



STAFF REPORT

TO: Environment & Planning Committee

FROM: Dennis Bush-King, Environment & Planning Manager

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT - REPORT REP10-09-09-** Report prepared for meeting of 23 September 2010

1. LEGAL PROCEEDINGS

The Environment Court has released a decision on the Little Sydney mining Company subdivision proposal in Brooklyn Valley upholding entirely Council's decision on the application. We can also report that all matters concerning the Matiri hydro-electric power application have been resolved and a Consent Order from the Court has been received.

An interim enforcement order and enforcement order has been served on Council by Ben and Miranda Van Dyke, alleging their erosion problems on central Jacket Island was caused by the groyne constructed by Council in the mid 1990s. They seek remedial actions at Council's cost and damages. The case is set down for hearing 27-28 September.

Another round of Environment Court mediation is taking place this week as I write. I will report progress at the meeting

2. WATER METER REGULATIONS

The Government released the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 on 23 August 2010. They will come into effect on 10 November 2010. They will not apply to any water permit "held at the commencement of the Regulations" - the advice from MfE is that the regulations will apply to any "new or replacement" consent issued after the commencement date. This may pose some additional challenges to us. Any water take of 5 litres/sec or greater will require to be metered over a timeframe up to 2016. Except for new consents the first milestone for existing takes at more than 20 litres/sec will be required to have compliant meters by 2012. Some non-consumptive takes are exempted but we were unsuccessful in convincing the government of the need to exempt takes from storage dams.

We have identified an implementation team to work through the implications of the regulations and advices permit holders accordingly. Ministry for the Environment staff will be meeting with Council staff on 5 October (prior to the “Making Irrigation pay” workshop).

3. CUSTOMER SATISFACTION SURVEY

In addition to the Communitraktm Residents Survey, we also survey customers who in the previous year have sought from Council a building or resource consent, a dog registration, or an environmental health permit or license. Respondents are chosen from a randomised list of 400 applicants and asked questions about the helpfulness of staff, the reasonableness of costs, the time taken to obtain a decision, the usefulness and ease of council forms and brochures, and the ease of understanding an applicant’s on-going obligations. Respondents are also asked to give an overall level of satisfaction with Council service.

The summary results presented in the table below show a pleasing response but still room for improvement. Across all consent categories 90.9% percent of respondents consider staff were courteous and helpful (compared to 90.5% last year), with the greatest level of dissatisfaction coming from customers in the Lakes Murchison ward. We have seen the results of extra resources and refined processes in processing times with 83.2% of respondents accepting the time taken to get a decision was reasonable, up from 66.5% last year.

Some of the feedback reflects concerns about the cost of processing low value building consents. There may be some respite if the government changes the rules but there are fixed charges associated with processing consents that disproportionately impact on low value consents under our user-pays approach (i.e. there is no ratepayer subsidy o this aspect of building control).

Question	Score – showing proportion of respondents who agree or strongly agree				
	Total	Building	Resource Consents	Dogs	Environmental Health
Staff were helpful and courteous	90.9 (90.5)	86.3 (87.1)	94.3 (90.2)	90.4 (89.7)	92.3 (100)
Costs were reasonable	60.6 (54.5)	39.2 (38.7)	45.3 (39.0)	84.6 (73.5)	73.1 (65.5)
Time taken was reasonable	83.2 (66.5)	76.5 (53.2)	79.2 (48.8)	96.2 (88.2)	80.8 (69.0)
Overall level of satisfaction with Council service	89.9 (78.0)	82.4 (69.4)	88.7 (70.7)	96.2 (88.2)	92.3 (82.8)

Bracketed figures are those applying 2008/2010

4. ECOFEST REPORT

We can report on the success of Ecofest 2010, our tenth birthday celebrations. Fortunately the weather behaved itself this year, and we achieved crowds of around 6,000 for the weekend.

The new layout introduced last year was continued, with a more open-plan, relaxed approach, and this provided a spacious feeling in the main hall. We received excellent feedback regarding the Lion Foundation Interactive marquee where the public had the chance to engage in more hands-on activities and demonstrations. Featured at the Expo were 144 stands displaying a wide range of eco-friendly products and services, and environmental initiatives.

The Expo and the Ecofest Tours (home, garden and business) had excellent coverage and support from Fresh FM, the Nelson Mail, and local papers. This year's Eat Local Eco Challenge received good interest from the public. Also featured at the Expo were a science roadshow that attracted 1500 children over the two days, also popular seminars and cooking demonstrations.

Stands that featured the Tasman District Council included a joint TDC/NCC "visioning" display, a TDC (stand-alone) stand, Regional Biosecurity, Active Transport, Biodiversity Forum, Lee Valley Dam, Waste Education, Enviroschools and the Sustainable Business Advisory.

The Ecofest brand is as strong as ever and we are in the enviable position of having more prospective stall holders asking to be involved than we have space available. My thanks to all involved and in particular Jo Rielly our contract co-ordinator and Rob Francis our Environmental Education Officer.

5. GAMBLING POLICY REVIEW

At the recent meeting to confirm the Gambling Policy I was asked to follow up a proposed letter to Department of Internal Affairs communicating Council's desire to see a greater level of the net proceeds of gambling by Venue Societies, returning back to the community. No specific resolution was passed to this effect and in discussion with Graham Caradus it seems there is little that can be done.

The entire process relating to the distribution of net proceeds of gambling from non-casino gaming machines is controlled by Regulation. The regulations specifically are the Gambling (Class 4 Net Proceeds) Regulations 2004. These regulations impose a number of conditions and requirements for the distribution of proceeds.

The regulations are divided into two parts, with part 2 being of relevance to the desires expressed by the Committee as it sets out the details where net proceeds are distributed to the community. The details in brief are as follows:

1. Minimum amount distributed to the community is 37.12% of gross proceeds.
2. Must distribute at least every quarter all or nearly all the proceeds available.
3. Specifies requirements to recover grants not spent as intended.
4. The society must have a net proceeds committee and must distribute in accordance with purpose specified in the operator's licence.
5. Imposes administrative controls on grants to the community.

So the Department of Internal Affairs has no influence on where funds may be distributed once it has issued the licence. The Gaming Societies are the organisations that decide who is funded. Should Council wish to pursue this it would have to either approach the gambling societies or seek new regulations.

6. OTHER GOVERNMENT INITIATIVES

The Government has released a proposed National Environmental Standard for Plantation Forestry in an effort to get more national consistency. In our case, there may be additional consents requirements although, because of our permissive plan provisions, there may be little effect in most areas. Where consents are required under the NES as discretionary activities, there is a concern that the drafting solution will be confusing and unhelpful. A bigger issue is that there will be different regulatory regimes between land uses that have similar environmental effects - the proposed NES is sector specific so this result may not be unexpected. The closing date for submissions is 18 October 2010.

The Marine and Coastal Area (Takutai Moana) Bill was introduced in to parliament on 6 September 2010 to replace the Foreshore and Seabed Act 2004. At the time of writing no closing date for submissions had been set but the Bill does have obligations for local authorities, including specific planning responsibilities for regional councils. Staff will assess in conjunction with LGNZ.

7. STATE OF THE ENVIRONMENT REPORTING

Staff have nearly completed the district reports on Surface Water and Ground Water Quality. As the next EPC meeting is not until 16 December and neither report will reveal anything that has not already been discussed at Committee level, I propose to release when printed.

8. JOINT PLANNING INITIATIVE

The Executive teams from Nelson, Marlborough and Tasman Councils met recently to discuss possible areas for collaboration. One of the items discussed was the possibility of a single joint resource management plan across the 'Top of the South'. The perceived advantage of a single plan, encompassing all three councils, would be that developers and other interested parties would utilise standard provisions and there would be greater consistency. It was noted that Marlborough is currently reviewing its Regional Policy Statement as this is now due for review. Marlborough also wishes to merge their Sounds and Awatere Plans. Nelson also has a series of plan changes to introduce and is intending to review its plan structure. On the other hand, Tasman Council's Plan has been subject to a form of continuous review that is currently continuing.

I indicated that I had no political mandate to commit Tasman to such a venture although I did support the notion of aligning plan provisions across the three planning instruments to ensure consistency of definition and consistency of standards. In my view, this would allow those working with the three councils to achieve the consistency sought.

However, local decision making is still important. While the three authorities remain sovereign, I could see that even if there were joint preparation of either a single comprehensive plan or three identical but separate plans, it would be difficult to maintain this consistency during the life of the plan. Local conditions and local solutions will inevitably emerge and if this is what communities want there is nothing inherently wrong with this approach. Submissions would inevitably result in differences emerging as could requests for plan changes.

The prospect of these changes and consequential inconsistency could be reduced or circumvented if each council was prepared to delegate away local decision-making to some form of Joint Committee made up of representatives from each of the three councils. This may not be easily achieved in political terms.

I was also concerned that diverting staff away from current priorities to work on such a single combined plan would not achieve our existing TRMP commitments, all of which have considerable community expectation around them.

It should also be noted that the costs of preparing a single plan would be considerable and it is unlikely that they would be recovered for a considerable period of time.

In that regard, it should also be noted that there would also be a considerable loss of the sunk cost involved in the three current plans. Since 1992 \$13.1M has been spent by the Tasman District Council on developing and reviewing our TRMP. This has involved our land, coastal areas, water, discharges and more latterly our river and lakes sections. By and large, this has worked well. It has involved setting in place a consistent, district wide planning framework which has set the standards for developing land and other resources in the Tasman District. Major changes identifying new development opportunities in Richmond, Motueka, Mapua, and Golden Bay have been provided for; we have lifted water allocation limits in those areas where “new” water has been found; we have reconsidered some of the area controls concerning cultural heritage, landscape character, and natural hazards; and while we remain frustrated that aquaculture has yet to develop, the framework is nearly in place.

Our experience and staff resource would certainly be of value in a combined team tasked with writing a single plan, but I do not see clear advantages to the Tasman ratepayers in proceeding in this manner.

To reiterate, I believe that the maximum value for money can be achieved by aligning each council’s plan provisions as and when opportunities arise. There would need to be an understanding of the various council work programmes in order to maximise these opportunities. This approach is more appropriate, flexible, cost effective, and retains local decision-making.

I raise this matter with Council for direction as I am under an obligation to report back to the other Council Executives.

9. RECOMMENDATION

It is recommended that this report REP10-08-11 be received.



Dennis Bush-King
Environment and Planning Manager