

Report No:	REP11-07-04
File No:	L336/1
Date:	1 July 2011
Decision Required	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: 14 July 2011
Report Author: Shelagh Noble, Policy Planner
Subject: **Golden Bay Landscape Project - Report on Process**

EXECUTIVE SUMMARY

This report outlines some changes to the **process** of recognising and providing for the protection of Outstanding Natural Features and Landscapes of the District from inappropriate, subdivision, use and development. The Golden Bay Landscape Project arises from an Environment Court process where Council committee to addressing this matter.

A Working Group has been formed to assist Council with the Landscape Project, and this report explains how it is expected the Group will operate.

Additional consultation is proposed, which will mean extending the time frames in the Project Plan.

RECOMMENDATIONS

I recommend that the Environment & Planning Committee receive the Report, and indicate their support for the Working Group, and the extended time frames to allow for a more extensive consultation process.

DRAFT RESOLUTION

**THAT the Environment & Planning Committee receives the Golden Bay Landscape Project - Report on Process REP11-07-04 and;
Endorses the Terms of Reference for the Working Group and the extended time frames proposed.**

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Report Author: Shelagh Noble
Subject: **The Golden Bay Landscape Project - Report on Process**

1. Purpose

- 1.1 To advise the Committee about progress with the Golden Bay Landscape Project and seek endorsement for the Terms of Reference for the Working Group and a revised time frame for the project.

2. Background

- 2.1 Council received a Golden Bay Outstanding Natural Features and Landscapes Information Report on 27 January 2011 REP11-01-06. That report gives a full background to the history and purpose of the Landscape Project. It also explains the intention to form a Working Group, to act as a sounding board for Council staff as the project continues.

The main purpose of the project is to meet Council's obligations under Section 6(b) of the Resource Management Act 1991, to recognise and provide for the protection of Outstanding Natural Features and Landscapes from inappropriate, subdivision, use and development, in Golden Bay.

3. Present Situation/Matters to be Considered

3.1 Terms of Reference for the Working Group

The Working Group is in the process of establishing and is scheduled to meet on Wednesday 20 July. (This meeting date has been changed from the earlier date of 6 July.)

Council staff have used an email list and a page on Council's web site to keep people informed about the Project. It is intended, following this report, to widen the network through regular communications in the Golden Bay Weekly. Comments received through the web-site and by email have suggested this is the best way to inform the whole Golden Bay community.

Feedback from the email list has raised a number of questions:

- What is the purpose of the Working Group?
- Who is on the Working Group?

- Is this group representative or advisory?
- Are the time frames in the Project Plan (on the Council web site) set in stone?
- Once Council has a “shared view” about which “landscapes” and “features” in Golden Bay may be considered Outstanding, can there be consultation with affected landowners before any formal Plan Change is notified?

In response to these questions, some Terms of Reference have been drafted and circulated to the Working Group prior to being presented to Council and some changes have been made in response to comments made. The draft Terms of Reference are intended to be guidelines, and in fact may well be altered by the Working Group at its first meeting on 20 July. The recommendation in this report is that the Environment & Planning Committee endorse the following draft Terms of Reference.

The Golden Bay Landscape Project Working Group - draft Terms of Reference

Purpose - why has a Working Group been set up?

1. *To represent interest groups and stakeholders and give them an opportunity to have a voice in the identification of Outstanding Natural Features and Landscapes in Golden Bay, as well as in the development / refinement of any relevant provisions in the Tasman Resource Management Plan (TRMP).*
2. *To provide Council staff with a “sounding board” for discussion and advice as the above tasks continue.*
3. *To pursue a collaborative approach to information sharing.*

Functions - what will the Working Group be doing?

The Working Group will be the first point of contact for Council staff in

- *coming to a “shared view” on what are the Outstanding Natural Features and Landscapes in Golden Bay; and*
- *working out what this might mean for affected property owners.*

Membership

Who is on the Working Group has evolved from earlier consultation exercises and suggestions directly from the community. It is not fixed by number or sector, but the following guidelines have been applied:

- *Willingness to work towards an agreed position*
- *Capacity to represent an organisation or sectoral interest or locality*

- *Particular knowledge of Golden Bay landscapes*
- *Some familiarity with Resource Management Act processes and the Tasman Resource Management Plan.*

Current membership on the Working Group is as follows:

Tasman District Councillors Noel Riley and Martine Bouillir

Golden Bay Community Board Chair - Carolyn McLellan

Golden Bay Community Board Resource Management rep - Mik Symmons

Manawhenua ki Mohua

Friends of Nelson Haven and Tasman Bay - Helen Campbell et al

Federated Farmers - Nigel Harwood (NW Coast), Michelle Riley, Graham Ball

Federated Farmers Policy Advisor - Anna McKenzie

Forest and Bird - Debs Martin and Jenny Treloar

Friends of Golden Bay - Andrew Tilling and Joe Bell

Department of Conservation - Stephen Wynne-Jones and Greg Napp

Wild Fishing - Doug Saunders-Loader (Talleys)

Marine and other Farming - Rob Pooley and Tom Sturgess (King Salmon)

Quarrying - Port Tarakohe Limited (Joan or Bob Butts)

Transportation - Merv Solly

Real Estate and Development - Nick Hodgkinson and Tony Reilly

Tourism - to be confirmed

Accountability and Reporting

- *The Working Group has no decision-making powers. Only Council can decide on a final proposal for wider consultation*
- *The Working Group members may be a conduit for information to Council staff, and from the meetings back to any groups they represent*
- *Council staff will summarise the outcomes of a working group meeting and circulate to members for checking, prior to making this information available through the email list, the Council web-site and the Golden Bay Weekly.*

Protocols

How the Working Group will operate may be determined by the group itself at its first meeting. It is suggested that the following guidelines be considered:

- *The “life” of the group may continue until a statutory planning process commences, or otherwise as determined by the group.*
- *Members of the group may bring specialist advisors to a meeting if this is considered helpful to the process*
- *If a member of the group is unable to attend, a proxy may attend in that person’s stead*
- *As attendance of many at the meeting is without remuneration, courtesy shall be extended by giving adequate advance notice of a meeting and a clear indication of the matters to be considered at the meeting.*

3.2 Revised Time Frame for the Project

The dates for presenting a Policy Paper to Council, and for a final Plan Change to be notified are included in the current Project Plan, and these are likely to be exceeded. The reason for this is two-fold.

Firstly, the identification of Outstanding Natural Landscapes and Features has involved extensive research in order to be robust, and Council staff have sought expert peer advice to prepare for the first Working Party meeting.

Secondly, there is a request for wide consultation on the Policy Paper once Council accepts a “shared view” about what is Outstanding (and what this might mean for property owners). This has implications for time frames on this and other projects.

Hence it is timely to inform and seek endorsement from Council for this change to the time frame. While the new timeframe is not consistent with the timeframe agreed with the appeal paths, it still maintains the commitment to act in accordance with the principles of the Memorandum of Understanding. Likely benefits for the Project include more transparency, better communications, and less anxiety within the community at large.

The current Project Plan is on the web site. Following decision on this report the Project Plan time frames will be altered as follows:

Summary Time Frame

Milestones	Date Commenced	Date Completed
Frank Boffa to commence project work	September 2010	January 2011
Stakeholder meeting with mapwork and documentation	9 December 2010	
ONFL documentation and mapwork	October 2010 onwards	September 2011
Community engagement	Commenced 2008 / Working Group commenced July 2011	Ongoing
Environment & Planning Committee Meeting Policy Paper		6 October 2011
Community consultation including affected land owners	October 2011	December 2011
Environment & Planning Committee Meeting Proposed Plan Change for public notification		February / March 2012
Public Notification period	April 2012	May 2012

4. Financial/Budgetary Considerations

- 4.1 There are no direct financial or budgetary considerations at this stage. Costs associated with additional staff time on the project, peer review support and consultation assistance can be absorbed from within current budget lines.

5. Options

- 5.1 There are no options for consideration at this stage.

6. Pros and Cons of Options

- 6.1 Not applicable

7. Evaluation of Options

- 7.1 It is expected that better investigations and consultation at this stage of the project may lead to a more informed Policy Paper, a Proposed Plan Change that is negotiated with the community in advance, a more harmonious dialogue through subsequent submissions, and less likelihood of expensive Environment Court litigation.

8. Significance

- 8.1 This is not a significant decision according to the Council's Significance Policy because it does not meet the criteria in that Policy.

9. Recommendation

- 9.1 It is recommended that the Environment and Planning Committee endorse the draft Terms of Reference for the Working Group on the Golden Bay Landscape Project and also endorse the extended time frames associated with meeting its requirements under Section 6(b) of the Resource Management Act 1991.

10. Timeline/Next Steps

- 10.1 These are outlined in the Table above.

11. Draft Resolution

**THAT the Environment & Planning Committee receives the Golden Bay Landscape Project - Report on Process REP11-07-04 and;
Endorses the Terms of Reference for the Working Group and the extended time frames proposed.**

Shelagh Noble
Policy Planner