



STAFF REPORT

TO: Environment & Planning Subcommittee

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

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT– REPORT EP06/05/06** - Report Prepared for 10 May 2006 Meeting

“Part In-Committee”

1. LEGAL PROCEEDINGS

Since our last meeting in February only one appeal was lodged against the Galeo estate subdivision consent but this has now been withdrawn. Annex 1 gives a status report on current consent appeals.

The Environment Court has delivered its decision on the appeal by Harris against the Motueka Autoparts consent and upheld the Council's decision. We have received an interim decision from the environment court on the SMW declaration proceedings; a final decision is awaited.

Following a controlled purchase operation last year in conjunction with the Police, the Liquor Licensing Authority suspended the Off-Licence of a Richmond liquor outlet for 24 hours in March.

We have made progress with one of the claims notified to our insurers and on which we will need to brief the Committee “In Committee”.

2. NEW STAFF MEMBER

Welcome to Michael Durant who has joined us as Natasha Lewis' replacement as Consent Planner (Discharges).

3. DOG CONTROL CHANGES

This matter has received recent attention and is raised in case the Committee wish to discuss it further. The need to microchip new dogs comes into force on 1 July 2006. Arrangements are in hand to equip our animal control contractor and Council offices with scanning equipment. Arrangements are also in train to send out the annual registration forms and explanations will be given of the new law changes.

We have also received advice from the Department of Internal Affairs on the National Dog database levy and the TDC contribution is \$7,501. The method of payment will be raised as part of the LTCCP consideration.

4. ADVANCE NOTICE

I will be taking extended leave from 19 August until 30 September 2006. Cover arrangements will be announced closer to the time of departure.

5. DELEGATIONS

The Committee is invited to formalise two Commissioner delegations

Recommendation

To appoint Brian Dwyer as Hearing Commissioner to hear and decide on resource consent applications RM040782 and RM060092 by C and G Petry scheduled for hearing on 1 May 2006 in Collingwood.

To appoint as Hearing Commissioner Hugh Briggs to hear and decide on resource consent application RM051023 by T and J Inglis scheduled for hearing on 5 May 2006 in Richmond.

6. SUSTAINABLE WATER PROGRAMME OF ACTION

The Government announced in April a package of measures designed to improve water management in New Zealand. Regional Councils will still have primary water management functions but there may be a greater level of national direction. Staff are carrying out a stock take on our current procedures and practice with a view to understanding how the proposals might impact on us. We will report verbally on this.

7. FIRE TRAINING EXERCISES - MOU

Annex 2 is a copy of a Memorandum of Understanding entered into with fire authorities concerning fire training exercises. This follows concerns last year about a controlled burn-off in Golden Bay.

8. BUILDING ACT - ACCREDITATION

The Council has signalled its intention to be registered as a Building Consent Authority as required under the Building Act 2004. The next step is to achieve accreditation by 30 November 2007. The Department of Building and Housing has released a discussion document which outlines the process and standards to be adopted. A submission has been prepared and is attached as Annex 3.

Staff continue to liaise with other South Island Councils over the preparation of procedures, checklists, and QA measures, which if implemented at TDC should secure accreditation.

9. DEPARTMENTAL PROGRESS REPORT AND FINANCIAL STATEMENT

Councillors will have received the March accounts from Corporate Services. Output 3 – Resource Consents and Compliance continues to show a deficit. The main contributor is an under recovery of non-rate income although legal and consultant costs, and staff time on subdivision consents processing and compliance monitoring – discharges are also well above budget. Output 32 also shows a deficit but this will be corrected when the loan for the Ngatimoti Fire station is actioned. I will discuss what measures are in place to minimise the financial impacts.

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 2006

ACTION/REQUEST	RESPONSE
Write to MNZ regarding credentialing jet boat driers	Reply received – we were advised that Maritime Rules do require boat operators to demonstrate competencies relevant to the waters in which operations take place

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

29 March 2006

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

Still to be settled
2. **H Wallace and R Cosslett (Living Light Candles) RM 010147 RMA913/01**

Adjourned for further pre-hearing conference to give time to explore options for settling the dispute concerning Tukurua site.
3. **Transit V Tasman District Council** (Hinterland applicant) **RM 031252 Env C 84/05**

Consent Order has been received. Appeal now settled.
4. **Thomas Bros Ltd V Tasman District Council RM 040946, ENVC 0143/05**

Timetable has been set but it is possible that negotiations may be able to resolve the appeal.
5. **Newth, Griffith and Carver V Tasman District Council RM 040950 (Applicant B and A Hardie) ENV C 0215/05**

Mediation set down for 29 May.
6. **J and J Taylor (RM 050188-Parker Family Trust, applicant)**
- 6A. **Parker Family Trust V Tasman District Council RM 050188 ENV C 0222/05**

First round of mediation held on 9 February, more time may be needed to resolve roading matter.
7. **BE and MC Halstead Family Trust V Tasman District Council RM 050490 ENV C 0272/05**

Rural 2 subdivision declined- appealed by applicant. Evidence to be exchanged by 19 May and Council evidence by 30 June, rebuttal evidence by 14 July
8. **Carter Holt Harvey Forests Ltd V Tasman District Council RM 050281 ENV C 0283/05**

Progress made through mediation. Only one matter relating to lighting still outstanding and this is being discussed further.

9. Stephen Tate (Marahau Valley Farm Community) V Tasman District Council RM 040763 ENV C 0012/06

Appeal against Council decision to decline consent for 6 additional “residential situations” by applicant. Evidence to be exchanged by 19 May. Council’s and Hollingworth evidence to be served by 30 June. Rebuttal evidence to be exchanged by 14 July.

10. Farley and Rutherford V Tasman District Council RM 040996 ENV C 0017/06

Appeal against Council decision to decline consent for second dwelling on property by applicant. Mediation may be able to resolve this.

11. CBH V Tasman District Council RM 050727

Appeal against a condition of the discharge consent by applicant.

Two High Court proceedings are pending, one relating to the Buller River Water Conservation Order and a declaration application concerning aquaculture.

In Committee item removed