
MINUTES
of the
ENVIRONMENT AND PLANNING COMMITTEE MEETING
held
9.30 am, Thursday, 19 November 2015
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Councillor S G Bryant (Chair), Mayor R G Kempthorne, Councillors B W Ensor, M L Bouillir, T E Norriss, Z S Mirfin, M J Higgins, B F Dowler, M J Greening, P L Canton, J L Inglis, P F Sangster, T B King

In Attendance: Environment and Planning Manager (D Bush-King), Executive Assistant (H Simpson)

Part Attendance: Environmental Policy Manager (S Markham), Policy Planner (T Bray), Environmental Health Coordinator (G Caradus), Environmental Health Officer (Z Moulam)

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Moved Cr Ensor/Cr Higgins
EP15-11-1

That apologies for absence for Cr Edgar be accepted.

CARRIED

3 PUBLIC FORUM

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF MINUTES

Moved Cr Inglis/Cr Mirfin
EP15-11-2

That the minutes of the Resource Management Policy Committee meeting held on Monday, 7 September 2015, be confirmed as a true and correct record of the meeting.

CARRIED

Moved Cr Norriss/Mayor Kempthorne
EP15-11-3

That the minutes of the Environment and Planning Committee meeting held on Thursday, 8 October 2015, be confirmed as a true and correct record of the meeting.

CARRIED

10 CONFIDENTIAL SESSION**10.1 Procedural motion to exclude the public**

Moved Cr Canton/Cr Ensor
EP15-11-4

That the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered 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 the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

10.1 Rural Land Use and Subdivision Policy Review: Proposed Plan Change

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	48(i)(d) - To deliberate in private in a procedure where a right of appeal lies to a Court against the final decision.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

10.2 Building Claim Settlement

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	<p>48(i)(d) - To deliberate in private in a procedure where a right of appeal lies to a Court against the final decision.</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>

CARRIED

The meeting broke for morning tea at 10.40am and resumed at 10.50am.

7 REPORTS OF COMMITTEE

Nil

8 PRESENTATIONS

Nil

9 REPORTS**9.1 National Policy Statement Freshwater Management - Review of Progressive Implementation Programme**

Environmental Policy Manager, Steve Markham spoke to this report.

Councillors asked whether Council staff were making any progress with this programme, especially in relation to water quality. Mr Markham said the programme had been reviewed to match what could actually be done with the resources allocated.

Mik Simmons joined Mr. Markham at the table to speak to Councillors about the Takaka FLAG group. Councillors thanked Mr. Simmons for his report and for his involvement to date with the Takaka FLAG group. Councillors discussed the importance of focus for the groups on their Terms of Reference.

It was noted Attachment 1 incorrectly referred to the Aorere catchment when it should have been the Buller.

**Moved Cr Mirfin/Cr Bouillir
EP15-11-5**

That the Environment and Planning Committee

- 1. receives the National Policy Statement Freshwater Management - Review of Progressive Implementation Programme report REP15-11-01**
- 2. approves public notification of Attachment 1 to report REP15-11-01 as amended by 31 December 2015.**

CARRIED

9.2 Private Plan Change Request - Wainui Bay

Policy Planner, Tania Bray spoke to this report that was taken as read.

Councillors questioned whether elected members who were delegated the power to hear submissions must be accredited commissioners. After discussion, Councillors agreed that they were happy for Cr Sangster to be involved because of his local knowledge.

**Moved Cr Norriss/Cr Ensor
EP15-11-6**

That the Environment and Planning Committee

- 1. receives the Private Plan Change Request - Wainui Bay report; and**
- 2. accepts it for public notification in accordance with Clause 25(2)(b) Scheduled 1 Part II Resource Management Act 1991**
- 3. notifies the requestors of its decision and its reason for that decision.**
- 4. includes the following reasons for the decision –**
 - “(i) Council considers that the private plan change request meets the requirements of the Act, no further information is required, the request is complete and can be prepared for notification.**
 - (ii) The plan change request does not meet any of the reasons in the Act for rejecting a plan change.**
 - (iii) That converting the request to a resource consent would not achieve the purposes of the request.**
 - (iv) There are no compelling reasons for the Council to adopt the plan change request.”**
- 5. delegates Cr King as Chair and Crs Higgins, Bouillir, Sangster and Ensor the power to hear submissions and make recommendations to the Environment and Planning Committee on the Private Plan Change request.**

CARRIED

9.3 Cost to Council of Sale of Alcohol Licensing.

Environmental Health Coordinator, Graham Caradus spoke to this report.

Councillors discussed the significant increase in costs following the new legislation and the impact this has had on smaller social clubs.

Moved Cr Norriss/Cr Dowler EP15-11-7

That the Environment and Planning Committee

1. receives the Cost to Council of Sale of Alcohol Licensing report REP15-11-06; and
2. approves the publication of a report on the Council's website showing the income from fees received, the costs incurred in the performance of the functions of the licensing committee, the functions performed by inspectors, and in undertaking enforcement activities. The fees are as follows:

Total fees received:	\$197,946.00
Fees passed to ARLA:	\$ 13,970.00
<u>Fees retained by Council:</u>	<u>\$183,976.00</u>
Cost of performance of the DLC functions:	\$101,232.27
Cost of performance of inspectors functions:	\$236,070.58
<u>Cost of Undertaking enforcement:</u>	<u>\$ 5,179.66</u>
Total cost to Council:	\$342,482.51

3. agrees to continue using the fees schedule set by Regulation as opposed to setting fees by way of a Bylaw.

CARRIED

9.4 Food Act 2014

Environmental Health Officer, Zoe Moulam spoke to this report.

Mayor Kempthorne left the meeting at 12.01pm.

Councillors discussed whether to provide a verification service for food businesses operating under a national food control programme. Council will continue to be the registration authority for all businesses and so Councillors discussed the value of offering an end to end process, particularly to smaller businesses.

In response to a question from Councillors, staff confirmed that they had provided feedback by way of a submission to Central Government on this Act. In particular, staff had voiced their objection to Council's authority to verify high risk businesses, but not low risk businesses. Councillors asked whether staff had also lobbied LGNZ on this matter and suggested this might be something they considered doing.

Councillors discussed the time and resource demand and high costs associated should they undertake to provide verification services. They also discussed the potential risk that smaller businesses may incur greater costs should they have to engage private enterprise to verify their business.

In response to a question from Councillors, staff advised that if the Council decided not to provide verification services at this time, they could potentially undertake to do so in the future.

**Moved Cr Greening/Cr Canton
EP15-11-8**

That the Environment and Planning Committee

1. receives the Food Act 2014 report REP14-11-07; and
2. notes that a special consultative process for the “Proposed schedule of fees for services under the Food Act 2014” is required and changes will be incorporated into the next review of fees and charges as part of the annual planning round; and
3. agrees that the Council does not provide a verification service for food businesses operating under National Programmes within Tasman District.

CARRIED

The meeting adjourned at 12.45pm and was reconvened at 3.30pm.

Crs Bouillir, Sangster and Norriss left the meeting.

9.5 Annual Biodiversity Report

Biosecurity Coordinator Lindsay Vaughan spoke to his report.

Chair Bryant acknowledged that this was Mr. Vaughan’s last report before retiring and Councillors thanked him for his service.

**Moved Cr Inglis/Cr Greening
EP15-11-9**

That the Environment and Planning Committee:

1. receives the Annual Biodiversity Report

CARRIED

9.7 Environment & Planning Manager's Report

Environment and Planning Manager, Dennis Bush-King spoke to his report.

Councillors discussed the Shop Trading Amendment Bill and resolved to oppose this bill, the rationale being that Central Government maintain authority over trading restrictions for all other public holidays.

Councillors discussed the proposed increase in building fees. Mr Bush-King noted the reasons for the deficit situation and acknowledged that it would not be appropriate to increase fees every time there was an expected deficit. There was discussion on setting fees on a more risk-based approach.

**Moved Cr King/Cr Higgins
EP15-11-10**

That the Environment and Planning Committee agrees to lodge a submission opposing the Shop trading Amendment Bill.

CARRIED

**Moved Cr King/Cr Ensor
EP15-11-11**

That the Environment and Planning Committee delegates under section 34A of the Resource Management Act to Hearing Commissioner Rob Van Voorthuysen, the power to hear submissions and make recommendations on Proposed Changes 54 , 55 and 56 to the Tasman Resource Management Plan, in December 2015.

CARRIED

**Moved Cr Ensor/Cr Higgins
EP15-11-12**

That the Environment and Planning Committee agrees to the fees and charges set out in Appendix 3 of this report under section 219 of the Building Act 2004, and that they become effective 5 January 2016.

CARRIED

**Moved Cr King/Cr Canton
EP15-11-13**

The Environment and Planning Committee requests staff to report back by March 2016 on changing the building consent fees schedule to better reflect the complexity of buildings, risk exposure and time required for process and inspection.

CARRIED

**Moved Cr Dowler/Cr Inglis
EP15-11-14**

That the Environment and Planning Committee delegates to Councillors Edgar, Greening, Higgins and Mirfin authority to approve the documentation and the form of process for the joint consultation on proposed plan changes relating to Richmond Town Centre and Residential Density in February 2016.

CARRIED

**Moved Cr Ensor/Cr Canton
EP15-11-15**

That the Environment and Planning Committee receives the Environment & Planning Manager's Report REP15-11-10.

CARRIED

Crs Higgins and Inglis left the meeting.

9.6 Environment & Planning Chair's Report

**Moved Cr Inglis/Cr Canton
EP15-11-16**

That the Environment and Planning Committee receives the Environment & Planning Chair's Report.

CARRIED

The meeting concluded at 4.30pm.

Date Confirmed:

Chair:

Confirmed