



STAFF REPORT

TO: Environment & Planning Committee

FROM: D C Bush-King, Environment & Planning Manager

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT– REPORT EP07/07/09** - Report Prepared for 12 July Meeting

1. LEGAL PROCEEDINGS

No further appeals have been lodged in respect of application decisions although one is expected in relation to Richmond West.

The status of other proceedings, not related to plan references, but before the Courts are as follows:

- Enforcement Order against Council by Wakatu Incorporation on release of information under section 35 of the RMA – withdrawn 25 July
- Enforcement Order against Council by Tasman Action Group in relation to red shade cloth. First part of proceedings have been heard and a decision is awaited.
- Declaration by D Mitchell over what activities are permitted in the Recreation zone – to be set down
- Judicial Review proceedings instigated by Wakatu incorporation over the acceptance of TDC's water take application under section 88(3) of the RMA and an alleged breach of contract regarding the supply of information- Judicial conference planned 5 July.
- The High Court appeal against an Environment Court decision on marine farming applications and a declaration concerning the Maori Fisheries Settlement legislation as it affect marine farming applications was adjourned – no new date has been fixed.

There may also be a need to take further direction from the Committee on a plan appeal but as yet we are awaiting advice from the parties. If discussion is required it will need to be "In Committee".

2. NELSON TASMAN LIQUOR ACCORD

The licensees in the Nelson/Tasman areas are developing an Accord to be hopefully adopted by all licensed premises that addresses such matters as host responsibilities, customer behaviour, dress, etc in an effort to overcome some of the present problems being experienced and to provide a safe, friendly social environment to the benefit of everyone. Some steps towards such a goal are already in place in the Tasman District with the major bars in the Motueka area having a Trespass Notice system whereby, if a person is trespassed from one premises for unacceptable behaviour, then the notice relates to all the other signatory premises. A similar system has just been arranged for Richmond. This is intended to be a real deterrent to stop the anti-social behaviour and crimes that are being committed by some patrons.

The Accord has the support of the Police and Public Health and we have been asked that it be supported by the Tasman District Council. The cost of implementing the Accord is to be borne mainly by the licensees with the cost to Council being related to time spent by staff at meetings and some ancillary administration work. A copy of the proposed Accord will be available at the meeting.

Recommendation

That the Tasman District Council supports the Nelson/Tasman Liquor Accord.

3. RECOMMENDATION

It is recommended that this report be received.



D C Bush-King
Environment and Planning Manager

This is a list of the consent appeals and their status at this point in time.

4 July 2007

1. Stephen Tate (Marahau Valley Farm Community) V Tasman District Council RM040763 ENV C 0012/06

Environment Court Interim decision has been received which allows the appeal, eleven “residential activities” subject to the formulation of conditions to be negotiated between Council and the MVFC. This was to be done by 30 April 2007 but is still in the process of negotiation.

2. CRT Limited V Tasman District Council RM060524 RM060553 ENV-000445

2A Metlifecare Ltd V Tasman District Council RM060524 RM 60553-ENV-000446

Metlifecare want to proceed to a hearing but Council is willing to mediate on the CRT appeal with a Court appointed mediator prior to a full hearing. Timetable for evidence has been issued, all evidence to be lodged by 20 July 2007.

3. Baigent V Tasman District Council (Relates to review of eight consents of Baigent, Seifried and Mt Heslington Downs Ltd)

3A Weingut Seifried Ltd V Tasman District Council

Environment Court assisted mediation held 11 June. Not yet settled but close.

4. Hoddy Development Co Ltd V Tasman District Council RM060538 ENV CHCH 07-000071

Consent Order achieved.

5. E Iannuzzi and J Kelly V Tasman District Council RM060967 RM 060968 (Applicant Pollock and Meijer)

Just lodged

6. Transit New Zealand V Tasman District Council RM060737 (applicant Tasman Limited)

Just lodged