
MINUTES
of the
ENVIRONMENT AND PLANNING COMMITTEE MEETING
held
9.30 am, Thursday, 28 November 2013
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Cr S G Bryant (Chair), Mayor R G Kempthorne, Crs P L Canton, B F Dowler, B W Ensor, M L Bouillir, M J Higgins, M J L Inglis, T B King, T E Norriss and P F Sangster.

In Attendance: Environment and Planning Manager (D Bush-King)
Co-ordinator Environmental Health (G Caradus)
Environmental Health Officer (Z Moulam)
Resource Scientist – Contaminants (P Sheldon)
Compliance & Investigation Officer (K Bunting)
Resource Scientist (T James)
Environmental Policy Manager (S Markham)
Administration Officer (G Woodgate)

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Moved Cr Inglis/Cr Sangster
EP13-11-1

That apologies from Crs J L Edgar, Z S Mirfin and M J Greening for absence and Cr Bouillir for lateness, be accepted.
CARRIED

3 PUBLIC FORUM

No-one spoke in public forum.

9.35 am: Cr Higgins arrived.

4 DECLARATIONS OF INTEREST

Cr Higgins declared an interest in Item 9.7 Shorebirds of Tasman District – Trends, Issues and Options.

5 LATE ITEMS

Nil.

6 CONFIRMATION OF MINUTES

**Moved Cr Norriss/Cr Bryant
EP13-11-2**

That the minutes of the Development Contribution Levies – Delegated Committee meeting held on Friday 22 November 2013 be received.

CARRIED

**Moved Cr Ensor/Cr Norriss
EP13-11-3**

That the minutes of the Submissions Hearing on Freedom Camping Bylaw Amendments held on Friday 15 November 2013 be received.

CARRIED

**Moved Cr Ensor/Cr Norriss
EP13-11-4**

That the minutes of the Submissions Hearing on Psychoactive Substances Local Approved Products Policy held on Friday 15 November 2013 be received.

CARRIED

**Moved Cr Bryant/Cr King
EP13-11-5**

That the minutes of the Environment and Planning Subcommittee meeting held on Tuesday 7 May 2013 be received.

CARRIED

**Moved Cr Ensor/Cr Bryant
EP13-11-6**

That the minutes of the Environment and Planning Subcommittee meeting held on Monday 17 June 2013 be received.

CARRIED

**Moved Cr Norriss/Cr Bryant
EP13-11-7**

That the minutes of the Development Contribution Levies – Delegated Committee meeting held Tuesday 13 August 2013 be received.

CARRIED

**Moved Cr Inglis/Cr King
EP13-11-8**

That the minutes of the Environment and Planning Committee meeting held Thursday 26 September 2013 be confirmed as a true and correct record of the meeting.

CARRIED

**Moved Cr Ensor/Cr King
EP13-11-9**

That the minutes of the Consent Commission – Commissioner Hearing held on Monday 14 October 2013 be received.

CARRIED

7 REPORTS OF COMMITTEE

Nil.

8 PRESENTATIONS

Nil.

9 REPORTS

9.1 Application for Consent for Class 4 Gambling Venue at the Abbey Bar and Grill by the Lion Foundation, Report REP13-11-07

Co-ordinator Environmental Health, Graham Caradus, was in attendance to speak to his report contained within the agenda.

The purpose of the report was to request the Environment and Planning Committee to consider an application for a Class 4 Gambling Venue Consent made by The Lion Foundation (2008) Ltd to operate six gaming machines at The Abbey Bar and Grill, 107 Appleby Highway.

Committee members raised the following matters:-

- Council's policy on gambling machines capped their number but did not include a sinking lid policy
- The harm caused by problem gambling
- The declining use of gambling machines and the increasing use of internet gambling that has no controls or benefits to local communities.

9.50 am: Cr Bouillir arrived.

**Moved Cr Sangster/Cr King
EP13-11-10**

That the Environment and Planning Committee:

- 1. receives the Application for Consent for Class 4 Gambling Venue at the Abbey Bar and Grill by the Lion Foundation Report REP13-11-07; and**
- 2. notes that delays have occurred in the processing of this application resulting in the time limit set in section 100 of the Gambling Act 2003 being exceeded and that the delays resulted from the applicant not initially having premises that met the requirements of the Tasman District Council Gambling Venues Policy; and**
- 3. resolves to deal with the application as if no such delay has occurred; and**
- 4. grants consent to operate six gaming machines by the Lion Foundation (2008) Ltd at the Abbey Bar and Grill, 107 Appleby Highway, pursuant to Clause 3 of the Tasman District Council Gambling Venues Policy and section 98 of the Gambling Act 2003; and**
- 5. notes its reasons for granting the application for consent are that the number of machines for which consent is granted will not exceed the capped number of gaming machines specified in the Tasman District Council Gambling Venues Policy, and that the application is otherwise compliant with the requirements of the Policy.**

CARRIED

9.2 Adoption of Tasman District Council Provisional Local Alcohol Policy, Report REP13-11-08

Co-ordinator Environmental Health, Graham Caradus, was in attendance to speak to his report contained within the agenda.

The report sought to have the Environment & Planning Committee approve a Tasman District Council Provisional Local Alcohol Policy (PLAP) and establish the process by which the PLAP can be brought into force as a Local Alcohol Policy (LAP).

The Co-ordinator Environmental Health outlined the next steps and timeline:-

19 December 2013: Public notice of LAP.

18 January 2014: If no appeal against any element of the PLAP is received beforehand, the policy is deemed to have been adopted 30 days after its public notification, that is, on 18 January 2014.

23 January 2014: If no appeal against any element of the PLAP is received in the appeal period, and the policy is adopted, public notice is to be given of that adoption in accordance with section 90 of the Act. The notice will state the day on which the LAP is in force which may not be a day earlier than the day three months after the day on which public notice of its adoption was given.

24 April 2014: If no appeal against any element of the PLAP is received, and the policy is adopted, the LAP may by resolution come into force on this day.

**Moved Cr Bryant/Cr King
EP13-11-11**

That the Environment and Planning Committee:

- 1. receives the Adoption of Tasman District Council Provisional Local Alcohol Policy REP13-11-08; and**
- 2. approves the Tasman District Council Provisional Local Alcohol Policy as attached (Attachment 1 to Report REP13-11-08); and**
- 3. instructs staff to give public notice on 19 December 2013 of the adoption of the Tasman District Council Provisional Local Alcohol Policy in accordance with section 80 of the Sale and Supply of Alcohol Act 2012 which comes into force on 18 December 2013; and**
- 4. notes that if no appeal against any element of the Provisional Local Alcohol Policy is made within 30 days of the public notice referred to in resolution 3 above, the Tasman District Council Provisional Local Alcohol Policy is deemed by section 87(1) of the Sale and Supply of Alcohol Act 2012 to have been adopted and becomes the Tasman District Council Local Alcohol Policy on 18 January 2014; and**
- 5. resolves that if no appeal against any element of the Provisional Local Alcohol Policy is made within 30 days of the notification detailed in resolution 3 above, the date on which the Tasman District Council Local Alcohol Policy comes into force in the absence of any appeal will be 24 April 2014; and**
- 6. instructs staff to give public notice by 23 January 2014, in compliance with section 90 of the Sale and Supply of Alcohol Act 2012, of the adoption of the Tasman District Council Provisional Local Alcohol Policy (adopted on 18 January 2014), if no appeal against any element of the Provisional Local Alcohol Policy is made within 30 days of the notification detailed in resolution 3 above.**

CARRIED

9.3 Adoption of Psychoactive Substances Local Approved Policy, Report REP13-11-09

Environmental Health Officer, Zoe Moulam, was in attendance to speak to her report contained within the agenda.

The report sought to have the Environment & Planning Committee approve a Local Approved Psychoactive Products Policy.

Committee members raised the following matters:-

- Their preference to have these substances totally banned from the District
- The Psychoactive Substances Bylaw Map of the Takaka Central District omitting a 100m buffer around the Brethren Church in Motupipi Street – this was added to Point 2 of the resolution.

Mayor Kempthorne advised that he and Mayor Kokshoorn (Grey District Council) are to discuss a total Government ban of these substances with the Minister.

Moved Cr Ensor/Cr Sangster EP13-11-12

That the Environment and Planning Committee:

- 1. receives the Adoption of Psychoactive Substances Local Approved Policy, Report REP13-11-09; and**
- 2. approves the Local Approved Psychoactive Products Policy attached as Appendix 1 to REP13-11-09 for adoption with an effective date of 16 December 2013 subject to amendment of the Takaka Central Business District map to account for the Brethren Church.**

CARRIED

9.4 Historic Sheep Dips Sites and Current Vessel Maintenance Areas, Report REP13-11-10

Resource Scientist – Contaminants, Paul Sheldon, was in attendance to speak to his report contained within the agenda.

The purpose of report was to brief the Environment and Planning Committee on the results from an investigation of historic sheep dip sites and current vessel maintenance areas undertaken by staff during 2013 and to note that a review of options for managing vessel maintenance areas is to be brought back to this Committee in the new year.

The Resource Scientist – Contaminants gave a power point presentation on historic sheep dip sites and current vessel maintenance areas that included contamination levels recorded in recent sampling taken within the Tasman district. He advised that Australia had passed into law the 'Anti Fouling and In-water Cleaning Guidelines – June 2013' but New Zealand were using them as a guideline for better management only.

Major contaminants identified were:

Historic Sheep Dip Sites

- Dieldrin
- Arsenic
- Zinc

Vessel Maintenance Areas

- Copper
- Zinc.

Committee members raised the following matters:-

- The possible location of other historic sheep dip sites
- If it was known if modern chemicals used in sheep dipping are of concern
- An area by the Motueka Yacht Club used to store and clean yachts that is worth sampling
- Pragmatic consultation and release of the Anti Fouling and In-water Cleaning Guidelines around the District
- Presentations to the Motueka and Golden Bay Community Boards were requested.

All Committee members requested a copy of the Anti Fouling and In-water Cleaning Guidelines.

Moved Cr Bouillir/Mayor Kempthorne

EP13-11-13

That the Environment and Planning Committee:

- 1. receives the Historic Sheep Dips Sites and Current Vessel Maintenance Areas, Report REP13-11-10; and**
- 2. notes that staff will report back outlining options for management of vessel slipways where contamination levels present issues.**

CARRIED

9.5 2013 Air Quality Report REP13-11-11

Resource Scientist – Contaminants, Paul Sheldon, was in attendance to speak to his report contained within the agenda.

The purpose of report was to update the Environment and Planning Committee on the results from air quality monitoring in Richmond during the winter of 2013 with regard to the requirements under the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES).

Moved Cr King/Cr Sangster

EP13-11-14

That the Environment and Planning Committee receives the 2013 Air Quality Report REP13-11-11.

CARRIED

10.40 – 10.55 am: Morning tea. Mayor Kempthorne did not return to Council Chambers following morning tea.

9.6 2012-2013 Annual Compliance Monitoring Report - Farm Dairy Effluent, Report REP13-11-12

Compliance & Investigation Officer, Kat Bunting, was in attendance to speak to her report contained within the agenda.

The purpose of report was to provide a summary of the compliance results from the 2012/2013 farm dairy survey, in particular compliance with respect to Resource Consent conditions for the discharge of treated dairy effluent to water, and the discharge of dairy effluent to land as a Permitted Activity under the Tasman Resource Management Plan (TRMP).

Committee members discussed the need to work with those who continually fail to comply with their Resource Consent conditions for the discharge of treated dairy effluent to water and the

discharge of dairy effluent to land. Raising this matter with those who collect their product was stated as a possible next step option.

**Moved Cr King/Cr Ensor
EP13-11-15**

**That the Environment and Planning Committee receives the 2012-2013 Annual Compliance Monitoring Report - Farm Dairy Effluent, Report REP13-11-12.
CARRIED**

9.7 Shorebirds of Tasman District - Trends, Issues and Options, Report REP13-11-13

Cr Higgins declared an interest in this item due to his role as a Director of the Nelson Airport.

Resource Scientist, Trevor James and Mr Rob Schuckard from the Ornithological Society of New Zealand were in attendance to speak to the report contained within the agenda.

The purpose of report was to provide summary information about trends in selected shorebird populations and about risks to these populations.

The Resource Scientist and Mr Schuckard gave a power point presentation on two reports received that analysed trends in selected shorebird populations in the top of the South Island and described issues and threats facing those populations.

The following three species of arctic-breeding migratory shorebirds have declined by an average of 25% over the periods 1983-2000 and 2001-2012:-

- Red Knot
- Bar-tailed Godwit
- Ruddy Turnstone.

The top of the South Island has eight areas identified as being of international importance for shorebirds and these are:-

1. Farewell Spit
2. Motueka Sandspit
3. East Waimea Inlet
4. Westhaven Inlet
5. Pakawau
6. Collingwood
7. Rototai
8. West Waimea Inlet.

The Resource Scientist outlined the next steps and timeline to follow:-

1. Presentation of the shorebird reports to the community and promote responsibility when entering sensitive sites, particularly those of international or national importance. This will be done in combination with the Moutere Inlet reports on 5 December in Motueka.
2. Run events in February/March and September 2014 at Motueka Sandspit to inform dog walkers as to the issues and how to respond.
3. Appeal to locals who could be available to act as volunteer rangers to approach and provide information to dog walkers as well as assist with compliance of bylaws (by November 2014).
4. Review the effectiveness of signage currently in place. In particular, temporary notices at particular times of year (by November 2014).
5. Support predator trapping programmes with advice (ongoing through bio-security officers)

and through the Tasman Biodiversity Forum).

6. Work with Department of Conservation to promote better management of shorebirds.
7. Using all additional data collected up to 2017 and repeat the analysis undertaken for this report in 2018 (five-yearly rotation). Expand the scope of the report to include gulls, terns and Banded Rail.
8. Feed the information contained in the reports into the Dog Control Bylaw review process (now until May 2014).
9. Take opportunities to review the relevant sections of the TRMP with respect to shorebird issues when opportunities arise. In particular, there is a need to revise Schedule 25D including revising some of the boundaries in this schedule e.g. Motueka Sandspit and Collingwood area. Additionally, there is merit in including “disturbance” and not just “damage” in relation to rules governing the use of vehicles and craft and their effect on shorebird plant and animal communities.

Committee members raised the following matters:-

- The requirement of the report to cover managing bird strike risk at the Nelson Airport
- How international obligations regarding bird strike issues will be dealt with
- Issues in the past in Motueka between dog walkers and bird lovers.

Committee members reminded staff that they wish to be provided with copies of full reports that are summarised in agenda items to be discussed at Council or Committee meetings.

11.51 am: Mayor Kempthorne returned.

Moved Cr Higgins/Cr Bouillir EP13-11-16

That the Environment and Planning Committee;

1. **receives the Shorebirds of Tasman District - Trends, Issues and Options, Report REP13-11-13; and**
2. **notes that staff, including staff from Nelson City Council, are involved in discussions with Nelson Airport on the issue of bird strike risk; and**
3. **requests staff to bring back a report on how international obligations regarding bird strike issues will be dealt with.**

CARRIED

9.8 Environment and Planning Manager's Report, REP13-11-15

Environment and Planning Manager, Dennis Bush-King, was in attendance to speak to his report contained within the agenda.

The Environment and Planning Manager's report covered the Rural Fire Network – Monthly Report. Mr Ian Reade, Principal Rural Fire Officer and Mr Andrew Karalus, Chair of the Waimea Rural Fire Authority gave Committee members a power point presentation on the Rural Fire Network.

Committee members raised the following matters:-

- Recruitment of Rural Fire team members
- Fireworks and Chinese lanterns
- Training of volunteers.

12.27 – 1.05 pm: Lunch. Cr Ensor did not return to Council Chambers following lunch.

9.9 Environment & Planning Committee Chair's Report REP13-11-14

The Chair's report covered the following matters:-

- Work Programme / Priorities
- District Licensing Commission Training Chair's
- Rural land Use and Subdivision Discussion
- Resource Management Act Amendments.

**Moved Cr King/Cr Bouillir
EP13-11-17**

**That the Environment and Planning Committee receives the Environment & Planning Committee Chair's Report REP13-11-14.
CARRIED**

9.8 Continued Environment and Planning Manager's Report, REP13-11-15

The Environment and Planning Manager's report covered the following matters:-

- National Policy Statement on Freshwater
Cr King offered to help with the submission.
- Animal Health Board
The full report had been provided in the Councillors Room.
- Local Government Act 2002 Amendment Bill (No 3)
- Tasman Resource Management Plan – Plan Usability Review
- Building Floor Levels

1.13 pm: Cr Ensor returned.

- Te Tau Ihu Claims Settlement Act
- GNS 2013 Tsunami Report
- Freedom Camping Act Delegations
- Rural Fire Network – covered earlier
- Financial Report
- Action Items
The Environmental Policy Manager advised that a review of water allocation limits in the TRMP would be put before the Committee in the first quarter of 2014.

**Moved Mayor Kempthorne/Cr Norriss
EP13-11-18**

That the Environment and Planning Committee:

- 1. receives the Environment and Planning Manager's Report REP13-11-15, and**
- 2. agrees to delegate to the Environment and Planning Manager;**
 - a) the power to appoint enforcement officers under section 32 of the Freedom Camping Act 2012**
 - b) the power to decide the return of seized or impounded property under section 39 of the Freedom Camping Act 2012**
 - c) the power to dispose of seized or impounded property under section 40 of the Freedom Camping Act 2012.**

CARRIED

10 CONFIDENTIAL SESSION**10.1 Procedural motion to exclude the public**

Moved Cr Ensor/Cr Inglis
EP13-11-19

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:

10.2 Consultation Paper on Review of Mooring Management

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(i)(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.

CARRIED

RESUMPTION OF OPEN SESSION

Moved Cr Norriss/Cr Inglis
EP13-11-21

That the open meeting be resumed.

CARRIED

The meeting concluded at 1.32 pm.

Date Confirmed:

Chair: