



STAFF REPORT

TO: Environment & Planning Subcommittee

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

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT– REPORT EP05/06/11** - Report Prepared for 1 June 2005 Meeting

1. LEGAL PROCEEDINGS

Since our last meeting in March a number of consent decisions have been appealed:

- Anathoth Marketing Ltd
- Lund and Balack
- Hinterland Property trust
- Woolaston Estates
- Pakawau Pernia Trust and others

We have received one new claim against Council in respect of a building dispute.

2. STAFF CHANGES

Steve Arps has joined the Building team as a Building Consents Officer and Glen Stevens as Resource Scientist.

3. BUILDING ACT REFORMS

Councillors should be aware that discussions with Marlborough District and Nelson City Councils are occurring to see if there are opportunities for collaborating on Building Act implementation. The menu of possibilities covers everything from preparation of joint forms to joint provision of services.

4. FLOOD RISK MANAGEMENT REVIEW

The Minister for the Environment has announced a two-year work programme to improve how New Zealand manages its flood risk. Features of this work programme are attached as Annex 2. All regional councils are expected to participate in this review and with events over the last year or two Government's initiative is timely and welcome.

5. GOLDEN BAY BURN OFF

Rural Fire Network recently carried out a fire training exercise at Uruwhenua, Golden Bay. Fire training burn-offs are a permitted activity under the TRMP. Council received numerous complaints prior to the burn-off even though the actual event was well managed. The concerns highlight the open ended definition. The Golden Bay

Community Board Chairman has passed on the concerns from residents. I have asked staff to assess the matter and if necessary to recommend any changes at an appropriate opportunity.

6. REGIONAL ALCOHOL STRATEGY WORKING PARTY

Councillor Currie and David Lewis attended the above working party on behalf of the Tasman District Council. Nelson City Council has set up this initiative under the leadership of Mayor Matheson.

The meeting considered the purpose of a regional strategy, the issues that the misuse of alcohol create, what was hoped to be changed to overcome these issues and the aspects of use, supply, distribution and sale of alcohol over which councils can have direct control or can exert influence.

The outcome of this work may lead to changes to the Sale of Liquor Policies in each local authority area. While not giving any commitment as to outcome, we consider that Council representation at these meetings be continued, with a view to formulating a joint draft strategy that may or may not be applicable to, and adopted by, Tasman District Council.

7. DEPARTMENTAL PROGRESS REPORT AND FINANCIAL STATEMENT:

The summary departmental accounts for the month ending 30 April 2005 (84% of the year) is not ready at time of writing and will be tabled at the meeting.

RECOMMENDATION

It is recommended that this report be received.

D C Bush-King
Environment and Planning Manager

ENVIRONMENT AND PLANNING COMMITTEE FOLLOW-UP LIST - MAY 2005

ACTION/REQUEST	RESPONSE
Review of Committee Operating Procedures under Standing Order 19.2	Under action through review of consent hearing protocol
Water Metering report EP03/09/25	Still to prepare
Request information from AHB re progress of control programme	Actioned

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

17 May 2005

- 1. Challenger NN980249 and NN980223 , RMA707/99 and 706/99**
(One of these is Tasman Mussels and one is Golden Bay Mussels)

All aquaculture appeals adjourned for mediation in February 2005 now that the Environment Court has released its final report on the aquaculture references. Draft consent orders have been sent to the parties.

- 2. Onekaka Offshore Spat Catching Consortium NN980190**
As above

- 3. Challenger NN950420 and 421, Resource Management Act 1991 211/99**
As above

- 4. Friends of Golden Bay Society Inc NN 980360, RMA980360 RMA707/99**
(This is the Golden Bay Marine Farmers Consortium application)
As above

- 5. H Wallace and R Cosslett (Living Light Candles) RM 010147 RMA913/01**

This is an appeal against the decision on the Tukurua site. The new site at Kotinga is almost finished. Mediation was held on 11 April and an agreement was reached which will be written up and signed by the parties in due course.

- 6. Theo Blyth and Kevin McKenney v Tasman District Council ENV 176/04**

Set down for hearing in October (at applicant' request)

- 7A B and S Haycock and S and J Matthews v Tasman District Council RM 040495
ENV W 0176/04**
(Applicant is Appleby Village Development Ltd)

- 7B Transit NZ V Tasman District Council** (Applicant is Appleby Village Development Ltd)

One session of mediation has been held. Agreement reached with Transit and the applicant. Council's position has been agreed with the applicant regarding numbers of staff allowed. Informal mediation may assist with resolving issues between other parties. The matter has been set down for hearing in August.

- 8. C J Petry V Tasman District Council ENV 0204/04**

Appeal against an abatement notice. Parties likely to settle. To notify Court by 1 April 2005. On list for pre-hearing call-over on 20 June 2005.

- 9. PASP Properties v Tasman District Council RM 040906 ENV W 0013/05**

On list for pre-hearing call-over on 20 June 2005.

10. Tom Harris v Tasman District Council (Motueka Autoparts Applicant) RM 040064 ENV C 0009/05

Mediation has been held, however the applicant and the appellant have both asked for a full hearing to be set down. On list for pre-hearing call-over on 20 June 2005.

11. Woollaston Estates v Tasman District Council RM 040837 ENVC 0062/05

Off to mediation

12. Marahau Valley Farm Community V Tasman District Council

Appeal against Abatement Notice

13. Transit V Tasman District Council RM 031252 Env C 84/05
(Hinterland applicant)

14. Aquaculture consents for Waikato Marine Farms, 8 in all

- Pakawau Perna Trust v Tasman District Council
- RF Pooley (3) v Tasman District Council
- JE and MJ Solly v Tasman District Council
- DM and SL Clark (2) v Tasman District Council
- Atlas Marine Ltd v Tasman District Council

15. D Lund and A Balck RM 041260 ENV C 0108/05

Flood risk management review: work programme

The flood risk management review work programme is grouped into seven work streams. Listed below are the seven work streams, including a brief description of the main issue/s and the key questions each of the work streams will address.

1. Adequacy of the current approach to flood risk management

Issue:

Standards of protection against flooding may not be sufficiently high enough in many communities.

Key questions this work stream will address:

- What are the current levels of protection against flooding for New Zealand communities, and for rural land?
- Are those current levels of protection suitable for New Zealand?
- To what extent do current practices deal with possible very large and damaging flood events?
- Are current flood protection assets being appropriately maintained by regional authorities?

2. Understanding current and future flood risk and what mitigation is required

Issues:

- Standards for river protection works are based on historical data, which in some cases is outdated and short and may not be appropriate in a time of changing land use and climate.
- Present weather, rainfall and river level recording systems could be improved.
- There is a need to ensure that science programmes are meeting current needs and will meet future needs.

Key questions this work stream will address:

- What is the flood risk in our regions given the likely consequences of land use and climate change especially in light of the short history of hydrologic records that are common in New Zealand?
- To what extent do current works and other methods mitigate that risk?
- What extra mitigation measures might be needed, and at what time?
- How will any such additional mitigation measures be funded?
- How can present monitoring, forecasting and warning systems be improved cost effectively?

- Are the science needs of flood management practitioners being met by current science programmes?
- How good is the communication between the science community, flood management practitioners, and decision-makers?

3. Future best practice in flood risk management

Issue:

Current river management practice is highly reliant on physical works, and this may not be the most appropriate approach to mitigate flood risks in the future.

Key questions this work stream will address:

- To what extent are present catchment management and land management practices mitigating or exacerbating flood risk (and fiscal liability for central government)?
- What tools do we have to mitigate flood risks, and are we using them sufficiently well?
- What constitutes best practice for flood risk mitigation in the future in different types of rivers and streams and in different parts of a catchment?
- What complementary practices are needed for other infrastructure, eg, bridges and culverts?
- How can river control be better integrated with the management of urban stream and stormwater systems?
- How can the flood control activities of the relevant authorities involved (regional and local government, Transit New Zealand, Department of Conservation, Ontrack) be better integrated?
- How do on-going urban and rural developments interact with flood protection; is the increasing value of assets at risk considered in flood protection decisions?
- How can councils best be enabled and supported in factoring climate change into their flood risk mitigation works?

4. Funding and affordability

Issue:

Comprehensive flood risk mitigation may not be affordable to many communities.

Key questions this work stream will address:

- Who benefits received from flood mitigation works?
- Is there a role for Government in funding flood mitigation programmes in poorer communities?

5. The legislation on managing flood risk and river control

Issues:

- The legislation that mandates flood risk mitigation works (the SCRCA 1941) is outdated.
- There are inconsistencies between different Acts, eg, the Building Act and the Resource Management Act.
- There are inconsistent approaches to floodplain management and control of activities on floodplains, with associated tensions between development on the one hand and regulatory control on the other.
- The pre-eminence given individual rights under various Acts makes it difficult to carry out comprehensive flood protection works

Key questions this work stream will address:

- How can the legislation be improved and updated to meet modern expectations?
- To what extent are different acts leading to different risk mitigation outcomes?
- How can those inconsistencies be addressed?
- How effective is the legislation in allowing controls on development in hazard prone areas?
- What can be done to improve the legislation and/or current practice?
- How difficult is it to undertake comprehensive new programmes in the current legislative environment?
- Do we have mechanisms to allow for provision of "community goods" over private rights?
- To what extent is the current legislative environment an impediment to comprehensive flood risk mitigation?

6. How to get good information on flood risk and how this information is communicated

Issue:

It is difficult to convey information about hazard risks to individuals and communities

Key questions this work stream will address:

- How can information about the risks from natural hazards be better communicated?
- Is there a role for Government in doing so?

7. The role of central government, local government and communities

Issue:

The role of central government in flood risk mitigation is unclear and disjointed, and could be improved.

Key questions this work stream will address:

- What is an appropriate balance between central government, local government, and the private sector (including individuals) to reduce or avoid risk?
- What is an appropriate future role for central government, local government and the private sector (including individuals) in flood risk mitigation?
- What are the risks to central government if it does or does not take a greater role in flood risk mitigation?
- What are the risks to local government and communities of central government taking or not taking a greater role in flood risk mitigation?
- Should government be prescribing and regulating for particular levels of flood risk mitigation?