
- Other activities occurring on the Moutere Inlet mudflats and their accumulated effects
- Working with the school to identify what the effects on the mudflats are and mitigating them without the need for a Resource Consent
- The term of a Resource Consent for the Muddy Buddy event.

The Acting Environment and Planning Manager advised that the compliance department acts without fear or favour and wants to work with the event organizers. He noted two options:-

1. Looking at the Tasman Resource Management Plan rules
2. Working with the school event organizers.

The Acting Environment and Planning Manager concluded by stating that a consent process for this event did not need to be expensive or time consuming and that it gives the school security over the event.

The Policy Planner - Urban & Rural Development noted that Council's Coastal Plan is old, requires reviewing and will be placed on the work programme for resourcing.

Moved Mayor Kempthorne/Cr Norriss EP13-09-11

That the Environment and Planning Committee;

- 1) **receives the Health of the Moutere Inlet Report REP13-09-06; and**
- 2) **requests staff to work with the Muddy Buddy event organisers to reduce the impacts of the event and report back to the Environment and Planning Committee with the results of monitoring and mitigation measures put in place for the 2014 event.**

CARRIED

8.4 Con't Environment and Planning Manager's Report REP13-09-08

Acting Environment and Planning Manager, Rob Smith, was in attendance to speak to his report contained within the agenda.

- Plan Change 43 Motueka West Development

1.58 pm: Mayor Kempthorne departed.

- Earthquake Fault Lines
- Site Contamination Register

- Councillors as Commissioners
- Addendum Item – Off-Shore and On-Shore Mineral Exploration
Committee members requested staff not to prevent off-shore mineral exploration. The Acting Environment and Planning Manager advised that the impact to the impacts would be managed by the existing rules within the Tasman Resource Management Plan.

Moved Cr King/Cr Norriss

EP13-09-12

That the Environment and Planning Committee:

- 1) receives the Acting Environment and Planning Manager's Report REP13-09-10; and
- 2) authorises the organisers of Ecofest to apply to The Canterbury Community Trust for up to \$5,000 as a contribution to Ecofest 2014; and
- 3) approves the lodgement of the further submission on Plan Change 43 (attached as Appendices 2 and 3 to the agenda); and
- 4) recommends that, in accordance with Section 34 of the Resource Management Act 1991, the existing Councillors be appointed as Planning Commissioners to hear and decide on resource consent applications as necessary; and
- 5) endorses the submission on the discussion document from the Ministry for the Environment on activity classifications under the Exclusive Economic Zone Act attached as an addendum to the Environment and Planning Manager's Report REP13-09-08.

CARRIED

The meeting was adjourned from 2.10 to 2.30 pm. Mayor Kempthorne and Crs Bouillir, Edgar, King and Norriss did not return to Chambers following the break.

10 LATE ITEM

This meeting was reconvened from the Extraordinary Environment and Planning meeting of Monday 23 September 2013.

10.1 Hearing of Submissions on the Draft Local Alcohol Policy, Report REP13-09-11

Environmental Health Officer, Tracy Waddington, was in attendance to speak to the report supplied under separate cover.

The report facilitated the hearing of submissions received during the special consultative process conducted for the Tasman District Council Draft Local Alcohol Policy (LAP), and subsequent deliberations to provide staff with direction on the preparation of a Provisional Tasman District Council Local Alcohol Policy.

The Environmental Health Officer gave a power point presentation on the draft Local Alcohol Policy and a précis on the submissions received.

After general discussion the following recommendations were agreed by Committee members for inclusion to the Policy:-

All Tasman District Off-Licences 7.00 am – 10.00 pm opening hours

Tasman District On-Licences 8.00 am – 2.00 am opening hours
(Taverns, Bars and Pubs)

Tasman District On-Licences (Restaurants) 8.00 am – 2.00 am opening hours

Tasman District Club Licences 8.00 am – 2.00 am opening hours

Tasman District Special Licences Discretionary up to 24 hours a day (as per Draft)

There is to be a discretionary condition regarding school premises.

The Environmental Health Officer was requested to construct two further discretionary conditions to the effect of:

1. Limiting the exposure of alcohol to children at events on school premises
2. Consideration of appropriateness of alcohol associated with driving events.

Other Comments:

Clause 2.2.3 is to be deleted from the draft Local Alcohol Policy.

Moved Cr Maling/Cr Mirfin

EP13-09-13

That the Environment and Planning Committee:

- 1) receives the Hearing of Submissions on the Draft Local Alcohol Policy REP13-09-11; and
- 2) hears Submissions on the Draft Local Alcohol Policy; and
- 3) directs staff on matters to be included in a Tasman District Council Provisional Alcohol Policy; and
- 4) directs that staff prepare a Tasman District Council Provisional Alcohol Policy for consideration at the Environment and Planning Committee meeting proposed for 28 November 2013.

CARRIED

The meeting concluded at 3.00 pm.

Date Confirmed:

Chair: