



## STAFF REPORT

**TO:** Environment & Planning Committee  
**FROM:** Dennis Bush-King, Environment & Planning Manager  
**REFERENCE:** S611  
**SUBJECT:** **MANAGER'S REPORT - REPORT REP11-01-12-** Report prepared for meeting of 27 January 2011

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### 1. LEGISLATIVE CHANGES

There are a number of statute amendments which the Government has released in recent months which will impact on local government environment and planning business. These include:

- Alcohol Law Reform (submissions close 18 February 2011 - covered at December 2010 meeting)
- Aquaculture Law Reform (submissions close 11 February 2011- this meeting)
- Biosecurity Act Amendment (submissions close 10 February 2011)
- Building Act Amendment (submissions close 4 March 2011)
- Environmental Protection Authority Bill (submissions close 28 January 2011 - no submission proposed)

### 2. BIOSECURITY ACT AMENDMENTS

The Biosecurity Manager's Group is currently seeking legal advice on a number of issues concerning the Biosecurity Law Reform Bill. Regional council staff have already had input into the development of the Bill. On many issues there have been significant "wins" for councils, particularly around Crown obligations (as the Act binds the Crown), and there is little in the Bill that councils were not expecting. However, the devil is in the detail and there are some issues that we think Council may wish to comment on.

The national policy direction will have significant implications for regional pest management plans (previously called strategies). Accordingly the Bill should allow councils to defer any review until the national policy statement has been promulgated. The Tasman-Nelson RPMS runs from 2007-2012 and it was intended that the review would start 2011. At this stage, it is proposed to delay the start of the review until late in 2011 when plan requirements are expected to be clarified.

If a submission is required, staff will liaise with the Chair and Deputy.

### 4. FOOD BILL

Last year staff presented a submission to the Primary Production Select Committee on behalf of Council I identifying a number of areas in which changes to the Food Bill were sought. Staff at Marlborough District Council (MDC) became aware of the content of the

report made to this Council (Report REP 10-07-10) and presented a near identical report to MDC. MDC reached a similar conclusion to this Council and arranged for TDC staff to represent the views of both Councils to the Select Committee.

In summary, the issues of highlighted were:

1. The proposed "Food Control Plans" be limited to large manufacturing premises where scale of operation or high public health risk warrants the additional costs of such control.
2. That relevant and realistic prescriptive standards be established for smaller premises that do not operate under Food Control Plans so as to reduce cost of compliance.
3. That a food safety qualification be mandatory for supervisory staff in any commercial food premises.
4. That the responsibility for food labelling and composition is not devolved to TLAs unless that function is adequately funded.

Areas in which the Bill was considered fundamentally flawed were:

5. TLAs could not budget for and would potentially suffer financial hardship through costs or charges being imposed by the Ministry, if there were issues with the TLA's ability to adequately deliver the required level of service.
6. TLAs are required to be a collection agency for the Ministry.
7. TLAs and their staff can be directed by the Ministry, and in some circumstances, such as providing the community with general advice on suitability of food, no opportunity exists to recover costs. This could cause budgeting difficulties and associated financial hardship.
8. The driver for the proposed change is the suggestion that New Zealanders are severely afflicted by food poisoning. Official infectious disease statistics and anecdotal knowledge do not support that contention.
9. Similar legislative changes in other comparable parts of the world have generally failed with small businesses having difficulty with the self monitoring and extensive record keeping required.
10. The additional cost of compliance for small food businesses, and the additional functions that will be incurred by TLAs and passed to the food industry, are expected to result in significant costs to food businesses.
11. Some food businesses not currently required to be registered by Councils, such as school canteens, will be required to participate in the proposed regime.

The Primary Production Select Committee has now recommended that the Bill be passed with a number of amendments, none of which address the issues raised by this Council. The reported back Bill gives territorial authorities greater powers of verification, some limited powers to grant exemptions (subject Special Consultative Procedures), We will report back when the bill comes into force which is expected to be 1 July 2011; this will include any changes needed to fees although there is a transition period provide to covert over to the new regime.

## **5. FREEDOM CAMPING REGULATION**

Local Government New Zealand has advised that following discussions with government officials, it has agreement to introduce improved enforcement tools for local authority bylaws.

It was expected that LGNZ would assist with a model bylaw but that is not now going to happen. Any Council wishing to use infringement fine powers will need to have an appropriate bylaw in place by 31 May 2011.

Staff need a direction from Council as to whether you consider a bylaw to an effective and necessary instrument to regulate freedom camping. It is important to understand that such a bylaw would not be a complete fix as the enforcement provisions will be limited to an infringement fine, and we may not have the ability to clamp wheels, or demand immediate payment to catch those short term overseas visitors. We understand the Transport Act will prevent us from making the owner of the vehicle (eg owners of rental vans) liable for any breach of such a bylaw.

However, such a bylaw would send a clear message of intent and as we have learnt from handing out a few infringements to errant boaties, news travels and such actions can influence behaviour.

Time is short - if council wished, we could draft a bylaw for the 10 march meeting in time to start the Special Consultative Procedure. That would allow time to have any bylaw ratified after consultation at the meeting of 21 April, still leaving a margin for the May 31 deadline imposed by LGNZ.

## **6. AGRICHEMICAL COLLECTION**

Agrecovery is carrying out a collection of redundant agrichemicals in this district soon. We can advise that 11 people have signed up and the good news is that we have secured an arrangement whereby the participants will be partially reimbursed their costs.

## **7. NATIONAL ENVIRONMENTAL STANDARD FOR ON-SITE WASTEWATER**

Ministry for the Environment has advised that it has withdrawn the proposal to introduce and NES on On-Site wastewater. This was last discussed by Council in September 2008 when a submission expressing concern that the then draft was mis-directed and did not address all the issues that needed to be addressed.

## **8. RECOMMENDATION**

**It is recommended that this report REP11-01-12 be received.**



Dennis Bush-King  
**Environment and Planning Manager**

**Additional item for Manager's Report  
EPC Meeting 27 January 2011**

**TRADING IN PUBLIC PLACES – POSSIBLE AMENDMENT REQUIRED**

It has recently become apparent that in the development and adoption of the new Trading in Public Places Bylaw in 2010, an element in the previous bylaw used to prohibit the placing for sale of vehicles on public roads, was omitted.

Then previous bylaw prohibited the placing of vehicles for sale other than directly outside the owner's residential address. As any amendment to the Bylaw necessitates the full consultative process, some consideration as to whether such a change is necessary, is prudent.

The particular clause was included in the previous bylaw principally as a result of complaints about cars being parked and advertised for sale on Salisbury Road on the weekends. A number of complaints were received from the car dealerships, however complaints were also received from residents. Council's contractors, Control Services, have been charged with monitoring the situation and taking action if necessary. In 2010 we received one complaint in relation to this problem.

Direction is sought from the Committee as to whether we should make an amendment to the bylaw.