

Notice is given that an ordinary meeting of the Regulatory Committee will be held on:

Date: Thursday 29 July 2021
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Regulatory Committee

AGENDA

MEMBERSHIP

Chairperson	Cr D Wensley	
Deputy Chairperson	Cr D Ogilvie	
Members	Mayor T King	Cr K Maling
	Deputy Mayor S Bryant	Cr C Mackenzie
	Cr C Butler	Cr D McNamara
	Cr M Greening	Cr T Tuffnell
	Cr C Hill	Cr A Turley
	Cr B Dowler	Cr T Walker

(Quorum 7 members)

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AGENDA

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 PUBLIC FORUM

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF MINUTES

That the minutes of the Regulatory Committee meeting held on Thursday, 17 June 2021, be confirmed as a true and correct record of the meeting.

That the confidential minutes of the Animal Control Sub-Committee meeting held on Tuesday, 3 March 2020, be confirmed as a true and correct record of the meeting.

That the minutes of the Animal Control Sub-Committee meeting held on Tuesday 15 December 2020, be confirmed as a true and correct record of the meeting.

That the confidential minutes of the Animal Control Sub-Committee meeting held on Tuesday 15 December 2020, be confirmed as a true and correct record of the meeting.

That the minutes of the Animal Control Sub-Committee meeting held on Tuesday 11 May 2021, be confirmed as a true and correct record of the meeting.

That the confidential minutes of the Animal Control Sub-Committee meeting held on Tuesday 11 May 2021, be confirmed as a true and correct record of the meeting.

7 PRESENTATIONS

Nil

8 REPORTS

- 8.1 Application to become a Recognised Agency for Verifying Food Businesses 5
- 8.2 2020-2021 Farm Dairy Effluent Compliance Survey..... 13
- 8.3 Annual District Wide Water Monitoring Report 35
- 8.4 Chair's Report..... 49
- 8.5 Environment and Planning Manager's Report 51

9 CONFIDENTIAL SESSION

Nil

8 REPORTS

8.1 APPLICATION TO BECOME A RECOGNISED AGENCY FOR VERIFYING FOOD BUSINESSES

Decision Required

Report To:	Regulatory Committee
Meeting Date:	29 July 2021
Report Author:	Daniel Winter, Team Leader Environmental Health
Report Number:	RRC21-07-1

1 Summary

- 1.1 Since the provisions of the Food Act (2014) (the Act) were fully implemented in 2015, the way in which we protect the health of our community with regards to food safety has changed radically. In two previous reports to the Council in 2015 and 2018, staff gave the Council options on how we should respond to the new legislation, primarily regarding what types of food operators Council officers should verify and what would be left to external providers.
- 1.2 At the time of the 2015 and 2018 reports, there was a level of uncertainty as to the future of local government's role in food safety. The Council took the option to adopt a "wait and see" position with regard to the extent of food safety verifications and, at the time, not to implement a quality management system (QMS) under ISO17020 for providing food safety verifications.
- 1.3 As soon as practicable, but within six months after the expiry of the Act's introductory period which was 28 February 2019, the Minister of Food Safety had to receive a report to determine whether territorial authorities should continue to have exclusive rights to deal with certain categories of food control plans (FCPs). The Minister has agreed to extend these powers through to 2024.
- 1.4 The environment in which we operate now has changed and there is less uncertainty as to the future of food safety auditing by councils. Staff believe that it is timely to review this position when considering the benefits to our community of including National Programmes (NPs) in our audit sphere.
- 1.5 None of the Top of South councils have recognised status, so we do not have the option of using a neighbouring authorities accredited QMS. This means that if we do apply for recognised status, we will have to implement a QMS and will be the first in the Top of South region to do so.
- 1.6 It is the staff view that now is a very good time to start developing a QMS under ISO17020 and move to obtaining recognised status with Ministry of Primary Industries so that we can undertake verification of NPs and FCPs outside of Council's exclusivity, as well as continuing to retain our current powers at least up until 2024.

2 Draft Resolution

That the Regulatory Committee

- 1) receives the Application to Become a Recognised Agency for Verifying Food Businesses report RRC21-07-1; and
either**
- 2) instructs staff to proceed with the development of a Quality Management System for food safety services and apply to the Ministry of Primary Industries to obtain recognised status for verifying National Programmes and template Food Control Plans (FCPs) outside Council exclusivity;
or**
- 3) declines to instruct staff to apply to become a Recognised Agency and agrees that the Council continue as a verifier of template FCPs only.**

3 Purpose of the Report

- 3.1 The purpose of this report is to seek the Council's agreement to proceed with the development of a Quality Management System under ISO17020 for food safety services and apply to the Ministry of Primary Industries to obtain recognised status for verifying National Programmes (NPs) and template Food Control Plans (FCPs) outside Council exclusivity. This will improve the level of service we can offer to food providers in Tasman District.

4 Background and Discussion

- 4.1 Tasman District Council decided in 2015 that we would not provide a food safety verification service for NPs; a view that was reaffirmed in 2018. Since the last report in 2018 several significant factors have changed:
- 4.1.1 The uncertainty around local government's involvement in the auditing of food premises has been reduced.
 - 4.1.2 Comprehensive guidance around developing a quality management system required to allow the inclusion of NPs in our audit sphere is now available to us.
 - 4.1.3 The higher cost of using third party private consultants has proven to be a limiting factor for some businesses in our district.
 - 4.1.4 Since 2018, many more councils have opted to implement a robust Quality Management System (QMS) and have become a Ministry of Primary Industries (MPI) Recognised Agency for verifying national programmes and template Food Control Plans outside Council exclusivity. Of the 67 Councils in New Zealand, we are one of only 17 (approximately 25%) that do not use a QMS.
- 4.2 Other factors which affect our position:
- 4.2.1 The skills needed to include national programmes are readily available within our Environmental Health Team. The team is keen to include NPs in their work as an additional service to businesses in Tasman.
 - 4.2.2 Obtaining recognised status as a verification agency will improve recruitment and retention of environmental health staff.
 - 4.2.3 Feedback from many local operators of NPs is that they would like to use the Council as their auditor.
- 4.3 Having MPI accreditation as a recognised agency covers the following:
- 4.3.1 National Programme food service businesses, e.g. Early Childcare Education facilities.
 - 4.3.2 National Programme food retailers, e.g. some dairies, general stores, mobile coffee carts.
 - 4.3.3 Industry developed template Food Control Plans, e.g. Aged Care, New Zealand Good Agricultural Practice (NZGAP), suppliers and schools participating in Healthy School Lunches programmes.
 - 4.3.4 MPI official template Food Control Plan registered with MPI, e.g. multi-site or multi-business Simply Safe & Suitable operation across regions.
 - 4.3.5 Council registered mobile food shops operating in multiple regions.
- 4.4 Tasman District Council currently has the following food registrations:

- 370 template FCP's
 - 130 NPs with classifications 1 – 3 as follows:
 - 42 NP1
 - 26 NP2
 - 62 NP3
- 4.5 We currently have to register the 130 NPs but do not verify compliance of their food control plans. It is important to note that if the Council becomes a recognised agency we will not immediately have 130 national programmes to audit. The 130 national programmes that we have registered in our District already have their own private verifiers appointed. If these businesses decide they would prefer Council officers to undertake their verifications, then they would need to disengage with their current verifier and then apply to the Council. We would not be obliged to undertake this work if we did not have the capacity. It should also be noted that NP-1s (very low risk) have one audit at the commencement of their business and, if there are no problems then there are no further verifications. The Council would therefore only likely assist with any new NP-1 food businesses, not the existing businesses.
- 4.6 Here are three examples of national programmes:
- 4.6.1 National Programme 1 (NP1)
- A coffee cart. Currently we register the coffee cart but the verification has to be done by a private sector verifier. These businesses have one audit at the commencement of their business and, if there are no problems, then there are no further verifications.
- 4.6.2 National Programme 2 (NP2)
- A low risk food manufacturer such as jams, pickles and chutneys. How often these businesses are checked depends on how successfully they are managing food safety. This could be as little as once every three years if they are managing food safety well.
- 4.6.3 National Programme 3 (NP3)
- A food retailer handling food, such as ice cream and pies. How often these businesses are checked depends on how successfully they are managing food safety. This could be as little as once every two years if they are managing food safety well.
- 4.7 Currently, NP food businesses must register with Tasman District Council but then engage a third-party verifier to visit their premises to undertake an audit (verification). Our research shows that the cost of these audits can range from \$600 to \$1200 per visit. Staff are confident they can provide this service for much less than the cost of third-party verifiers because we know our customers and are out and about the district.
- 4.8 The additional verifications can be accommodated within current work programmes because staff are already out in the community with other work or if additional resource is needed it can be cost recoverable.
- 4.9 National programmes are certainly within the scope and expertise of our Environmental Health Officers (EHOs) to deal with and would complement the EHOs current work programme. An additional benefit will be to our local food producers, who will have better (more cost effective) options to get their food safety verifications. It will also keep us better informed of any food safety issues in our district.

5 Options

5.1 The options are outlined in the following table.

	Option	Advantages	Disadvantages
1.	<p>The Council proceeds with the development of a Quality Management System for the provision of audit/verification services.</p> <p>Apply to MPI to obtain recognised status for verifying National Programmes and template Food Control Plans outside Council exclusivity.</p>	<p>Implementing a QMS system will increase the effectiveness of how we deliver food safety in the Tasman District.</p> <p>Officer development as verifiers, increases the level of service we can offer our district.</p> <p>Obtaining recognised status will improve the recruitment and retention of environmental health staff.</p> <p>Our local food businesses will benefit. We have received feedback about the high costs of third-party verification. We are confident that we can provide a more cost effective and convenient service to our local food businesses than is current available.</p> <p>The service will be cost recoverable.</p>	<p>The cost for accreditation of the initial QMS assessment is estimated to be \$3,000 - \$5,000. Each annual audit (JAS-ANZ) costs approximately \$3000 plus GST per annum.</p> <p>Additional environmental health resource may be required (but we will retain an ability to say no or not yet).</p> <p>There will be some initial set up costs and then annual audits of staff, but we are confident these will be recovered through appropriate setting of fees.</p>
2	<p>The Council continues as a verifier of template FCPs only.</p>	<p>No additional costs.</p>	<p>Seventy five percent (75%) of councils in New Zealand are using a QMS and we are in the last 25%. Not having recognised status could reduce the Council's ability to retain and recruit higher skilled environmental health staff.</p> <p>The decision is effectively being delayed to another point in the future.</p> <p>Staff will have to continue to explain why local food businesses need to register with the Council but that they need to find a private auditor to verify their plan.</p>

			<p>Cost to local food businesses.</p> <p>Less knowledge of food safety issues in the district.</p>
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5.2 Option1 is recommended.

6 Legal Requirements

A Quality Management System (QMS) is required before an application can be made to MPI to obtain recognised status to become MPI Recognised Agency for verifying National Programmes and template Food Control Plans outside Council exclusivity. This covers:

- National Programme food service businesses, e.g. Early Childcare Education facilities.
- National Programme food retailers, e.g. some dairies, general stores, mobile coffee carts.
- S.40 industry developed template Food Control Plans, e.g. Aged Care, NZGAP, suppliers and schools participating in Healthy School Lunches programmes.
- MPI official template Food Control Plan registered with MPI, e.g. multi-site or multi-business Simply Safe & Suitable operation across regions.
- Council registered mobile food shops operating in multiple regions.

7 Consideration of Financial or Budgetary Implications

- 7.1 There will be officer time involved in drafting the QMS. Staff are confident that they can draft the QMS in-house without any external consultancy costs. The cost estimate for accreditation of the initial QMS assessment is estimated to be \$3,000 to \$5,000.
- 7.2 Each Audit (JAS-ANZ) costs \$675 plus GST per assessment. The three EHOs would require an assessment each year, making the cost \$2,025 plus GST per year.
- 7.3 We aim to recover the initial start-up costs of \$8000 through the fee recovery process.
- 7.4 The provision of NP verifications will be cost recoverable. There are two ways we can recover costs; either charge an hourly rate (currently \$164 per hour) or set a fixed fee for each verification. The fees will be set in the Schedule of Fees and Charges.

8 Significance and Engagement

- 8.1 This decision is considered to be of low significance in terms of the Council’s Significance and Engagement Policy even though it contemplates an extension to the way in which food safety services are delivered. There is no need to publicly consult on the extension of the service as there will be no impact on the general rate account.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	The only potential impact will be on the current service providers of National Programmes 1–3. These are third party auditors, some of whom travel up from Christchurch to undertake these verifications.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low	Our local food business operators will benefit from having the choice of being able to have a local environmental health officer verify their food control plans.
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does this activity contribute or detract from one of the goals in the Tasman Climate Action Plan 2019 ?	Low	Less travel time and fuel use. Council officers can combine visits.
5.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
6.	Does the decision create a substantial change in the level of service provided by Council?	No	We will be able to offer additional verifications alongside our current food safety verifications of template food control plans for the food service sector.
7.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	Initial accreditation: \$5000 Each recognised person assessment \$1000 (we would have three EHOs accredited): \$3000 We aim to recover the initial start-up costs of \$8000 through the setting of fees.
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	

	Issue	Level of Significance	Explanation of Assessment
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
10.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
11.	Does the proposal require inclusion of Māori in the decision-making process (consistent with s81 of the LGA)?	No	

9 Conclusion

- 9.1 Staff recommend that now is a very good time to start developing a QMS in relation to our food safety obligations and apply to MPI to obtain recognised status under ISO17020 for verifying National Programmes and template Food Control Plans outside Council exclusivity.
- 9.2 Since the last report in 2018 many more councils have opted to implement a robust Quality Management System (QMS) and have become MPI Recognised Agencies.
- 9.3 This report has provided a cost benefit analysis which shows the following key benefits:
- Implementing a QMS system will increase the effectiveness of how we deliver food safety in the Tasman District.
 - Officer development as verifiers increase the range of work and the level of service we can offer our district.
 - Our local food businesses will benefit. We have received feedback about the high costs of third-party verification. Staff are confident that we can provide a better service to our local food businesses for less cost.
 - The service will be cost recoverable.
- 9.4 Of the 67 councils in New Zealand, Tasman District Council is one of only 17 (approximately 25%) that do not use a QMS.
- 9.5 At the time of writing this report, none of the councils in the Top of South have recognised status which means if we do obtain recognised status then we will be the first in the region to do so.

Attachments

Nil

8.2 2020-2021 FARM DAIRY EFFLUENT COMPLIANCE SURVEY

Information Only - No Decision Required

Report To: Regulatory Committee
Meeting Date: 29 July 2021
Report Author: Kat Bunting, Compliance & Investigation Officer
Report Number: RRC21-07-2

1 Summary

- 1.1 This report presents the compliance results from the 2020/2021 farm dairy effluent survey, in particular compliance with respect to resource consent conditions for the discharge of treated dairy effluent to water, and the discharge of dairy effluent to land as a permitted activity under the Tasman Resource Management Plan (TRMP).
- 1.2 In the 2020/2021 milking season a total of 124 farm dairies had active discharges in the Tasman District. Of those, 121 farm dairies operated as permitted activities and the remaining three held resource consents to discharge treated effluent to water, although all of these farmers preferred to apply effluent to land.
- 1.3 Each and every year the Council aims to complete a full assessment of every farm regarding dairy effluent disposal. All 124 active farms in Tasman were inspected at least once during the 2020/2021 season.
- 1.4 At these inspections each farm was assessed against resource consent conditions for the discharge of treated dairy effluent to water, or against the permitted activity rule 36.1.2.3 (Discharge of Animal to Land). The final compliance results were:
 - Ninety eight percent (98%) Fully Compliant
 - One percent (1%) Non-Compliant
 - One percent (1%) Significantly Non-Compliant
- 1.5 All farms that hold resource consents fully complied with all conditions of their respective consents.

2 Draft Resolution

That the Regulatory Committee receives the 2020-2021 Farm Dairy Effluent Compliance Survey RRC21-07-2

3 Purpose of the Report

- 3.1 The purpose of this report is to present the results of compliance for the 2020/2021 dairy season with respect to those farm dairies that hold a resource consent to discharge treated dairy effluent to water and those farms that operate under the permitted activity rule 36.1.2.3 of the Tasman Resource Management Plan (TRMP) – Discharge of Animal Effluent to Land.
- 3.2 The survey specifically looked at the collection, containment and disposal of effluent from the farm dairy and general farm management practices associated with effluent. No routine sampling of waterways or soils is undertaken as part of this monitoring programme; samples are only undertaken during investigation phases where offences are suspected. Therefore, the monitoring programme and report do not attempt to assess the wider effects of farming on water quality, amenity, or aquatic ecology in these catchments, which are covered by other reports to the Council.

4 Background and Discussion

A Snapshot of Dairying in Tasman District

- 4.1 Tasman District's farm dairies are concentrated in three main areas, referred to as sub-regions. These sub-regions are Golden Bay, Central and Murchison. Each yellow square in Figure 1 depicts the location of a farm dairy that was operating during the 2020/2021 milking season. It can be seen from Figure 1 that approximately two-thirds of Tasman's dairy farms are concentrated in Golden Bay. The remaining third are more or less evenly distributed in the Central and Murchison sub-regions. Figures 2, 3, and 4 show the spatial distribution of farms in these sub-regions and introduces the catchments, or geographical 'zones' of each sub-region.
- 4.2 The dairy farms of Golden Bay are placed into six 'zones' with each zone representing either a catchment or geographical area. Figure 2 shows the location of these zones. Most farms are in the Bainham/Rockville area where the Aorere River flows and the Takaka Valley where the Takaka River flows. The remaining farms are dotted around the coastlines of Pakawau, Puramahoi/Onkaka, and Motupipi, and a small inland pocket in Kotinga/Anatoki.
- 4.3 Figure 3 illustrates the spatial distribution of farms in the Central sub-region. Here there are three distinct zones. Most of the farms are located in and around the upper catchment of the Motueka River, the remaining farms are located on the Waimea Plains and in Moutere.

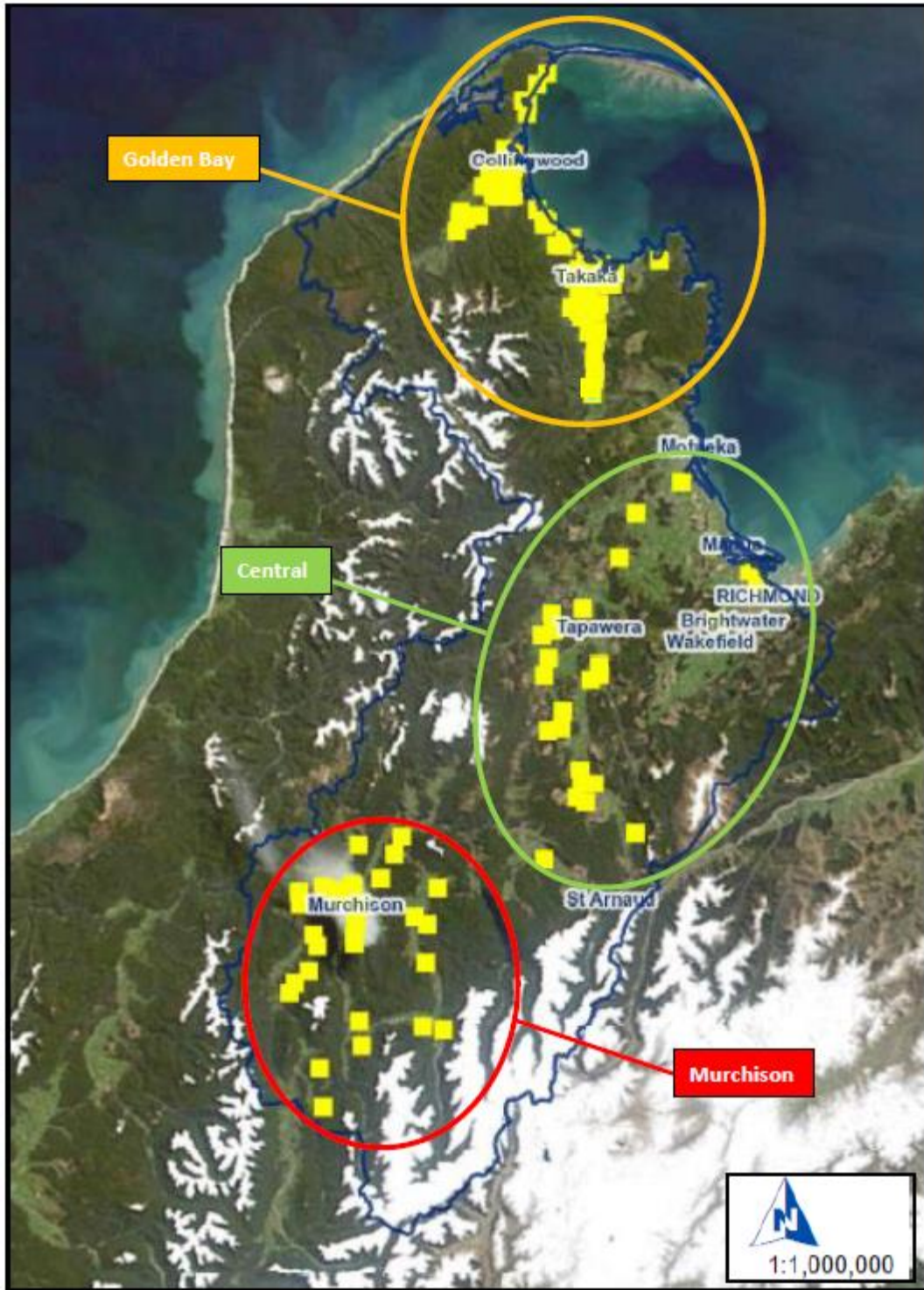


Figure 1: Location of the three sub-regions of Golden Bay, Central, and Murchison

Item 8.2

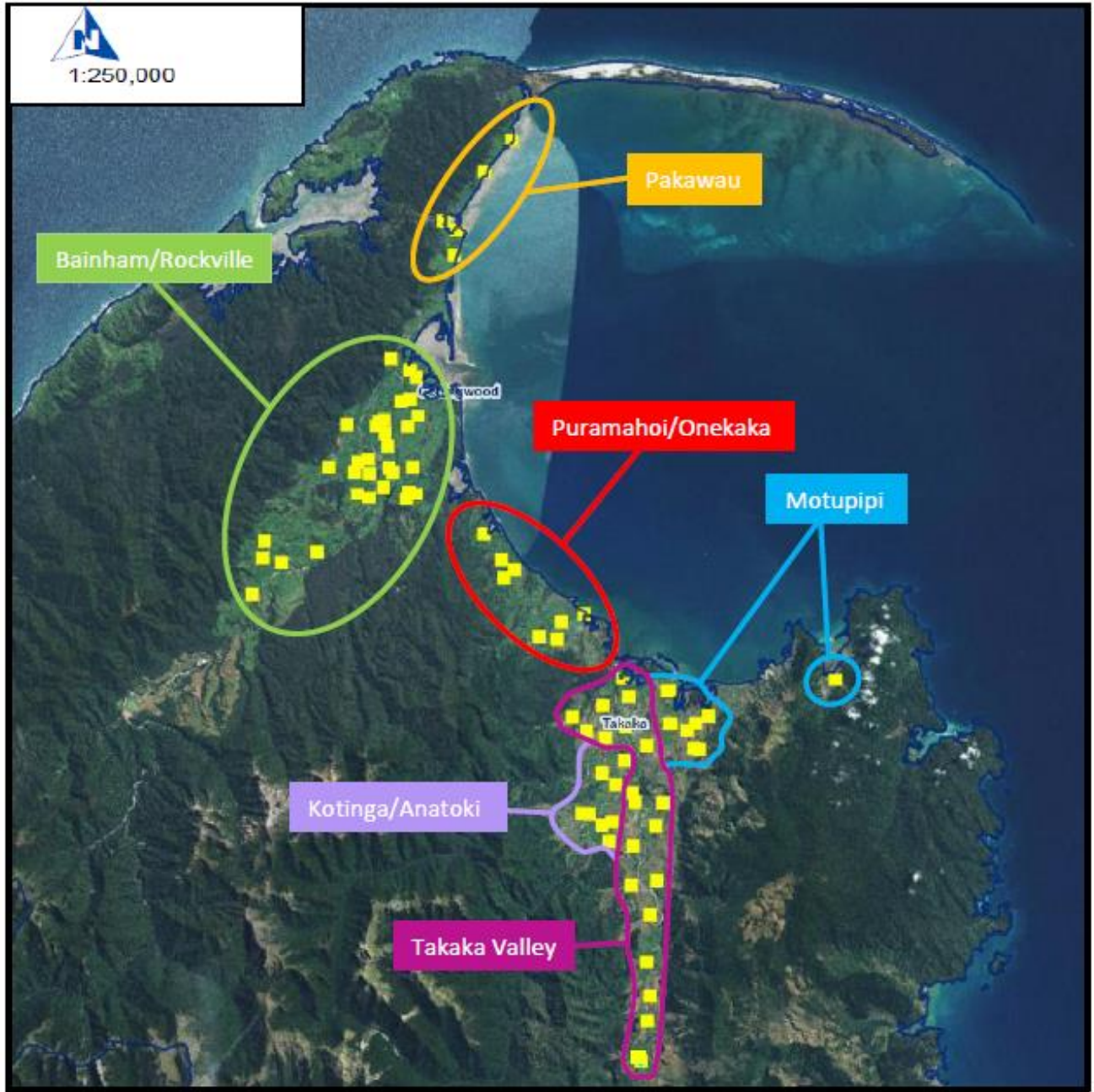


Figure 2: The spatial distribution of farm dairies in the Golden Bay sub-region

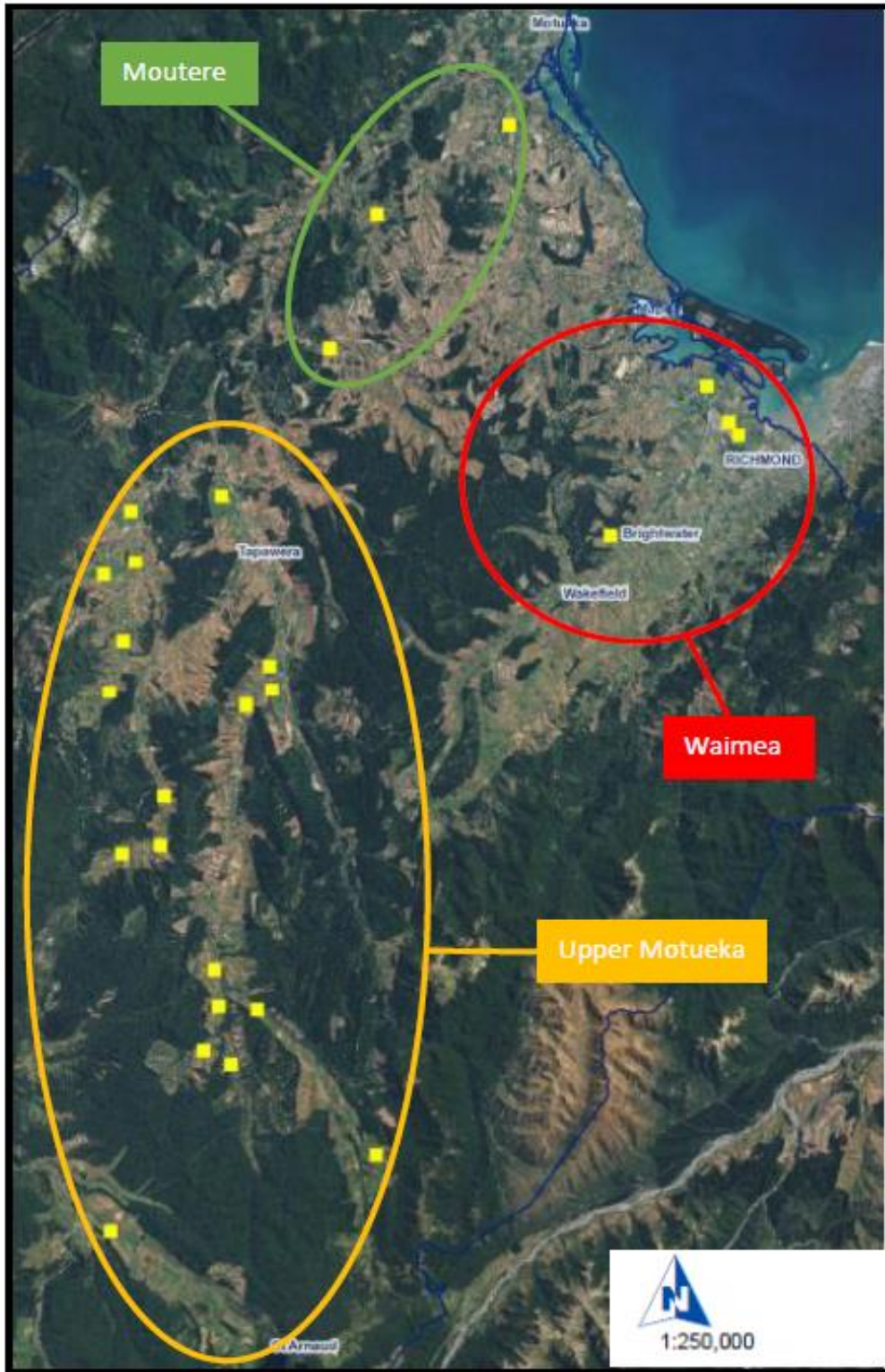


Figure 3: The spatial distribution of farm dairies in the Central sub-region.

4.4 The Murchison sub-region (Figure 4) can also be separated into zones with most farms situated on old river terraces in the long narrow valleys of this area. The exception being those farms on the plains in and around the town of Murchison itself.

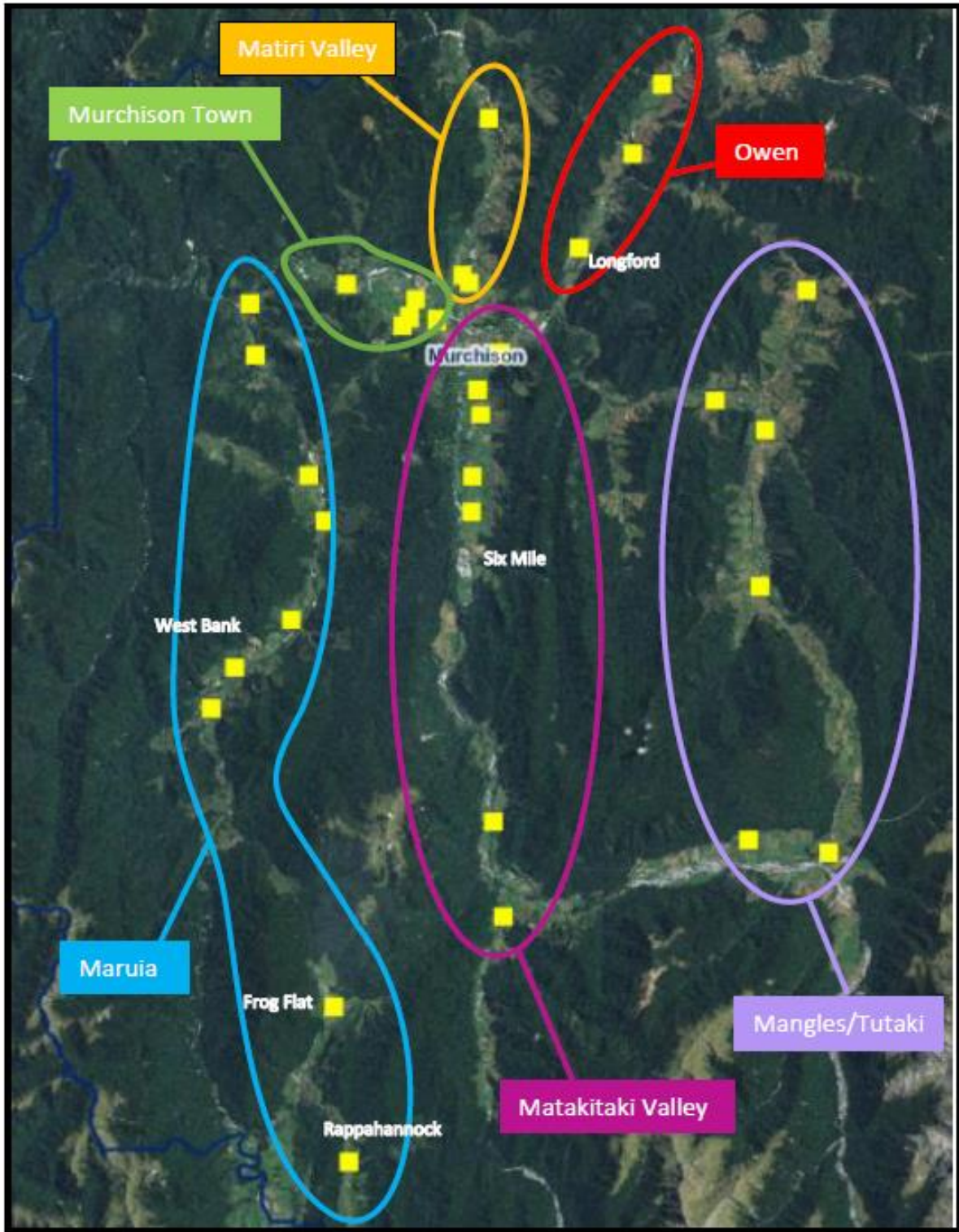


Figure 4: The spatial distribution of farm dairies in the Murchison sub-region

4.5 Table 1 presents a breakdown of the metrics relating to the current number of farms, total and average herd size, land area and stocking rates for Tasman District compared to current national and South Island statistics. The three sub-regions are also included for comparison.

Table 1: Comparative Dairy Farm Statistics – Tasman v National and South Island Trends.

Catchment	Number of Farms	Total Land Area (ha)	Average Farm Area (ha)	Total Dairy Population	Average Herd Size	Average Stocking Rate (cows/ha)
National Statistics (2019-2020) **	11,179	1,730 374	155	4,921,548	440	2.84
South Island Statistics **	3,200	687,886	215	2,064,459	645	3.0
Tasman Statistics *	124	18,250	141	47,197	366	2.58
Golden Bay*	75	9,600	119	25,110	305	2.56
Central*	20	3,099	120	7,815	308	2.56
Murchison*	29	5,551	165	14,272	433	2.62

* These statistics refer to the maximum/peak number of milking cows each farm carried in a given season that is at the time of calving. The end milking number is commonly 10-20 less for each farm and thus these are conservative numbers. These numbers do not include replacement heifers, bulls or calves.

** source: [New Zealand Dairy Statistics 2019-20 - DairyNZ](#)

- 4.6 There are a number of observations to note from this data. Although dairy farming is still a significant rural industry in Tasman when comparing averages against national data, the scale and intensity is relatively low. Less than 1% of the national herd is farmed in Tasman with the average herd size, farm size and stocking rate being 10-20% below the national averages and considerably less than South Island averages.
- 4.7 While two-thirds of Tasman's farms are in Golden Bay, this sub-region is by no means the most intensive farming area within Tasman in terms of stocking rates and herd size. The largest farms are in fact located in Murchison, in particular the upper reaches of the Tutaki and Matakītaki Valleys where there are currently three farms with a herd greater than 1000 cows and five farms with a herd greater than 800 cows. The average farm size in Murchison is also much larger at 165ha compared to Golden Bay at 119ha. Correspondingly, the average stocking rate is also higher at 2.62 cows/ha compared to Golden Bay at 2.57cows/ha. The Central sub-region has the lowest intensity dairy farming in Tasman in terms of farm numbers, total dairy population, but farm size in terms of land area and herd size and therefore stocking rates, are very similar to those farms in Golden Bay.

The Changing Face of Dairying in Tasman District

- 4.8 Since the first full dairy effluent compliance survey in 2005, the face of dairy farming in Tasman has changed. These trends are displayed in Figure 5 and a full breakdown of this data is presented in Table 2 and discussed below.
- 4.9 During the 2005/06 dairy season when data collection began, 155 farms operated in Tasman. This number gradually declined over the next eight seasons to stand at 146 farms in 2013/14. Since that date, an accelerated decline in numbers has become evident.
- 4.10 This decline is largely attributed to the amalgamation of small farms into bigger entities through buyout or lease of neighbouring farms that had ceased supply. The other factor,

which is more obvious in recent years, is farms moving entirely away from dairying to dairy support, beef and more recently converting to hops.

- 4.11 While these use changes were key drivers in declining number of farms, the total milking platform area had until recently still remained fairly consistent. Historically the data paints a picture of gradual decline in area until 2010/11 where approximately 20,100ha remained in dairying. This was then followed by a period of expansion to where in 2016, the total area under milking reached its zenith at 21,717ha. Since that date however, there has been a steady reduction to where we are now at 18,250ha in the 2020/2021 season, the lowest on record. This trend looks to continue.
- 4.12 The overall dairy cow population has followed a similar trend. Since the first survey of 2005/06 when 57,549 cows were milked numbers have fluctuated over time with a peak of 58,179 cows in 2014/15. Since that date numbers are now falling and so too is the average stocking rate. After peaking at 2.74cows/ha in 2013/2014, the average stocking rate is now 2.58 cows/ha. Tasman’s stocking rate is in fact one of the lowest in the country (<https://ecoprofile.infometrics.co.nz/nelson-tasman/Gdp/Dairy>)
- 4.13 From these data trends and on farm discussions, it does appear that dairy farming in Tasman is entering another era. As stated, the most marked trend over the past 16 years is the decline in the number of dairy farms. There are now just 124 farms operating in Tasman in 2020/21, a drop of two from last season. This number is likely to fall further next season with at least four more dairies indicating they are ceasing supply. This trend has also resulted in a dramatic drop in total herd numbers (55,878 cows in 2016/2017 to 47,197 cows this season) as well as the corresponding decrease in land used for dairy farming (20,934ha in 2016/2017 to 18,250ha this season).

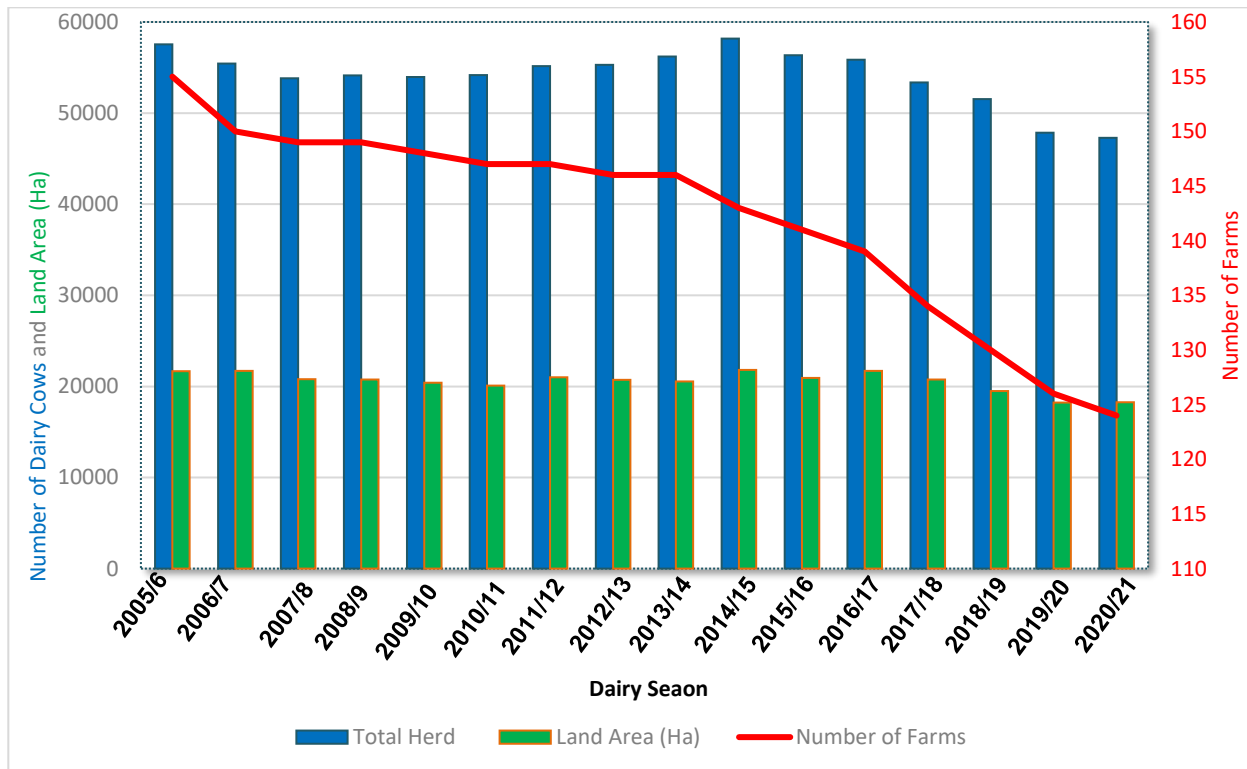


Figure 5: Tasman District’s changing dairy herd size, associated land area and number of farms between 2005/06 and 2020/2021

Table 2: Breakdown of statistics presented in Figure 5

Season	Number of Farms	Total Herd	Average Stocking Rate	Land Area (Ha)
2005/06	155	57549	2.66	21655
2006/07*	150	55447	2.55	21706
2007/08*	149	53815	2.59	20790
2008/09*	149	54139	2.61	20744
2009/10*	148	53965	2.65	20393
2010/11*	147	54179	2.70	20094
2011/12*	147	55162	2.62	21015
2012/13*	146	55283	2.67	20727
2013/14*	146	56228	2.74	20553
2014/15*	143	58179	2.67	21798
2015/16*	141	56355	2.69	20934
2016/17	139	55878	2.57	21717
2017/18	134	53359	2.57	20767
2018/19	130	51552	2.65	19482
2019/20	126	47858	2.6	18230
2020/21	124	47297	2.58	18250

*Source: <https://ecoprofile.infometrics.co.nz/nelson-tasman/Gdp/Dairy>

4.14 Despite the drop in herd numbers given the equivalent drop in land area the actual stocking rate has remained relatively stable since 2005.

Full Season Once-a-Day Milking

4.15 Another pattern of change is the large uptake of farms moving to Full Season Once-a-Day (FSOAD) milking. FSOAD milking is the practice of milking cows only once during a 24-hour period for the entire milking season. This differs from the traditional twice a day (TAD) milking regime. It should be noted that most farms do move to Once-a-Day (OAD) milking at some point in the latter half of the season as feed sources and body condition decrease. The reported benefits of FSOAD include:

- Less time spent milking cows
- Reduced labour costs
- Reduced staff pressure
- The size of contingency storage is reduced and thus installation costs are reduced as less effluent is collected in the yards and sheds.
- Improved stock health from less stress, lameness (less walking)

4.16 Tasman District now has 33 farms (26%) practicing FSOAD milking this season, three more than last season. Two of these farms are amongst the largest herds in the District. Additionally, some of the larger herds are split in two where the younger cows and lower producers are milked FSOAD and the high production cows milked TAD. There are also a small number who operate on a 7/10 regime, that is seven milking's completed every ten

days. At least three further farms have made it known that they are considering the transition to FSOAD in the coming seasons.

- 4.17 Tasman District, together with the West Coast and Northland regions, has the highest percentage of farms milking FSOAD [Full season once-a-day \(OAD\) milking - DairyNZ](#)

Resource Consents – to Discharge Treated Effluent to Water

- 4.18 A further change since 2005 is a marked decline in the number of resource consents authorising the discharge of treated farm dairy effluent to water. There were 33 farms that held discharge permits in 2005 and only three farms at the end of the 2020/2021 dairy season. This decline is directly attributed to farms ceasing operation or investing in the infrastructure required to allow them to commit 100% to a fully land-based system for effluent disposal.
- 4.19 The three farms that have retained their discharge permits are located within the very high rainfall areas of Golden Bay. They all elect to apply effluent to land as a primary method of disposal but continue to retain their consents as a 'back-up' for contingency purposes if their storage ponds cannot contain the amount of effluent that will accumulate during prolonged periods of wet weather when land application is not possible without promoting ponding and overland run-off.
- 4.20 Over the last seven years, all three farms operating under discharge permits have fully complied with their respective wastewater quality limits for the receiving waters. Some of the parameters that are measured include bacteria, suspended solids, biological oxygen demand, nitrogen and phosphorous.

The Changing Standards of Effluent Systems

- 4.21 Many advances in technologies have occurred in recent years and are actively promoted through dairy industry initiatives. This includes the industry led Farm Dairy Effluent System Design Accreditation programme. This programme provides a new way forward for effluent system design in New Zealand and councils are seeing this being rapidly picked up by farmers nationwide. The programme goal is to ensure all dairy farmers have effluent systems that can achieve dairy industry and wider communities' expectations for the land application of dairy effluent. Key points to this are:
- Keeping all untreated effluent out of surface and groundwater;
 - Keeping land-applied effluent nutrients in the root zone to capture their nutrient and economic value; and
 - To ensure all systems are compliant 365 days a year.
- 4.22 Having standards for effluent systems helps reduce the level of risk for farmers who are investing in new systems or upgrading existing systems. Accredited providers are expected to undertake site assessments, extensive design and requisite documentation before a system goes in the ground. They will also oversee the commissioning of the system after installation to ensure it operates in accordance with design. By engaging an accredited provider, a farmer should be confident the system design will be consistent with Dairy NZ's Farm Dairy Effluent Design Code of Practice and Standards and assist in meeting the Councils rules. In addition to these, the Institution of Professional Engineers (IPENZ) with support of Dairy NZ has produced Practice Note 21 – Farm Dairy Effluent Pond Design and Construction. This Practice Note has an engineering focus on the design

and construction of effluent ponds and is to be read alongside the Code of Practice and Standards.

- 4.23 Council staff, while on farm, continue to promote these industry initiatives to farmers and encourage them to seek out service providers who understand and apply these new codes and standards. By encouraging this uptake, it is hoped we will see increasing improvements in systems that are future proofed to meet regulations and provide better environmental outcomes.

The 2020/2021 Compliance Survey – The Inspection Process

- 4.24 The on-farm compliance inspection process this season was essentially that of previous seasons. It is not intended to detail that process in this report and the reader is referred to staff report EP06/05/18 where this was described in detail. For ease of reference the geographical location of the three “sub-regions” (Golden Bay, Central, and Murchison) referred to in this and past reports is illustrated above in Figure 1.

Compliance Grading

- 4.25 As with all dairy farm inspections undertaken by the Council, farms once assessed were placed into one of three categories that described their level of compliance. The criteria for assigning these categories are:
- **Compliant:** No non-compliance with any Resource Consent conditions or any sections of Rule 36.1.2.3 of the TRMP were found at the time of inspection.
 - **Non-compliant:** All issues that did not fit into either “compliant” or “significantly non-compliant” e.g. technical non-compliance with no adverse environmental effect.
 - **Significantly Non-compliant:** refer to Attachment 1 for a full list of criteria.
- 4.26 These compliance classes are used by all regional councils to ensure national consistency when reporting on dairy compliance and will be referred to throughout the remainder of this report.

5 Compliance – The season in summary

2020/2021 Inspection Results

- 5.1 Compliance with respect to an individual’s consent conditions, Rule 36.1.2.3 of the TRMP and Section 15(1)(b) of the Resource Management Act (RMA) 1991 as assessed from the farm inspections are presented in Figure 6.

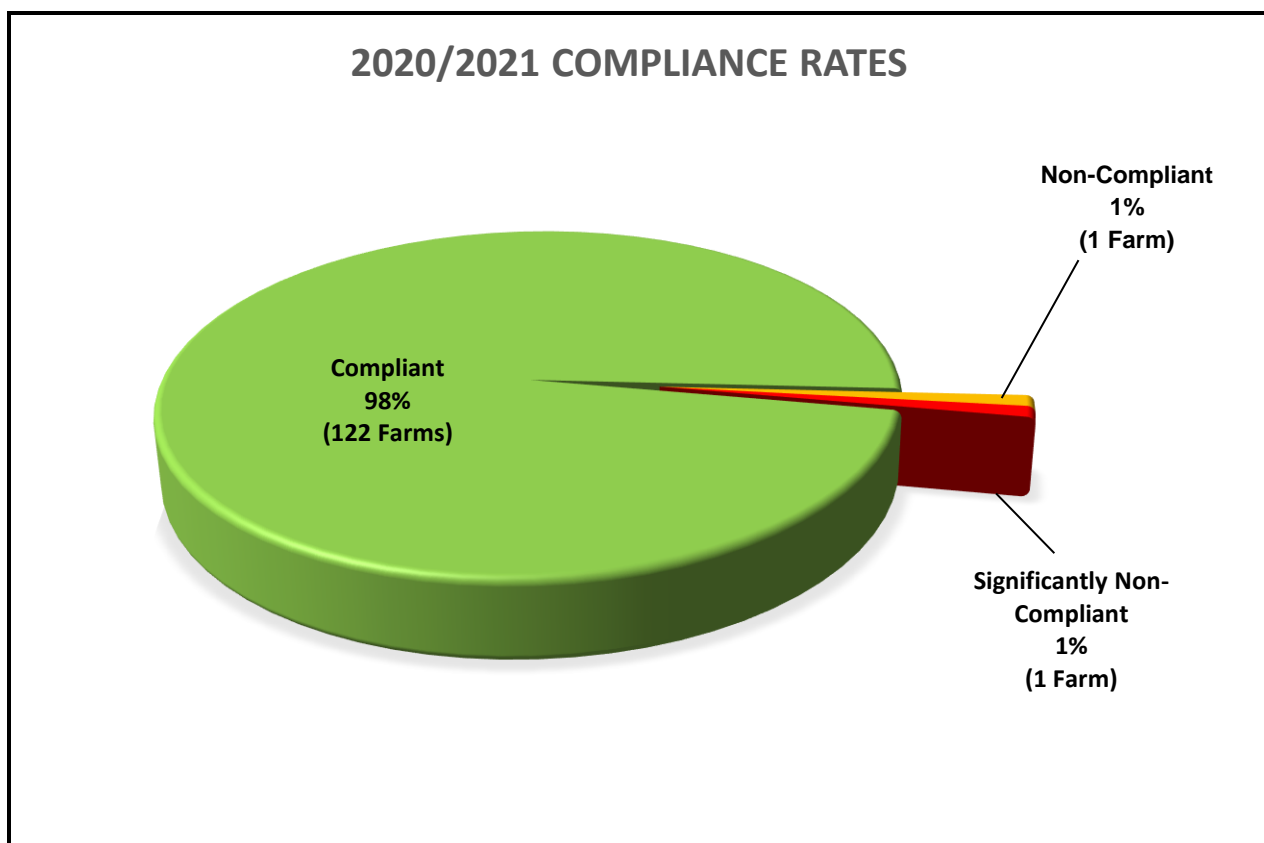


Figure 6: Compliance gradings of farms inspected during the 2020/2021 milking season with respect to Rule 36.1.2.3 of the TRMP, Resource Consent conditions, and Section 15(1) of the RMA 1991

- 5.2 All the 124 dairy farms in Tasman district were inspected at least once over the 2020/2021 season, of which 122 (98%) of all inspections were graded 'Compliant'.
- 5.3 One inspection found issues that were graded as 'Non-Compliant' and involved minor ponding of effluent on the ground. This ponding was not in danger of running off and entering water.
- 5.4 One farm was graded as 'Serious Non-Compliant' and concerned moderate ponding of effluent created by an irrigator that malfunctioned. This ponding occurred on the crest of steep sloping land where a small stream flowed at its toe. The slope of the land was enough to promote overland flow. Upon discovering the fault, farm staff immediately shut the effluent system down but not before a small amount of effluent entered the stream. Council staff undertaking water sampling downstream at the time observed the discolouration in the stream. They traced this back upstream to the farm boundary and notified Compliance staff who responded.
- 5.5 This particular farm had completed half of a major overhaul of the effluent system and was well underway with the installation of the final components at the time of the offence. A low application system and more storage that will meet industry standards will be completed ready for the 2021/2022 season.
- 5.6 A considerable amount of work has been done since 2012 by the dairy industry (Dairy NZ, Fonterra, and Westland Milk) by working one-on-one with farmers with respect to system and wet weather contingencies. The Council and industry are actively promoting to farmers the benefits of engaging professionals who have gained accreditation through the Farm Dairy Effluent Accreditation Scheme. Regardless of whether the farmer chooses to engage such a person, they are required to demonstrate that any new system or modification to

any existing system meets Dairy NZ's Farm Dairy Effluent Design Code of Practice and Standards. These standards include among other things, adequate sizing and the sealing of effluent storage systems.

- 5.7 This work is now being seen throughout the District. This is particularly so in the Murchison area, where inspections made in past seasons identified that non-compliance associated with ponding was far more prevalent here than any other area of the District. This was largely associated with undersized storage systems, which left farmers with no option but to irrigate effluent onto saturated pastures rather than being able to contain until the receiving soils were back in a moisture deficit state.
- 5.8 Over the past six seasons both milk supply companies (Fonterra and Westland Milk) have repeatedly audited effluent systems that were of concern and made recommendations to the respective farmers as to how to improve them in order to meet industry best practice as prescribed in Dairy NZs Code of Practice and Standards. At the end of the 2020/2021 season, two more site specific designed systems had been commissioned. A further six farms are part way through the installation of their systems and should be commissioned over the next few seasons. Five more farms have had systems sized for them. These farms are now in a position where they can price out different storage options and work these costs into their farm budgets. At least three further farms are in the process of actively constructing improved containment facilities ready for the 2021/2022 season.
- 5.9 Unfortunately, there still exists a small minority who will not move forward unless pushed to do so. Such a push will likely have to come from industry as the permitted activity rules do not provide the Council enough leverage at present and our intervention requires detection of an offence. It was fair to say that the majority of these were in the Murchison sub-region, with a scattering of other farms located around the rest of the district. However, this season sees a shift as a direct result of these southern farms active uptake of technologies under the encouragement and guidance from the Council and the milk supply companies. The owners of farms that do remain with very vulnerable systems typically cite financial constraints as prohibiting any investment in improved effluent management systems.
- 5.10 Much focus has been placed on ponding in past years, as this was the most common issue of non-compliance found during the surveys. Many of the farms that presented ponding in past seasons have now installed storage that has been designed and constructed to industry standards. The uptake of these new systems, combined with robust management regimes, has seen ponding and in particular the severity of ponding decrease as an area of noncompliance in Tasman District.
- 5.11 Figure 7 presents a breakdown of the standard of farm dairy effluent systems within Tasman District with respect to Dairy NZs Code of Practice and Standards. Currently 39% (49 farms) have effluent systems that have been designed and constructed to the standards set out in Dairy NZs code of practice and standards, an increase of two since last season. This means the system has been sized, or an existing system has been verified as being of adequate size using the Pond Calculator and proven to be sealed as per the allowable seepage rates for clay and synthetic liners. A further 28% (35 farms) have storage facilities confirmed to be of sufficient size but have not had confirmation that the ponds are sealed to industry standard. In most cases, these systems are former oxidation pond systems that have had the discharge pipe removed once the farms have moved to a land-based disposal system. These ponds were often lined with compacted clay when constructed, but they need to be assessed for seepage before they can be regarded as fully meeting industry standard. Notwithstanding this, during the farm

inspection each and every pond is thoroughly inspected for any visual signs that they may be prone to seepage. Such evidence can present as wet exterior pond walls, boggy areas in surrounding land, and long-green-filamentous algal growth in nearby waterways. Should there be any concerns, the farmer is required to have the system assessed to ascertain whether the pond is sealed to industry standards and rectify this if it is not. Collectively, 68% (84 farms) of Tasman District’s dairy farms have storage systems that meet industry best practice and standards in terms of storage volume.

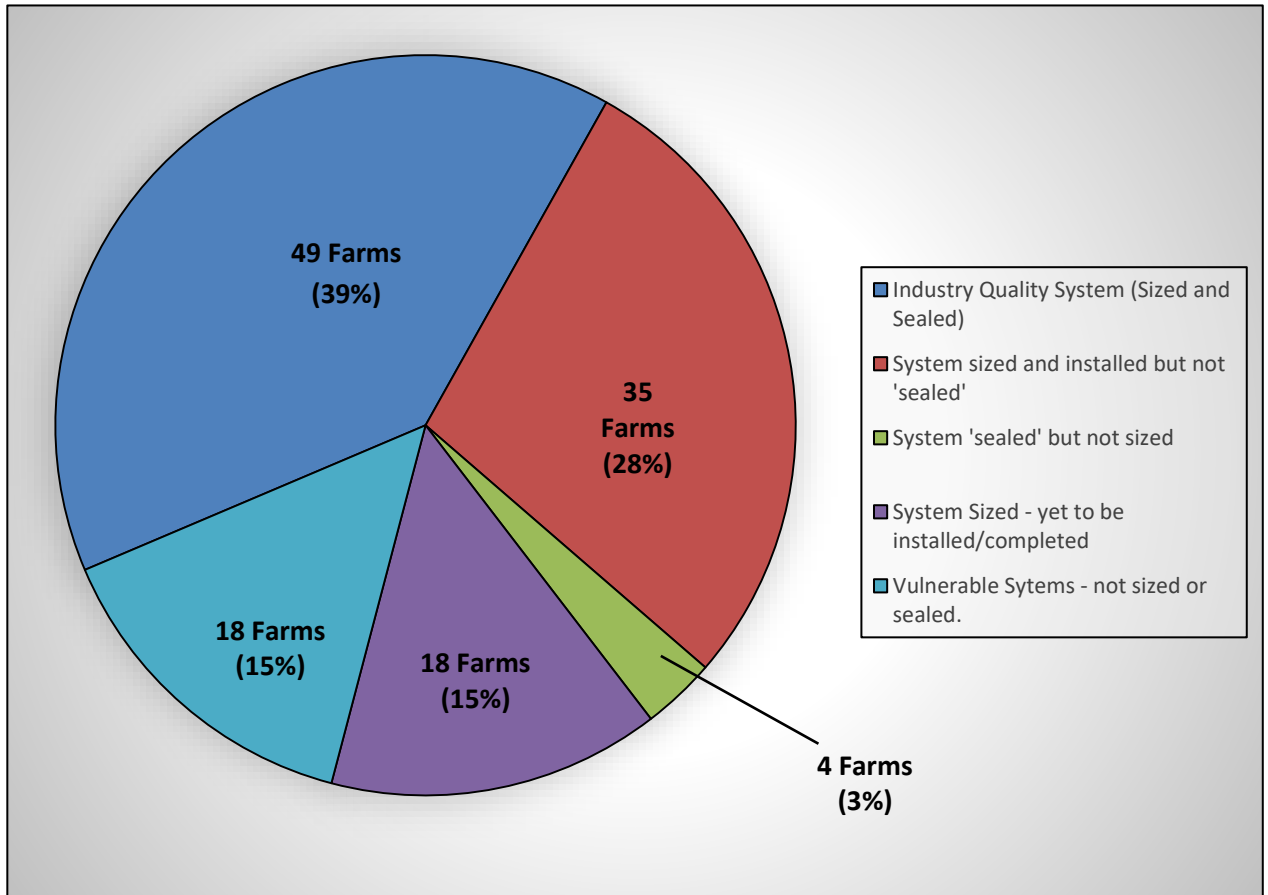


Figure 7: Snapshot of the districts effluent storage system suitability classification

- 5.12 In addition to these numbers, a further 18 Farms (15%) have engaged accredited rural professionals and have had their current systems audited. Where needed, new storage facilities have been designed for future construction. Most of these farms have either committed to having these upgrades fully commissioned within the next three seasons or are in various stages of having their respective systems completed. Three farms are currently in the final stages of construction to be ready for the 2021/2022 dairy season, and a further four aim to have their system fully commissioned by the 2022/2023 season.
- 5.13 Additionally, there are a small number of farms (four farms) that have sealed systems but fall well short of being adequately sized. These are all concrete sumps that serve smaller dairy herds and offer limited storage.
- 5.14 There remain 18 farms (15%) that have storage facilities that have not been confirmed as being of sufficient size nor sealed to industry standards. This is a decrease of two farms since last year, in one farm a fully commissioned new industry spec system, and the other has sealed their current system and have had additional storage sized. It is important to

note that not all these farms are necessarily in dire need of improvement or have systems not fit for purpose. In fact, just four of these farms have storage facilities that are clearly inadequate in terms of size, three of these farms will cease to operate as a dairy within one to two years.

5.15 With respect to these last two scenarios, all farmers concerned have had Council staff engage with them regarding these shortfalls. All farmers have been advised to consider progressing matters by working with their respective supply company and doing the necessary research to determine the most suitability sized storage facility and storage options to fit their circumstances.

Compliance Trends

5.16 Figure 8 shows a comparison of the compliance rates from the past 16 milking seasons (2004/2005 – 2020/2021).

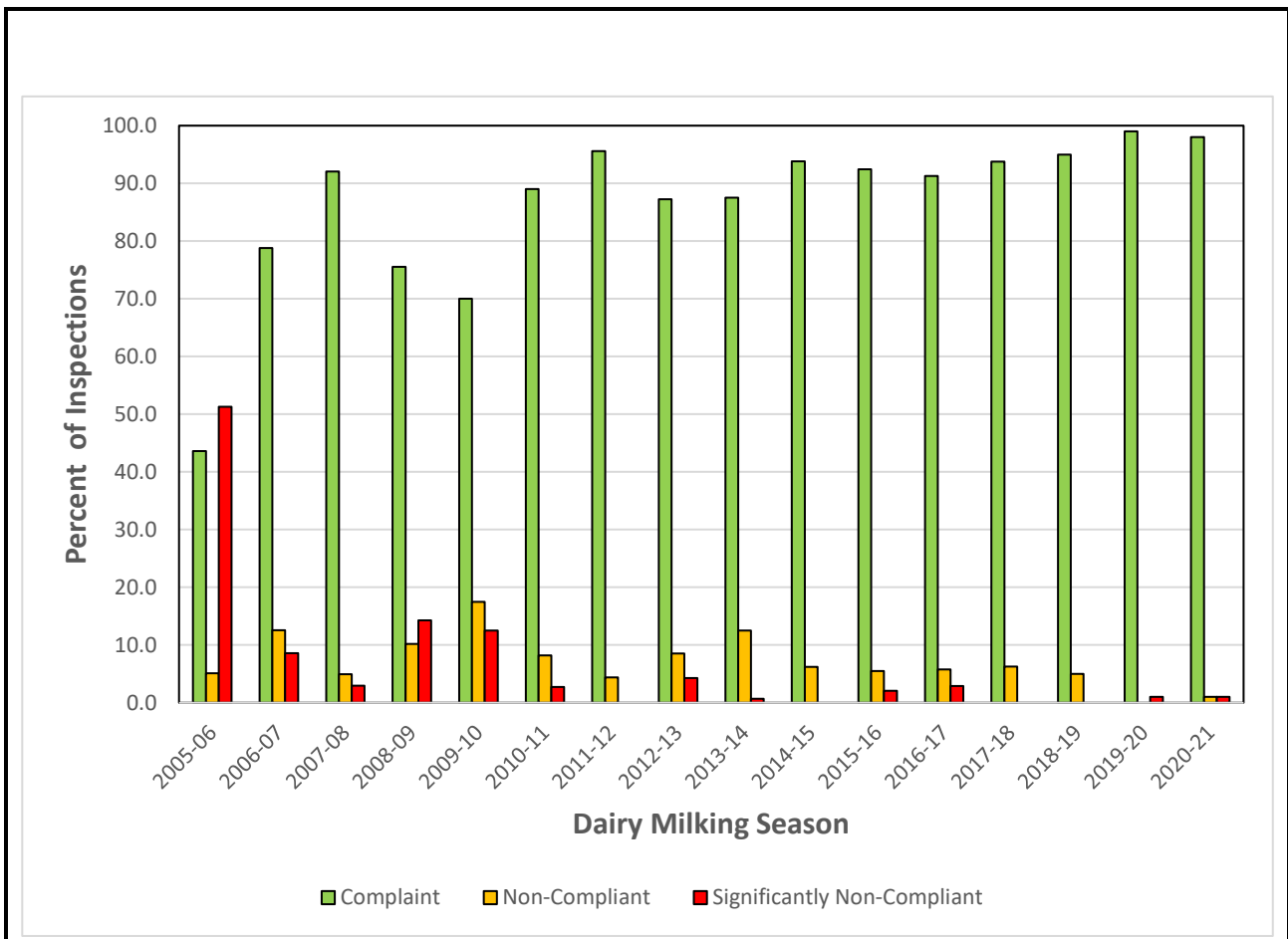


Figure 8: Historic district-wide compliance rates with respect to Rule 36.1.2.3 of the TRMP, Resource Consent conditions, and Section 15(1) of the RMA 1991.

5.17 From Figure 8, it can be seen that full compliance continued to improve from season to season up until 2011/2012 when it reached a very high standard. Since this time, it is pleasing to report that Tasman farmers continue to maintain this high level of compliance and that the 2020/2021 season was no exception to this positive trend. Only two farms were found to be non-compliant and disappointingly, one was significant in nature and could have been avoided had the irrigator not been operated atop of steeply sloping land, or and/or by using a low application system. The farm concerned has taken these

learnings from this incident and have updated their protocols regarding placement of effluent and fast tracked the commissioning of the low application disposal system that was already planned for later in the season.

- 5.18 Despite these two incidences, there exists a continuing high standard of compliance that can be directly attributed to the commitment of most farm owners and their staff to employ best farm practices with respect to system design and the disposal of farm dairy effluent.

2020/2021 Enforcement Action

- 5.19 As in previous years, five modes of enforcement action were available for use to address the non-compliance that arose from these farm inspections. These being: warning letters/letters of direction, Abatement Notices, Infringement Fines, Prosecutions and Enforcement Orders. The type of enforcement action taken is largely determined by the resulting adverse environmental effect arising from that non-compliance.

Formal Warning Letter/Letter of Direction

- 5.20 A formal warning letter or letter of direction acts as a first enforcement response for very low level of offending and environmental effects. This is retained on file and forms part of a history. Further non-compliance that receives enforcement action will consider that the operator had previously received a warning.
- 5.21 No formal letters were needed to be issued this season.

Abatement Notices

- 5.22 An Abatement notice prescribed under Section 322 of the Resource Management Act is a formal and legal directive from the Council to cease an activity and/or undertake an action(s) in order to avoid, remedy, or mitigate an actual or potential adverse effect on the environment. An abatement notice is used by the Council to immediately deal with an illegal activity and to instigate corrective action. Further enforcement action can follow the issuing of an abatement notice and it is an offence under the Act to fail to comply with the notice and its deadlines.
- 5.23 No abatement notices were required for offences found during the 2019/2020 season.

Infringement Fines

- 5.24 An infringement fine prescribed under Section 343C of the Resource Management Act is an instant fine issued by the Council to a person(s)/company who has committed an offence against the Act.
- 5.25 One infringement fine was issued for offences found during the 2020/2021 milking season. This was for the incident detailed above concerning effluent entering a waterway.

Prosecutions and Enforcement Orders

- 5.26 An enforcement order prescribed under Section 319 of the Resource Management Act is a directive from the Court to a person(s)/company to cease an activity and/or undertake an action(s) in order to avoid, remedy or mitigate an actual or potential adverse effect on the environment from their activity.
- 5.27 No prosecutions or enforcement orders were required for offences found during the 2020/2021 season.

National Audit of Council's Compliance Monitoring and Enforcement

- 5.28 Each year, an audit of all regional councils' compliance inspections of farm dairy effluent systems is undertaken by an appointed peer review panel. The purpose of this audit is to determine that consistency exists in the assessment and subsequent application of compliance gradings for farm dairy effluent monitoring by the regional authority. The need for such auditing arose in 2006 when it became evident that reporting of sector compliance was distorted by individual council's assessment and grading practices. Determining regional and national compliance was therefore proving to be highly problematic and raised a reputational risk from a lack of public confidence in the published data.
- 5.29 Between 2007 and 2009, a project team was formed to develop nationally consistent criteria and compliance categories for grading dairy effluent monitoring inspections (see Attachment 1). These were accepted by all regional authorities in 2009. From 2009 to 2012 these audits took place annually and changed to bi-annual audits from 2014 to 2018. A total of eight national audits have been completed. The next audit was due to take place in April 2020, however due to Covid-19 lockdown restrictions, this was postponed and is now scheduled to occur 29-30 July 2021.
- 5.30 To date Tasman District Council's farm dairy effluent compliance inspections have achieved a 100% pass rate at each and every audit. No other regional authority matches this standard. With this in mind, one can be confident that compliance inspections of all dairies in Tasman are carried out to the highest possible standard and continue to stand up to this high level of scrutiny. Thus, the Council and the public can have a good confidence in the reliability and robustness of statistics contained in this annual report and every preceding annual report.

6 Strategy and Risks

- 6.1 Although risks are not significant under the current Council monitoring strategy, there is always high public interest in dairy effluent disposal due to the known risk to the environment and the frequency of issues appearing in the national media. This is likely to continue with the freshwater reforms taking place across regions
- 6.2 For that reason, there is potential for strong public comment if the programme does not maintain high levels of compliance and provide adequate performance reporting. Likewise, as part of the collective agreement of all regional councils to adhere to the "every farm, every year" monitoring strategy including audit, a failure to maintain the programme will not only put us out of sync with the rest of the country, but limit our ability to meet national reporting requirements.

7 Consideration of Financial or Budgetary Implications

- 7.1 Presently there is no robust legal means open to the Council to recover the costs incurred in the monitoring of farm dairies with respect to the permitted activity rules. As most farms within the district operate as a permitted activity the Council cannot charge for routine inspections. This will not change with the introduction of the charging mechanisms under the Freshwater NES as it is outside the scope of the regulations.
- 7.2 When non-compliance is detected the cost of enforcement processes generally falls to the Council as it does in any area of activity. Penalties such as infringements and court fines do provide some cost offset when action is taken.

- 7.3 For the three consented activities the costs associated with monitoring are recovered by way of annual charges.

8 Significance and Engagement

- 8.1 This is an information report so is of low significance. Engagement with farmers takes place as part of the monitoring programme and carries great benefit as an interface between the sector and the Council. This provides an ability to gauge what is occurring in this district and share information with members of the farming community around our expectations and developments in the areas relevant to them.
- 8.2 Given the level of public interest both locally and nationally on dairying and its regulation we report the results of our monitoring widely.

9 Conclusion

- 9.1 A total of 124 dairy sheds had active discharges in the Tasman District during the 2020/2021 milking season. Of these, 122 farm dairies operated as permitted activities and the remaining two had resource consents authorising the discharge treated effluent to water.
- 9.2 The results of this survey were:
- Ninety-eight percent (98%) Compliant.
 - One percent (1%) Non-Compliant
 - One percent (1%) Significantly Non-Compliant
- 9.3 All farms that hold resource consents fully complied with all conditions of their respective consents
- 9.4 No prosecutions or enforcement orders were required for offences found during the 2020/2021 season.
- 9.5 One infringement fine was issued.
- 9.6 Heading into the new dairy season, Tasman District continues to present a good rate of compliance with respect to farm dairy effluent management; however, improvement can always be made and we will engage with the farmers to promote compliance and best practice where applicable.

10 Next Steps / Timeline

Servicing and Maintenance of Effluent Storage Facilities.

- 10.1 The large uptake by farmers in recent years to invest in storage systems that meet the dairy industry's Code of Practice and Standards has been a very positive trend in Tasman District. In part this means a given storage system has been sized using the modeling tool, the Pond Calculator. This model considers numerous on-site parameters including herd size, climate, soil types and wash-down catchment area of a given farm to calculate a site-specific minimal storage volume. A storage facility can then be designed and built to these calculations.

- 10.2 Now that many of these systems are entering their second and third year of use, the amount of sediment fallout that has accumulated as sludge in the bottom of these facilities has come to the point that the storage volume is becoming compromised. This means the actual storage capacity of these systems is continually decreasing if left unchecked. All storage systems need to be serviced in order to maintain their design capacity and the Council will engage with farmers to push this message and ensure it is incorporated into their on-farm maintenance program.

2021/2022 Dairy Farm Effluent Survey

- 10.3 Farm Surveys for the 2021/2022 season commence in September 2021 and inspections will begin in earnest with a view to once again completing a full assessment of every farm regarding dairy effluent disposal.
- 10.4 As always there is a risk that some non-compliance will surface however it is expected that the ongoing commitment for best farm practices and the installation of effluent systems that are designed and built to Dairy NZ's Code of Practice and Standards, thus industry best practice will be reflected in a continuing high standard of compliance in Tasman District.
- 10.5 Next season, Council staff will continue to work closely with the industry to build upon the positive work achieved during the past seasons. Such work includes the ongoing promotion of on-farm best practice, particularly with respect to wet weather contingencies and also the promotion of Dairy NZ's Farm Dairy Effluent Design Code of Practice and Standards, and the new Farm Dairy Effluent Design Accreditation Scheme.

Attachments		
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| 1. ↓ | Significantly Non-Compliant Farms | 33 |
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Appendix 1

Updated August 2011

Criteria for assigning a grade of significant non compliance, and examples of situations that would meet the criteria.

Criteria	Examples of a breach of the criteria
Unauthorised discharges that have entered water (Ground or surface water)	<ul style="list-style-type: none"> • Overflowing ponds or sumps into surface water • Overland flow /runoff into surface water • Irrigating over surface water • Race/feedpad/standoff pad runoff into surface water • Sludge or sand trap dumping where runoff has entered water • Discharges in breach of consent or plan rule conditions, and where adverse effects are visible/measurable/likely: eg <ul style="list-style-type: none"> ○ S107 considerations eg change in colour or clarity after mixing ○ Exceeding ammonia limits ○ Exceeding NTU/SS limits ○ Exceeding BOD limits ○ Exceeding faecal limits ○ Exceeding ground water nitrogen concentration limits
Unauthorised Discharges that may enter water (Ground or surface water)	<ul style="list-style-type: none"> • Significant surface ponding¹ • Irrigating when soil conditions are too wet • Discharge without using an irrigator (eg pipe end discharge) • Sludge or sand trap dumping where runoff is at high risk of entering water • Discharges in breach of consent or plan rule conditions, and where adverse effects are visible and/or measurable and/or likely: eg <ul style="list-style-type: none"> ○ Exceeding nutrient application rates ○ Exceeding effluent application depths/rates ○ Exceeding consented cow numbers by significant proportion.
Breach of abatement notice	<ul style="list-style-type: none"> • Any breach of an abatement notice
Objectionable effects of odour	<ul style="list-style-type: none"> • Serious adverse effects of odour have occurred
System shortcomings (<u>where required by a rule in a plan or a resource consent</u>)	<ul style="list-style-type: none"> • Lack of contingency storage or backup plan. • Lack of standby equipment • Using a high rate irrigator where low rate irrigator is required by a resource consent
Multiple non compliances on site with cumulative effects	<ul style="list-style-type: none"> • Multiple discharges into a sensitive environment

¹Ponding is pragmatically defined as an accumulation of effluent on the surface of the land sufficient that effluent splashes up when an officer's foot is stamped in the area.

7.2 ANNUAL DISTRICT WIDE WATER MONITORING REPORT**Information Only - No Decision Required**

Report To:	Regulatory Committee
Meeting Date:	29 July 2021
Report Author:	Neil Green, Compliance and Investigations Officer
Report Number:	RRC21-07-3

Item 8.3**1 Summary**

- 1.1 Tasman District Council runs a dedicated compliance monitoring program designed to record and report on the consumption of ground and surface water across the regions water management zones. Some of the key tasks are: monitoring compliance with resource consent conditions and the rules controlling taking and using water within the Tasman Resource Management Plan (TRMP); undertaking appropriate enforcement action where water users behavior is below the required level, aiding in the implementation of water restrictions during periods of drought and implement the requirements of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and subsequent amendment regulations 2020.
- 1.2 Key observations from the 2020-2021 season were:
- The Tasman District underwent drought restrictions, which started on 01 February and were in effect at various locations and levels until 29 March 2021.
 - The Dry Weather Taskforce convened on seven occasions to impose or continue restrictions under Section 329 of the Resource Management Act 1991.
 - Stage 1 rationing occurred for the Waimea's on Monday 01 February 2021 and was elevated to stage 2 for both affiliated and unaffiliated consent holders on 8 February 2021. 10 February 2021 saw restrictions lifted for both affiliated and non-affiliated consent holders.
 - The Waimea's subsequently encountered further Stage 1 restrictions at varying times until all Waimea restrictions were removed on 29 March 2021. Restrictions and Cease takes were also implemented for other certain catchments over this period.
 - On 1 March 2021 Dovedale and Motupiko water users went to stage 3 restrictions before Dovedale began moving down stages in response to rainfall. Motupiko water users continued to jump in and out of Stage 2 and 3 until 29 March 2021.
 - A cease take was imposed on Rainy River water users twice in March, the first on 1 March 2021 before lowering to stage 1, and then moving back to a cease take.
 - All restrictions were lifted District-wide by 29 March 2021.
 - Five hundred and thirty three (533) meter audits were carried out this summer season.

- Resource Consents and Permitted Activity takes administered under the water metering project in the 2020-2021 season decreased from 1,551 to 1,478. Reduction was a result of water management zone renewals. Of these, 1,340 were resource consent authorisations and 138 domestic use in the Moutere Domestic Zones.
 - There were 1,027 active water takes this season. Of those active users, 5% still supply weekly water meter readings via New Zealand Post, 63% are now supplying weekly water meter readings via the Council web page service. Email accounts for 10% of weekly water meter readings, and 10% are filing weekly water meter returns via telemetry. Weekly readings supplied via the mobile phone app have risen to 12%.
- 1.3 This season did not see any significant non-compliance in respect of actual water use. This is due largely to compliance staff ensuring regular communication with consent holders. That said, like others, this season was marred by the number of meter readings not being supplied repeatedly (missing readings). After contact with water users reminding them of the obligations to report weekly water use, those that continued to miss readings received further enforcement action and audit costs referred back to them.
 - 1.4 Missing readings resulted in the issue of warnings and Abatement Notices in accordance with the Council's enforcement policies. Compliance issued 201 warnings for missing readings. Of those warnings, 17 were for missing a number of weekly readings then supplying them in bulk and 44 were for failing to notify the Council they had finished irrigating so readings were missing. Nineteen (19) abatement notices were issued for continually failing to provide weekly water meter readings.
 - 1.5 The Measurement and Reporting of Water Takes Regulations 2010 required water users to meter water takes in stages (greater than 5l/s, 10l/s and 20l/s). The Tasman Resource Management Plan requires water users to meter takes less than 5l/s. All these meters are required to be verified as accurate. All of the regulation water take categories are beyond five years since introduction and require reverification. Those that have not achieved this are now being followed up with letters.
 - 1.6 Compliance staff spent the early part of the season, as usual, communicating with and assisting consent holders to understand requirements of their resource consents. New conditions in numerous resource consents required water users to supply an Irrigation Management Plan (IMP). Numerous consent holders contacted the Council requesting help and explanation around the requirements of an IMP. Compliance staff subsequently created and made available a template, and this provided an easy format with guidance for the customer.
 - 1.7 As in previous years, end of water year summaries are in the process of being sent to all consent holders together with graphical representation of their individual water use record and the relevant water management zone. This reporting method used for the majority of consent holders is now expected and has previously been well received.
 - 1.8 Further process changes were made this season looking to improve the effectiveness of the database. Compliance staff in conjunction with IS are still looking forwards with a view to future improvements identified to make working and reporting access more effective. They will be prioritised against other IS needs in the Council.
 - 1.9 One of the aims is access to more real time information for the public on the Councils website. This will improve the Councils communication output, and the ability for the public to gain ready access to up to date information.

2 Draft Resolution

That the Regulatory Committee receives the Annual District Wide Water Monitoring Report, RRC21-07-3.

3 Purpose of the Report

- 3.1 Tasman District Council runs a dedicated programme designed to monitor and report on ground and surface water consumption across the regions identified water management zones.
- 3.2 The programme collates water use data from those taking water under resource consents or who are subject to specific TRMP requirements to provide information on usage. The data received is not only a key plank of measuring compliance with consent conditions, but also providing information to assist in water resource management and aid in the decision making around water restrictions in droughts.
- 3.3 The Council also has an obligation to administer and enforce the provisions of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and achieves that through this programme.
- 3.4 At the conclusion of each water metering season, the Compliance Department who oversees the programme, presents a summary of the season and response to the seasonal trends in the shape of monitoring and enforcement.
- 3.5 The purpose of this report is to present a summary for the 2020-2021 water year.

4 Water Monitoring Programme for 2020-2021 Season

Current administrative programme

- 4.1 Most water management zones in this district have a metering requirement on abstractive ground and surface takes imposed through either a resource consent or specific rule in the TRMP.
- 4.2 For the users in these zones there is an obligation to furnish weekly usage readings over the water metering period (now 1 July to 30 June) or for the users in the Moutere domestic zone, six monthly readings.
- 4.3 This incoming data forms the basis of the compliance monitoring programme and has three primary objectives:
 - 4.3.1 Monitoring user's compliance with the restrictions imposed in consent conditions and assisting in determining the Council's enforcement response to individual and regional issues as and when detected.
 - 4.3.2 Ensuring comprehensive usage data is available for the purpose of sound decision making on water resource management during a season and any future policy setting.
 - 4.3.3 Ensuring accurate data is collected to meet local and national reporting objectives.
- 4.4 Since the introduction of the Reporting of Water Takes Regulations 2010 some years ago, the duties imposed on the Council to administer these regulations have also been incorporated into the programme.
- 4.5 Resource consented and permitted activity water users administered under the programme in the 2020-2021 season went from 1,551 to 1,478. Reduction was a result of water management zone renewals. This number of accounts comprises the following:

- One thousand, three hundred and forty (1,340) resource consent authorised ground or surface water takes
- One hundred and thirty-eight (138) Moutere domestic (permitted activity) bore takes.

4.6 Of the consented metered takes the following applies:

- One thousand and twenty-seven (1027) were deemed active and required to file weekly water meter readings. These were the consent holders using water over this season and included 22 non-consumptive takes.
- One hundred and thirteen (113) were deemed non-active and not required to file weekly returns. These were consent holders not irrigating. Down from 148 last year.
- One hundred and fifty-six (156) are on future implementation. These are authorised through consent but have not yet been exercised. Down from 251 last year.
- Forty-four (44) accounts are on 'Other' status. These accounts consist of non-consumptive takes and takes from storage.

4.7 Of the Moutere domestic takes the following applies:

- One hundred and twenty-one (121) bores are active and users filing six monthly returns.
- Seventeen (17) are not being used.

Water users preferred data return methods

4.8 Of the 1027 active users who were required to provide water use returns the following methods were used to provide that data to the Council.

- Five percent (5%) still preferred to supply weekly water meter readings using prepaid cards via ordinary post.
- Sixty-three percent (63%) supplied weekly water meter readings electronically via the web page service provided by the Council.
- Ten percent (10%) supplied weekly water meter readings via email.
- Ten percent (10%) provide water meter use via telemetry.
- Twelve percent (12%) supplied water meter readings via mobile phone.

Telemetry

4.9 In the last year, the number of telemetered water meters has increased by nine (9), bringing the total number to 103. These meters cover 89 consents (several consents have more than one meter). Four of the telemetered sites also provide additional data for consent requirements, i.e. water level, conductivity. The new meters are predominantly from businesses with multiple meters.

4.10 The aligning of the telemetered water meter data with other hydrological data collected by the Environmental Monitoring section continues. With pre-season and post-season checks provided by the consent holder and mid-season meter audits, the data is being archived and quality coded to the National Environmental Monitoring Standards (NEMS) and comments are logged when issues have occurred. The 2019/2020 season quality coding has been completed with 72% of the data coded fair to good quality data. Fourteen percent (14%) of the data was not coded due to no readings being supplied, or the telemetry unit too new to code. The 2020/2021 season is currently being processed.

- 4.11 Issues arising with some of the telemetered data continues. However, compared to the last season, the service providers are reacting quicker and resolving issues in a much timelier manner. Issues have ranged from water meter malfunctions sending erroneous data, to power issues causing data to be lost. Unfortunately, in some instances, the telemetered data appears okay, but the later manual audits highlight missing or erratic data.
- 4.12 There are still eight (8) water meters that need telemetry installed as a result of the Waimea Dam project. The implementation of the Waimea Community Dam means that the unaffiliated permit holder conditions require consent holders who take more than 2000 cubic meters of water per week to install telemetry on their water meter. This installation must be done prior to 1 July 2021. This date allows time to have equipment installed and testing to ensure the system is working prior to the 2021/2022 summer irrigation season.
- 4.13 The Resource Management (Measurement and Reporting of Water Takes) Amendment Regulation 2020 did not impose mandatory telemetry for all water users but gave a mechanism where councils could impose that requirement. The Council has elected not to require telemetry for all takes and to continue with current measuring and reporting processes.

Monitoring and Enforcement for 2020-2021 Season

- 4.14 The weather this season was milder than the previous two years. However, restrictions came into effect at the beginning of February and were in place across the district at varying stages until the end of March. During that dry period the Waimea zones moved mainly up and down rationing stages one and two. Dovedale and Motupiko zone users spent much of this period between level two and three. Cease take was applied to the Rainy River Zone twice in March. Restrictions were removed across the whole district by the end of March.

Missing Readings

- 4.15 The big issue this season was the number of meter readings not being supplied repeatedly (missing readings), even after numerous reminders. Two hundred and one (201) missing reading warnings were issued in total.
- 4.16 Providing meter readings is a consent condition requirement. Staff have issued 201 warnings via formal letters. These are recorded against the water user's account and can be considered when deciding any future enforcement action.
- 4.17 Numerous water users seemed to miss a number of weeks readings, then supply them in bulk. These water users have been advised that readings are required weekly during the season in line with resource consent conditions for accurate water usage data to be available in any rationing decision making. Of the warnings, 17 were issued for this.
- 4.18 Missing readings also continue to be an issue for staff even toward the end of the season. One problem is the perceived importance (or lack thereof) of providing weekly water meter readings once rain starts and there are no water restrictions, or there is intermittent use due to rain. Whilst consent holders are required to provide meter readings all year round, when they inform Council, water used for irrigating has ceased. The Council allows users to stop supplying readings until the following season commences. Advice must be given to Council that use has ceased and water accounts are then switched from 'Active' to 'Finished' status. The Council cannot assume that water use has ceased for the season because readings stop being supplied for obvious reasons. For that reason, users are reminded of this via correspondence sent every season. Of the warnings, 44 were issued for this failing by consent holders.

Excessive Water Use

- 4.19 Four hundred and seventy-four (474) overtakes were recorded throughout the 2020-2021 water season which is down on 753 recorded the previous year. Enforcement staff have investigated the reason for each non-compliant reading received.
- 4.20 Some non-compliance was accounted for as unreported water used over the winter period which calculates when the summer season starts and allocation sharing, which is not a true overtake if spread over legitimate accounts.
- 4.21 Further overtakes were the result of inclusion of water coming from storage, consent holders missing readings or where use had included the taking of stock water which is not limited.
- 4.22 Once these and meter and equipment faults were removed there were 60 genuine water overtakes.
- 4.23 All excessive water use situations were investigated and assessed. For minor overtakes or if appropriate for the first instance of non-compliance, warnings were used as a means of addressing the non-compliance and gaining future compliance. Past warnings (should they exist) are considered in determining enforcement options for non-compliance.
- 4.24 No infringement fines were issued for excessive overtakes this water season.

Water Meter Auditing

- 4.25 The 'anytime, anywhere' water meter audit continued throughout this water year. The Council performed 533 audits over the 2020-2021 irrigation season. Some meters were audited more than once to ensure water use data was accurate.

Table 1

Area Covered	Accounts Audited	Number of Times Audited	Total Audits	Percentage of Total
District Wide	475	1	475	89%
	29	2	58	11%
Total Audits	533		533	

- 4.26 Meter audits include a reading of the meter dial, ensuring integrity of the seal and obtaining an updated (digital) photographic record of the meter.

Moutere Domestic Metering

- 4.27 The TRMP also requires Moutere domestic (permitted activity) takes to install meters and provide a single reading in April and then in November.
- 4.28 As at 30 June 2021, a total of 138 Moutere domestic bores have been identified and registered on the database. While that is the total registered, 17 are not being used.
- 4.29 In respect to these domestic meters, water use data readings are required in April and November each year.

5 Water Rationing and the Dry Weather Task Force

- 5.1 The Dry Weather Taskforce convened on seven occasions to consider and impose restrictions under Section 329 of the Resource Management Act 1991 due to the water shortage that occurred over the January to March months.
- 5.2 As in previous irrigation seasons, Compliance staff communicated with water users at the earliest opportunity upon implementation of rationing to help them make operational decisions.
- 5.3 Stage 3 rationing, which is a 65% cut to the maximum allowable weekly volume, was put in place at times for the Dovedale and Motupiko water users and a cease take was imposed on Rainy River users twice in March.
- 5.4 The following is a timeline of the meetings and rationing stages as they were imposed over this period.

Table 2

DWTF Meet Date	Effective Date	S329 type	Rationing step	Zones affected
26/01/2021	1/02/2021	329	Stage 1	Delta, Delta Unaffiliated, Delta Affiliated, Golden Hills, Golden Hills Unaffiliated, Golden Hills Affiliated, Reservoir, Reservoir Unaffiliated, Reservoir Affiliated, Upper Catchments, Upper Catchments Unaffiliated, Upper Catchments Affiliated, Upper Confined Aquifer, Upper Confined Unaffiliated, Upper Confined Affiliated, Waimea West, Waimea West Unaffiliated, Waimea West Affiliated, Redwood.
2/02/2021	8/02/2021	329	Stage 1	Motupiko, Waimea Hope Minor Aquifers, Hope & Eastern Hills Affiliated, Hope & Eastern Hills Unaffiliated, Waimea Lower Confined Aquifer, Lower Confined Aquifer Affiliated, Lower Confined Aquifer Unaffiliated
			Stage 2	Delta, Delta Unaffiliated, Delta Affiliated, Golden Hills, Golden Hills Unaffiliated, Golden Hills Affiliated, Reservoir, Reservoir Unaffiliated, Reservoir Affiliated, Upper Catchments, Upper Catchments Unaffiliated, Upper Catchments Affiliated, Upper Confined Aquifer, Upper Confined Unaffiliated, Upper Confined Affiliated, Waimea West, Waimea West Unaffiliated, Waimea West Affiliated, Redwood.
	10/02/2021	Direction	Removed	Motupiko, Waimea Hope Minor Aquifers, Hope & Eastern Hills Affiliated, Hope & Eastern Hills Unaffiliated, Waimea Lower Confined Aquifer, Lower Confined Aquifer Affiliated, Lower Confined Aquifer Unaffiliated Delta, Delta Unaffiliated, Delta Affiliated, Golden Hills, Golden Hills Unaffiliated, Golden Hills Affiliated, Reservoir, Reservoir Unaffiliated, Reservoir Affiliated, Upper Catchments, Upper Catchments Unaffiliated, Upper Catchments Affiliated, Upper Confined Aquifer, Upper Confined Unaffiliated, Upper Confined Affiliated, Waimea West, Waimea West Unaffiliated, Waimea West Affiliated, Redwood.
16/02/2021	22/02/2021	329	Stage 1	Moutere Eastern, Motupiko, Rainy, Dovedale (surface and groundwater)

DWTF Meet Date	Effective Date	S329 type	Rationing step	Zones affected
23/02/2021	1/03/2021	329	Stage 1	Moutere Western, Glenrae, Stanley Brook, Tapawera, Tadmor, Baton, Wangapeka, Waimea Delta, Delta (unaffiliated) Delta (affiliated), Waimea golden Hills, Golden Hills, Golden Hills (affiliated), Golden Hills (unaffiliated), Redwood, Waimea Reservoir, Reservoir (affiliated) Reservoir (unaffiliated) Waimea Upper Confined Aquifer, Upper Confined Aquifer (affiliated) Upper Confined Aquifer (unaffiliated), Waimea Upper Catchments, Upper Catchments (affiliated), Upper Catchments (unaffiliated), Waimea West, Waimea West (affiliated), Waimea West (unaffiliated)
			Stage 1 Cont	Moutere Eastern Groundwater
			Stage 3	Dovedale Groundwater, Dovedale surface water, Motupiko
			Cease Take	Rainy
	26/02/2021	Direction	Stage 2	Dovedale Groundwater, Dovedale surface water, Motupiko
			Removed	Glenrae, Stanley Brook, Tapawera, Tadmor, Baton, Wangapeka, Waimea Delta, Delta (unaffiliated), Delta (affiliated), Waimea Golden Hills, Golden Hills (affiliated), Golden Hills (unaffiliated), Redwood, Waimea Reservoir, Reservoir (affiliated) Reservoir (unaffiliated) Waimea Upper Confined Aquifer, Upper Confined Aquifer (affiliated) Upper Confined Aquifer (unaffiliated), Waimea Upper Catchments, Upper Catchments (affiliated), Upper Catchments (unaffiliated), Waimea West, Waimea West (affiliated) Waimea West (unaffiliated)
	3/03/2021	Direction	Stage 1	Dovedale Groundwater, Dovedale surface water, Motupiko, Rainy
			Stage 1 cont	Moutere Eastern, Moutere Western
9/03/2021	9/03/2021	Direction	Stage 1 cont	Dovedale Groundwater, Dovedale surface water, Motupiko, Rainy, Moutere Eastern
			Removed	Moutere Western
16/03/2021	16/03/2021	Direction	Removed	Moutere Eastern Groundwater
	22/03/2021		Stage 1 Cont	Dovedale Groundwater, Dovedale surface water
			Stage 2	Motupiko
23/03/2021	29/03/2021	329	Stage 1 Cont	Dovedale Surface, Dovedale Groundwater
			Stage 1	Waimea Delta, Delta (unaffiliated), Delta (affiliated), Golden Hills (affiliated), Golden Hills (unaffiliated), Redwood, Reservoir (affiliated) Reservoir (unaffiliated) Upper Confined Aquifer (affiliated), Upper Confined Aquifer (unaffiliated), Upper Catchments (affiliated), Upper Catchments (unaffiliated), Waimea West (affiliated), Waimea West (unaffiliated)
			Stage 3	Motupiko
			Cease Take	Rainy

Item 8.3

DWTF Meet Date	Effective Date	S329 type	Rationing step	Zones affected
	29/03/2021	Direction	Removed	Waimea Delta, Delta (unaffiliated), Delta (affiliated), Golden Hills (affiliated), Golden Hills (unaffiliated), Redwood, Reservoir (affiliated) Reservoir (unaffiliated) Upper Confined Aquifer (affiliated), Upper Confined Aquifer (unaffiliated), Upper Catchments (affiliated), Upper Catchments (unaffiliated), Waimea West (affiliated), Waimea West (unaffiliated), Motupiko, Rainy, Dovedale Surface, Dovedale Groundwater

6. Resource Management (Measurements and Reporting of Water Takes) Regulations 2010 and Tasman Resource Management Plan (TRMP) Reporting of Water Take Requirements.

- 6.1 Overall, administration requirements of the water metering programme continue with the requirements of the National Regulations and TRMP. Re-verification of meters recording water takes are now being followed up.
- 6.2 The TRMP requires meters for takes of less than five litres/second and this applies to 267 water takes. These water takes were to have their meters verified as accurate by November 2019.
- 6.3 The total number of meters that are required to be verified is 1141.
- 6.4 To date, 763 water takes have provided evidence of their water meters being verified as accurate.
- 6.5 The remaining 378 are split into two groups. One hundred and eighty-two (182) water takes are overdue now for their second test and the remaining 196 are non-compliant with verification requirements. These have been followed up by letter on 1 June 2021.

7. Policy / Legal Requirements / Plan

- 7.1 One of the main objectives of the water metering programme is to provide the Council, resource users and the community, data on the consumptive use of water in the individual management zones and the compliance behaviour of the users. This data provides information on the volumes, pattern of use, return rates and the stages and effects of rationing in the individual zone. Presentation of this information in an annual summary report is an essential part in the Council meeting this requirement. Graphical representation of each water management zone and the report is also provided on the Council's website www.tasman.govt.nz for public viewing. The 2020-21 water year will be uploaded in July once the end of year wrap-up is complete.
- 7.2 The Council also has an obligation to report to the Ministry for the Environment (MFE) on the district's performance with respect to implementation of the Resource Management (Measurement & Reporting of Water Takes) Regulations 2010. This occurs annually as and when it receives the request. At present this is done through spreadsheets as there is no data share mechanism.

8. Consideration of Financial or Budgetary Implications

- 8.1 A summary of the Compliance Monitoring Water income/costs for the 12-month period ending 30 June 2021 is as follows.
- 8.1.1 Budgeted expenditure for the 2020/21 year was \$210,799. Total actual expenditure for the period was \$176,948. Total operating funding for the period was \$370,277.
- 8.2 The programme was 37% water user funded this year.

9 Strategy and Risks

- 9.1 In addition to the routine collection, monitoring and reporting of water use data during the season, other critical water monitoring administrative tasks place significant demand on staff time in the lead up and after the main season. These include:
- 9.1.1 Pre-summer season set up. Considerable staff time is dedicated to preparation for the upcoming summer. This is typically reviewing and uploading new consents and renewals, database and data integrity audits, alerts to water users of the pending start. Also communicating specific regulation or consent requirements such as Irrigation Management Plans (IMP's) which were new to most consent holders requiring them, and contacting those not using water for confirmation that the non-use situation remains.
- 9.1.2 End of water year reporting. This is an important feedback mechanism to water users at the personal level and forms an integral part of the overall reporting process. While this takes a considerable amount of staff time generating this data it is considered well worth the effort and is typically well received by the majority who receive it. The reporting consists of a summary letter, graph of the individual and relevant zone usage, commentary on consent condition performance together with any identified deficiencies. The end of year graphs are being prepared at the time of writing this report.
- 9.1.3 Electronic records. There are now 103 telemetered water meters over 89 consents i.e., several accounts have more than one meter. The supply of electronic data in this format has increased under the provisions of the Tasman Resource Management Plan with the requirement to install telemetered water monitoring equipment. Unaffiliated resource consent holders who take more than 2000 cubic meters of water per week, have been advised in writing that their telemetry installation is required prior to 1 July 2021. The Council continues to develop processes to adequately manage this data stream (refer to telemetry comments for further comment). Despite the real time nature of this data there is still a requirement for active staff involvement with telemetered sites to ensure the integrity of information received and its correct storage.
- 9.1.4 Main database changes. The rapid changes occurring in the management and reporting of water use has meant demand for increased database functionality. Further improvements and changes have been identified that should enhance information management in and out. Data is currently managed as best as possible with a view to system improvements. This will be implemented when IT support becomes available.

10 Conclusion

- 10.1 Water user compliance requires significant Council administrative and field effort. Significant interaction between consent holders and Council staff is required to achieve consistent compliance every season. This was highlighted again this season with the introduction of the Irrigation Management Plans (IMP) for numerous water users.
- 10.2 Non-compliance with meter returns continues with many missing readings this summer. This season a record number of warnings were issued in writing. As always, Compliance staff assess each case of non-compliance and, where possible, place emphasis on education and encouragement to achieve compliance.
- 10.3 Whilst there were still numerous overtakes this season most of these were technical as opposed to actual and there was much less repeat offending so only a few warnings were issued.
- 10.4 Use of the mobile phone application and other electronic methods of meter returns have increased slightly this season. There are still approximately 5% of consent holders who for varying reasons, do not utilise electronic technology to provide returns. As a result, the old paper system still remains. Whilst this remains, there will be some cost to the Council in time and resources, especially when providing reports or communications such as mail-outs.
- 10.5 The Waimea Community Dam transition phase is still in place in the water metering programme.
- 10.6 Telemetry is a growing method for monitoring water use. This will increase further as some consent holders unaffiliated to the Waimea Dam project are now required to install telemetry to report water use.
- 10.7 The expanding water programme has had a significant impact on the Council's database requirements. This past summer season alongside our IS team, Compliance staff implemented an automated accepting process to readings received via the web or mobile app, this saw around 50% of readings reduced from the compliance administration manual process of accepting readings weekly. Administrative requirements have increased with the inclusion of Irrigation Management Plans and variations to our Water Consent Monitoring (WCM) database that have been implemented to administer these.
- 10.8 Next summer season we expect to see further change. Currently, telemetered water meter readings are sent to Hilltop before being manually uplifted into the WCM. IS staff are creating a link to automate this process which will mean these readings appear in the WCM as soon as received. This will move the administration of these readings from Council's hydrology team to Compliance.
- 10.9 Other changes have been identified in the water metering audit programme and we hope to see a version-3 to the existing database in the near future to bring all audits online.
- 10.10 Consent holders in the Waimea zones are still required to supply Irrigation Management Plans (IMP) to the Council by 31 August this year. The IMP is to be reviewed and updated if required and submitted annually. This is in accordance with Schedule 31E of the TRMP.
- 10.11 Tasman District Council appears to be well positioned under in the implementation of the Measurement and Reporting of Water Take Regulations.

11 Next Steps / Timeline

- 11.1 Follow up on unaffiliated water users who require telemetry due by 01 July 2021.
- 11.2 Follow up on Moutere Domestic water user six monthly readings 05 July 2021.
- 11.3 Irrigation Management Plans required by 31 July 2021.
- 11.4 Water meter verification updates required by 31 July 2021
- 11.5 2021-22 preseason letters to go out by end of September 2021.
- 11.6 November 2021 the new water season commences.

12 Attachments

Nil

8.4 CHAIR'S REPORT**Information Only - No Decision Required**

Report To:	Regulatory Committee
Meeting Date:	29 July 2021
Report Author:	Dana Wensley, Chair - Regulatory Committee
Report Number:	RRC21-07-4

1 Summary**Freedom Camping**

- 1.1 Staff have briefed me on a challenge to an infringement fine issued under the Council's Freedom Camping Bylaw. In cancelling the infringement fine, the Nelson District Court accepted that the recipient was resting or sleeping at George Quay, Motueka to avoid driver fatigue, which is an available statutory exception. In this case, the camper claimed she arrived at George Quay around 4:30 am and was caught sleeping in the back of the camper van by Council's enforcement officer at 5:45 am.
- 1.2 While the Council will accept the decision of the Court in this case, it does raise a potential fatal flaw in the legislation. Could someone say they were sleeping in the back of their van for six hours to avoid driver fatigue? Would another Court come to the same conclusion and therefore cancel any infringement fine?
- 1.3 This decision potentially has implications for future enforcement of our Bylaw. While staff should not be discouraged from enforcing the Bylaw, including issuing of infringement fines for people failing to comply, Councillors should be aware that the cost of proving beyond reasonable doubt, that people are camping and not resting or sleeping on the roadside to avoid driver fatigue, is likely to increase.
- 1.4 I have sent a letter to the Ministers of Conservation and Internal Affairs (who administer the Freedom Camping Act) and the Minister of Tourism, who is conducting a review, drawing attention to this legal loophole.

Nitrates in Our Waters

- 1.5 We have recently discussed the concerning presence of nitrates in our drinking water and groundwater on the Waimea Plains. There has been community concern and media commentary of this matter. I understand that staff will be addressing the issue in Newline and developing a communications package for our website, updating information to potentially affected landowners with elevated nitrate levels. I am encouraged that the Council is not ignoring the debate around acceptable levels and I am assured that staff are working closely with the Director of Public Health. In relation to bore drinking water quality which staff report on periodically, I am expecting further advice on how we can ensure people reliant on this source for potable water can be better informed about what is happening in our water. More information can help them make good choices about what they might want to do if they think the current value of 11.3 mg/L (which is the current WHO standard) is too high.

Item 8.4

2 Draft Resolution

That the Regulatory Committee receives the Chair's Report RRC21-07-4.

3 Attachments

Nil

2.3 ENVIRONMENT AND PLANNING MANAGER'S REPORT

Information Only - No Decision Required

Report To:	Regulatory Committee
Meeting Date:	29 July 2021
Report Author:	Dennis Bush-King, Group Manager - Environmental Assurance
Report Number:	RRC21-07-5

1 Summary

- 1.1 This report covers several general matters concerning the regulatory activities of the Council since meeting of the Regulatory Committee on 6 May 2021.

2 Draft Resolution

That the Regulatory Committee receives the Environment and Planning Manager's Report RC21-07-05.

3 Natural and Built Environments Act – Exposure Draft

- 3.1 The Government has referred an [Exposure Draft](#) of the front end of the Natural and Built Environments Act (NBA) which will replace the Resource Management Act. Submissions close with the Local Government and Environment Select Committee on 4 August 2021. Staff will circulate a draft submission under a separate cover prior to the meeting.
- 3.2 The key aspects of the Exposure Draft include:
- the purpose of the NBA (including Te Tiriti o Waitangi clause) and related provisions
 - the National Planning Framework
 - the Natural and Built Environments plans.
- 3.3 It does not cover very much substantive detail which will come later. However, what has been released does raise many questions. One of the objectives of the reform which the Select Committee has specifically directed to advise on, is whether the changes will improve system efficiency and effectiveness and reduce complexity, while retaining local democratic input.
- 3.4 The Government considers system efficacy will be enhanced by greater national direction – possibly if such direction is clear and unambiguous, but past efforts are not good predictors; by streamlined plan development processes. While there might be fewer plans under the new system, but that does not guarantee less complexity and the environmental outcomes to be achieved are still potentially conflicting.
- 3.5 In relation to retaining local democratic input, the Bill fails. There will be little input from elected representatives as the plan making process will be overseen by regional planning committees that will have local government nominees along with mana whenua representatives and an appointee of the Minister of Conservation. The Committee will be serviced by a secretariat and all the associated costs will be met by the constituent local authorities in a manner yet to be clarified. The model applying to unitary authorities is still under consideration.
- 3.6 The Council may wish to signal whether it wishes to present before the Select Committee.

4 Freedom Camping (Infringement Offences and Other Matters) Bill

- 4.1 A Local Bill in the name of Maureen Pugh has been drawn from the ballot and was introduced in Parliament on 1 July 2021.
- 4.2 In the words of Ms Pugh, the Bill seeks to make it easier to crack down on some of the poor behavior associated with freedom camping and make the rules more consistent and easier for people to follow. Specifically:
- it retains the current definition of freedom camping in the Freedom Camping Act (refer to the Chair's report in this agenda):
 - freedom camping should remain an option for New Zealanders and overseas visitors, but with more consistent restrictions:
 - non-self-contained freedom camping will be restricted to areas within 200 metres of toilet facilities:

- additional government organisations will have powers to restrict freedom camping on land that they control or manage:
 - stronger enforcement of fines for those breaking the rules.
- 4.3 The Bill if it passes its First Reading, will be referred to a Select Committee. We should take the opportunity to make a submission.

5 Annual Customer Survey 2020-2021

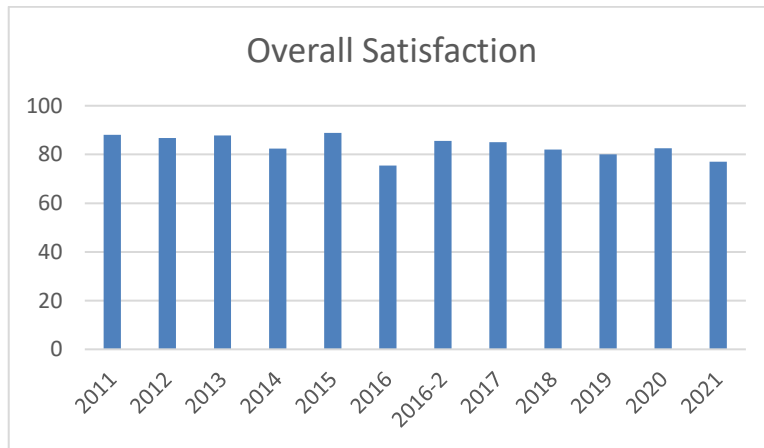
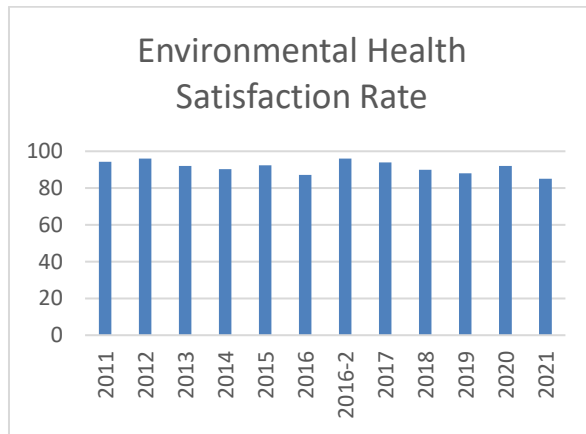
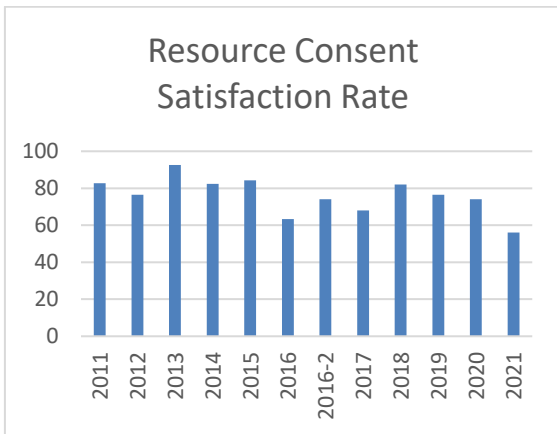
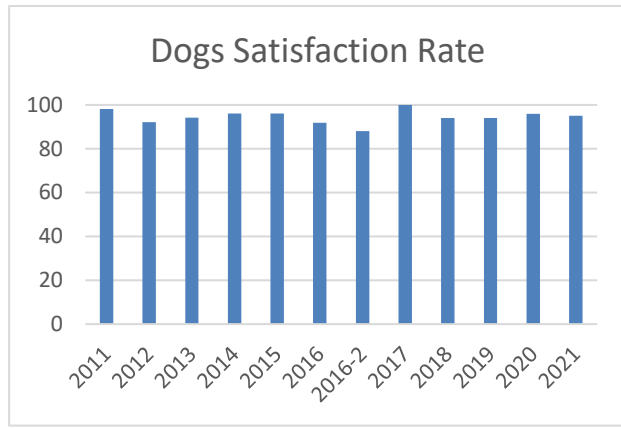
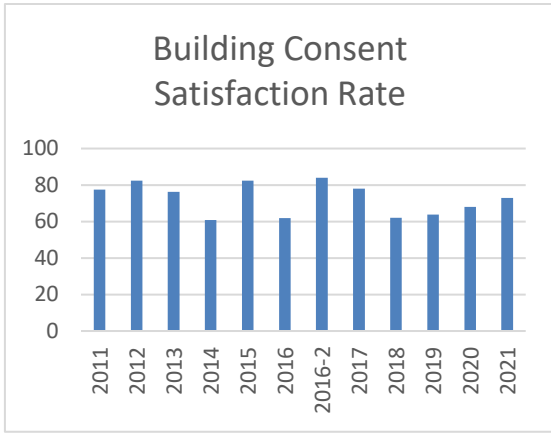
- 5.1 In addition to the annual residents' survey, we undertake a survey of customers who, in the previous year, have sought from the Council a building or resource consent, a dog registration, or an environmental health permit or license. Respondents are chosen from a randomised list of 400 applicants 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 ongoing obligations. Respondents are also asked to give an overall level of satisfaction with the Council's service.
- 5.2 This year we changed provider and Research First conducted an email survey, rather than the normal phone survey. This may have affected the response as people self-selected to respond, however we have to accept that the satisfaction figures have dropped from previous years. Research First conduct similar surveys for other councils and advise that this trend was evident with other councils in this past year.
- 5.3 The summary results are presented in the table below. Overall, satisfaction levels get dragged down by people's dissatisfaction with cost of process (with building consents taking a dive) and timeliness (with resource consents having a busy year and resourcing and other issues have meant our timeliness has suffered). Staff courtesy and helpfulness continues to be high and I know overall staff strive to offer good service.

Question	Score - showing proportion of respondents who agree or strongly agree				
	Total	Building	Resource Consents	Dogs	Environmental Health
Staff were helpful and courteous	85.0 (85.5)	84.0 (78.0)	80.0 (84.0)	80.0 (90.0)	96.0 (90.0)
Costs were reasonable	62.0 (67.0)	36.0 (48.0)	65.0 (46.0)	87.0 (94.0)	60.0 (80.0)
Time taken was reasonable	71.0 (78.5)	60.0 (66.0)	45.0 (70.0)	93.0 (94.0)	87.0 (84.0)
Overall level of satisfaction with Council service	77.0 (82.5)	73.0 (68.0)	56.0 (74.0)	95.0 (96.0)	85.0 (92.0)

Bracketed figures are those applying to the last survey in 2020

- 5.4 Historical trends are shown in the following graphs.

Item 8.5



6 Essential Freshwater – Farm Plans and Stock Exclusion

- 6.1 The Ministers of the Environment and Primary Industries have released a Freshwater Farm Management Plan (FWFMP) discussion document and proposed changes to the Low Slope maps included in the Stock Exclusion Regulations. Submissions on both will be received up until 12 September 2021.
- 6.2 All pastoral and arable farms over 20 ha and all horticultural farms over 5 ha, when the necessary regulations are gazetted and subject to any transitional rules, must have a certified FWFMP and this must be audited. The [discussion document](#) presents options for

the content of FWFMPs, the certification and audit process and frequency, monitoring and reporting.

- 6.3 While many farms already have forms of farm management plans and the inference is that the system will use this case information, there will be increased compliance effort and cost on farmers and regional councils. One good suggestion is around compiling information in a nationally consistent manner and storing it on a nationally consistent data platform. This might help share costs.
- 6.4 The irony is that local authorities have used management plans as a means of getting land and resource users to adopt certain practices for years. They have to be prepared by a competent person and the Council can decide whether to accept the management plan or require amendments. Monitoring compliance with the conditions of consent would include any work carried out under a management plan. Hopefully the freshwater farm management plan is not a precursor to even greater bureaucracy in all these other areas.
- 6.5 The Government is also proposing changes to the low slope map which identifies where beef cattle and deer will need to be excluded from access to waterways from 1 July 2025. This seeks to address concerns with the slope maps released with the stock exclusion regulations in 2020. The proposed changes include a mapping approach based on local terrain, and the introduction of an altitude threshold of 500 metres with an expectation that stock exclusion risks outside the map areas, will be addressed through freshwater farm plans. The discussion document is available on MfE's website [here](#). The changes to the maps see less land in Tasman affected by this part of the Stock Exclusion Regulations.

7 Government Policy Statement on Housing and Urban Development

- 7.1 Te Tūāpapa Kura Kainga – Ministry for Housing and Urban Development is leading the development of the Government Policy Statement on Housing and Urban Development (GPS-HUD). The [GPS-HUD](#) seeks to communicate the long-term vision and change needed in housing and urban development in Aotearoa New Zealand.
- 7.2 It lays out how government agencies will support the Government's focus on housing and urban development by:
- providing direct support for, and investment in, people and communities
 - enabling everyone who plays an important role in housing and urban development to do what they do best, providing for fit-for-purpose regulatory, institutional and policy settings
 - partnering with Iwi and Māori to bring innovation and leadership with Māori, by Māori for Māori, in line with the Government's Māori and Iwi Housing Innovation (MAHI) framework
 - leading by example, including via Kāinga Ora, in reducing emissions and building climate resilience into our homes and communities .
- 7.3 Consultation on the GPS-HUD is underway and submissions close 30 July 2021. Staff have not prepared a submission given all the other work and on the face of it, it does not appear to be targeted at local government. However, any Government initiative that seeks to provide homes that meet people's needs, to ensure affordable homes are built, to support resilient, sustainable, inclusive and prosperous communities, cannot ignore the role local

government plays. Other outcomes such as investing in Māori-driven housing and urban solutions, preventing and reducing homelessness and re-establishing housing's primary role as a home rather than a financial asset, may be less relevant to our current functions, but may also lead to expectations of our involvement in some way.

8 Government' Vision for Oceans

8.1 Following the 2020 election, the Prime Minister created an Ocean and Fisheries portfolio. Hon David Parker is the Minister responsible for this portfolio and [recently announced the Government's vision, objectives and principles for the oceans](#) which will guide the portfolio's work. The Minister has established an Oceans Secretariat to strengthen coordination across government agencies, comprising officials from the Department of Conservation, Ministry for Primary Industries, the Ministry for the Environment and other agencies as appropriate. The vision, objectives and principles are:

Vision

- Ensuring the long-term health and resilience of ocean and coastal ecosystems, including the role of fisheries.

Objectives

- Promote an ecosystem-based approach to research, monitoring and management.
- Establish a spatial planning framework that optimises the protection and use of marine space and resources.
- Support the development of a high-value marine economy that provides equitable wellbeing benefits.

Principles

- Precautionary approach and adaptive management.
- Equitable allocation of costs and benefits.
- Give effect to the principles of Te Tiriti o Waitangi/Treaty of Waitangi, including through fisheries and aquaculture settlements and other legislation.
- Decision-making based on sound science and traditional knowledge.
- Consistency with international commitments.
- Transparent, inclusive and effective public participation processes.

8.2 The term "oceans" is left undefined but reference to "coastal processes" and a "spatial planning framework" suggests it will overlap with the Councils coastal management responsibilities under the Resource Management Act, unless that is to be changed under the replacement legislation. We can but wait and see what is in store for local government.

9 Action Sheet

9.1 **Attachment 1** is the Action Sheet which updates Councillors on action items from previous Committee meetings relevant to the Regulatory portfolio.

10 Attachments

1. [Download](#) Attachment 1 - Action Sheet

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Item 8.5

Action Sheet - Regulatory Committee – July 2021

Meeting Date:	Minute/Action	Description	Accountable Officer	Response	Status
6 May 2021	8.2	To further report on the reasons for not installing an AED on the HM Vessel 'The Sentinel'	Adrian Humphries	Response sent to Councillors	Completed
	8.3	Mr McCauley to brief Motueka Ward Councillors on the former British Tobacco building	Ian McCauley	Meeting took place on 6 May 2021	Completed
	RC21-05-5	Finalise submission on <i>Supporting Sustainable Freedom Camping in Aotearoa New Zealand</i>	Dennis Bush-King	Submission sent	Completed