

MINUTES

TITLE: Environment & Planning Committee
DATE: Thursday, 25 February 2010
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Cr M J Higgins (Chair), S J Borlase, S G Bryant, R G Currie, B F Dowler, B W Ensor, G A Glover, J L Inglis, T E Norriss, N Riley, E J Wilkins, J L Edgar

IN ATTENDANCE: Environment & Planning Manager (D C Bush-King), Resource Consents Manager (P Doole), Co-ordinator Compliance - Monitoring (C Cheeseman), Regulatory Manager (J Hodson), Co-ordinator Regulatory (G Caradus), Policy Planner (R Biss), Manager Policy (S Markham), Executive Assistant (V M Gribble)

APOLOGIES

Moved Crs Borlase / Glover
EP10-02-02

THAT apologies from Mayor R G Kempthorne for absence, and Crs T B King and J L Edgar for lateness, be received.

CARRIED

1. PUBLIC FORUM

1.1 P Searancke, representing Nelson Motor Cycle Club

Mr Searancke said the Nelson Motor Cycle Club consent at Lower Moutere is due for renewal in two year's time. He asked for an indication whether the Club would be required to apply for further consent for use of the Rat Trap track at Central Road. He also asked if the activity taking place at 88 Valley was compliant.

1.2 P Searancke

Mr Searancke has had contact from someone wanting to set up a business in Tasman District, similar to the Happy Valley operation in Nelson.

2. CONFIRMATION OF MINUTES

2.1 Environment & Planning Subcommittee (NZ Transport Agency) - 9 November 2009

Moved Crs Norriss / Wilkins
EP10-02-03

THAT the minutes of the Environment & Planning Subcommittee (NZ Transport Agency) meeting held on 9 November 2009 be received.

CARRIED

2.2 Environment & Planning Subcommittee (Minvest Securities Ltd) - 13 November 2009

**Moved Crs Wilkins / Inglis
EP10-02- 04**

**THAT the minutes of the Environment & Planning Subcommittee (Minvest Securities Ltd) meeting held on 13 November 2009 be received.
CARRIED**

2.3 Environment & Planning Committee - 19 November 2009

**Moved Crs Inglis / Riley
EP10-02-05**

**THAT the minutes of the Environment & Planning Committee meeting held on 9 November 2009, containing resolutions numbered EP09/11/02 to EP09/11/23 be confirmed.
CARRIED**

2.4 Environment & Planning Subcommittee (Garden Path Ltd) - 27 November 2009

**Moved Crs Borlase / Riley
EP10-02-06**

**THAT the minutes of the Environment & Planning Subcommittee (Garden Path Ltd) meeting held on 27 November 2009 be received.
CARRIED**

2.5 Environment & Planning Subcommittee (Awaroa Lodge Ltd) - 9 December 2009

**Moved Crs Wilkins / Bryant
EP10-02-07**

**THAT the minutes of the Environment & Planning Subcommittee (Awaroa Lodge Ltd) meeting held on 9 December 2009 be received.
CARRIED**

2.6 Environment & Planning Committee - 11 December 2009

**Moved Crs Inglis / Currie
EP10-02-08**

**THAT the minutes of the Environment & Planning Committee meeting held on 11 December 2009, containing resolutions numbered EP09/12/01 to EP09/12/16 be confirmed.
CARRIED**

2.7 Environment & Planning Subcommittee Development Contributions (Nelson Tasman Housing Trust) - 3 February 2010

**Moved Crs Norriss / Currie
EP10-02-09**

**THAT the minutes of the Environment & Planning Subcommittee (Nelson Tasman Housing Trust) meeting held on 3 February 2010 be received.
CARRIED**

3. RESOURCE CONSENTS MANAGER'S REPORT - JULY TO DECEMBER 2009 - REPORT REP10-02-02

Resource Consents Manager, Phil Doole, was in attendance to speak to his report. The report contained in the agenda covered current workloads of the Resource Consent section, recent decisions of significance, and appeals which had been lodged with the Environment Court.

Cr Dowler arrived at the meeting at 9.44 am.

Discussion was held on the proposed discount regulation and it was considered that costs should be added to the consent process, rather than to the general ratepayer. It was suggested that resource consent applicants could be asked to sign a waiver on the penalty clause.

**Moved Crs Norriss / Riley
EP10-02-10**

**THAT the Resource Consents Manager's Report - July to December 2009 - Report REP10-02-02 be received.
CARRIED**

4. COMPLIANCE QUARTERLY MONITORING REPORT - 1 OCTOBER 2009 - 31 DECEMBER 2009 - REPORT REP10-02-03

Co-ordinator Compliance - Monitoring, Carl Cheeseman, was in attendance to speak to the report contained in the agenda. The report outlined the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring Department's programme of work over the period 1 October 2009 - 31 December 2009.

**Moved Crs Ensor / Glover
EP10-02-11**

**THAT the Compliance Quarterly Monitoring Report - 1 October 2009 - 31 December 2009 - Report REP10-02-03 be received.
CARRIED**

5. REGULATORY MANAGER'S REPORT - REPORT REP10-02-04

Regulatory Manager, Jean Hodson, was in attendance to speak to the report contained in the agenda.

The report provided a summary of the key issues/items of interest in relation to the Regulatory section of the Environment & Planning Department. A statistical summary report on workload and timeframes over the past months and in some cases the whole of 2009 was attached.

Cr King arrived at the meeting at 10.50 am.

**Moved Crs Currie / Glover
EP10-02-12**

**THAT the Regulatory Manager's Report REP10-02-04, be received.
CARRIED**

6. VEHICLES ON BEACHES - ISSUES AND OPTIONS - REPORT REP10-02-05

Regulatory Manager, Jean Hodson, was in attendance to speak to the report contained in the agenda.

Cr Higgins tabled a letter from the Golden Bay Community Board concerning vehicles on beaches.

At the Environment & Planning Committee meeting of 11 December 2009 the issue of vehicles on beaches was raised and the Committee requested additional information to assist with considering the question of whether or not a bylaw process should be considered. The report provided some additional information for the Committee.

It was suggested an article be prepared for Newline discussing vehicles on beaches and courtesy issues.

It was noted that people driving on beaches are covered by the same rules and regulations as people driving on roads and the Police can enforce those rules and regulations.

**Moved Crs Glover / Ensor
EP10-02-13**

THAT:

- a) The Vehicles on Beaches - Issues and Options - Report REP10-02-05 be received;**
- b) No further work be undertaken at this stage to progress the development of a bylaw in relation to controlling the use of vehicles on beaches;**
- c) Staff continue to monitor complaints in relation to vehicles on beaches.**

CARRIED

7. APPROVAL OF PLAN CHANGE 15 - REPORT REP10-02-06

The report sought Council approval to make proposed Plan Change 15 operative. Proposed Plan Change 15 was notified on 26 September 2009.

**Moved Crs Bryant / Currie
EP10-02-14**

THAT proposed Plan Change 15 be approved to become operative on 27 February 2010.

CARRIED

**8. ENVIRONMENT & PLANNING COMMITTEE CHAIR'S REPORT - REPORT
EP10-02-08**

Cr Higgins spoke to his report contained in the agenda. He commented on the success of the Wai-iti dam and suggested the management committee consider lowering the storage level to 30% in order to assist the Waimea Basin and keep the aquifer levels higher than they would otherwise be.

Cr Higgins noted he has been contacted by residents in Motupipi, with regard to the motocross track and associated noise.

**Moved Crs Bryant / Inglis
EP10-02-15**

THAT Crs Borlase, Riley and Norriss meet with the Motupipi land owner to achieve a better outcome for the motor cycle track issue.

CARRIED

**Moved Crs Norriss / Wilkins
EP10-02-16**

THAT the Chair's Report - Report EP10-02-08 be received.

CARRIED

9. DEPUTATION - CBH LTD

Mr C Edmonds, Director of CBH Ltd, was in attendance to speak to Council about issues and challenges he is experiencing in relation to Rural 3/Coastal Tasman Area development. Mr Edmonds tabled and spoke to his submission.

**Moved Crs Norriss / Dowler
EP10-02-17**

THAT Environment & Planning Manager report back to the Environment & Planning Committee on the matters raised, in conjunction with the Engineering Services Manager.

CARRIED

**10. ENVIRONMENT & PLANNING COMMITTEE MANAGER'S REPORT - REPORT
REP10-02-07**

10.1 Water Metering and Proposed Regulations on Water Metering

Resource Scientist, Joseph Thomas, was present for discussion on this item.

The Government has been working on Regulations in relation to water metering with a draft proposal having been realised in late 2008 proposing that all consented takes be metered. Implications are that all will have to move to digital metering. Most of Council's meters do not have the capability specified and will therefore need to be upgraded.

**Moved Crs Norriss / Bryant
EP10-02-18**

**THAT the Environment & Planning Committee agree to defer the implementation of water metering in the Central Plains and Riwaka Zones until 30 November 2011.
CARRIED**

Luncheon adjournment at 12.36 pm.

The meeting resumed at 1.07 pm.

Cr Edgar arrived at the meeting at 1.07 pm.

10.2 Recreational Motorbike Noise

Regulatory Co-ordinator, G Caradus, was in attendance for discussion on this item.

Council bundled the issue of motorcross with rural noise which may have been a mistake as there is a productive rural noise and recreational rural noise. The Code of Practice is inadequate to address all the problems.

Cr Norriss said there was an issue associated with a motorcross commercial business being run for personal gain in 88 Valley which was highlighted by Mr Searancke in the public forum. He said the motorcycle club had to pay \$30,000 for resource consent and the business in 88 Valley is not consented. Mr Searancke is a motorcycle commissioner for New Zealand and is well respected. The responsibility of the landowner or those running events is not being covered.

Cr King arrived at the meeting at 1.25 pm.

Cr Borlase advised of problems that one neighbour has in Motupipi with regard to the noise levels from motorbikes using the track. Noise levels at her house are about 20 decibels higher than down on the motorcross track.

Cr Riley said originally the Harwoods were given approval for their two sons to practice and hold two motorcross events annually. He said the use and noise nuisance is unacceptable, especially for neighbours. He noted several issues in the Code of Practice that have not been complied with.

Mr Caradus said a noise rule would be difficult to measure. He said the noise readings taken from Mrs Brennan's house included wind noise, which means they are not particularly accurate.

Cr Riley said Council has had complaints and needs to be able to show that it is addressing the problem. The dwellings that are complaining were there long before the motorbike track. He supports a staff report coming back to the Committee.

Cr Edgar left the meeting at 1.47 pm.

Mr Caradus said current protocols deal with reasonableness of noise, and length of time of noise. If the protocol specifies what is acceptable we can say that is what Council considers to be reasonable.

Cr Bryant left the meeting at 1.57 pm.

Cr Glover considered six complaints over a year was not a lot and she suggested talking to Mr Harwood about the problems.

**Moved Crs Borlase / Currie
EP10-02-19**

**THAT the matter of recreational motorbike noise be reported back to the Environment & Planning Committee.
CARRIED**

Cr Glover left the meeting at 2.10 pm.

10.3 Ecofest Funding

Resolutions are required to apply for the funding from the Canterbury Community Trust and Lion Foundation for funding assistance to run the annual Ecofest programme.

**Moved Crs Wilkins / Inglis
EP10-02-20**

THAT:

- a) **The Environment & Planning Committee authorises the organisers of Ecofest to apply to The Canterbury Community Trust for \$7,500 as a contribution to Ecofest 2010;**
- b) **The Environment & Planning Committee authorises the organisers of Ecofest to apply to The Lion Foundation for \$30,000 as a contribution to Ecofest 2010.**

CARRIED

10.4 Appeals

Mr Bush-King said Council failed to meet timeframes for appeals by the Friends of Nelson Haven and Tasman Bay Inc to the Tasman Resource Management Plan by December 2009.

Manager Policy Steve Markham was in attendance and tabled a draft amended agreement between Council and Friends of Nelson Haven and Tasman Bay Inc to retain Council's commitment to completing the work

Cr Glover returned to the meeting at 2.22 pm.

Cr Higgins did not consider more community engagement on the issues and options were necessary and that work could proceed to a draft plan change for public consultation.

**Moved Crs Borlase / Ensor
EP10-02-21**

**THAT the Environment & Planning Manager's report, Report REP10-02-07 be received.
CARRIED**

The meeting concluded at 2.28 pm.

Date Confirmed:

Chair: