



STAFF REPORT

TO: Environment & Planning Committee

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

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT– REPORT EP07/03/08** - Report Prepared for 28 March 2007 Meeting

1. STAFFING

More staffing changes are afoot. Colin Michie, after 48 years in the public service, the last 21 years with Tasman District Council and its predecessor councils, retires on 2 April. We also say goodbye to Claire Webster, our Environmental Education Officer, and Sonya Leusink-Sladen during the month of April as well. I am sure Councillors will join me in wishing Colin a happy retirement and best wishes to Claire and Sonya as they join the consultancy brigade.

We also welcome Matt Feely as Building Inspector, replacing Graham Wood.

2. LEGAL PROCEEDINGS

Since my last report in December three appeals have been lodged in respect of application decisions. Both Seifried and Baigent have appealed the Biagent water permit application and Hoddy Development Ltd have appealed conditions on its subdivision application. Annex 1 gives a status report on current consent appeals.

An information has been lodged with the Court in relation to a dairy farmer in Golden Bay for unauthorised discharges and unauthorised works in a river bed.

Councillors will be aware that decisions have been received from the Environment Court in relation to Marahau Valley Farm Community's application for multiple dwellings (interim at this stage) and Yachting New Zealand. We also await the decision of the Environment Court following a two week hearing on Majac Trust's appeal against the decision on amending the Buller River Water Conservation Order. This case will continue some time in April.

3. BUILDING ACT - ACCREDITATION

Councillors will recall that TDC must be accredited by 30 November 2007 in order to carry on the functions of a Building Consent Authority. Staff are making good progress towards compiling all the documents required in order to make an application which we hope to do early April. There are still uncertainties around the way in which the regulations will be interpreted and we are still awaiting the regulations setting the application fees. However local government is being pressured to give sufficient time to the Accreditation Agency, IANZ, so that it can do its job. It has been suggested that no local authority will be accredited first time

round and there will be requisitions to modify systems or documentation. IANZ have indicated the process may take 6-9 months!

I remain concerned that the task confronting IANZ is substantial, that DBH has been slow to recognise that making local authorities jump mountains instead of molehills has been costly, has been disproportionate to what you would expect of a regulatory system, and has placed unreasonable pressure on building control staff. Local Government is being set up to fail and the finger will be pointed at the sector if the 30 November deadline is not met. The consequences of failing to meet this would see the construction industry come to a halt in those areas not achieving accreditation.

4. FERAL CAT DESTRUCTION

The Motueka Branch of the RNZSPCA has written asking for financial assistance to meet the increasing costs they face in dealing with feral cats. I have written back saying we have no funds this year but that I would raise the matter with Council. I will seek further information and raise as part of the Annual Plan round unless Council direct otherwise.

5. PARKING WARDEN ATTENDANCE IN RICHMOND

Representations have been made about the frequency of visits to Richmond by our parking warden. The contract with Control Services requires attendance at least one day a week, the day is unspecified.

6. THE SFF INDEPENDENT AUDIT CONCLUSIONS OF THE WAIMEA WATER AUGMENTATION PROJECT

Ministry of Agriculture and Forestry have conducted an audit of the Waimea water Augmentation Project. Here conclusion is reported below:

“This is an extremely well run project, both at the committee and project management level and has also had a contractor (Tonkin & Taylor) that has maintained momentum of the project through the links and relationships they had developed to deliver the project objectives.

The project may have progressed without Sustainable Farming Fund funding however it is the writer's opinion this would have delayed the programme being undertaken. The Project Committee are to be congratulated on a well run process. The Project Manager has also been excellent, with good processes and recording systems in place. The relationship with other contributors and community has also been important in maintaining momentum of the project. It has been an industrious process.

The project is an excellent model of what can be achieved with the right structure, people and processes in place.”

Joseph Thomas as Project Manager, other Council staff and the Project Committee can be proud of the assessment.

7. RICHMOND WEST UPDATE

The hearing into the residential subdivision application in Richmond West has been set down for 23-29 May 2007. In the meantime submissions on Councils discussion paper on urban development options has resulted in the following being received:

- 126 'individual type' submissions.
- About 1000 typed, unnamed submissions which are all photocopies of four typed, unnamed submissions.
- The Richmond West Group shared the results of their survey with us, including copies of survey responses. They received 1389 responses in total, 73% of which supported their proposal and 26% of which supported the Council proposal.

Regarding the 126 "individual type" submissions received by Council, the tear out return form enclosed in the Council consultation paper:

- Requested a summary indication of support by providing a tick box for 'Yes', 'No' or 'Don't Know';
- Facilitated discussion on the issues by requesting reasons for the answer and asking about the submitter's vision for Richmond West;
- Did not specifically request people to give their names and addresses, although many submitters provided this information.

The tick box results show that of the 126 "individual type" submissions received: 37% support the Council proposal, two of those in part only; 50% oppose the proposal; and 13% do not state whether they support the proposal or not. Also, 17% state they prefer the Richmond West Group proposal to the Council proposal.

A submission issue analysis will be presented to the next Environment and Planning Committee meeting.

8. DEPARTMENTAL PERFORMANCE AND PROGRESS

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

9. "IN COMMITTEE" ITEM – REPORT ON LEGAL PROCEEDINGS

Councillors will receive a verbal briefing on a decision by Nelson City Council granting subdivision consent to the Sutton Family Trust decision. The council sought the imposition of conditions, not all of which were imposed and so now needs to consider its position.

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.

20 March 2007

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

Environment Court Interim decision has been received which allows the appeal, eleven “residential activities” subject to the formulation of conditions to be negotiated between Council and the MVFC. This is to be done by 30 April 2007.

2. **CRT Limited V Tasman District Council RM 060524 RM 060553**
2A **Metlifecare Ltd V Tasman District Council RM 060524 RM 060553**

Metlifecare want to proceed to a hearing but Council is willing to mediate on the CRT appeal with a Court appointed mediator prior to a full hearing. Pre-hearing conference scheduled for 22 March 2007.

3. **Lavery V Tasman District Council (Shuttleworth applicant) RM 060465, ENVC C 0450/06**

Appeal to be settled between the parties, Draft Consent Notice has been received and will be forwarded to the Court for approval soon.

4. **Baigent V Tasman District Council** (Relates to review of eight consents of Baigent, Seifried and Mt Heslington Downs Ltd)
4A **Weingut Seifried Ltd V Tasman District Council** (As above)

Just lodged

5. **Hoddy Development Co Ltd V Tasman District Council RM060538**