



STAFF REPORT

TO: Environment & Planning Committee

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

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT- REPORT EP06/12/12** - Report Prepared for 6 December 2006 Meeting

1. STAFFING

It is appropriate to acknowledge the pending retirement of Graeme Wood. Graeme finishes working for Tasman District Council on 6 January 2007 after a long and loyal career in the building control area. Graham joined Waimea County Council from the trade in January 1976. I am sure Councillors will join me in wishing Graham and Phyllis a happy retirement.

We also welcome Phil Roberts as Building Inspector, Monique Harvey as Environmental Information Officer and Tracey McNalley who will job share with Lynda Mitchell as Administration Officer, Regulatory.

2. LEGAL PROCEEDINGS

Since my last report in October two appeals have been lodged in respect of the CRT consent decision in Richmond, one by the applicant and the other by Metlifecare, a submitter in opposition: Annex 1 gives a status report on current consent appeals.

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

Evidence has been exchanged in anticipation of receiving a date from the Environment Court in relation to Majac Trust's appeal against the decision on amending the Buller River Water Conservation Order. We have also been represented at the initial Special Tribunal hearing set up to consider the application by Fish and Game Council to amend the same WCO

The Environment Court, following a recent call-over to review the current status of appeals plan references is expected to establish timetables for resolution. We will report to the next meeting to provide an update.

We have received a summons to attend a hearing of the Weather Tight Homes Resolution Service in respect of a property in Richmond and have also notified our Insurer's of a potential liability claim Aniseed Valley.

3. SHADE CLOTH CONTROLS

At the public forum at the last meeting Council received a strong representation against the proliferation of red shade cloth now appearing in parts of the district. This comes on top of numerous letters that have been received and also a resolution (MK 06/10/03) from the Motueka Community Board that

- a) The Environment and Planning Committee be requested to undertake an analysis of assessment of effects in regard to the utilisation of red shade cloth both in terms of benefits and adverse effects and to consider what alternatives or options there would be to mitigate any adverse effects.
- b) A possible re-evaluation of the status of this activity be undertaken, given the level of public concern.
- c) A reply be requested on the timeframe for a response back to the Motueka Community Board

Some of the information received asserts that the staff interpretation about the consent status of the structures is wrong. We do not believe this is the case in a general sense and if issues arise with particular structures these can be followed up on a case by case basis.

However staff need direction on whether Council wishes to receive an issues and options paper looking more closely at the concerns raised about the use of shade cloth on management options. There is no staff capacity to pick up on the investigation effort that would be required to properly address the issues unless existing priority work was deferred or extended. While there may be some legal costs involved, nothing other than staff time costs should be incurred.

The complainants are looking to Council to resolve their concerns. They do not any other realistic remedies as declaratory or enforcement proceedings, which a technically available, would be fraught.

Direction is sought.

4. TE WAIKOROPUPU SPRINGS – DRAFT PROPOSED BYLAWS

We have received an invitation from the Department of Conservation to comment on draft proposed bylaws controlling access to the waters of Te Waikoropupu Springs. Councillors will recall that when the issue of controls to the springs was last discussed, the preference was for DoC to be responsible for any access constraints if these were deemed necessary. The draft proposed bylaw has been reviewed by staff and it does not cut across any TDC responsibility so can be supported. I will discuss this further at the meeting.

5. BIODIVERSITY STRATEGY

The government recently announced that it has decided not to proceed with the preparation of a National Policy Statement on Biodiversity. Instead, it intends to take a non-statutory approach to biodiversity and leave the responsibility with local councils and their communities. At the bottom of this was a debate about central regulation v's local solutions. However, the Department of Conservation, in conjunction with the Ministry for the Environment, will be providing a statement of national priorities to assist councils early next year. This is intended to build on existing information and initiatives. Given the improved situation over the last five years, this shift is to be welcomed.

The NZ Biodiversity Strategy was launched in 2000 to guide the work of central government and many community groups around the country in halting the decline in New Zealand's biodiversity on private and public land. The strategy was funded with a five-year package of \$187m. A review has recently identified important progress in the restoration of offshore and mainland island sites, pest eradication, intensive species management, marine reserves, weed control, biosecurity, and the establishment of funding and assistance for private and community groups involved in biodiversity restoration. It also identified some significant challenges that still need to be addressed, notably the difficulty of tracking how New Zealand's native species are doing, and the complexities of how and where to expand the number of natural areas and species under intensive management on public and private land. Along with the national guidelines for protecting indigenous biodiversity on private land, a system to monitor and report on the state of New Zealand's species and landscapes is being developed by the Department of Conservation to build a national inventory of New Zealand's natural heritage

We have also received a copy of Nelson City Council's Biodiversity Strategy with an invitation to comment by 26 January. There has been some TDC some contact during the preparation of this document and, where there needs to be, the approach of both Councils is complementary. We will continue to take a watching brief.

6. 1080 REASSESSMENT

ERMA has reactivated an application from the Animal Health Board and Department of Conservation into the ongoing use of sodium fluoracetate (1080) to control possums. Submissions close 31 January 2007 and, unless directed otherwise, staff can prepare a submission along previous lines when this issue has been discussed supporting the controlled aerial use of 1080.

7. POPULATION CENSUS RESULTS

Today the release of final population census results will be released. These will be made available to Councillors. It will be interesting to see if the resident population matches the 48,500 projected using the 2001 census results, which projection also suggests Tasman will have a population in 2026 of 62,100

8. NATIONAL ENVIRONMENTAL STANDARDS

The Government has approved a national environmental standard for human drinking water sources. This follows a round of consultation where Regional Councils questioned the need for such a standard. The standard will require regional councils to ensure that effects on drinking water sources are considered in decisions on resource consents and regional plans. The exact wording of the standard will be finalised through the legal drafting process. Specifically, councils will be required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for consumption following existing treatment.
- be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for consumption following existing treatment.
- place conditions on relevant resource consents requiring notification of drinking water suppliers if significant unintended events occur that may adversely affect sources of human drinking water.

Fortunately several key changes to the standard were made based on consideration of submissions. These included:

- Applying the consent component of the NES to water and discharge permits only;
- Increasing the community water supply population threshold for application of the standard from 25 to 500 people, to reduce implementation costs

The Government has also released a discussion document on another proposed standard on water metering devices. While establishing a minimum standard of technical performance, which can be welcomed, the standard also proposes that all consented water takes shall be metered, subject to exceptions. The exceptions are not listed, the assumption being that these might emerge through the consultation round. Submissions close 16 February and staff will prepare a response.

9. DEPARTMENTAL PERFORMANCE AND PROGRESS

I will report to the meeting the November statement of accounts.

10. RECOMMENDATION

It is recommended that this report be received.

D C Bush-King
Environment and Planning Manager

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

29 November 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. Stephen Tate (Marahau Valley Farm Community) V Tasman District Council RM040763 ENV C 0012/06**

Awaiting decision of the Environment Court following hearing held week commencing on 24 October 2006

- 3. J and J Taylor (RM050188-Parker Family Trust, applicant)**

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

This matter had been resolved but still waiting for the Consent Order to be presented to the Court.

- 4. G and C Petry V Tasman District Council RM040782 and RM060092**

Matter resolved by mediation, consent order to be sent to Environment Court.

- 5. CRT Limited V Tasman District Council RM060524, RM060553**

- 5A Metlifecare Ltd V Tasman District Council RM060524, RM060553**

Appeals just lodged