



## STAFF REPORT

**TO:** Environment & Planning Committee

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

**REFERENCE:** S611

**SUBJECT:** **MANAGER'S REPORT- REPORT EP08/03/09** - Report Prepared for 4 March Meeting

---

### 1. BUILDING ACT ACCREDITATION

We have been visited by the Building Act Accreditation Body appointed by the Minister of Building and Housing and while we have received 10 corrective actions they are fairly straight forward. The main one is to achieve "substantial compliance" with the statutory timeframes. This we are attending to through refining our systems and additional resources. The good thing to note is that we do not require a revisit.

Because of industry feedback about delays we have written an open letter to builders trying to explain the situation and will arrange an industry meeting when Phil Hilleard's replacement comes on board.

The Committee should also note that new Regulations have been passed and come into effect on 1 July 2008 giving warranted enforcement officers the power to issue infringement fines for specified breaches of the Building Act. We will use Council's Enforcement Protocol to guide staff in the use of this power.

### 2. PUBLIC HEALTH BILL

Attached as Appendix 1 is the submission made in respect of the Public Health Bill for receipt.

### 3. AFFORDABLE HOUSING BILL

Attached as Appendix 2 is the submission made in respect of the Affordable Housing Enabling Territorial Authorities Bill for receipt.

### 4. NZPI CONFERENCE

The New Zealand Planning Institute annual conference this year is to be held in Greymouth from 2-4 April. There is a special session for Councillors on the afternoon of Wednesday 2 April. In the past Tasman Councillors have taken the opportunity to attend subject to the Mayor's agreement. I will bring the programme to the meeting in case there is interest.

## **5. AQUACULTURE DECISION**

Attached as Appendix 3 is preliminary evaluation report made by the Chief Executive of the Ministry of Fisheries on the interim AMAs in Tasman and Golden Bays. There is also a more substantial report for viewing. The indication is that only 108 hectares out of 2109 hectares (5%) will be approved unencumbered for marine farming. 554 hectares (26%) of space offshore of Pakawau is to be declined as AMAs. The balance (1447 hectares or 69%) is to subject to a reservation on the grounds that there is an effect on commercial fishing, either scallops or snapper fishery. What this means is that where no agreement is reached within six months of the final decision between the quota holders and prospective marine farmers any or all of the balance of the interim AMAs will lapse.

If this should be the outcome, it would signal a gross waste of time money and effort expended over the last 15 years to try and get more aquaculture into Tasman. The Minister's media release accompanying the decision suggested "better planning" would have yielded a different result. Unfortunately this statement overlooks the complicated process we have had to work under, including the Environment Court who having heard a lot of fishery related evidence had to ignore it. It is also apparent that Ministry of Fisheries has commissioned new research not previously available to us about phytoplankton flows in Golden Bay. Without committing more expenditure we are not in a strong position to challenge this and any response to the preliminary evaluation can only test the logic and internal consistency of the evaluation.

The strong arguments about the fact that we have been through a tortuous and costly process to date, that the returns and likely economic benefit from marine farming outstrip scallop and wet fishing, that "property rights" under the quota system were not an absolute guarantee (not to space at least), are not matters that seem to be able to be taken into account in this part of the process. Add to this the fact that litigation is still likely, that allocation to Maori still has to be sorted out, there is still a lot of uncertainty around what space will become available and when.

Parties have until 16 April to comment on the preliminary evaluation. Whether there is a role for Council to be further involved or whether the parties would want to meet together or just with Council and whether they would be in able to disclose their likely positions are matters for discussion and may dictate our preferred approach.

The good news is that consent has been granted to the Ringroad Consortium for a potential area of 598 hectares of space for marine farming in two of the Deemed AMAs in Golden and Tasman Bay; there which will be an initial 150 hectares occupied and monitored before further uptake. We are still waiting for final decisions on a further 610 hectares and we still have the areas available for spat catching on a seasonal and rotational basis.

## **6. DOG CONTROL AMENDMENT BILL**

Attached as Appendix 4 is the submission made in respect of the Public Health Bill for receipt

## **7. CHALLIES ISLAND GRAVEL EXTRACTION**

It is opportune to arrange an inspection of the good progress that has been made on the gravel extraction/wetland development site if there is Councillor Interest.

## **8. RECOMMENDATION**

**It is recommended that this report be received.**



D C Bush-King  
**Environment & Planning Manager**