



## STAFF REPORT

**TO:** Environment & Planning Committee

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

**REFERENCE:** S611

**SUBJECT:** **MANAGER'S REPORT– REPORT EP07/05/12** - Report Prepared for 9 May Meeting

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### 1. STAFFING

We welcome Kim Morris to our building Control team as a new Building Consent Officer and Deborah Hewitt has been appointed to take over Sonya Leusink's Policy Planner position. We are recruiting for a replacement Consent Planner - Subdivision.

### 2. LEGAL PROCEEDINGS

No appeals have been lodged in respect of application decisions since last report. The current schedule of consent appeals is listed in Annex 1.

However there have been other legal matters to attend to: enforcement order proceeding against the Council in respect of allegedly refusing to provide information; judicial review proceedings in relation to a decision to accept a water permit application; enforcement proceedings and a declaration in respect of the red shade cloth issue; as a result of discussions a guilty plea is expected to be entered in respect of a prosecution for unauthorised discharge.

The long awaited High Court case on aquaculture, both the appeal against the Environment Court's decision and a declaration about allocation of sea space to Maori, will commence 23 May.

### 3. BUILDING ACT - ACCREDITATION

Our (preliminary) application for accreditation was lodged 13 April and a preliminary response has been received and staff are working through appropriate changes. Following discussion about the accreditation process at the last meeting a letter was sent to the Minister for Building Construction and is attached as Annex 2. No response has been received at date of writing this report.

### 4. ANNUAL CHARGES FOR LOG FIRE PERMITS

Variation 51 now requires consent for compliant log burners within the Richmond airshed. This will in turn led to annual charges being incurred by consent holders. As with the current exemption for domestic waste water systems, staff consider any discharge consent for a log burner should be exempt from annual charges.

## **Recommendation**

**That the Committee agrees to exempt holders of discharge consents for domestic log burners from annual charges.**

### **5. MARITIME INCIDENT REPORT**

Council's harbourmaster had to respond to an oil spill alert involving the sinking of a 45 foot vessel at Boundary Bay on 29 April. Light diesel and small quantities of heavy engine oil were appropriately managed and the vessel was eventually salvaged. Costs will be recovered from the MNZ Oil Spill Contingency Fund.

### **6. "PROTECTING OUR PLACES"**

Central government has decided not to proceed with a National Policy Statement on biodiversity protection on private land. However the Ministers of Conservation and the Environment have released a Statement of National Priorities for protecting rare and threatened native biodiversity on private land (see Annex 3). Our Council is currently working on a process of identifying and protecting significant natural areas using a voluntary approach with landowners. This Statement can assist by identifying the areas that are most in need of protection while allowing flexibility in how this is achieved. We can also use the Government's priorities in seeking biodiversity Funding Assistance!

### **7. WEATHERTIGHT HOMES RESOLUTION SERVICE**

A new tribunal came into existence on 1 April to deal with weathertight claims. We currently have four active claims in Tasman with one expected to be withdrawn which will transfer to the new jurisdiction.

### **8. SALE OF LIQUOR FEES**

The Government has made a slight concession in favour of local government in amending the Sale of Liquor Regulations. Local authorities now have to remit a smaller proportion of the fees to Government. It means that for a manager's certificate which is \$132.00, we now remit \$21.00 instead of \$42.00. If applications are processed at the same rate as the 2005/2006 year this will result in around \$13,000 extra in income annually. The fees were last changed in 2000.

### **9. SPEED LIMIT ON BEACHES**

The Golden Bay Community Board has again requested the Council to impose a speed limit equivalent to the 5 knot inshore sea limit on beaches. Board members wish to be present for any discussion.

The Committee has dealt with this matter most recently in October 2006 and the Committee gave no direction to pursue this proposal. Staff advice at the time, and still, is that we have neither the equipment nor manpower to police speed limits, signage would not be easy to install or maintain. Even if there was a blanket speed restriction on all land seaward of MHW, enforcement would be difficult. Staff will need direction as to how to respond to the Community Board.

## 10. DEPARTMENTAL PERFORMANCE AND PROGRESS

I will report to the meeting the March statement of accounts if there is anything further to the discussion at Council meeting on 3 May.

In relation to programmed work Councillors would have notice that arrangements are well in hand for the unwanted agrichemical collection and it is clear that with over 200 farms having submitted details so far that demand may exceed our capability to deliver within budget. Challies Island gravel extraction is at long last underway.

## 11. 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.**

**30 April 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)**
- 5. Hoddy Development Co Ltd V Tasman District Council RM060538**