



# **A G E N D A**

**Planning and Development  
Committee**

**Council Chambers**

**Thursday  
3 June 2010  
commencing at 9.30 am**

**AGENDA FOR A MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE, TO BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 3 JUNE 2010 COMMENCING AT 9.30 AM.**

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1. MEMBERS PRESENT AND APOLOGIES
2. CONFIRMATION OF MINUTES – 8 APRIL 2010. (Pages 1 - 4)
3. MATTERS ARISING FROM MINUTES.
4. GENERAL BUSINESS
  - 4.1 Review of Liquor ban Bylaw.

*Memo from Manager: Planning and Regulatory*

*The Committee undertook a review of the liquor bans bylaw in April 2009. The Committee recommended to Council that the bylaw continue and that recommendation was adopted. The Committee was asked, however, by the council to undertake a further review in April 2010.*

*The Police were unable to attend the April meeting but will be in attendance at 10.00 am to meet with members.*

*A representative of the Safer Community Council met with the Committee last month and, in addition, the Northern South Island Regional Manager for HANZ has provided written comments. Also a report outlining vandalism for the last calendar year and comparing figures for the previous year has previously been considered.*

4.3 District Plan Review

*Memo from Manager: Planning and Regulatory*

*Her Worship the Mayor and Councillor Hurley have asked for the following matters to be on this agenda:*

- *5000m sub-division rule and its barrier to selling sections with regard to baches on road reserve.*
- *New policy on Council being more cautious in its determination of affected parties in light of the recent Godfrey decision.*

Attached is an extract from the current Delegations Manual (Page 5), a copy of the relevant extracts from the Act (Pages 6 - 8) and the standard Section 95 reporting template (Pages 9 -11).

- *Set back reductions.*

### **Township review**

#### **Memo from Manager: Planning and Regulatory**

*Members are in possession of resources and information relating to this matter. It is expected that members will undertake this session as a workshop session.*

## **5. NEXT MEETING**

Next Meeting – Thursday 5 August 2010.



**MINUTES OF A MEETING OF THE PLANNING AND DEVELOPMENT  
COMMITTEE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET,  
HOKITIKA ON THURSDAY 8 APRIL 2010, COMMENCING AT  
9.30 AM**

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1. **PRESENT**

Her Worship the Mayor M.H. Pugh  
Deputy Mayor Councillor B.O. Thomson (Chairman)  
Councillors J.G. Birchfield J.H. Butzbach A.M. Hurley and I.W. Hustwick

**ALSO IN ATTENDANCE**

R.C. Simpson, Manager: Planning and Regulatory.

2. **CONFIRMATION OF MINUTES – 4 FEBRUARY 2010**

Moved Councillor Hustwick, seconded Councillor Butzbach and **Resolved** that the Minutes of the Planning and Development Committee Meeting held on the 4 February 2010 be confirmed as a true and correct record of the meeting.

3. **MATTERS ARISING FROM MINUTES**

3.1 **Beach Street Carpark Development**

The Manager Planning and Regulatory advised that all the property owners potentially affected by the possibility of onsite carparking being reduced were written to and given 21 days to advise if they had any concerns about resource consent application being made under their name for on site carparking reduction. He further advised that the feedback was minor and that the application was currently being prepared for lodging.

### **3.2 Discarded Materials – Wadeson Island**

The Manager Planning and Regulatory advised that all whitebait stand owners on Wadeson Island would be written to prior to the commencement of the next whitebait season reminding them of their obligation to keep the area clean and tidy at all times.

## **4. GENERAL BUSINESS**

### **4.1 Review of Liquor Ban Bylaw**

Members considered written comments from the Hospitality Association of New Zealand, two reports on vandalism for the year ending December 2008 and December 2009 and a brief report from the Safer Community Council.

Derek Blight attended on behalf of the Westland District Safer Community Council and tabled a report from a Community Patrol Members meeting which supported the extension of the Liquor Ban over the entire town and for a 24 hour 7 day a week period.

Members noted that the Committee was reviewing the effectiveness of the current Bylaw rather than considering an extension of the liquor ban area and hours.

A phone call to the Police Station revealed that the Police were unable to attend the meeting as they were involved in other urgent work.

The Committee did not wish to proceed with the Review without comments from the Police and asked that arrangements be made for the Police to attend the next meeting of the Committee so that the review could proceed on the basis of accurate information being available.

### **4.2 Review of Policy on Dogs**

The Committee had commenced the review on the Policy on Dogs at its August meeting and had met with various parties and as a consequence made amendments to the Policy. The Policy on Dogs had undergone the special consultative procedure and a copy had been forwarded to every dog owner in the District. The Committee considered the five submissions (three submitters) that had been received as the result of the special consultative procedure. Two of the submissions called for the Council to employ an Officer as part of the Council's established staff. Three of the submitters asked that a selected owner status policy to provide for a discount on fees for responsible dog owners be put in place.

A further submission asked for dog exercise areas to be provided as well as free “pooper scoopers” and plastic bags.

Members considered the submissions and noted that each of the matters raised was provided for within the proposed Policy. In particular the option was provided Clause 2 to appoint a Dog Control Officer to the full time staff or enter into a contract for service delivery with an individual or organisation. In addition there was provision at Clause 11 for the possibility of the adoption of a graduated scale of registration fees.

The Committee also formed the view that there were sufficient public places available for dogs to be exercised and that the provision of “free pooper scoopers and plastic bags” was able to be considered as part of the funding Policy at Clause 11. Accordingly the Committee formed a view that the Proposed Policy did not need to be amended as a consequence of the submissions received.

Moved Councillor Hurley, seconded Councillor Thomson and **Resolved** that the Pursuant to Section 10 of the Dog Control Act 1996 that the Proposed amended Policy on Dogs be adopted.

#### 4.3 **District Plan Review**

Members considered the several responses received to the published Issues and Options paper.

Members noted that the consultation so far had not identified any major issues/gaps in the existing District Plan, the submissions had been constructive and had identified areas where certain matters needed to be amended because of changed national standards or legislation such as heritage and energy. Members noted that there was little imperative to undertake a “whole Plan review” and that attending to the various amendments sought would be an appropriate course of action.

Members considered that the next step could include a “marked up version” of the District Plan showing the amendments that had been identified as necessary at this stage and take that document to all interested parties as a further stage in the consultative procedure.

Members also suggested that there was a need to look at the boundaries of the existing Communities and it was suggested that the various Community Groups assist in this regard.

### 5. **MATTERS CONSIDERED IN THE ‘PUBLIC EXCLUDED SECTION’**

Moved Councillor Hustwick, seconded Councillor Butzbach and **Resolved** that the public be excluded public in accordance with Section 48 of the Local Government Official Information and Meetings Act 1987.

### 5.1 Judicial Review Proceedings

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF THE MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO THE MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
Judicial Review: B F and S J Godfrey and Westland District Council and A J and K M Pierce.	Provision for appeal to a Court.	48(2)(a)

Moved Councillor Hurley, seconded Councillor Hustwick and **Resolved** that the business conducted in the "Public Excluded Section" be confirmed and the public be readmitted.

Next Meeting – Thursday 3 June 2010 at 9.30am.

**MEETING CONCLUDED AT 12.05 PM**

Confirmed:

\_\_\_\_\_  
Councillor Bryce Thomson  
Chairman

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

**Extract from current Delegations Manual:**

- Section 95: The power to decide if an application for a Resource Consent should be limited notified or publicly notified.
- Section 95A: Authority to exercise the discretion to publicly notify an application. ☐  
Section 95B Authority to determine affected persons and affected order holders and to give limited notification.
- Section 95C: Authority to publicly notify an application after a request for further information.
- Section 95D: Authority to determine if adverse effects are likely to be more than minor.
- Section 95E: Authority to determine if a person is an affected person if an activity's adverse effects are minor or more than minor.

*Guidelines:*

*Consideration shall include the "novelty" of the proposal, public expectation outside of the Act and District Plan and factors not usually evident in the District. Applications are to be looked at as a whole by weighing positive and negative effects. Any effect greater than de minimus will require an assessment as to possible impact on any person. Proposals that involve activities that have a novel or markedly different approach or nature need to be evaluated with public participation in mind.*

**[95A Public notification of consent application at consent authority's discretion**

- (1) A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.
- (2) Despite subsection (1), a consent authority must publicly notify the application if—
  - (a) it decides (under section 95D) that the activity will have or is likely to have adverse effects on the environment that are more than minor; or
  - (b) the applicant requests public notification of the application; or
  - (c) a rule or national environmental standard requires public notification of the application.
- (3) Despite subsections (1) and (2)(a), a consent authority must not publicly notify the application if—
  - (a) a rule or national environmental standard precludes public notification of the application; and
  - (b) subsection (2)(b) does not apply.
- (4) Despite subsection (3), a consent authority may publicly notify an application if it decides that special circumstances exist in relation to the application.]

**[95B Limited notification of consent application**

- (1) If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under sections 95E and 95F) if there are any affected persons or affected order holders in relation to the activity.
- (2) The consent authority must give limited notification of the application to any affected person unless a rule or national environmental standard precludes limited notification of the application.
- (3) The consent authority must give limited notification of the application to any affected order holder even if a rule or national environmental standard precludes public or limited notification of the application.]

**[95C Public notification of consent application after request for further information or report**

- (1) Despite section 95A(1), a consent authority must publicly notify an application for a resource consent if—
  - (a) it has not already decided whether to give public or limited notification of the application; and
  - (b) subsection (2) or (3) applies.
- (2) This subsection applies if the consent authority requests further information on the application under section 92(1), but the applicant—
  - (a) does not provide the information before the deadline concerned; or
  - (b) refuses to provide the information.

- (3) This subsection applies if the consent authority notifies the applicant under section 92(2)(b) that it wants to commission a report, but the applicant—
  - (a) does not respond before the deadline concerned; or
  - (b) refuses to agree to the commissioning of the report.
- (4) This section applies despite any rule or national environmental standard that precludes public or limited notification of the application.]

**[95D Consent authority decides if adverse effects likely to be more than minor**

A consent authority that is deciding, for the purpose of section 95A(2)(a), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

- (a) must disregard any effects on persons who own or occupy—
  - (i) the land in, on, or over which the activity will occur; or
  - (ii) any land adjacent to that land; and
- (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and
- (c) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and
- (d) must disregard trade competition and the effects of trade competition; and
- (e) must disregard any effect on a person who has given written approval to the relevant application.]

**[95E Consent authority decides if person is affected person**

- (1) A consent authority must decide that a person is an affected person, in relation to an activity, if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).
- (2) The consent authority, in making its decision,—
  - (a) may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect; and
  - (b) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and
  - (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.
- (3) Despite anything else in this section, the consent authority must decide that a person is not an affected person if—
  - (a) the person has given written approval to the activity and has not withdrawn the approval in a written notice received by the authority before the authority has decided whether there are any affected persons; or

- (b) it is unreasonable in the circumstances to seek the person's written approval.]

**[§5F Consent authority decides if person is affected order holder**

A consent authority must decide that a person is an affected order holder, in relation to an activity, if—

- (a) the person is the holder of a customary rights order; and
- (b) the activity may have any adverse effects on a recognised customary activity carried out under the order in accordance with section 17A(2); and
- (c) the person has not given written approval to the activity or has withdrawn approval to the activity in a written notice received by the authority before the authority has decided whether there are any affected order holders.]

SECTION 93 REPORT: DATE

CONSENT NO:

APPLICANT

DATE RECEIVED:

LOCATION:

DISTRICT PLAN POLICY UNIT:

DESCRIPTION OF ACTIVITY:

TYPE OF ACTIVITY:

CLARITY OF APPLICATION: Very good ( ) Average ( ) Acceptable ( )

**STATUTORY ACKNOWLEDGEMENTS:**

Within, adjacent to or impacting on:

Area	Yes	No	Other Iwi Issues
Taramakau River		X	No
Lake Kaniere		X	No
Okarito Lagoon		X	No
Pouerua (Saltwater Lagoon)		X	No
Karungarua Lagoon		X	No
Makawhio (Jacobs) River		X	No
Lake Paringa		X	No

**ANY EFFECT ON:**

Factor	Yes	No	Adverse	Positive	Benign	Mitigation/comment
Noise		X				
Amenities		X				
Visual		X				
Privacy		X				
Traffic Generation		X				
Vehicle access and Movements		X				
Signage		X				
Lighting/glare		X				
Security		X				
Scale		X				
Odour		X				
Generation of Waste		X				
Use/storage of hazardous substances		X				
Esplanade reserves		X				
Natural Environments		X				
Other reserves		X				
Easements		X				
Economics		X				
Ground Stability		X				
Consultation		X				
Historic/archaeological site		X				
Proposed monitoring by applicant		X				

**OBJECTIVES & POLICIES:**

1. No immediate conflict between the application and the objectives or policies of the District Plan.
2. No immediate conflict between the application and the Resource Management Act 1991.

**APPLICANTS of A E E's:**            Quality ( )    Average ( )    Acceptable ( )

**Does District Plan allow activities with same adverse effects (Permitted Baseline)?**

**Special Circumstances:**

**District Plan Requirements for Notification?**

**Applicable NES with statement in regard to notification?**

**Are the effects of the application such that they WILL or ARE LIKELY TO be more than minor on people other than direct neighbours/occupiers?**

**If controlled / restricted discretionary is this effect a matter that control / Discretion is reserved over?**

**Has further information been requested and not provided within the timeframe / refused?**

**17/05/10 DECISION 1: DOES THE APPLICATION REQUIRE PUBLIC NOTIFICATION?**

**Anna Derks**  
**Consents Officer**

**Rebecca Strang**  
**District Planner**

**Richard Simpson**  
**Manager: Planning and Regulatory**

**STATUTORY ACKNOWLEDGEMENT / CUSTOMARY ORDER HOLDERS:**

**PERSONS LIKELY TO BE AFFECTED:**

**17/05/10 DECISION 2: PERSONS LIKELY TO BE AFFECTED AS LISTED ABOVE- (TO INFORM APPLICANT)**

**Anna Derks**  
**Consents Officer**

**Rebecca Strang**  
**District Planner**

**Richard Simpson**  
**Manager: Planning and Regulatory**

REQUEST FROM APPLICANT FOR NOTIFICATION?

PARTIES THAT HAVE ALREADY PROVIDED APPROVAL:

NOTE:

Must discard effects of trade competition.

DECISION 3:

*That Resource Consent application XXXXXX need not be publically notified. The following parties are deemed affected and shall be limited notified/ No parties are deemed affected.*

Anna Derks  
Consents Officer

Rebecca Strang  
District Planner

Richard Simpson  
Manager: Planning and Regulatory