

MINUTES

TITLE: Environment and Planning Committee
DATE: Thursday 27 January 2011
TIME: 9.30 am
VENUE: 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,
G A Glover, J L Inglis, T B King, C M Maling, Z S Mirfin,
T E Norriss, E J Wilkins

IN ATTENDANCE: Chief Executive Officer (P Wylie), Environment and
Planning Manager (D C Bush-King), Policy Planner
(S Noble), Resource Consents Manager (P Doole), Policy
Manager (S Markham), Regulatory Services Manager
(A Humphries), Administration Officer (J A Proctor)

APOLOGIES

Moved Crs Wilkins/Maling
EP11-01-04

THAT apologies from Cr N Riley for absence be received by the Environment and Planning Committee.
CARRIED

1 PUBLIC FORUM

1.1 Mr M Clark

Mr Clark spoke about the Richmond West Development Area item on the agenda and requested that the item be discussed with the public present.

2 CONFIRMATION OF MINUTES

2.1 Environment and Planning Committee - Notice of Requirement Hearing – Borck Creek - 20 September 2010

Moved Crs Norriss/Inglis
EP11-01-05

THAT the minutes of the Environment and Planning Committee, Notice of Requirement Hearing – Borck Creek held on 20 September 2010 containing resolution EP10-09-18 to EP10-09-21 be confirmed as a true and correct record by the Environment and Planning Committee.
CARRIED

**2.2 Environment and Planning Subcommittee (B and T Dunn) -
8 November 2010**

**Moved Crs Dowler/Glover
EP11-01-06**

**THAT the minutes of the Environment and Planning Subcommittee
(B and T Dunn) held on 8 November 2010 be received by the Environment and
Planning Committee.
CARRIED**

**2.3 Environment and Planning Subcommittee (A and W Lane) –
29 November 2010**

**Moved Crs Bryant/Ensor
EP11-01-07**

**THAT the minutes of the Environment and Planning Subcommittee
(A and W Lane) held on 29 November 2010 be received by the Environment and
Planning Committee.
CARRIED**

**2.4 Environment and Planning Subcommittee (P Warren) -
29 November 2010**

**Moved Crs Ensor/Bryant
EP11-01-08**

**THAT the minutes of the Environment and Planning Subcommittee (P Warren)
held on 29 November 2010 be received by the Environment and Planning
Committee.
CARRIED**

**2.5 Environment and Planning Subcommittee (Biobalance Limited,
Kokcu, Sprig & Fern Tavern (Motueka)) - 30 November 2010**

**Moved Crs Norriss/Bouillir
EP11-01-09**

**THAT the minutes of the Environment and Planning Subcommittee (Biobalance
Limited, Kokcu, Sprig & Fern Tavern (Motueka)) held on 30 November 2010 be
received by the Environment and Planning Committee.
CARRIED**

**2.6 Environment and Planning Subcommittee (Balgowan Investments) -
8 December 2010**

**Moved Crs Norriss/Bryant
EP11-01-10**

**THAT the minutes of the Environment and Planning Subcommittee (Balgowan Investments) held on 8 December 2010 be received by the Environment and Planning Committee.
CARRIED**

2.7 Environment and Planning Committee - 16 December 2010

**Moved Crs Ensor/Maling
EP11-01-11**

**THAT the minutes of the Environment and Planning Committee meeting held on 16 December 2010 containing resolutions numbered EP10-12-02 to EP10-12-23 be confirmed as a true and correct record by the Environment and Planning Committee.
CARRIED**

Cr King arrived at the meeting at 9.40 am.

**3 GOLDEN BAY OUTSTANDING NATURAL FEATURES AND
LANDSCAPES INFORMATION REPORT – REPORT REP11-01-06**

Policy Planner Ms Noble was in attendance to speak to the report contained in the agenda. The purpose of the report was to inform the Committee about progress with regards to the Golden Bay Outstanding Natural Features and Landscapes Project.

A discussion ensued regarding the report and staff advised that the analysis undertaken would be reviewed prior to presenting a final recommendation to the Committee.

**Moved Mayor Kempthorne/Cr Glover
EP11-01-12**

**THAT the Environment and Planning Committee receives and notes the contents of the Golden Bay Outstanding Natural Features and Landscapes Information Report REP11-01-06.
CARRIED**

4 RESOLUTION TO EXCLUDE THE PUBLIC

Environment and Planning Manager Mr Bush-King addressed the Committee to explain the reasons and grounds as to why the matters detailed in the agenda should be dealt with whilst the public was excluded. Mr Bush-King advised that the Committee needed to receive confidential legal advice from Council's solicitor, Mr Julian Ironside of Fletcher

Vautier Moore in relation to the Richmond West Development Area deferred urban zones uplifting matter, and that he be permitted to remain at the meeting.

Mr Bush-King stated that Council was in negotiations with several parties and that it would not be prudent to discuss its position whilst the public was present.

Cr Glover left the meeting at 10.18 am

Cr Glover returned to the meeting at 10.20 am.

Chief Executive Officer Mr Wylie advised that the situation needed to be managed and that it was efficient that the matter be discussed whilst the public was excluded.

**Moved Mayor Kempthorne/Ensor
EP11-01-13**

THAT the Environment and Planning Committee exclude the public from the following part(s) of the proceedings of this meeting:

- **Richmond West Development Area Deferred Urban Zones Uplifting**

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
Richmond West Development Area Deferred Urban Zones Uplifting	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)

THAT Mr Julian Ironside of Fletcher Vautier Moore be permitted to remain at this meeting, after the public has been excluded, because of his involvement and knowledge of the Richmond West Development Area matters on the agenda and that it is appropriate that the Council receive advice which is subject to professional legal privilege.

CARRIED

(Refer to Confidential Minute Book resolutions numbered EP11-01-14)

5 RESOLUTION TO RESUME PUBLIC MEETING

Moved Crs Wilkins/Maling

EP11-01-15

THAT open meeting be resumed and the business transacted while the public was excluded be confirmed in open meeting.

CARRIED

Moved Mayor Kempthorne/Cr Edgar

EP11-01-14

THAT the Environment and Planning Committee uplift the deferral for Light Industrial Zone and the deferral for Mixed Business zone applying to the lands north and south of Headingly Lane, east of Lower Queen Street, Richmond West (shown on the map attached to Report REP11-01-14), so that the zones take effect under Rules 17.14.5 and 17.14.6 of the Tasman Resource Management Plan and that this resolution be reported into open meeting.

CARRIED

6 PRESENTATION BY THE ANIMAL HEALTH BOARD ON FUNDING OF THE NATIONAL BOVINE TUBERCULOSIS PEST MANAGEMENT STRATEGY

Mr William McCook, Chief Executive of the Animal Health Board (AHB) introduced Dr Paul Livingstone, Manager TB Eradication and Research, Mr Matthew Hall, Vector Operations Manager, and Mr Ron Walker, Acting Programme Manager, West Coast Tasman who were in attendance to provide the Committee with a PowerPoint presentation on the National Pest Management Strategy for Bovine Tuberculosis and the vector control programme in Tasman District:

Also in attendance were Mr Roy Bensemann, TBfree Chairman, Mr Phil Riley, TBfree Tasman Committee Member, Mr Alistair Grant TBfree Tasman Committee Member, Ms Michelle Riley, Executive Member Federated Farmers Dairy Section, Mr Edwin Newport, Nelson Provincial President of Federated Farmers.

A question and answer session ensued.

The Chair thanked the staff of the AHB and members of the TBfree and Federated Farmers for their time and for the presentation.

The meeting adjourned at 12.40 pm.

The meeting resumed at 1.15 pm.

7 RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Edgar/Maling
EP11-01-16**

THAT the Environment and Planning Committee exclude the public from the following part(s) of the proceedings of this meeting:

- **Frost Protection Devices – Appeal Mediation**
- **Richmond West Development Area – Heslop Appeal Mediation/Deferred Zoning Uplift**
- **Proposed Plan Change 22 Mapua and Ruby Bay Development**

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)
RWDA – Heslop Appeal Mediation/Deferred zoning uplift	Good reason to withhold exists under section 7	Section 48(1)(d)
Proposed Plan Change 22 Mapua and Ruby Bay Development	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)

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)
To receive legal advice subject to legal professional privilege	Section 7(2)(g)

CARRIED

(Refer to Confidential Minute Book resolutions numbered EP11-01-17 to EP11-01-19).

8 RESOLUTION TO RESUME PUBLIC MEETING

**Moved Crs Norriss/Edgar
EP11-01-20**

**THAT open meeting be resumed.
CARRIED**

**9 APPROVAL TO BECOME OPERATIVE IN PART OF PARTS 5 AND 6
TASMAN RESOURCE MANAGEMENT PLAN – REPORT REP11-01-10**

Policy Manager Mr Markham was in attendance to speak to the report contained in the agenda. The report recommended that part of proposed Part 5 (Water) and Part 6 (Discharges) to the Tasman Resource Management Plan become operative.

**Moved Crs Norriss/Edgar
EP11-01-21**

**THAT the Environment and Planning Committee approve in part, Part 5 Water and Part 6 Discharges of the Tasman Resource Management Plan to commence as operative in part on 26 February 2011, under Clause 20 of Schedule 1 RMA.
CARRIED**

Cr Bouillir and Cr Ensor left the meeting at 2.58 pm.

The meeting adjourned at 2.58 pm.

**10 AQUACULTURE LEGISLATION AMENDMENTS – SUBMISSION –
REPORT REP11-01-07**

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 advise the Committee of the proposed amendments to legislation about aquaculture and to request approval to a submission on the Bill.

Mayor Kempthorne left the meeting at 3.16 pm.

Moved Crs King/Edgar
EP11-01-22

THAT the Environment and Planning Committee adopt the draft submission contained in Report REP11-01-07 on the Aquaculture Legislation Amendment Bill (No 3).

CARRIED

11 RESOURCE CONSENTS MANAGER'S REPORT FOR THE PERIOD JULY TO DECEMBER 2010 – REPORT REP11-01-09

Resource Consents Manager Mr Doole was in attendance to speak to the report contained in the agenda. The purpose of the report was to present a summary of the Resource Consent Section's performance with regard to compliance with statutory timeframes for the first six months (July – December) of the 2010/2011 financial year. The report also covered current workloads of the Resource Consent Section, items of significance that have arisen over the past six months and appeals which have been lodged with the Environment Court.

Note the following amendments to the report:

Page 84 Table 1, "Meridian Processing Days" column, total should read 12.

Cr Ensor returned to the meeting at 3.30 pm.

Mayor Kempthorne returned to the meeting at 3.34 pm.

A discussion ensued regarding the issues facing Council staff enforcing volunteered conditions of resource consents. The Committee expressed its concern that some applicants may have historically chosen to ignore those conditions on the misapprehension that Council would not enforce them.

Moved Crs Norriss/Maling
EP11-01-23

THAT the Environment and Planning Committee receives the Resource Consents Manager's Report – REP11-01-09.

CARRIED

12 REGULATORY MANAGER'S REPORT FOR THE PERIOD JULY TO DECEMBER 2010 – REPORT REP11-01-11

Regulatory Services Manager, Mr Humphries 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 and Planning Department. A statistical summary report on workload and timeframes over the third and fourth quarters of 2010 was attached, with some comparisons for the year to date also given.

Mayor Kempthorne left the meeting at 3.56 pm.

**Moved Crs King/Edgar
EP11-01-24**

**THAT the Environment and Planning Committee receive the Regulatory Manager's Report for the period July to December 2010 – Report REP11-01-11.
CARRIED**

**13 ENVIRONMENT AND PLANNING MANAGER'S REPORT – REPORT
REP11-01-12**

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 provide the Committee with an update on various issues.

A discussion ensued regarding "freedom camping" and staff were requested to develop a draft bylaw for the Committee to review at its next meeting. It was requested that staff consult with neighbouring councils on the issue.

In response to the item "Trading in Public Places" staff were requested to make an amendment to the Bylaw in respect of prohibiting the placing of vehicles for sale other than directly outside the owner's residential address. This follows further concerns about vehicles placed along Salisbury Road, Richmond.

The Committee expressed concern that the Primary Production Select Committee had failed to address any concerns raised in Council's submission. The Mayor said he would take the matter up with Hon Nick Smith.

**Moved Crs Norriss/Mirfin
EP11-01-25**

**THAT the Environment and Planning Committee receive the Environment and Planning Manager's Report – Report REP11-01-02.
CARRIED**

**14 ENVIRONMENT AND PLANNING CHAIR'S REPORT – REPORT
REP11-01-08**

Environment and Planning Committee Chair, Cr S G Bryant spoke to the report contained in the agenda. The Chair noted that he would like to conclude some resource policy matters such as planning in Golden Bay Landscapes and Settlements, Mapua, Motueka and Richmond, before any planning is started for Wakefield, Brightwater or rural reviews.

**Moved Crs Norriss/Wilkins
EP11-01-26**

**THAT the Environment and Planning Committee receives the Environment and Planning Chair's Report REP11-01-08.
CARRIED**

The meeting concluded at 4.09 pm.

Date Confirmed:

Chair: