

MINUTES

TITLE: Environment & Planning Committee
DATE: Thursday, 8 April 2010
TIME: 9.30 am
VENUE: Tasman Council Chamber, 189 Queen Street, Richmond

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

IN ATTENDANCE: Environment & Planning Manager (D C Bush-King), Co-ordinator Compliance - Monitoring (C Cheeseman), Environmental Health Officer (T Waddington), Manager Policy (S Markham), Policy Planner (M-A Baker), Administration Officer (J A Proctor)

APOLOGIES

Moved Crs Inglis / Riley
EP10-04-01

THAT apologies from Crs King and Wilkins for absence be received.
CARRIED

1. CONFIRMATION OF MINUTES

1.1 Environment & Planning Committee - 18 June 2009

Moved Crs Norriss / Ensor
EP10-04-02

THAT the minutes of the Environment & Planning Committee meeting held on the 18 June 2009, containing resolutions numbered EP09-06-23 to EP09-06-28 be confirmed.
CARRIED

1.2 Environment & Planning Subcommittee (M P and R M E Stephens) - 15 January 2010

Moved Crs Bryant / Glover
EP10-04-03

THAT the minutes of the Environment & Planning Subcommittee (M P and RME Stephens) meeting held on the 15 January 2010 containing resolutions EP10-01-01 to EP10-01-03 be received.
CARRIED

1.3 Environment & Planning Subcommittee (Network Tasman Limited) - 22 February 2010

**Moved Crs Edgar / Riley
EP10-04-04**

THAT the minutes of the Environment & Planning Subcommittee (Network Tasman Limited) meeting held on the 22 February 2010 containing resolutions EP10-02-22 to EP10-02-24 be received.

CARRIED

1.4 Environment & Planning Committee - 25 February 2010

**Moved Crs Norriss / Dowler
EP10-04-05**

THAT the minutes of the Environment & Planning Committee meeting held on the 22 February 2010, containing resolutions numbered EP10-02-02 to EP10-02-21 be confirmed.

CARRIED

2. REPORTS

2.1 Environment & Planning Committee Chair's Report - REP10-04-06

Councillor Higgins spoke to his report contained in the agenda.

Councillors stated that they would continue to support Council staff in regard to their decision making process in spite of recent decisions made by the High Court.

**Moved Crs Norriss / Edgar
EP10-04-06**

**THAT the Chair's Report REP10-04-06 be received.
CARRIED**

2.2 Compliance Monitoring Report for the period 1 January to 31 March 2010 - REP10-04-01

Co-ordinator Compliance - Monitoring, Mr Cheeseman spoke to his report contained in the agenda.

The report outlined the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring Departments programme of work over the period 1 January - 31 March 2010.

Staff advised that a further three abatement notices had been issued since the agenda had been produced: two for discharge of diary effluent, one for extraction of gravel.

Staff were asked to investigate an issue at Higgins Road.

Mayor Kempthorne arrived at 9.58 am.

Staff provided Councillors with an explanation of enforcement protocols.

Item 3.4 - Staff advised that one party found guilty had appealed the sentencing.

Moved Crs Riley / Inglis
EP10-04-07

THAT the Annual Compliance Monitoring Report 1 January 2010 - 31 March 2010 REP10-04-01 be received.
CARRIED

2.3 Statement of Proposal: Review of Chapter 6 of Consolidated Bylaw - Trading in Public Places - REP10-04-02

Environmental Health Officer, Ms Waddington spoke to her report contained in the agenda.

The purpose of the report was to review Chapter 6 of consolidated bylaw - Trading in Public Places.

Page 11 - heading amended to read "Trading *prohibitions* in Parks and Reserves".

Page 34 -the words "per annum" to be inserted above the charges column.

In response to questioning, staff advised that the Trading in Public Places Bylaw 2010 would act as a tool for dealing with issues and would centralise Council's procedures. Staff advised that people could apply for a permit and applications would be dealt with on a case by case basis. It was stated that permit holders should remain within the parameters of their consented activity.

Moved Crs Glover / Riley
EP10-04-08

THAT the Tasman District Council proceeds with the review of the Trading in Public Places Bylaw 2010 and that the draft contained in Part 3 of the report REP10-04-02 and the statement of proposal be adopted and notified to commence the consultation process as set out in the Local Government Act 2002.
CARRIED

Mayor Kempthorne and Cr Borlase left the meeting at 10.51 am.

The meeting adjourned at 10.51 am.

The meeting resumed at 11.04 am.

2.4 River Uses and Values Significance Assessment - REP10-04-03

Policy Planner, Ms Baker spoke to her report contained in the agenda.

The purpose of the report was to find ways of assessing the values and uses of rivers.

Mayor Kempthorne and Cr Borlase returned to the meeting at 11.10 am.

In response to questioning, staff confirmed that the project was a tool to establish the value and significance of rivers and at this stage did not make any decisions.

Mayor Kempthorne fully supported the project and suggested that a member of the local community be invited to the River Uses and Values Significance Assessment Workshop to act as a representative for those who lived alongside the rivers.

**Moved Mayor Kempthorne / Cr Ensor
EP10-04-09**

THAT the River Uses and Values Significant Assessment Report REP10-04-03 be received.

THAT Tasman District Councillors note the River Uses and Values Significance Assessment Workshop on 19 April 2010.

CARRIED

2.5 Proposed Zone Change, LOT1 DP 412239, Kina Peninsula - REP10-04-05

Manager Policy, Mr Markham spoke to Mr Jackson's report contained in the agenda.

The purpose of the report was to outline the proposed zone change for Lot 1 DP 412239, Kina Peninsula.

In response to questioning, staff advised that it was an administrative update to the zoning and clarified the procedures involved in the process. Councillors expressed concern regarding the lack of consultation with the landowner and staff advised that they would notify the landowner of the change, if approved, in due course.

Staff advised that the proposed rezoning would merely reflect the current development reality. Council had no direct control over Government approved land secured via accretion.

**Moved Crs Norriss / Mayor Kempthorne
EP10-04-10**

THAT it is recommended that the Environment & Planning Committee adopt as Change 18 the proposed rezoning of Lot 1 DP 412239 (and the surrounding road reserve to the midline as shown on update map 35/1) for notification as part of TRMP Update 35 expected to be 22 May 2010.

CARRIED

Cr Glover and Cr Ensor voted against the resolution.

2.6 Environment & Planning Manager's Report - REP10-04-07

Environment & Planning Manager, Mr Bush-King spoke to his report contained in the agenda.

The purpose of the report was to provide an update on issues within the Environment & Planning department.

Mapua Public Health Report - It was stated that the majority of the local community did not want the warning notices referred to in Recommendation 10 to the Tasman District Council erected.

Item 2 - paragraph 5 should read "The Committee is reminded that *on 23 April 2009* it rejected..."

A discussion took place regarding reviewing Rural 3 policy and staff advised that it was expected that further advice would be presented to the Committee by the end of 2010. This would then provide Councillors with the opportunity to refresh the discussion.

Mayor Kempthorne left the meeting at 12.03 pm.

The meeting adjourned at 12.03 pm.

The meeting resumed at 12.40 pm.

Staff provided Councillors with a detailed explanation of protocol surrounding Development Contributions.

Amendment to table "Forecast Infected Herds" on page 66 should read "1" in total column 2.

A discussion ensued regarding the granting of a Certificate of Exemption - Food Hygiene Regulations for the Rototai Road Community Food Stall. Staff advised that there had only been one previous exemption granted in the Region. It was stated that rules and regulations were in place which other people were expected to abide by and there was a concern that by granting an exemption, precedent would be set.

Councillors were advised that a complaint had been laid regarding false advertising of organic produce and that the Rototai Road Community Food Stall had been advised to apply for Resource Consent.

Moved Crs Borlase / Glover
EP10-04-11

THAT the Environment & Planning Committee agree pursuant to Regulation 6 of the Food Hygiene Regulations 1974 to grant a certificate of Exemption to Daniel Loytenburg and Kelvin McKenna (Ngang), trading as the Rototai Community Stall as detailed in Appendix 5 to REP10-04-07.

A division was called for.

Borlase	For
Bryant	Against
Currie	Against
Dowler	Against
Edgar	Against
Ensor	Against
Glover	For
Higgins	For

Inglis For
Norriss Against
Riley Against

The resolution was LOST.

Moved Crs Norriss / Riley
EP10-04-12

THAT the Environment & Planning Committee agree to delegate to the Chair and Deputy Chair power to sign off any Tasman District Council submission on the Proposed National Environmental Standard on Assessing and managing Contaminants in Soil.

CARRIED

Moved Crs Currie / Inglis
EP10-04-13

THAT the Environment & Planning Manager's report REP10-04-07 be received.

CARRIED

3. RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Norriss / Ensor
EP10-04-14

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

Part of the Environment & Planning Manager's Report REP10-04-07

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
Part of the Environment & Planning Manager's Report REP10-04-07.	Good reason to withhold exists under section 7 To consider an Ombudsman recommendation.	Section 48(1)(c)

CARRIED

4. RESOLUTION TO RESUME PUBLIC MEETING

Moved Crs Borlase / Dowler
EP10-04-15

THAT public meeting be resumed.

CARRIED

The meeting concluded at 1.22 pm.

Date Confirmed:

Chair: