



STAFF REPORT

TO: Environment & Planning Committee

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

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT– REPORT EP07/08/17** - Report Prepared for 23 August Meeting

1. LEGAL PROCEEDINGS

We have received an appeal on the Brooke Estate and Richmond west subdivision proposals. Appendix 1 details the status of current consent appeals.

The status of other proceedings, not related to plan references, but before the Courts are as follows:

- The Environment Court has upheld Council's interpretation of the TRMP in relation to structures using red shade cloth. The second part of the proceedings, an enforcement order against the structures on the grounds they breach s 314 of the RMA are set down for the week of 27 August. Council has been withdrawn from these proceedings following the decision on plan status.
- Declaration by D Mitchell over what activities are permitted in the Recreation zone is set down for week of 27 August
- Judicial Review proceedings instigated by Wakatu incorporation over the acceptance of TDC's water take application have been set down for week of 17 September. The plaintiff has submitted amended proceedings and now also challenging the decision to notify Council's own application. The alleged breach of contract regarding the supply of information is following a separate and longer pathway.
- The High Court appeal against an Environment Court decision on marine farming applications and a declaration concerning the Maori Fisheries Settlement legislation as it affect marine farming applications was adjourned – a judicial conference is scheduled for 23 August.
- We have been served papers advising that a case before the Weathertight Homes Tribunal is to be transferred to the High Court.

The Special Tribunal established to consider an application by Fish and Game has released an interim decision recommending in favour of a change to the Buller River Water Conservation Order. The Environment Court has also released its decision declining the application by Majac Trust to do likewise.

2. COUNCILORS AS COMMISSIONERS

Between the local authority election date and the swearing in of new Councillors, consent hearings will have to be scheduled. The convention has been for the outgoing Councillors to be appointed as Planning Commissioners under Section 34 of the Resource Management Act. This has proved to be administratively convenient and it is proposed that this happen again.

RECOMMENDATION

It is recommended that in accordance with section 34 of the Resource Management Act 1991, the existing Councillors be appointed as Planning Commissioners to hear and decide on resource consent applications as necessary.

3. BUILDING ACT ACCREDITATION

The Government has introduced amending legislation extending the date by which Council's have to receive accreditation as Building Consent Authorities. The backlog of agencies awaiting visits, including Tasman although we have our first visit on 14 August, is obviously a concern. It is our intention however to keep up the momentum and would wish to be ready by the original date.

4. WAIMEA WATER AUGMENTATION – PROJECT REVIEW

Environmental Science and Research Ltd has conducted a FRST funded evaluation of the Committee process used in overseeing the Waimea Water Augmentation process. The purpose of the report was to provide an historical account of the process used but also to identify the "success factors" that can be used in promoting similar project nationwide. It was a very complimentary evaluation. Copies have been made available to WAAC members and can be made available to Councillors on request.

5. RECOMMENDATION

It is recommended that this report be received.



D C Bush-King
Environment & Planning Manager

This is a list of the consent appeals and their status at this point in time.

14 August 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**

Set down for hearing week of 24 September 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**

Consent Order achieved.

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

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

7. **Brooks Estate V Tasman District Council RM060967 RM 060968 ENV-07-CHCH 000157**

Just lodged

8. **Richmond West Group V Tasman District Council RM041079, RM050730, RM050718, RM050719, RM050720, RM050721**

Just lodged