

Report No:	REP12-03-11
File No:	S611
Date:	19 March 2012
Information Only - no decision required	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: Thursday, 29 March 2012
Report Author: Phil Doole, Acting Environment & Planning Manager

Subject: **ACTING ENVIRONMENT & PLANNING MANAGER'S REPORT**

EXECUTIVE SUMMARY

This report covers a number of general matters concerning the activities of the Environment & Planning Department.

RECOMMENDATION/S

That report REP12-03-11 be received.

DRAFT RESOLUTION

THAT the Environment & Planning Committee:

- 1. Notes and endorses the submission made on the Kaiteriteri Recreation Reserves Board Draft Management Plan and Development Plan attached as Appendix 2 to Report REP12-03-11; and**
- 2. Receives the Acting Environment & Planning Manager's Report REP12-03-11.**

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Subject: **ACTING ENVIRONMENT & PLANNING MANAGER'S REPORT**

1. WATER METERING AND REPORTING

- 1.1 The Measuring and Reporting of Water Takes Regulations 2010 require consents with rates of taking ≥ 20 litres/sec to meet the prescribed metering and reporting standards starting on 10 November 2012. The regulations apply to freshwater takes only and exclude non-consumptive water permits such as hydropower generation and dewatering activities.
- 1.2 We have recently sent an explanatory letter out to all applicable consent holders with water takes that are 20 litres per second or greater. The letter has also been sent to all of the Water User Committee chairpersons. A copy of the explanatory letter template is attached with this report (Appendix 1), there being three versions to suit the various circumstances - standard; new consents; and takes from storage.

2. MOUTERE SURFACE WATER ZONE RENEWAL OF CONSENTS PROCESS UPDATE

- 2.1 Consents staff are processing 70 water permit applications relating to activities within the Moutere Surface Water Zone (MSWZ). The existing consents expire on either 31 May 2012 or 31 May 2013. Because of the number of replacement applications needing to be processed for the same zone and at the same time, the applicants have agreed to extend the RMA consent processing timeframes relating to their applications.
- 2.2 Currently, applications received are being held until all applications and further information requests are completed. Meanwhile, staff are drafting replacement consent conditions that we propose to apply to the various activities (mainly *take and use water*, but also *damming* and *use of the riverbed*) and will shortly begin the assessment of individual applications.

- 2.3 Applications to replace the 31 May 2012 expiring consents were lodged by MSWZ users the requisite three months prior to their consent's expiry and staff's preliminary assessment is that most, if not all, applications will meet the TRMP requirements so that they can be processed as **Controlled Activities** under the TRMP.
- 2.4 At this stage, the extent to which further information will be requested from other applicants is unclear. Most applicants have supplied complete applications to the extent of a signed and dated application and AEE and most, but not all, have volunteered to install a water meter.
- 2.5 In a number of cases, multiple activities have been authorised under a single expiring consent and, for management and reporting reasons these activities will be granted separate consents for each activity. For example, a single consent may have authorised the *taking and use* for irrigation from the Moutere River and also the *damming* of the river. Three replacement consents are now required under the TRMP rules, including a new *Land Use Riverbed* consent under Part IV of the TRMP. Some issues raised about the deposit fees for multiple consents have been addressed directly with those consent holders.
- 2.6 Councillors are also advised that four consent holders of eight consents in the MSWZ have not taken up the staff request to apply by 28 February 2012 to replace, in their case, 2013 expiring consents. From a consent processing perspective this will be inefficient. However, Council cannot force these users to apply ahead of time. The nine other consent holders with 2013 expiry dates did apply, and all replacement MSWZ consents will be granted the common expiry date of 2028.
- 2.7 At the time of writing, five consent holders have formally surrendered their surface take consents. Two others have advised they are not renewing consents to *take and use* storage.
- 2.8 In due course, it is proposed that all decisions for replacement MSWZ consents will be issued on the same date. Applicants will have the standard right of objection to the replacement conditions including any change to their authorised rates of taking and use of water.
- 2.9 Council's notification on 31 March 2012 of Proposed Changes 35 and 36 to the TRMP is relevant to the MSWZ renewals with regard to the applications for *take and use* from storage (which is proposed to become a permitted activity). There are issues relating to timing and uncertainty as to when the plan provisions will become operative. Staff preference is to continue to process all MSWZ applications under the existing operative rules, to avoid confusion and compliance issues during the interim period.

- 2.10 Twelve water permits in the MSWZ have a 2026 expiry date under the RMA. These consents (and their authorised rates of taking etc) were last reviewed by the Council in 1998 and reductions were made to reflect individual *bona fide* use. As soon as practical, it is proposed that Council staff again review these consents (under Section 128 of the RMA) in respect of their individual *bona fide use* as this enables consistency and integration in water management decision making and, to the extent possible, is fair and equitable to all water users. Furthermore, the staff assessment is that Council can require these twelve water permits to install a water meter pursuant to their consent conditions.

3. KAITERITERI RESERVES DRAFT MANAGEMENT PLAN AND DEVELOPMENT PLAN

- 3.1 In January the Council received a copy of the Kaiteriteri Reserves Board Draft Management Plan and Development Plan. A Council submission has been made and is summarised below:

- Proposed beach access on the northern headland at Little Kaiteriteri would require a change to the Council's Navigation Bylaw as it would affect the current waterski area
- Relocation of the beachfront road and parking between the shops and the inlet bridge would be a major new project that would need to be included in the Council's Long Term Plan unless the Board is prepared to fund it
- Extension of commercial activities south onto an Open Space zone may require rezoning of that area
- Integration of the Kaiteriteri Mountainbike Park and related access and parking with the Riwaka Kaiteriteri Rd is needed
- Moorings in Kaiteriteri Bay are now the responsibility of the Council to administer

A copy of the full submission is attached (refer Appendix 2)

Recommendation

That the Environment & Planning Committee notes and endorses the submission made on the Kaiteriteri Recreation Reserves Board Draft Management Plan and Development Plan attached as Appendix 2 to Report REP12-03-11.

4. RECOMMENDATION

That report REP12-03-11 be received

5. DRAFT RESOLUTIONS

THAT the Environment & Planning Committee:

- 1. Notes and endorses the submission made on the Kaiteriteri Recreation Reserves Board Draft Management Plan and Development Plan attached as Appendix 1 to Report REP12-03-11; and**
- 2. Receives the Acting Environment & Planning Manager's Report REP12-03-11.**



Phil Doole
Acting Environment & Planning Manager

Appendices:

1. Water Meters - Template Letter
2. Council's submission on Kaiteriteri Recreation Reserve Management Plan and proposed Kaiteriteri Recreation Reserve Development Plan

13 March 2012

Dear Sir/Madam

Measuring and Reporting of Water Takes Regulations 2010. Consent <

You are receiving this letter because you are the holder of a permit to take water that is now subject to the Measurement and Reporting of Water Takes Regulations 2010. These Regulations were introduced by Central Government as part of a strategic review of water resources and their management in New Zealand. Council is required to implement the Regulations. To read about the regulations, visit Council's web page <http://www.tasman.govt.nz/link/national-regulation>.

The purpose of this letter is to summarise the implications of the Regulation for you. While this Council already has a water metering regime in place, the Regulation, in some cases, introduces more stringent requirements than existing water permits. The most relevant Regulation requirements for you relate to the type of water meter, installation date, accuracy and verification, and the reporting of water use over a full 12 month period.

Your existing Water Permit: (additional clause inserted for relevant consents)

While the following information about the Regulations now applies to your permit, current Council rules did not previously require takes from storage to be metered and it continues to hold this view. As such, there is a draft Plan change proposed to make takes from storage permitted activities (i.e. no water permit requirement) and therefore the Regulations would not apply. Council will advertise the Plan in March and will be open for public submissions. Council hopes a decision will be available before November 2012. In the interim however, you need to be aware of the requirements under the Regulations.

Type of Water Meter:

The meter must be capable of electronic storage (i.e. a pulse output). As already noted, many permits holders have existing water meters and some may already comply with the Regulations. In this case all that is required is a quick assessment by your service provider and confirmation to Council. However many water meters will not comply and will need to be upgraded or more likely replaced.

Date of Meter Installation:

Where the rate of take is greater than 20 litres per second, a complying meter is to be installed by the permit holder by November 2012. Your permit (consent) is deemed under the Regulations to fall into this 2012 requirement - Council's records show your l/s rate as «LS». If you consider your maximum rate of take is less than 20 l/s you may wish to contact Neil Tyson to discuss the potential of making a variation to your consent to reflect this. If a change to a lesser maximum rate takes place, the meter installation and verification date may defer to either 2014 or 2016.

New Consents: (additional clause inserted for relevant consents)

As the holder of a new water permit (i.e. issued after November 2010) a condition of the permit may have already required a water meter that meets the requirements of

the Regulations and imposed an earlier meter installation date. Please contact Daryl Page if you have any questions.

Accuracy and Verification:

The meter must also be accurate to +/-5%. The Council will need confirmation that your meter is accurate and verified by 30 June in the year following installation, upgrade, or replacement. Council suggests it would be prudent to have the meter verified at the same time as it is installed, upgraded or replaced.

Requirements around the meter accuracy and verification will affect everyone including existing meters that may already comply with the meter type. Accuracy of the meter will depend on the installation and associated headwork e.g. bends and valves close to the meter.

The Tasman District Council has adopted Irrigation New Zealand's Blue Tick accredited meter installers and verifiers. Council will only accept installation and verification certificates from these approved providers.

<http://www.irrigationnz.co.nz/irrigation-industry/water-measurement>

Reporting over 12 months:

The Regulations require the reporting of water use for the whole year i.e. 1 July to 30 June each year. This will affect consent holders who use water beyond the traditional summer season (Nov - April) e.g. industry and frost protection. For these records, water meter returns will be required each and every week of the year.

For the majority of consent holders however, if you tell Council when you cease water use (Feb, Mar, or April), Council can complete the balance of readings using that final reading - in other words a Nil reading through to when you commence irrigation again. Staff are happy to answer questions about the weekly meter reading requirement and how it applies to you.

Future (two way) communication about water use start and end dates, and the need for returns will be important so there is a smooth transition to this new reporting requirement.

Implementation

There are approx 200 permits in Tasman which are authorised to take water at or more than 20 l/s and required to have a complying water meter by November 2012. You are encouraged to start talking with an accredited service provider early, as the ability of those providers to meet demand will be difficult if everybody leaves it until October 2012 to get advice and/or work done.

You are also encouraged, especially through your water user committee, to consider opportunities for bulk purchase or co-ordinated service delivery. Note that Council will not be involved in managing meter purchases or installation.

<http://www.tasman.govt.nz/link/water-user-committee>

While not a requirement of the Regulations, you may also like to consider the installation of a data logger and telemetry equipment to assist your management of water use and ultimately the supply of water use data to Council. The accredited service providers will be able to help you in the decision making process and meeting the requirements of the Regulations.

If your service provider is unable to assist, or is having difficulty applying the regulations to your situation please contact Council.

Yours faithfully

A handwritten signature in black ink, appearing to read "Rob Smith".

Rob Smith
Environmental Information Manager

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Ref: C786; E856; L317

29 February 2012

Secretary
Kaiteriteri Recreation Reserves Board
Box 15
Motueka 7143

Dear Sir/Madam

Thank you for the opportunity to comment on the draft Kaiteriteri Recreation Reserve Management Plan and proposed Kaiteriteri Recreation Reserve Development Plan. As a partner with the Board in the management of Kaiteriteri, the Council commends the Board on preparing the plans and offers the following comments.

1. Beach Access Points - Section 7, pps 19, 20, 27

The high tide access point opposite the existing café and restaurant is formalized in the current TDC Navigation Safety Bylaw and appears to work well for small trailer vessels and larger vessels above mid tide. However the changing sandy sea floor creates issues at lower tides.

The proposed access located off the scenic reserve headland could conflict with the waterski area in the current TDC Bylaw as it lies in an area where legal access is obstructed from seaward when waterskiing is in progress, and partly overlaps an area defined in the TDC Bylaw as prohibited for powercraft. The TDC Harbourmaster agrees that an all tide access, such as the steeper beach identified in the Board Plan would be beneficial to boat users but would require a change to the TDC Bylaw.

There are potential issues at the headland site regarding risk of rockfalls and natural values associated with the scenic reserve.

Time limits for vessels in the beach access areas are supported (p27 para c).

Matters the Board may wish to include in vessel assessment for a concession include vessel colour, signage, width, height, engine or generator noise.

2. Beach Commercial Node - Section 7 pp 24-25

The main beach provides a limited area of sand for the public to enjoy especially at high tide. The amount of space used to lay out kayaks and other craft for hire should be minimised. Vehicles and trailers have the potential to compact and contaminate the sand and may be better located in a storage area associated with the Commercial Zone. They also create glare and dust in summer. It is agreed with specific principle 4 (in the proposed development plan) that passage and storage of boats and trailers should not have priority where they interact with/displace accessible open space above mean high water springs.

It would be helpful to clarify that the Board manages the formed boat ramp and the Council manages the boat access lane (p.24, third to last paragraph KRRMP).

It is inappropriate to state that the water taxis must use the access lanes designated by the Council although it may be appropriate to state that they may only access the beach where it meets these access lanes. Routes of vessels on the water are outside the Board's area of control and hence the scope of the reserve management plan.

3. Commercial Moorings - Section 5 p15 and Section 7.5 p33

Moorings in Kaiteriteri Bay are now the responsibility of the Tasman District Council to administer under the Coastal Plan section Tasman Resource Management Plan. While the Board previously did act as the Council's agent in certain matters such as the authorisation of moorings at Kaiteriteri under the TDC Harbour Bylaw 1994 that is no longer the situation.

It is inappropriate to state that the Board acts as the Council's agent in respect to "managing the occupation and use of authorized moorings. The words "in accord with the Board's bylaws" should be deleted.

The Council appreciates the Board's assistance in deploying seasonal marker buoys, employing a launch warden and providing a patrol vessel.

The provision of policies about moorings (section 7.5.2) is inappropriate in the Board's plan now that moorings are addressed in the Coastal Plan section of the TRMP. The policies could be considered for inclusion in a review of the TRMP provisions.

4. Kaiteriteri Mountain Bike Park and Parking areas - p8, 19

The mountain bike park is an extensive new area to be managed and will provide new opportunities for mountain biking and walking. It would be helpful if the tracking network could be shown on the overall plan for the reserve so that access points to Council roads (Martins Farm Road and Kaiteriteri Riwaka Road) and parking areas are shown. The Council intends to upgrade both roads in its Long Term Plan and some parking may be able to be incorporated in those upgrades. In the interim, the location and formation of any parking areas in areas zoned recreation or conservation (including the threshold area at the top of the hill between Stephens Bay and Little Kaiteriteri) should be discussed with the Council's Consents and Transport managers. The threshold area shown as element 1 in the development plan would need to be integrated with the indicative road proposed in that locality.

5. Relocation of Beachfront Road and Parking between Camp Store and Bridge - proposed development plan

Relocation of the beachfront road (Kaiteriteri Sandy Bay Road) to the estuary frontage and making the existing road in front of the campstore a shared spare would be a major Council project that would need to be included as a new item in the Council's Long Term Plan unless the Board is prepared to fund the project. The Council will be consulting on its Long Term Plan at a meeting to be held in Motueka on 20 March.

6. Extension of Commercial Activities South of Inlet Road - proposed development plan

The “booking area” node with the current kiosks shown on Figure 4 has been consolidated into two larger permanent buildings in the proposed development plan. The current zoning of the area in the Tasman Resource Management Plan is Open Space Zone so it may be appropriate to consider a change of zoning if permanent commercial buildings are proposed there. The area between the estuary and the main beach is quite low lying (under 3.5 metres above mean sea level) so minimum building floor levels would be required to address future sea level rise issues.

7. Landscape and Planting - proposed development plan

To complement the important natural landscape setting, the Council supports ecological restoration of the estuary edge. The main beach planting could also relate more to the natural setting and the reserve plantings at Little Kaiteriteri.

8. Bethany Park Locality Connection

The Council supports improved pedestrian access between the Bethany Park locality and the Board’s beachfront camping and recreation area. Some works to improve pedestrian and traffic safety are included in the Council’s Long Term Plan.

9. Water Conservation

The Council supports the Board in its efforts to conserve water at Kaiteriteri (Section 1.7 p.41 KRRMB). However the statement about boat washing is ambiguous and it may be clearer to make the underlined words a separate statement:

2) No person shall use water within the campground for washing down any boat, car or boat trailer

The Council would like to be heard on this submission.

Yours sincerely



Dennis Bush- King
Acting Chief Executive