

Report No:	REP12-06-09
File No:	S611
Date:	18 June 2012
Decision Required	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: Thursday, 28 June 2012
Report Author: Dennis Bush-King, Environment & Planning Manager
Subject: **ENVIRONMENT & PLANNING MANAGER'S REPORT**

EXECUTIVE SUMMARY

This report covers a number of general matters concerning the activities of the Environment & Planning Department.

RECOMMENDATION

That report REP12-06-09 be received.

DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Environment & Planning Manager's Report REP12-06-09.

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1. Pest Management Workshop

1.1 Over 40 people from groups and organisations involved in pest animal control recently a workshop on 9 June hosted by Tasman District Council. It was coordinated by David Butler with funding from the Biodiversity Advice Fund. The workshop reviewed current methods of controlling rats, stoats and possums, with groups sharing their innovations for traps, baits and lures. It also covered the new traps from KaMate and Connovation and the multi-kill traps from Goodnature. The groups reported on their voluntary efforts and all noted increases in birdlife. There has been a dramatic spread of weka, and bellbirds are now appearing more often in town gardens with seven birds seen at a single bird-feeder in Richmond. Other pests discussed were wasps, feral cats and hedgehogs.

2. Hydroelectricity or Wild Rivers?

2.1 The Parliamentary Commissioner for the Environment (PCE) has just released a report on managing the conflict between hydroelectricity and wild and scenic rivers. The 78 page report is not about the merits of any hydroelectricity proposal but is about the system of legislation, institutions, and processes under which choices are made between hydroelectricity and the protection of wild and scenic rivers. The PCE makes five recommendations to the Government covering the need to:

- (a) Achieve better balance between the RMA and the various National Policy Statements in place (i.e. NPS on Renewable Energy & NPS on Freshwater Management);
- (b) Improve the protection of wild and scenic rivers - including investigation of scenic rivers outside conservation land and streamlining the water conservation order process;
- (c) Reclassify stewardship land through which wild and scenic rivers flow;
- (d) Rationalise the administration of riverbeds i.e. seeks that Minister of Conservation direct her officials to investigate transferring riverbeds located within conservation land to the Dept of Conservation; and
- (e) Streamlining of the resource consent and conservation concession process where hydroelectricity scheme proposed are on conservation land.

- 2.2 Copies of the report (PDF) are available on the PCE website or we can email a PDF copy or make hard copy for Councillors on request.

3. Petition - Opposing 1080 Drop in Golden Bay

- 3.1 The Council has received a 159 signature petition asking the Council to reject an application by the Animal Health Board which seeks consent to aerially drop 1080. In accordance with Standing Orders the petition is submitted for Council consideration. In addition to the petition a large number of “pro-forma” letters use similar language to the petition have also been received. These documents will be tabled at the meeting.
- 3.2 Two consent applications for the discharge of 1080 have been received in recent months, one to the west of Collingwood has already been granted. The second covering the steeper areas from Collingwood to Takaka is currently under consideration. We are awaiting the written approval of the Medical Officer of Health. The application is a discretionary activity because of the risk of 1080 entering water so could either be granted or declined. Council is not able to reject the application and not consider it.
- 3.3 Applications such as this have been processed without notification because the effects have been assessed as no more than minor provided certain operating conditions are applied. If a discretionary activity application does not satisfy the relevant tests it can be publicly notified.
- 3.4 There is no reason why this current application should not follow the same assessment process as previous 1080 aerial drops. Accordingly it is recommended the Council simply receive the petition from Fiona Cameron and 158 others and take no further action.

Recommendation

That the Environment & Planning Committee receives the petition from Fiona Cameron and 158 others opposing a 1080 drop in Golden Bay and decides to take no further action.

4. Gambling (Gambling Harm Reduction) Amendment Bill

- 4.1 The Government introduced an amendment to the Gambling Act 2003 in May 2012. Submissions closed 21 June 2012 and LGNZ submitted on behalf of local government. The amendments proposed in the Bill will significantly change the way local authorities interact with the Class 4 gaming sector e.g pokie trusts. They will increase a council’s power for regulating Class 4 venues, and require councils to appoint community committees to distribute funds raised in their areas. The amendments also redefine what a council is required to consider when developing a Class 4 Venue policy.

- 4.2 The implications of the Bill are perceived as being quite cumbersome on local government with no guarantee that costs can be recovered. While the intent of the Bill is socially commendable, it represents a back-door method of giving local authorities more responsibility at a time when the Government is removing the four well beings from the LGA?

5. National Policy Statement on Freshwater

- 5.1 Advice to Council last year (See EP11/06/06) was that the two NPS policies in respect of water quality (NPS Policy A4) and water quantity (NPS Policy B7) were to be inserted with the plan update in June 2011, as per the specific direction in the NPS and the requirements of Section 55 of the RMA. However, the insertion (and associated public notice) was not done and since then analysis of the TRMP indicates that in respect of Policies B1, B2 and B6 the council has already adopted policies, regulations and other measures to ensure the NPS is being given effect to. There are some water bodies where allocation limits need to be further refined however, the plan currently includes;

- specific and default allocation limits that have regard to reasonably foreseeable impacts of climate change and the connections between water bodies
- provisions to ensure efficient allocation of freshwater within the limits set and
- provisions to manage over-allocation where this has been identified

- 5.2 The plan does not fully implement the NPS in relation to water quality limits and thresholds or measures to address potential degradation of water bodies. Only Policy A4 of the NPS will therefore need be inserted with the next update Number 44 in July, to be withdrawn from the TRMP when the Council is satisfied the NPS is given effect to. The staff advice is that Policy A4 should be inserted to ensure compliance.

- 5.3 The NPS also requires a work programme to show how the NPS is to be implemented and staff will be reporting on this prior to the November 2012 deadline. Policy A4 is as follows:

1. *When considering any application for a discharge the consent authority must have regard to the following matters:*
 - a. *the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and*
 - b. *the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.*
2. *This policy applies to the following discharges (including a diffuse discharge by any person or animal):*
 - a. *a new discharge or*

- b. a change or increase in any discharge - of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.*
- 3. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011.*

6. Proposed National Pest Management Strategy for Psa-V

- 6.1 Barry O'Neill, ex-Deputy Director General of MAF, has taken up a role as CE of Kiwifruit Vine Health. He has circulated a proposal for the development of a National Pest Management Strategy (NPMS) and has been meeting with growers in different regions to outline the benefits. The NPMS proposes mandatory reporting, movement controls, powers to enter and take samples, rapid response to incursions, surveillance, controls over abandoned and wild plants, and the power to enforce these measures.
- 6.2 This would be funded by a biosecurity levy on growers and provide them with the tools and the responsibility to help the kiwifruit industry combat and recover from the effects of Psa-V. Strong industry support is required to proceed with the development of the NPMS and Tasman growers have expressed their support.
- 6.3 Nelson, Gisborne, Hawkes Bay and Northland kiwifruit orchards remain free from Psa-V. None of the commercial cultivars are resistant to Psa-V. The gold variety Hort16A has been devastated but the other cultivars are showing varying degrees of tolerance.
- 6.4 An NPMS can be sponsored by any person and is implemented separately from Council's own RPMS. Unlike the previous Varroa NPMS no Council input is being sought at this stage.

7. Moutere Surface Water Zone - Permit Renewals

- 7.1 On 1 June 2012 Council staff posted the consent decisions relating to 70 applications within the Moutere Surface Water Zone (MSWZ), all of which had been processed on a non-notified basis. The consents are mostly replacement water permits but also relate to damming and use of the riverbed.
- 7.2 Under the replacement consent conditions a total of 46 water meters are required for MSWZ water permits within the Moutere River catchment. Three are pre-existing meters and three meters are for takes from dams where the rate of taking is >5 litres per second. Metering is not being required for consented takes from streams and groundwater outside the Moutere River Valley such as at Tasman and Seaton Valley.

- 7.3 In March, Councillors were advised that four consent holders with eight consents in the MSWZ had not taken up the staff request to apply by 28 February 2012 to replace their 2013 expiring consents. In the end, all except one applicant did apply prior to 31 May 2012 which has allowed the consent processing to be relatively efficient. The consent holder who did not apply may in fact no longer irrigate.
- 7.4 At the time of writing, no objections have been received and cost recovery invoices are about to be posted out.
- 7.5 The MSWZ continues to be water short in summer and the consent review process has provided an opportunity for improved management of residual flows and stream refuge habitat as well as improved management of competing demands and cumulative effects.
- 7.6 Regarding the twelve water permits in the MSWZ with a 2026 expiry date, no progress has yet been made to review these consents either in respect of individual bona fide use or implementation of water metering and other new conditions. This remains a staff priority. The groundwater takes from the four Moutere Aquifer zones all expire on 31 May 2013 and reminder letters will be posted around November 2012.

8. Golden Bay Landscapes

- 8.1 The Golden Bay Landscape Working Group held their fourth meeting on Wednesday 23 May.
- 8.2 At that meeting the Group realised that the group of 30 people was too large to complete the technical work needed, to “identify outstanding natural features and landscapes” and prepare a set of objectives, policies and appropriate methods to manage the effects of activities on and within these areas. Extensive investigations have occurred. It is a sizeable task to work through the detail and craft a Plan Change.
- 8.3 A Small Group of eight was confirmed by the larger group, and tasked to work in a collaborative way to undertake the task above, which would result in a recommended Plan Change to the Tasman Resource Management Plan. Informal consultation would occur with affected land owners as part of this process.
- 8.4 The Small Group met on Wednesday, 13 June at the Takaka Service Centre, and has set future meeting dates in July and September.
- 8.5 The members of the Small Group are committed in principle to achieving agreed outcomes through a collaborative process. The Small Group would feed back to the larger Working Group in preparing any final documentation. In return the Small Group seeks support from Council for the work they intend to achieve.

The Small Group would like a written commitment from Council, that Council will give weight to the outcomes of the Working Group (a Proposed Plan Change) as a basis for Schedule 1 public notification. It is understood this would not fetter or constrain the position of individual Councillors, as representative decision makers, in considering, hearing and deciding on submissions and further submissions during the Plan Change process.

- 8.6 Debs Martin and Nigel Harwood are available to address Council with regard to gaining this support at the Environment & Planning Committee on 28 June 2012.
- 8.7 It is understood that outcomes must meet the legal requirements for Plan Change presentation, for example, a consideration of alternatives, costs and benefits of “options” under section 32 of the Resource Management Act.
- 8.8 The Small Group comprises Debs Martin, Nigel Harwood, Helen Campbell, Michelle Riley, Doug Saunders-Loder, Joan Butts, Don Mead, and Trina Mitchell.

The Small Group aims to complete the task within the next six months, and the Project Plan for the Golden Bay Landscape Project would need to be altered to reflect this.

- 8.9 The staff support this initiative at seeking a collaborative agreement and would recommend that the Council give the undertaking sought in the expectation that an agree position will reached within the reporting timeframe.

9. TRMP Changes Operative

- 9.1 A number of changes to the TRMP are now final or beyond challenge, by the absence of submissions, or the notification of decisions versions with no appeals, or the resolution of appeals where there were some. These are:

- Change 14 Frost protection devices (two appeals; resolved)
- Change 15 Kaiteriteri reserve minor rezoning (no submissions)
- Change 16 Cultural heritage sites management (no appeals)
- Change 18 Kina site rezoning (no appeals)
- Change 19 Technical amendments to Parts I and II (no submissions)
- Change 32 Wall offset Residential zone (no submissions)
- Change 33 Minor zone changes - Recreation, Open Space and Conservation (no submissions).

These changes can now all be approved by the Committee to become operative changes at the notification of the next update, scheduled for end of July.

RECOMMENDATION

It is recommended that the Committee approve Changes 14, 15, 16, 18, 19, 32 and 33 to the Tasman Resource Management Plan under Clause 17 of Schedule 1 RMA to commence as operative changes under Clause 20 at notification of Update 44 of the Plan, expected to be 28 July 2012.

10. What is special about Tasman

10.1 A drive around Tasman reveals what a great place it is in which to live, work, and play. An invitation was recently extended to E&P staff to identify something unique or special about Tasman and the following list was generated. Chris Choat is picking it up and will invite contributions from the wider staff base but the “work in progress” is submitted for Councillors’ information.

- Three great National Parks - Abel Tasman, Kahurangi, Nelson Lakes, and the Mt Richmond Forest Park (second largest in NZ)
- First port of call for Abel Tasman in 1642
- Oldest rocks in the country
- Farewell Spit is NZ’s largest sandspit
- NZ’s deepest cave systems and site of the world’s deepest coldwater cave dive (Pearse resurgence, 221m)
- The world’s clearest freshwater (greatest visibility) at Blue Lake, Sabine Valley
- Te Waikoropupu Springs are NZ’s largest freshwater springs (the water is also very clear)
- Waimea Inlet is the South Island’s largest estuary
- NZ’s highest tidal range (ie difference between low tide and high tide) is at Pakawau
- Home to NZ’s first racing stables
- Birthplace of eminent physicist Lord Ernest Rutherford
- Highest annual sunshine hours in NZ at around 2,400 hours
- Waimea and Mouteka Plains are two of the most productive horticultural areas in NZ
- Source of the Buller River which has the highest peak flow rate of any river in NZ
- The Buller catchment is one of the best intermediate white water kayaking areas in the world
- Some of the most well-used river swimming holes in NZ
- Only place in NZ where hops are grown commercially
- NZ’s oldest pub still operating at Upper Moutere

- NZ's most temperate climate (ie range between lows and highs the smallest for NZ)
- Home to NZ's only known dinosaur footprints - Whanganui Inlet
- NZ's first gold rush in 1856 near Collingwood
- 2029km of roads only 335km of which is State Highway
- True geographic centre of New Zealand is on Spooner's Range (41°30' S 172°50' E)
- Mt Franklin, in Nelson lakes National Park, is the district's highest point at 2,340 m.a.s.l (cf Aoraki Mount Cook is 3,754m)
- Annual rainfall ranges from less than 850mm in the Moutere to over 5,500mm around Boulder Lake
- 16,721 hectares of land in Tasman are irrigated
- Home to six of the ten species of endangered giant land snail and home to New Zealand's largest spider, the giant cave spider, with a 13cm leg span
- 75% of New Zealand's boysenberries come from farms in Tasman
- Harwood's Hole, at 369m deep is the world's 22nd deepest naturally-occurring hole
- Tasman's southern boundary is the location where 5 major river systems all begin within a few kilometres of each other. The river are the Wairau, Clarence, Waiau, Matakitaki and Buller
- Kahurangi National Park today has more than half of New Zealand's 2400-odd native plant species and over 80% of all alpine species. Its flora is the most diverse of any national park and includes 67 plant species found nowhere else.
- The Cobb Power Station is New Zealand's highest head hydro power station

11. Draft Resolutions

THAT the Environment & Planning Committee receives the Environment & Planning Manager's Report REP12-06-09.



Dennis Bush-King
Environment & Planning Manager