

# MINUTES

**TITLE:** Environment and Planning Subcommittee  
**DATE:** Wednesday, 24 August 2005  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond.

**PRESENT:** Cr E M O'Regan (Chair), Crs R G Kempthorne, E C Wilkins, M J Higgins, N Riley.

**IN ATTENDANCE:** Environment & Planning Manager (D C Bush-King), Resource Scientist, Environmental Quality (T James), Compliance Officers (D Page, K Bunting, J Trembath), Co-ordinator, Compliance Monitoring (C Cheeseman), Customer Service Manager (S Westley), Environmental Information Manager (R Smith), Resource Scientist, Waste (J T Thomas), Administration Officer (B D Moore).

## APOLOGIES

Moved Crs O'Regan / Kempthorne  
EP05/08/09

THAT apologies from Mayor J C Hurley for absence be sustained.  
CARRIED

### 1. CONFIRMATION OF MINUTES

#### 1.1 Environment & Planning Subcommittee, 23 May 2005

Moved Crs Higgins / Wilkins  
EP05/08/

THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 23 May 2005, containing Resolutions EP05/05/12 to EP05/05/15, be approved as a correct record.  
CARRIED

#### 1.2 Environment & Planning Subcommittee, 27 May 2005

Moved Crs Higgins / Kempthorne  
EP05/08/11

THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 27 May 2005, containing Resolutions EP05/05/16 to EP05/05/19, be approved as a correct record.  
CARRIED

**1.3 Environment & Planning Subcommittee, 30 May 2005**

**Moved Crs Wilkins / O'Regan  
EP05/08/12**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 30 May 2005, containing Resolutions EP05/05/20 to EP05/05/23, be approved as a correct record.**

**CARRIED**

**1.4 Environment & Planning Subcommittee, 1 June 2005**

**Moved Crs Wilkins / Kempthorne  
EP05/08/**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 1 June 2005, containing Resolutions EP05/06/21 to EP05/06/44, be approved as a correct record.**

**CARRIED**

**1.5 Environment & Planning Subcommittee, 7 and 8 June 2005**

**Moved Crs Kempthorne/O'Regan  
EP05/08/14**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 7 and 8 June 2005, containing Resolutions EP05/06/45 to EP05/06/48, be approved as a correct record.**

**CARRIED**

**1.6 Heritage Subcommittee, 8 June 2005**

**Moved Crs Wilkins / O'Regan  
EP05/08/15**

**THAT the minutes of a meeting of the Heritage Subcommittee held on 8 June 2005 be approved as a correct record.**

**CARRIED**

**1.7 Environment & Planning Subcommittee, 20 June 2005**

**Moved Crs O'Regan / Kempthorne  
EP05/08/16**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 20 June 2005, containing Resolutions EP05/06/49 to EP05/06/52, be approved as a correct record.**

**CARRIED**

**1.8 Environment & Planning Subcommittee, 22 June 2005**

**Moved Crs Riley / O'Regan  
EP05/08/17**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 22 June 2005, containing Resolutions EP05/06/53 to EP05/06/56, be approved as a correct record.**

**CARRIED**

**1.9 Environment & Planning Subcommittee, 4 July 2005**

**Moved Crs O'Regan / Higgins  
EP05/08/18**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 4 July 2005, containing Resolutions EP05/07/01 to EP05/07/04, be approved as a correct record.**

**CARRIED**

**1.10 Environment & Planning Subcommittee, 8 July 2005**

**Moved Crs O'Regan / Higgins  
EP05/08/19**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 8 July 2005, containing Resolutions EP05/07/05 to EP05/07/08, be approved as a correct record.**

**CARRIED**

**1.11 Environment & Planning Subcommittee, 11 July 2005**

**Moved Crs O'Regan / Wilkins  
EP05/08/20**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 11 July 2005, containing Resolutions EP05/07/09 to EP05/07/12, be approved as a correct record.**

**CARRIED**

**1.12 Heritage Subcommittee, 22 July 2005**

**Moved Crs Wilkins/O'Regan  
EP05/08/21**

**THAT the minutes of a meeting of the Heritage Subcommittee held on 22 July 2005 be approved as a correct record.**

**CARRIED**

### **1.13 Environment & Planning Subcommittee, 25 July 2005**

**Moved Crs Riley / Wilkins  
EP05/08/22**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 25 July 2005, containing Resolutions EP05/07/17 to EP05/07/20, be approved as a correct record.**

**CARRIED**

### **1.14 Environment & Planning Subcommittee, 27 July 2005**

**Moved Crs O'Regan / Riley  
EP05/08/23**

**THAT the minutes of a meeting of the Environment and Planning Subcommittee held on 27 July 2005, containing Resolutions EP05/07/21 to EP05/07/25, be approved as a correct record.**

**CARRIED**

## **2. RICHMOND AIR QUALITY UPDATE - REPORT EP05/08/11**

Resource Scientist, Environmental Quality, Mr T James, presented his report on Richmond air quality to provide an update on this winter's results and indicative trends. He also spoke about the new monitoring site and equipment.

**Moved Crs O'Regan / Higgins  
EP05/08/24**

**THAT the Richmond Air Quality Update, Report EP05/08/11, be received and the information noted.**

**CARRIED**

## **3. STATE OF SURFACE WATER QUALITY, TASMAN DISTRICT - REPORT EP05/08/17**

Resource Scientist, Environmental Quality, Mr T James, spoke to the executive summary of the full report on surface water quality which had been published in June 2005 and prepared with Mr James together with Mr Roger Young of Cawthron Institute. The report recommended additional monitoring, sampling and investigations.

Cr Kempthorne questioned the budget implications of those proposals.

**Moved Crs Kempthorne / Riley  
EP05/08/25**

**THAT the State of Surface Water Quality in Tasman District, Report EP05/08/17, be received and that a further report be prepared responding to the budget implications for the matters contained within this report.**

**CARRIED**

#### **4. FARM DAIRIES – PERMITTED ACTIVITIES, 2004-2005 - REPORT EP05/08/14**

Co-ordinator, Compliance Monitoring, Mr C Cheeseman, and Compliance Officer, Ms K Bunting, attended the meeting and spoke to this report. The report presented interim results for compliance with the 2004/2005 dairy season with respect to the discharge of dairy effluent to land. Secondly, the report outlined progress towards meeting the five national targets set out in the Clean Streams Accord.

#### **Moved Crs Kempthorne / Wilkins EP05/08/26**

#### **THAT Report EP05/08/14:**

- 1. be received;**
- 2. that the RAP signatories (TDC and Fonterra) develop and implement a strategy to ensure that all farms have a nutrient budget of some sort by 2007 in order to meet this Accord target;**
- 3. that the RAP signatories (TDC and Fonterra) develop and implement a strategy to ensure all farms (particularly those in the Golden Bay sub-region who have the poorest bridging rate) have 50% of their regular crossings bridged/culverted by 2007, and 90% by 2012;**
- 4. that TDC compliance officers in conjunction with the RAP signatories develop a strategy to classify all unbridged crossings in the District based on their environmental effects, with the aim of prioritising bridging;**
- 5. that the RAP signatories (TDC and Fonterra) develop and implement a strategy to ensure full compliance with Section C of the TRMP;**
- 6. that ongoing and regular (two yearly) inspections of all farm dairies be undertaken to ensure compliance with the permitted activity rules, resource consent conditions, and to keep track of Tasman's progress towards meeting the various performance targets as set out in the Clean Streams Accord.**

#### **CARRIED**

#### **5. WATER METERING END OF SEASON 2004/2005 – REPORT EP05/08/13**

Compliance Officer, D Page, spoke to his report of 12 August 2005 contained within the agenda. He also spoke to the flowchart for metered groundwater compliance monitoring flowchart. Resource Scientist, Water, Mr J Thomas, also responded to Councillors' questions about water metering.

**Moved Crs Kempthorne / O'Regan  
EP05/08/27**

**THAT the Environment and Planning Subcommittee:**

- 1. receives Report EP05/08/13;**
- 2. adopts the water metering compliance monitoring flowchart (Appendix 2);**
- 3. that staff report back to the Environment and Planning Subcommittee in November 2005 on how the water metering project administration can be improved for the future.**

**CARRIED**

**6. ANNUAL ENVIRONMENTAL INCIDENT REPORT - REPORT EP05/08/15**

Compliance monitoring staff, C Cheeseman, D Page and J Trembath, attended the meeting to speak to this report about environmental incidents and enforcement, summarising the significant incidents, complaints and enforcement action that occurred or was undertaken by the compliance monitoring section over the period 1 July 2004 to 30 June 2005.

**Moved Crs Kempthorne / Higgins  
EP05/08/28**

**THAT the Annual Environmental Incident Report EP05/08/15 be received and provide the basis for the 2004/2005 Annual Environmental Incident and Enforcement Report to be available to the public.**

**CARRIED**

**7. STATISTICAL DATA, APRIL TO JUNE 2005 - REPORT EP05/08/12**

Customer Service Manager, Mrs S Westley, spoke to this report of 15 August 2005.

Cr Kempthorne requested further information to be provided about the number of dwellings where consent has been sought for the installation of alternative heating other than woodburners.

**Moved Crs O'Regan / Kempthorne  
EP05/08/29**

**THAT the statistical data for the period April to June 2005, Report EP05/08/12, be received.**

**CARRIED**

**8. ENVIRONMENT AND PLANNING MANAGER'S REPORT – REPORT EP05/08/09**

**8.1 Staff**

Consent Planner, Subdivision, Deborah Hewett, was introduced to the Subcommittee.

**8.2 Delegations**

Mr Bush-King sought further delegations to assist the Environment and Planning Department following recent changes to legislation.

**Moved Crs O'Regan / Riley  
EP05/08/30**

**THAT the Environment and Planning Subcommittee:**

**1. agrees to amend the current Delegation Register as follows:**

|           |  |   |
|-----------|--|---|
| <b>1.</b> | <b>Resource Management Act 1991</b>  |   |
|           | <b><u>Section 114</u><br/>Power to issue notify decision</b>                           | <b>E&amp;P Mgr, MC,<br/>CRC, CCS, CP,<br/>CSO</b> |
| <b>2.</b> | <b>Aquaculture Reform (Repeals and Transitional Provisions) Act 2004</b>               |   |
|           | <b><u>Sections 10, 20, 21</u><br/>Power to commence review of licences and permits</b> | <b>E&amp;P Mgr, MC,<br/>CRC</b>                   |
| <b>3.</b> | <b>Building Act 2004</b>   |   |
|           | <b><u>Section 363</u><br/>Power to issue safety certificates for buildings</b>         | <b>E&amp;P Mgr, MC,<br/>CR</b>                    |

**CARRIED**

Mr Bush-King tabled copies of an addendum to his report to recommend further delegations and he provided amendments to that list at the meeting.

The Chair noted that Mr Bush-King had compiled the list from an internet copy of the recent legislation, noted the current difficulty in obtaining copies of that legislation and thanked Mr Bush-King for his diligence in this matter.

THAT the Environment and Planning Subcommittee:

1. agrees to amend the current Delegation Register as follows:

|    |  |  |
|----|--|--|
| 1. | <b>Resource Management Act 1991</b>  |  |
|    | <b><u>Section 41B and 41C</u></b><br>Power to issue directions before commencement of a hearing, but excluding the power to strike out a submission under section 41C(5)   | E&P Mgr, MC, MP, CRC<br>in consultation with the Consent Convenor/RMPC Chair   |
|    | <b><u>Sections 42A and 42B</u></b><br>Powers in relation to requiring or commissioning a report on any matter described in section 39(1)   | E&P Mgr, MC, MP, CRC   |
|    | <b><u>Section 88</u></b><br>Power to return application  | E&P Mgr, MC, CRC, SP   |
|    | <b><u>Section 88</u></b><br>Power to return application when no fee paid   | E&P Mgr, MC, CRC, SP, CP, CSC, CSO   |
|    | <b><u>Section 92A</u></b><br>Power to set time limit for further information where the applicant agrees to provide it  | E&P Mgr, MC, MEI, CRC, SP, CP, SO, CCS, RS   |
|    | <b><u>Section 99</u></b><br>Power to fix a pre-hearing meeting and attend to all associated matters regarding notification, conduct and reporting excepting the powers of declining to process an application or submission under subsection (5) | E&P Mgr, MC, CRC   |
|    | <b><u>Section 99A</u></b><br>Power to refer matters to mediation prior to a hearing  | E&P Mgr, MC, CRC<br>in consultation with the Consent Convenor  |
|    | <b><u>Section 133A</u></b><br>Power to issue amended consent   | E&P Mgr, MC, CRC, and where it relates to a decision made by a Hearing Panel, to do so in consultation with the Consent Convenor |



|  |  |  |
|--|--|--|
|  | <b><u>Section 137</u></b><br>The power to decide on applications to transfer discharge permits.  | E&P, Mgr, MC, CRC, SP, CP  |
|  | <b><u>Section 139</u></b><br>Power to issue certificates of compliance   | E&P, Mgr, MC, CRC, SP, CP  |
|  | <b><u>Section 139A</u></b><br>Power to issue existing use certificates   | E&P Mgr, MC, CRC, SP, CP   |
|  | <b><u>Section 221</u></b><br>Power to issue and review a consent notice.   | E&P Mgr, MC, CRC, SP, SO, CP   |
|  | <b><u>First Schedule – Clause 8AA</u></b><br>Power to fix a pre-hearing meeting and attend to all associated matters regarding notification, conduct and reporting excepting the powers of declining   | E&P Mgr, MP  |
|  | <b><u>First Schedule – Clause 20</u></b><br>Power to correct minor errors  | E&P Mgr, MP  |
|  | <b><u>First Schedule – Clause 23</u></b><br>Power to request further information before commencement of a hearing  | E&P Mgr, MP in consultation with the Chairperson, Resource Management Policy Committee |
|  | <b><u>First Schedule – Clause 32</u></b><br>Power to certify as correct material incorporated by reference into plan following decision by Resource Management Policy Committee  | E&P Mgr, MP  |
|  | <b><u>Note:</u></b><br>With the establishment of Senior Planners in the Consent Team, the staff delegations will need to have inserted in them the abbreviation ‘SP’ [meaning Senior Planner] everywhere the abbreviation ‘CP’ appears. Separate delegation to the SP, and not a CP, have been noted in the above changes. |  |

**CARRIED**

**Moved Crs Kempthorne / Wilkins  
EP05/08/32**

**THAT the Environment and Planning Subcommittee:**

- 1. agrees to prescribe by the special consultative procedure the following fees in accordance with Section 36 of the Resource Management Act 1991:**

|  |  |  |
|--|--|--|
|  | <b>Review of conditions under section 128 of the Resource Management Act 1991 and sections 10, 20, 21 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004</b> | <b>Same fee as if processed as a new application</b> |
|  | <b>Lodgement Fee for objections under sections 357, 357A, and 357B</b>   | <b>\$125.00</b>                                      |
|  | <b>Existing Use Certificates under section 139A of the Resource Management Act</b>   | <b>\$300.00</b>                                      |

**CARRIED**

### **8.3 Legal Proceedings, Buller River National Water Conservation Order**

Mr Bush-King informed the Subcommittee of a request by Fish & Game to the Minister for the Environment to further amend the Order.

Cr Higgins said he is an affected party concerning the Buller River National Water Conservation Order and asked that it be recorded that he has never taken part in discussions at Council meetings regarding the Buller River National Water Conservation Order.

### **8.4 Lower Queen Street West, Land Development**

Cr Higgins questioned how Council intended to process the application for residential subdivision from Richmond West Development Group. Mr Bush-King advised that the application had been received by Council and also that Council is in the process of policy development. He said that staff had not discussed this situation and that the relevant planning consultant had not been consulted. He said that the applicant's proposal may not coincide with Council's policy. Cr Higgins questioned whether a commissioners' panel of the whole Council should consider this application. He asked that the Environment and Planning Subcommittee be advised of that process.

Cr Kempthorne agreed that Council needs that information before discussing the situation with the applicant as Council would want the applicant to be a willing participant in the development of the Richmond west area.

**Moved Crs Kempthorne / Wilkins  
EP05/08/33**

**THAT the Environment and Planning Manager's Report EP05/08/15, be received.  
CARRIED**

Cr O'Regan thanked members for their attendance and the meeting closed at 3.20 pm.

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**Confirmed:**

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**Chair:**