



STAFF REPORT

TO: Environment & Planning Subcommittee

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

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT– REPORT EP06/10/16** - Report Prepared for 25 October 2006 Meeting

1. LEGAL PROCEEDINGS

Since my last report in August no appeals have been lodged in respect of consent decisions: Annex 1 gives a status report on current consent appeals.

Enforcement Order proceedings were initiated in respect of unauthorised discharges leading to an unsafe roading situation in Golden Bay.

The Environment Court is in town this week and will be conducting a call over to determine the current status of appeals on applications and plan references.

We have written to two property owners in Richmond who remain unconnected to Council's sewerage system asking them to connect before instituting action to force connection.

2. BUILDING CONSENT ACCREDITATION FEES

The Government has released a paper outlining proposed fees associated with the requirement to be accredited under the Building Act 2004. Attached as Annex 2 is a copy of the Minister's announcement and some background information. If the proposals get transferred into regulation it looks like TDC will be up for a fee of \$36,355. This cost will be incurred in the current financial year – staff are currently reviewing our charging schedule and this cost will be addressed in paper for the 22 November meeting.

As a sweetener Government intends to make available a \$3M fund to assist BCAs achieve accreditation standards although the fund will not be able to be used to offset the actual accreditation fee. This assistance will be welcome although we have already incurred significant costs in developing new systems and recruiting extra staff.

3. BULLER RIVER WATER CONSERVATION ORDER

The Minister for the Environment has accepted an application by the Fish and Game Council to amend the Buller River Water Conservation Order in respect of the Gowan River. Concurrently the Environment Court has agreed to hear the appeal by Majac Trust against its own application to amend the Order in respect of the Gowan River. The Strategic Water Committee has agreed that Council should lodge a neutral submission to the Fish and Game Council application advising that any change to the Order should be clear and capable of easy administration.

4. NETWORK UTILITY PROPOSAL – RAMEKA CREEK

We have received representations from residents in the Rameka Creek area about a proposed power line and the associated earthworks. I understand also the Golden Bay Community Board has likewise been approached. We have responded saying that provided the permitted activity rules are complied there nothing that we can do about the alignment or visual impact of the works. I did say that I would draw Council's attention to the issue. A copy of the originating letter and my reply are attached as Annex 3.

5. VEHICLES ON BEACHES

The Golden Bay Community Board has requested the Committee to enact a bylaw setting speed limits on Golden Bay beaches. This issue has been the subject of discussion in the past. While beaches are regarded as roads for the purposes of the Transport Act and therefore are capable of bylaw controls, the staff view is that a speed limit would not be practicable. We have neither the equipment nor manpower to police such a limit and it is unlikely the Police would be able to assist either. Implementation would be further complicated by issues regarding signage, both installation and maintenance.

Before committing further staff time I consider Council should give a direction as to what it considers appropriate and so a response can be given to the GBCB.

6. NATIONAL DOG DATABASE LEVY

Councillors may recall the budget debate over having to pay a levy to run the National Dog Database. In April I was under the impression that discussions on local government liability were still going on and that because the regulations had not been passed it was difficult to see how, if we were charged, we would have to pay in 2006. There were discussions which resulted in the Government absorbing depreciation and other costs but that would have only resulted in an increase! On 31 July 2006 the Governor General in Council signed Regulations setting the National Dog Control Information Database Levy requiring Tasman District Council to pay \$7,501 and that payment for the 2006/2007 year is to be made no later than 31 October 2006. Our invoice is dated 4 October 2006. We have not been able to find any separate information regarding notification of the enactment of the Regulations!

Some Councils did increase registration fees in anticipation of the levy. We chose not to. I will discuss options with the Committee at the meeting.

7. DRY WEATHER TASKFORECE

With groundwater and river levels in the Waimea Plains dropping to low levels and also dry conditions in Golden Bay, it may be timely to remind Councillors about the Dry Weather Taskforce and how it works to manage during drought conditions.

8. RECOMMENDATION

It is recommended that this report be received.

D C Bush-King
Environment & Planning Manager

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

18 October 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**

This matter is now settled and we have received the consent order from the Court.

- 3. J and J Taylor (RM 050188-Parker Family Trust, applicant)**

- 3A. Parker Family Trust V Tasman District Council RM 050188 ENV C 0222/05**

This matter has now been resolved and the Consent Order will be presented to the Environment Court 24 October.

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

Hearing to be held commencing on 24 October 2006

- 5. G and C Petry V Tasman District Council RM 040782 and RM 060092**

An amended proposal for just one additional lot has been suggested as a means of resolving this appeal. This will be the subject of further discussion with the parties.