

STAFF REPORT

TO: Environment & Planning Committee

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

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT- REPORT EP09/04/11** - Report Prepared for Meeting of 23 April 2009

1. AQUACULTURE DECISIONS

Councillors will recall that the Chief Executive of the Ministry of Fisheries has made decisions on the Aquaculture Management Areas in Golden and Tasman Bay, albeit at a reduced scale from that approved by the Environment Court (see Annex 1). The decision was to make a number of the subzones subject to a reservation in recognition of commercial fishing interests. Four sets of proceedings have been received both appealing and/or seeking a judicial review of the decision, three from aspiring marine farmers and one from Challenger. Where an appeal is lodged we have been cited as second respondent (because we requested the decision (but only because we had to in terms of the law). It is not expected that we will need to take a very active part in this case.

2. ABEL TASMAN NATIONAL PARK MANAGEMENT PLAN

We have received a copy of the reviewed plan which has been approved by the New Zealand Conservation Authority.

The park is separate from the adjoining Abel Tasman Foreshore Scenic Reserve, but the management plan for the park may have implications for the management plan for the reserve.

The National Park Management Plan divides the Park into three management areas: coast, interior, and islands.

The major feature of the coast section is the coastal track. The management plan identifies limited coastal access points for commercial services bringing people to the park, at Totaranui, Onetahuti, Bark Bay, and Anchorage. These locations have suitable toilet facilities for the numbers of people crossing these points. This policy of limited access points has implications for the joint Council – DoC Foreshore Reserve Management Plan, as park visitors delivered by boat need to cross the reserve to reach the park.

There is a requirement for concessions for commercial activities in the park, such as guided walks. This will also apply to commercial activities to, on or across the foreshore reserve.

For the interior, the plan supports Council policies to protect the landscape values of the Takaka Hill area. It proposes allowing mountain bike use of the Gibbs Hill track between Totaranui and Wainui Bay between May and October, as a trial. Year-round mountain bike access from Canaan onto the Rameka Track is proposed. The use of farm tracks at Awaroa for mountain biking will also be investigated.

Access to the islands is generally limited. Exceptions are Adele and Fisherman's islands, where the Department will consider the need for toilets and the possibility of forming a track to a lookout point on Adele Island.

3. NATIONAL ONLINE BUILDING PROJECT

Over the last year or so the Department of Building and Housing (DBH) has been investigating the potential introduction of online technology to the building consent process. This work has been undertaken as part of a wider range of initiatives to streamline the consenting process and reduce costs for both councils and consent applicants and allegedly follows conversations with a number of council chief executives about the feasibility of taking a national approach to investment in smarter technology.

As part of constructing a business case the DBH has sought feedback. The principal features of the proposed system are as follows:

- It will be a standard operating system that will receive all building consent applications electronically.
- All consent applications will be processed on the system and not on individual local authority platforms.
- Consent processing will still be done by staff in the Building Consent Authority (BCA) where the building work is to be undertaken.
- Consent processing can be undertaken by other BCAs in situations where workloads exceed BCA capacity or where specialist knowledge is required (arrangements up to individual councils).
- Communications with applicants will be electronic (email, text message, etc).
- The system will offer "end to end" processing from receipt of the building consent application through to building inspections and issuing of Code Compliance Certificates.
- The system will integrate with council IT systems, particularly the property database, GIS and finance systems.
- It will include a national building product database.

While there are some features of the proposal which have merit we consider the imposition of such a system will carry extra costs for council's and applicants, including a proposed \$144 (plus GST) surcharge on consents. A copy of our covering letter attached to a questionnaire survey is attached for Councillor's information (see Annex 2).

4. ANIMAL HEALTH BOARD ANNUAL REPORT

We have received the 2008 Annual Report from the Animal Health Board. The good news is that the number of herds on movement control fell from six to three as at 30 June 2008. Even better, this figure is now down to two as at 1 March 2009.

A number of regional councils are intending to reduce their funding assistance as the AHB moves to introduce a new national strategy. I have indicated that Tasman continues to be supportive of the programme and the protection it provides to the rural economy. I expect there will be further debate at the next Regional Affairs Committee meeting.

5. SUBMISSIONS TO GOVERNMENT BILLS

Submissions have been lodged on behalf of Council in respect of two recent bills, the Aquaculture Legislation Amendment Bill No 2 and the Resource Management (Simplifying and Streamlining) Amendment Bill. These are attached as Annexes 3 and 4 for noting or receipt as Council wishes.

6. TREATY SETTLEMENT – TOP OF THE SOUTH

Councillors have previously received information on the settlement agreements signed by the Government and Top of the South iwi. I have chosen to report on this because included within the terms of agreement are proposals to establish what are called “Statutory Acknowledgements”. Statutory acknowledgements are statements which detail areas and resources of particular significance to tangata whenua. Local authorities when making decisions on whom to involve in resource consents and hearings must consider them.

In essence, a statutory acknowledgement requires:

- Councils to forward summaries of all relevant resource consent applications to the relevant claimant group governance entity
- Councils to have regard to a statutory acknowledgement in forming an opinion as to whether the relevant claimant group may be adversely affected in relation to resource consent applications concerning the relevant statutory area
- Councils to attach, for public information, a record to all regional policy statements, district plans, and regional plans of all areas affected by statutory acknowledgements

None of the requirements limit or affect Council’s existing obligations under the RMA. Statutory acknowledgements can be used in submissions to consent authorities, the Environment Court and the Historic Places Trust, as evidence of a specific claimant group’s association with a statutory area.

Those resources and features within Tasman District include:

- Lake Rotoiti
- Lake Rotoroa
- Kaiteriteri Scenic Reserve

- Farewell Spit
- Southernmost part of Te Tai Tapu Block
- Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet) Wildlife Reserve
- South of Ligar Bay, Abel Tasman Monument in the Abel Tasman National Park
- Parapara Peak
- Pukeone (Mt Campbell)
- Wharepapa (Mt Arthur)
- Waimea River (including Wairoa River and Wai-iti River as its tributaries)
- Motueka River
- Takaka River
- Aorere River
- Riwaka River and Resurgence
- Patarau River
- Anatori River
- Motupiko River
- That portion of the Buller River not within the Ngāi Tahu takiwā

While some of the above list is within the conservation estate there will need to be discussions with iwi over the spatial extent of some of the descriptions to ensure we do not miss something out.

We are obliged to respond to Ministry for the Environment which is required to report annually to Government on how statutory acknowledgements are dealt with.

(Refer to Report EP09/04/13 – Part IV TRMP - in this agenda as well)

7. COASTAL HAZARDS STUDY

NIWA are undertaking research jointly with GNS Science to determine whether engineering options to combat coastal hazards have matched community expectations. They are researching this question in a number of communities around the country and have included both Marahau and Ruby Bay in their investigation.

The project, which was initiated in 2007, is now at the stage where a questionnaire will be sent out to community members around September, seeking their response to a variety of issues. The draft questionnaire has recently been received by Council for review and input, before being circulated. Ultimately, the results of the questionnaire, and the research project itself, will be of considerable interest and use to Council in identifying community expectations and thus determining future strategies for hazard management and interaction with the community on such matters. The researchers would be prepared to talk with Council in August if appropriate.

8. RECREATIONAL ACTIVITIES

Some Councillors will be aware of recent questions being asked about motorcross events and whether they have become commercial as opposed to recreational events. In relation to an event held in the Tutaki Valley 5/6 April, I took their view that as it was a first-off event being held on farmland under the auspices of the Tasman Motor Bike Club, it was a recreational event. A similar event sponsored by the

Nelson Motor Bike Club was held on Takaka Hill. We have also had to deal with a fundraising event at Mahana.

In all instances a cover charge is involved but this factor alone does not in my view make it a commercial activity. We have received further approaches to review our position on the basis various arguments, including from the Murchison Community Council. The TRMP definitions go as far as they reasonably can to distinguish between recreational and commercial activities and require some objective interpretation. We have previously also discussed whether the recreational activity definition could be improved.

In the absence of any changes to the TRMP, I have asked staff to review the matter with a view to determining on a case by case basis whether the nature and scale of a particular event requires resource consent approval. It will be a compliance matter and we will advise the sponsors accordingly.

6. RECOMMENDATION

It is recommended that this report be received.



D C Bush-King
Environment & Planning Manager