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| Report No:               | REP12-05-08 |
| File No:                 | S611        |
| Date:                    | 17 May 2012 |
| <b>Decision Required</b> |             |

## REPORT SUMMARY

**Report to:** Environment & Planning Committee  
**Meeting Date:** Thursday, 17 May 2012  
**Report Author:** Adrian Humphries, Acting Environment & Planning Manager  
**Subject:** **ACTING ENVIRONMENT & PLANNING MANAGER'S REPORT**

### EXECUTIVE SUMMARY

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

### RECOMMENDATION/S

That report REP12-05-08 be received.

That the Committee agrees to amend the Delegations Register.

### DRAFT RESOLUTION

**THAT the Environment & Planning Committee:**

- 1. Receives the Acting Environment & Planning Manager's Report REP12-05-08.**
- 2. Agrees to amend the Delegations Register Section 171 to read:**

*"In consultation with the Chairman or Deputy Chair of the Environment & Planning Committee, the power to initiate prosecution proceedings for offences under any Act, Regulation or Bylaw listed in the Delegations Register which involves the Summary Proceedings Act 1957, and to issue injunctions to restrain continuing breaches of the Building Act (under Section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under Section 162 of the Local Government Act 2002). Any proceedings will be reported to the first available Committee meeting."*



Adrian Humphries  
Acting Environment & Planning Manager

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| Report No:               | REP12-05-08 |
| File No:                 | S611        |
| Report Date:             | 8 May 2012  |
| <b>Decision Required</b> |             |

**Report to:** Environment & Planning Committee  
**Meeting Date:** Thursday, 17 May 2012  
**Report Author:** Adrian Humphries, Acting Environment & Planning Manager  
**Subject:** **ACTING ENVIRONMENT & PLANNING MANAGER'S REPORT**

## 1. Environment Court Motueka Plan Change

1.1 On 27 April the Environment Court issued its interim decision on Change 24 (Motueka water allocation review) and associated TRMP changes, and the Council's application to take 16000 m<sup>3</sup>/day of groundwater from the Te Matu zone to be used for community water supplies in Motueka, Mapua and the Coastal Tasman Area. Iwi entities had appealed both the decisions on the changes and application. The decision has retained the zone allocation limit (not actually challenged at hearing), and the reservation of water for community supplies from it to include provision for out of catchment transfer as a controlled take, and in principle has allowed the grant of the take application, but:

- Has required the regulation of large scale takes for industrial end-uses from the zone as restricted discretionary, and
- Has required the consent to include tangata whenua consultation whenever under the consent, individual industrial uses more than 15 m<sup>3</sup>/day are sought.

1.2 The Court did not accept that out of catchment transfer to Mapua/CTA for community supplies end-use was an inappropriate use of water, in light of iwi concerns over the adverse effect on the mauri of the Motueka River, feeding the aquifer in the Te Matu zone and other zones. In this issue, the decision is case law, finding that:

*"the biophysical effects of the activity [the take] are insignificant. We also consider that any "spiritual" or "metaphysical" effects can be rendered so by appropriate conditions of consent." [paragraph 75].*

1.3 The Court has asked the parties to confer and seek to agree on wording changes to the TRMP provisions and the consent conditions.

## 2. Fish Passages

- 2.1 Over 90 km of stream habitat has been opened up for migrating freshwater fish over the last few months. Much of this habitat has been out of reach for decades. Using some innovative and cheap solutions, 60 culverts under Council roads, and a further 10 on private land now have “ramps” for fish to shimmy up.

New Zealand has 35 native fish species, 20 of which are present in Tasman District. Of these, 15 migrate between freshwater and the sea during their life. This migration can be disrupted by overhanging culverts, undercut concrete structures, degraded and/or rusting culvert pipes and tidal floodgates. The fish can “climb but they cannot jump” - one of the reasons that the numbers of 11 native fish species are declining nationwide.

- 2.2 As at March 2012, 1422 structures have been assessed in Tasman, with just over 350 found to limit migration pathways to habitat and spawning grounds. Thanks to some cheap and effective engineering with used conveyor belt material and mussel spat rope, 70 more of these culverts are now cleared for passage. To make this work happen Council received material support from Nelson Pine Industries, Waitapu Fish Company and Sealord Aquaculture. Kurt Mullis (summer student position at Council) and volunteers installed the ramps.
- 2.3 We now hope to encourage landowners with culverted streams on their land to contact Trevor James at Council to assist with materials and labour.

## 3. Go Wild Book Launch

- 3.1 A new TDC publication, *Go Wild - guiding native restoration in Tasman*, written by Maggie Atkinson and Michael North, has officially been launched. It takes readers through the ecological restoration process and contains stories from local community groups and is superbly illustrated with photos by Oliver Weber. It is a new style of restoration manual in a template that has national application.
- 3.2 The Richmond launch attracted an audience of 60 with representatives from a wide range of agencies and community groups. Neil Clifton (DOC Conservator) talked about the way the different agencies will interact with community groups in future. The Takaka launch attracted an audience of 25 with botanist Philip Simpson talking about ecological restoration and changing public perspectives.
- 3.3 This publication is an output from the Native Habitat Tasman programme which involves a survey of natural areas on private land with voluntary participation by landowners. The Council is working closely with stakeholders and community groups through a Project Oversight Group to ensure issues and concerns are identified and managed. The project and the publication both attracted funding from the Biodiversity Advice and Condition Fund.

3.4 Copies are available from Lindsay Vaughan.

#### **4. Staff Presentation to the Korean Hydrological Society**

4.1 Martin Doyle is presenting a paper to the South Korean Hydrological Society, his air fare and accommodation has been funded by the Koreans.

#### **5. Unregistered Dogs**

5.1 With over 10,000 dogs in the District the total of known unregistered dogs is now in single figures (99.99915% of known dogs registered). This is an exceptional result and the Animal Control Administrative Officer and the Council contractors should be congratulated.

#### **6. Aerial Seeding and Tree Planting for Erosion Prevention**

6.1 Aerial oversowing and topdressing of slip damaged areas was successfully carried out on Thursday, 26 April. Helicopters spread 8.2 tonnes of fertiliser and seed over 35 hectares of bare slip areas in the Ligar Bay, Pohara and Ellis Creek areas. This treated approximately 80% of slips in these catchments. Land owners are now being approached with the offer of free trees for them to plant on and around unstable land.

#### **7. Prosecutions**

7.1 A builder was successfully prosecuted for obstruction of a Building Inspector. He was fined \$400 plus costs. It should be noted that the individual had a history of being obstructive and offensive to Council Officers.

7.2 A dog owner contested an Infringement Notice for failure to control a dog and opted to be heard at the District Court. The infringement was upheld and the Council awarded the fine (\$200) plus Court costs.

#### **8. Delegations Register**

8.1 A recent decision to seek a prosecution has highlighted a potential deficiency in the Council delegation register in that it does not list all legislation that may be used to take enforcement action. In order to resolve this issue it is recommended that section 171 of the delegations register (attached as Appendix 1) be changed to read as follows:

*“In consultation with the Chairman or Deputy Chair of the Environment & Planning Committee, the power to initiate prosecution proceedings for offences under any Act, Regulation or Bylaw listed in the Delegations Register which involves the Summary Proceedings Act 1957, and to issue injunctions to restrain continuing breaches of the Building Act (under Section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under Section 162 of the Local Government Act 2002). Any proceedings will be reported to the first available Committee meeting.”*

- 8.2 A full review of the Delegations Register will be carried out to ensure it is current and consistent with the Enforcement Policy and the Appointments Register.

## 9. Recommendation

That the Acting Environment & Planning Manager's Report, REP12-05-08 be received and that the Committee agrees to amend the Delegations Register as indicated in Paragraph 8.1 above.

## 10. Draft Resolutions

**THAT the Environment & Planning Committee:**

1. **Receives the Acting Environment & Planning Manager's Report REP12-05-08.**
2. **Agrees to amend the Delegations Register Section 171 to read:**

***“In consultation with the Chairman or Deputy Chair of the Environment & Planning Committee, the power to initiate prosecution proceedings for offences under any Act, Regulation or Bylaw listed in the Delegations Register which involves the Summary Proceedings Act 1957, and to issue injunctions to restrain continuing breaches of the Building Act (under Section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under Section 162 of the Local Government Act 2002). Any proceedings will be reported to the first available Committee meeting.”***



Adrian Humphries  
**Acting Environment & Planning Manager**

**Appendix: Proposed changes to Tasman District Council's Delegation Register**

|   |   |                                    |
|---|---|------------------------------------|
| 164.  | Section 134<br>Power to suspend licence for public health and fire safety reasons.  | E&P Mgr                            |
| <b>Tasman District Council Consolidated Bylaw - Chapter 5 - Navigation Safety Bylaw 2005</b>        |   |                                    |
| 165.  | Power to issue licences under the Navigation Safety Bylaw 2005 and grant exemptions etc.  | E&P Mgr,<br>Reg M, HMR,<br>AO      |
| <b>Tasman District Council Consolidated Bylaw - Chapter 6 -Trading in Public Places Bylaw 2010.</b> |   |                                    |
| 166.  | Power to issue licences under the Trading in Public Places Bylaw 2010.  | E&P Mgr,<br>Reg M, CEH,<br>EHO, AO |
| <b>Transport Act 1962</b>   |   |                                    |
| 167.  | Section 7<br>Power to appoint parking wardens.  | E&P Mgr                            |
| 168.  | Power to waive fines.   | E&P Mgr,<br>Reg M                  |
| <b>General</b>  |   |                                    |
| 169.  | Power to reduce or waive deposits or fees required under the Council's Schedule of Fees.  | E&P Mgr                            |
| 170.  | Power to determine the amount of any refund of any deposit or fee after taking into account the actual and reasonable costs incurred in processing the permit, consent or licence.  | E&P Mgr,<br>CM, Reg M              |
| 171.  | In consultation with the Chairman or Deputy Chair of the Environment & Planning Committee, the power to initiate prosecution proceedings for offences under Section 338 of the Resource Management Act, Section 80, 129, and 130 of the Building Act 1991, Section 162 of the Biosecurity Act 1996, Section 241 of the Local Government Act 2002 and the bylaws administered by the Department, and to issue injunctions to restrain continuing breaches of the Building Act under Section 375 of the Building Act 2004 or Section 162 of the Local Government Act 2002. Any proceedings will be reported to the first available Committee meeting. | E&P Mgr                            |
| 172.  | Power to decide on street names for new subdivisional roads in accordance with Council's Street Naming Policy and in consultation with a Ward Councillor.   | E&P Mgr                            |