



STAFF REPORT

TO: Environment & Planning Committee

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

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT– REPORT EP07/06/08** - Report Prepared for 20 June Meeting

1. LEGAL PROCEEDINGS

Two appeals have been lodged in respect of application decisions since last report. They were lodged by Iannuzzi and Kelly in respect of a subdivision by Pollock and Meijer in Motueka Valley and Transit New Zealand in relation to the Tasman Limited subdivision at Stringer Rd. The current schedule of consent appeals is listed in Annex 1.

A number of other proceedings are before the Courts

- Enforcement Order against Council by Wakatu Incorporation on release of information under section 35 of the RMA – to be dealt with week of 25 July
- Enforcement Order against Council by Tasman Action Group in relation to red shade cloth. First part of proceedings to be dealt with week of 25 July
- Declaration by D Mitchell over what activities are permitted in the Recreation zone – to be dealt with week of 25 July
- Judicial Review proceedings instigated by Wakatu incorporation over the acceptance of TDC's water take application under section 88(3) of the RMA and an alleged breach of contract regarding the supply of information.
- The High Court appeal against an Environment Court decision on marine farming applications and a declaration concerning the Maori Fisheries Settlement legislation as it affects marine farming applications was adjourned – no new date has been fixed.

The Special Tribunal hearing into the second amendment to the Buller River Water Conservation Order has finished and we now await the decision. It was held over three weeks!

We have received good news from the Environment Court on two matters. The Council's decision on the Grey reference regarding zoning in Brightwater was upheld. The Court has also imposed a fine of \$13,500 plus costs on B Page, a Golden Bay dairy farmer for unauthorised discharge of dairy effluent (over a two month period). Case notes can be forwarded to those interested once they are to hand.

2. BUILDING ACT - ACCREDITATION

We received a response from IANZ, the government appointed accreditation body, to our 13 April application for accreditation on 18 April. This sought clarification and further explanation on a number of matters. Where we could agree with the request changes were made but there are some areas where we feel an on-site discussion would be more fruitful. We await advice as to when the 'pre-assessment' visit will take place.

We received a letter back from the Minister for Building and Construction in response to the Mayor's letter of 2 April (see Annex 2).

3. AIR QUALITY UPDATE

The State of the Environment report for air quality is about to go on the TDC website. This is the second in a series of themed reports and follows recent advice to Council. Monitoring for this winter so far (at time of writing that is) has recorded only one exceedance of the national air quality standard. We also have installed our air quality survey unit in Brightwater for this winter to see if there are any issues and a camera is installed on the hill behind Richmond (in association with NIWA) so that we can monitor the inversion layer and have a near real time view of Richmond on the web. The height of the inversion layer is important for any future modelling work on air quality.

4. AGRICHEMICAL COLLECTION

The response from the agchem collection has been overwhelming and we have more unwanted chemicals than we have funding from MfE for its disposal this year. Not only did more farms than estimated respond but the numbers of people bringing product to our four advertised weekend collection points, also exceeded expectations. We are having to write to those 214 farms we have not collected from to ask them to safely store the material until we can negotiate extra funding from MfE for its disposal. We have collected the more remote areas (Murchison, Tapawera, Golden Bay) with the funds available with those areas closer to Council facilities still to be collected. These include Motueka, Riwaka, Upper and Lower Moutere, Wakefield, Brightwater, Mapua and around Richmond farms. We estimate that we could end up with 16.5 tonnes extra if we collected all material. There are financial and other liabilities if we did the full collection and could not safely dispose or store the chemicals. We have tried to see if we could divert some of the excess to other regional collections but it seems other regions have experienced similar responses and there is no spare capacity. We are taking the matter up with MfE in conjunction with other regional councils.

It raises the question as to whether we should make an annual allocation for this type of work (say \$10,000) rather than leaving it every ten years! Overall it was a very good response and staff efforts have been appreciated.

5. **TIAKINA TE TAI AO – DUST SUPPRESSION CONCERNS**

We have received a request from Tiakina Te Taiao to “investigate alternatives for dust suppression and ban the application of oil (on roads) in Tasman District. Tiakina point out that other regions have prohibited the use of oil for dust suppression. Currently we permit consents to be obtained and conditions to minimise any adverse effects on the environment are imposed. The cost of processing the consents does exceed the application fee so there is an administrative cost to the rate payer under the current arrangements. Councillors have previously addressed this issue and in answering Tiakina I seek direction that the status quo remains.

6. **BIOSECURITY NEW ZEALAND DISCUSSION PAPER ON LEG TRAPS**

BNZ have released a discussion paper on the sale and use of leg hold traps. Staff prepared comments by closing date on 8 June. The submission is attached as Annex 3 for Councillors information or endorsement.

7. **SALE OF LIQUOR AUDIT**

As District Licensing Agency under the Sale of Liquor Act, we have recently been audited. While some matters have required our attention, including us using updated license templates issued by the Ministry of Justice, we are happy with the results. The audit noted that our inspector reports were excellent.

8. **DEPARTMENTAL PERFORMANCE AND PROGRESS**

The April accounts have been circulated to Councillors. I will speak to these at the meeting. Output 1, Resource Policy will be in deficit because of extra legal and consultant costs. Output 3 will be overspent also because of legal and consultant costs and our recovery is unlikely to achieve 100 percent of budget. Output 32, Regulatory shows both costs and income above budget.

Challies Island wetland / gravel extraction work is complete for this year and the monitoring of the groundwater is due to start now that the excavation is to below groundwater level. If Councillors wish a site visit could be arranged. At the time of writing the Dovedale bore is below 350 metres and still in Moutere gravels. A separate report will be submitted when drilling is complete.

Council has been working with NIWA to get a monitoring buoy installed in Golden Bay (deployed Sunday, 3 June). This will assist with monitoring land use effects and aquaculture and for refining current models and remote sensing work funded by FRST. Council obtained \$20,000 from Envirolink to put towards the project.

9. **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.

27 March 2007

1. Stephen Tate (Marahau Valley Farm Community) V Tasman District Council RM040763 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 was to be done by 30 April 2007 but is still in the process of negotiation.

2. CRT Limited V Tasman District Council RM060524 RM060553 ENV-000445

2A Metlifecare Ltd V Tasman District Council RM060524 RM 60553-ENV-000446

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. Timetable for evidence has been issued, all evidence to be lodged by 20 July 2007.

3. Baigent V Tasman District Council (Relates to review of eight consents of Baigent, Seifried and Mt Heslington Downs Ltd)

3A Weingut Seifried Ltd V Tasman District Council

Environment Court assisted mediation held 11 June. Not yet settled but close.

4. Hoddy Development Co Ltd V Tasman District Council RM060538 ENV CHCH 07-000071

Environment Court assisted mediation held 12 June. Not yet settled but close

5. E Iannuzzi and J Kelly V Tasman District Council RM060967 RM 060968 (Applicant Pollock and Meijer)

Just lodged

6. Transit New Zealand V Tasman District Council RM060737 (applicant Tasman Limited)

Just lodged