

Report No:	REP12-08-11
File No:	S611
Date:	30 July 2012
<b>Decision Required</b>	

## REPORT SUMMARY

**Report to:** Environment & Planning Committee  
**Meeting Date:** Thursday, 9 August 2012  
**Report Author:** Dennis Bush-King, Environment & Planning Manager  
**Subject:** **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 REP12-08-11 be received.

### DRAFT RESOLUTION

**THAT the Environment & Planning Committee receives the Environment & Planning Manager's Report REP12-08-11.**

Dennis Bush-King  
**Environment & Planning Manager**

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## **1. Water Metering Regulations**

1.1 Within the agenda is the Water Metering Project Report and while an update regarding implementation of the Measurement and Reporting of Water Takes Regulation 2010 is provided, the first critical date to note is 10 November 2012. Staff have written to those consent holders affected and included advice on transitional and long term options available to them under amendments to the TRMP. We have also made clear the Council's stance on existing meters. Some water users have already contacted Council staff/Councillors regarding the implementation of the Regulations.

## **2. Resource Management Act Review - Phase 2?**

2.1 At nearly 21 years old the Resource Management Act is likely to undergo another update. The Government has received advice from the Principles Technical Advisory Group ("TAG") which was asked to focus on the review of sections 6 and 7 of the RMA.

The key changes proposed by the TAG to Part 2 of the RMA are:

- consolidation of sections 6 and 7 into a single section;
- reclassifying the new section 6 matters as "sustainable management principles" rather than matters of national importance and other matters;
- a requirement to recognise and provide for the matters identified (and deletion of reference to protection, preservation and maintenance and enhancement);
- specific recognition of an overall broad judgment in terms of section 6 and 7 matters rather than a hierarchy of matters;
- inclusion of reference to biodiversity, the management of natural hazards, economic, urban and infrastructure issues, and taonga species;
- new definitions of various terms including a requirement for areas of significant indigenous biodiversity, terrestrial and aquatic habitats and outstanding natural features and landscapes to be specifically identified in plans;

- a new section 7 relating primarily to process issues but also requiring local authorities to:
  - achieve an appropriate balance between public and private interests; and
  - have regard to any voluntary form of environmental compensation or offsetting which is not encompassed by section 5(2)(c).

As would be expected the TAG's recommendations have been met by criticism both from those who think it has gone too far and risks undermining the sustainable management purpose of the Act, as well as from those who think it does not go far enough in rectifying the vague language in the RMA which some say suppresses growth. The proposed changes have been met with some approval by business, industry and infrastructure interests.

The loss of active terminology such as "preservation", "protection", "maintenance" and "enhancement" may be a cause of debate but what the TAG is seeking to do is to confirm that RMA decision makers take an "overall broad judgement" approach and that no one aspect of the "environment" can always be preserved or protected over other elements. The removal of these outcome statements means that, in the absence of national policy statements, it will be a case by case assessment of their relevance. To this end the new principles are perhaps misnamed!

The Executive Summary is attached as Annex 1.

### **3. Rural Land Use and Subdivision Project**

- 3.1 The rural policy review is currently assembling and examining the data on the actual pattern of change in rural subdivision, residential and other built development across the rural area, together with land use change effects. Rather than relying on anecdote and assumptions, staff are working to establish an evidential basis to support the analysis. We are looking to have information on land use change patterns and how these have been influenced (or not) by the current suite of policies and rules. Work in train will help in future monitoring, and will help establish where the Plan and consent decisions are resulting in intended or unintended patterns of development. Given other project commitments the discussion of issues and options is expected early 2013.

### **4. Legal Proceedings**

- 4.1 On the 16 July 2012 the Environment Court granted in favour of the Council all enforcement orders sought against Jager and Droppers in relation to the unauthorised residential activities and dwellings on their property in the Motueka Valley. These orders were subsequently served on the respondents on 30 July and they now have until the 30 August in which to comply.

Interestingly in granting the orders the Judge took the time to summarise in depth the behaviour of the respondents in relation to the proceedings. He also allowed the Council to seek an order for costs which has now been lodged in an application to be considered. It is now up to the respondents to comply with this order by the deadline or face additional actions.

## 5. Regional Council Dairy Audit

5.1 We recently participated in a regional council compliance audit of dairy effluent discharge management. For Councillor’s information below is a summary of how dairy effluent discharges are managed in terms of activity status.

Council	Discharge to Water	Discharge to Land
Tasman	Discretionary (7 remain - of which 5 are dual systems)	P/A (136 farms)
Marlborough	None remain. Discretionary	P/A excluding the Awatere catchment (controlled)
West Coast	Discretionary	R/C required for Brunner catchment. P/A everywhere else.
Canterbury	Prohibited	Controlled
Otago	Prohibited	P/A
Southland	Prohibited	Controlled
Northland	Discretionary	P/A
Auckland		
Bay of Plenty	Discretionary (sml number (10% of farms) direct to water - most are ‘soakage’ systems - is this a PC word for “unsealed pond”??	Controlled
Horizons	None remain. Discretionary	Controlled
Taranaki	Discretionary (900 farms) a further 145 farms have dual system - relative consents have land and water conditions)	Controlled
Hawke’s Bay	Prohibited	Controlled and discretionary in sensitive catchments.
Wellington	Prohibited	Controlled

3.2 The issue of prior notification of farmers took place and a range of approaches are in place. We maintained our position of giving prior notice is appropriate (although we do reserve the right to enter unannounced to detect serious breaches). For the record, the following table records the approach adopted by regional councils:

<b>Council</b>	<b>Notification</b>
<b>Tasman</b>	0-24hrs. cold calls for farmers that have had any n/c in last five years, f/c get 24 hours.
<b>Marlborough</b>	Send out pre-inspection letter - opportunity to make appointment
<b>West Coast</b>	Usually 24 hours
<b>Canterbury</b>	5-15 minutes
<b>Otago</b>	No notification
<b>Southland</b>	No notification
<b>Northland</b>	No notification
<b>Auckland</b>	1-2 days
<b>Bay of Plenty</b>	No notification
<b>Horizons</b>	24 hours
<b>Taranaki</b>	No notification
<b>Hawke's Bay</b>	Night before of morning of
<b>Wellington</b>	No notification

## **6. Heritage New Zealand Pouhere Taonga Bill**

6.1 The Government is replacing the Historic Places Act 1993 with the Heritage New Zealand Pouhere Taonga Bill. It seeks to modernise the regulatory framework for archaeological heritage, and improve the balance between heritage interests, private ownership interests and economic development objectives.

Specifically the Bill:

- clarifies the purpose of the Trust, by reforming its governance arrangements, focusing the organisation on its regulatory functions, and re-naming it Heritage New Zealand Pouhere Taonga;
- reforms archaeological consenting, to improve the efficiency and transparency of the consenting process
- reduces the maximum timeframes to process consents, aligning them with relevant timeframes for progressing resource consents under the Resource Management Act;
- provides a simplified application process for proposals that have only a minor effect on archaeology;
- requires Heritage New Zealand to consult on and publish its policy for administering the Act's archaeological consenting processes;
- establishes a separate emergency authority process, which was agreed following the September 2010 Canterbury earthquake.

Staff prepared a brief submission which is attached for Council endorsement if agreeable (Annex 2).

## RECOMMENDATION

**THAT the Environment & Planning Committee adopts the submission the Heritage New Zealand Pouhere Taonga Bill outlined in Annex 2 to Report REP12-08-11.**

### 7. TRMP Changes Operative

7.1 Two further proposed changes to the TRMP are now final or beyond challenge, following the notification of decisions versions with no appeals, or the resolution of appeals where there were some. These are:

Change 20 Richmond East Development Area (two minor appeals; resolved)  
Change 25 (previously Variation 67) Management of greywater discharges to land

These changes can now all be approved by the Committee to become operative changes at the notification of the next update, scheduled for 18 August.

## RECOMMENDATION

**It is recommended that the Committee approve proposed Changes 20 and 25 to the Tasman Resource Management Plan under Clause 17 of Schedule 1 RMA to commence as operative changes under Clause 20 at notification of Update 44 of the Plan, expected to be 18 August 2012.**

### 8. Regional Pest management Strategy

8.1 Twenty four submissions were received by the closing date on the proposed Regional Pest management Strategy. In due course these will be heard by the Joint Committee with Nelson City with decisions being reported back to Council for approval.

### 9. Action items

9.1 Annex 3 updates Councillor on action items from previous EPC meetings.

### 10. Draft Resolutions

**THAT the Environment & Planning Committee receives the Environment & Planning Manager's Report REP12-06-09.**



Dennis Bush-King  
**Environment & Planning Manager**