

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

**Date:** Thursday 23 July 2020  
**Time:** 9.30am  
**Meeting Room:** Tasman Council Chamber  
**Venue:** 189 Queen Street  
Richmond

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## Regulatory Committee

### AGENDA

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#### MEMBERSHIP

|                           |                       |                |
|---------------------------|-----------------------|----------------|
| <b>Chairperson</b>        | Cr D Wensley          |                |
| <b>Deputy Chairperson</b> | Cr D Ogilvie          |                |
| <b>Members</b>            | 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 C Hutt             | Cr T Walker    |

(Quorum 2 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, 11 June 2020, be confirmed as a true and correct record of the meeting.**

**That the minutes of the Animal Control Subcommittee meeting held on Tuesday, 3 March 2020, be confirmed as amended, as a true and correct record of the meeting.**

**7 REPORTS**

|     |  |    |
|-----|--|----|
| 7.1 | 2019-2020 Farm Dairy Compliance Survey .....       | 5  |
| 7.2 | Annual District Wide Water Monitoring Report ..... | 27 |
| 7.3 | Resource Consents Manager's Annual Report .....    | 45 |
| 7.4 | Chairperson's Report .....                         | 57 |
| 7.5 | Environment and Planning Manager's report .....    | 61 |

**8 CONFIDENTIAL SESSION**

Nil



## 7 REPORTS

### 7.1 2019-2020 FARM DAIRY COMPLIANCE SURVEY

Information Only - No Decision Required

|                       |   |
|-----------------------|---|
| <b>Report To:</b>     | Regulatory Committee                            |
| <b>Meeting Date:</b>  | 23 July 2020                                    |
| <b>Report Author:</b> | Kat Bunting, Compliance & Investigation Officer |
| <b>Report Number:</b> | RRCN20-07-1                                     |

#### 1 Summary

- 1.1 This report presents the compliance results from the 2019/2020 farm dairy 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 2019/2020 milking season a total of 126 farm dairies had active discharges in the Tasman District. Of those, 123 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 Council aims to complete a full assessment of every farm in regards to dairy effluent disposal. All 126 active farms in Tasman were inspected at least once during the 2019/2020 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:
  - 99% - Fully Compliant
  - 0% - Non- Compliant
  - 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 2019-2020 Farm Dairy Compliance Survey RRCN20-07-1**

### 3 Purpose of the Report

- 3.1 The purpose of this report is to present the results of compliance for the 2019/2020 dairy season with respect those farm dairies that hold 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 wider effects of water quality, amenity, or aquatic ecology in these catchments, which are covered by other reports to 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 2019/2020 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. The majority of farms are located 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/Onekaka, 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.

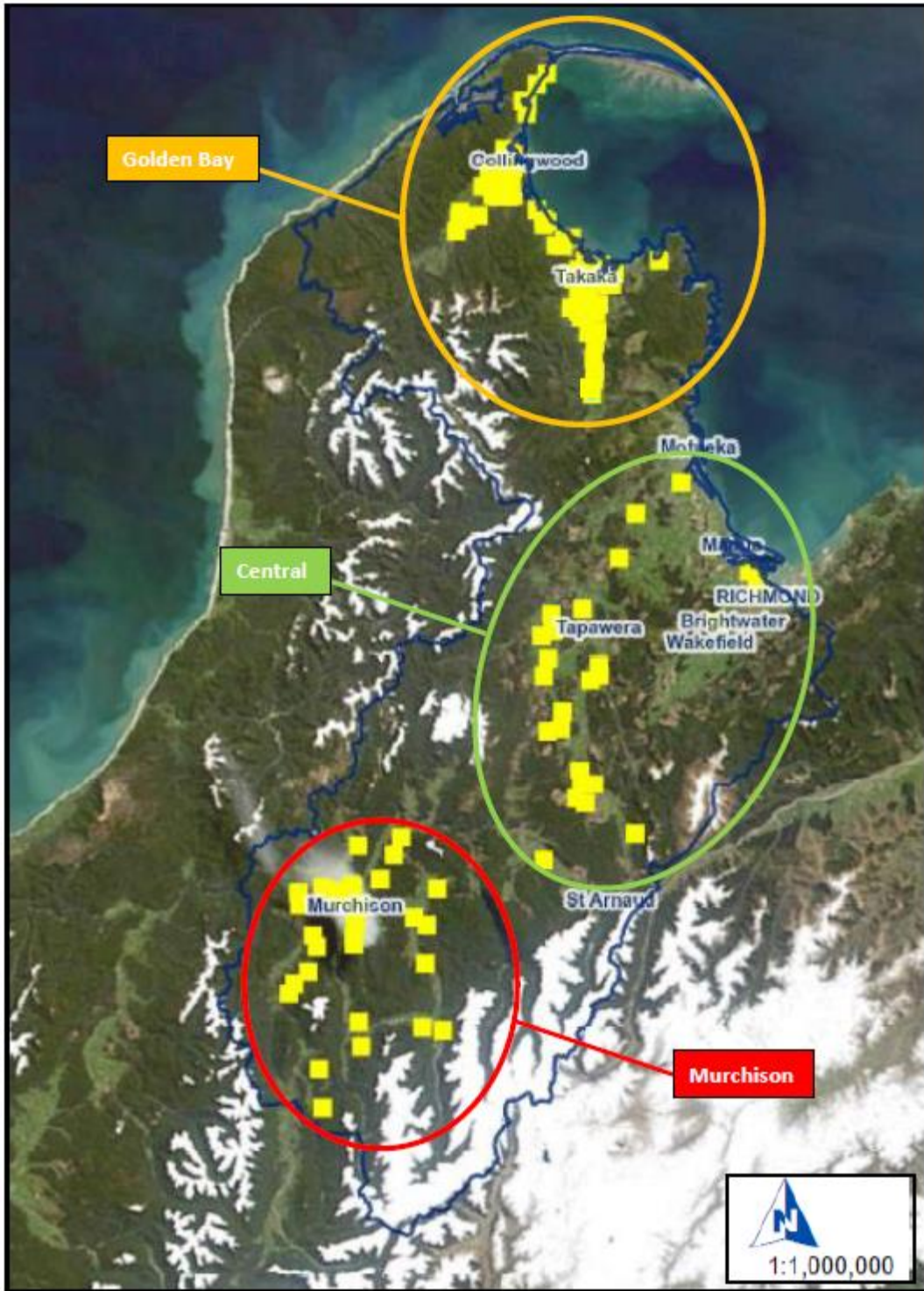
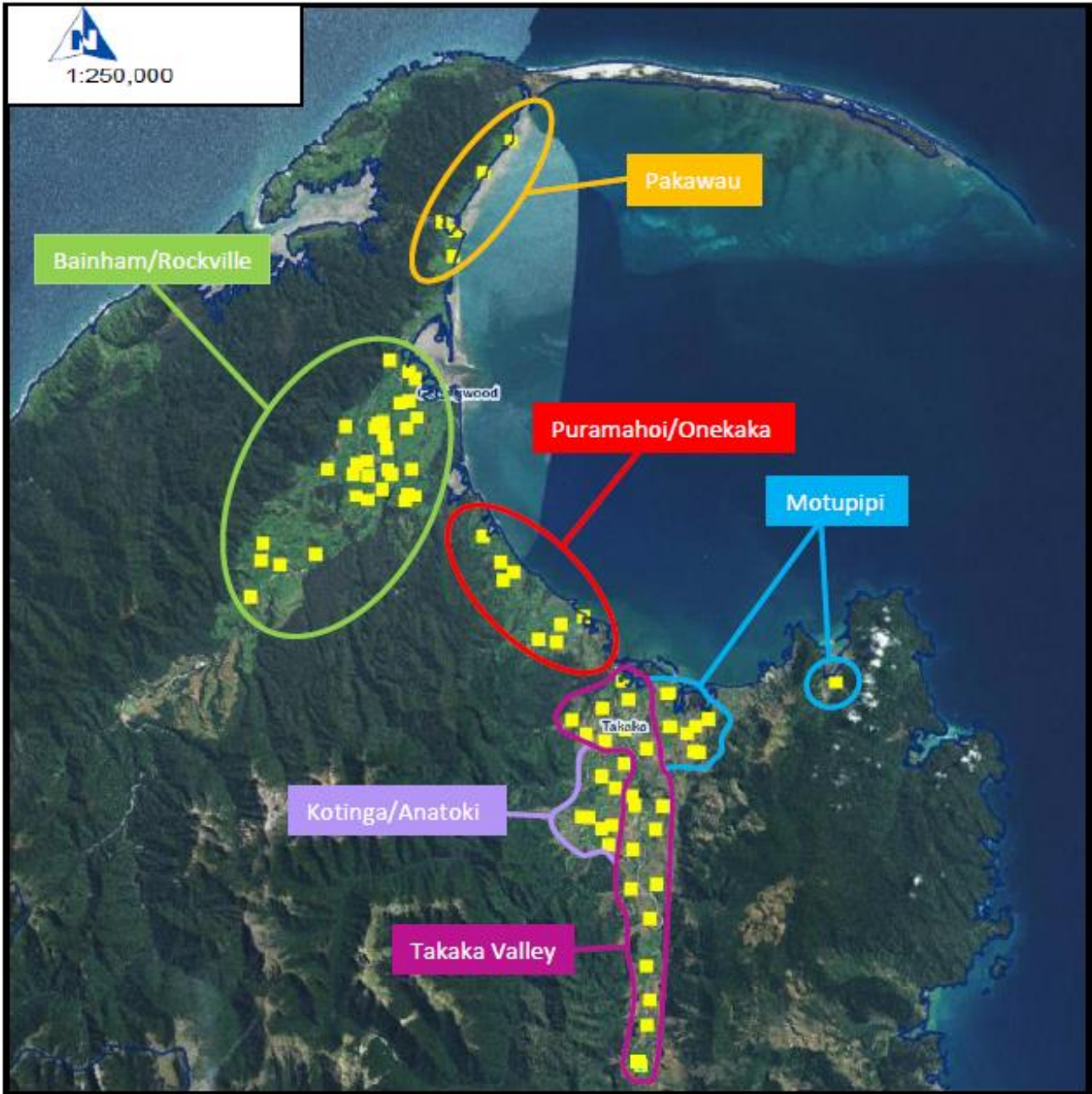


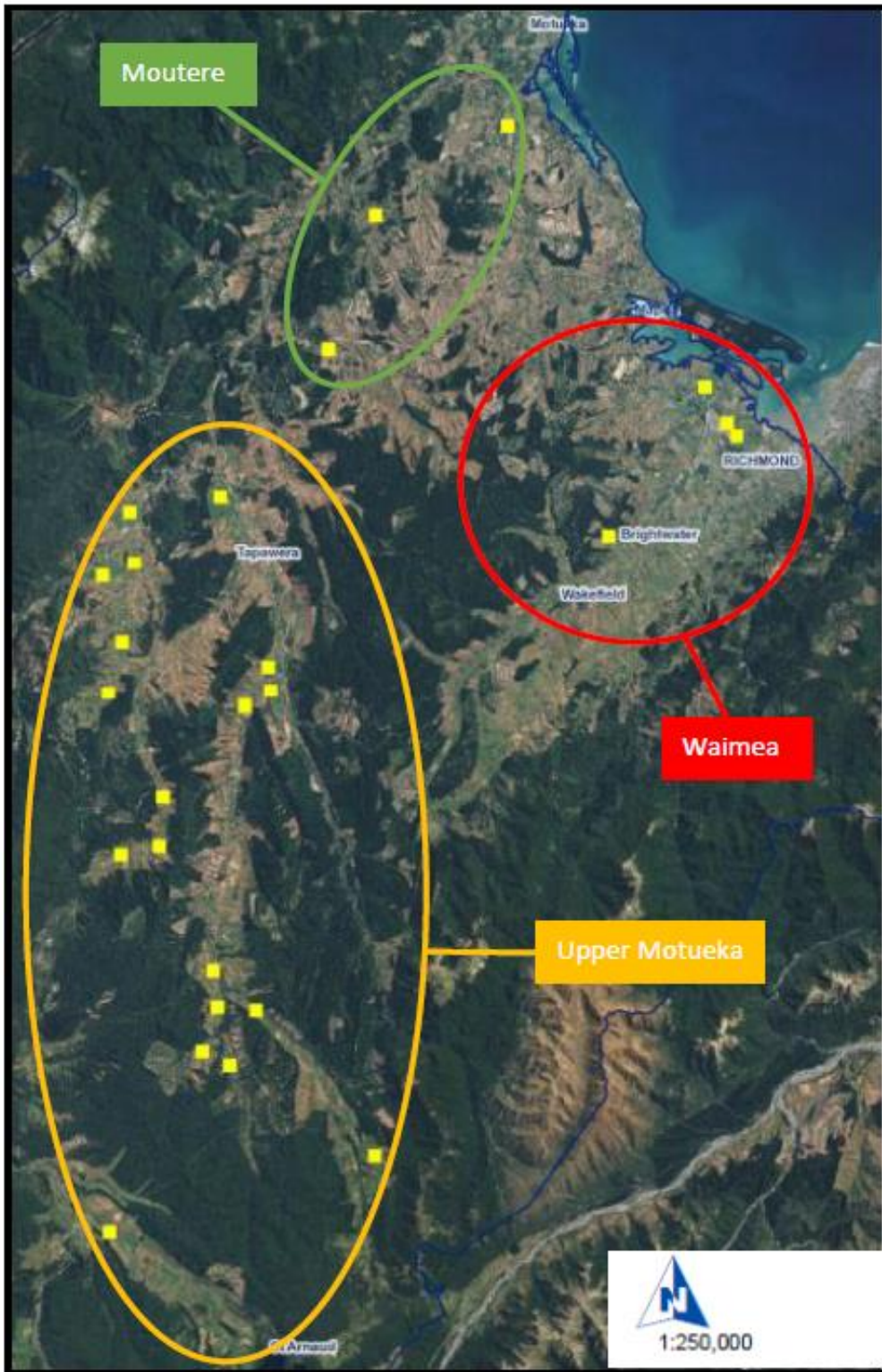
Figure 1: Location of the three sub-regions of Golden Bay, Central, and Murchison





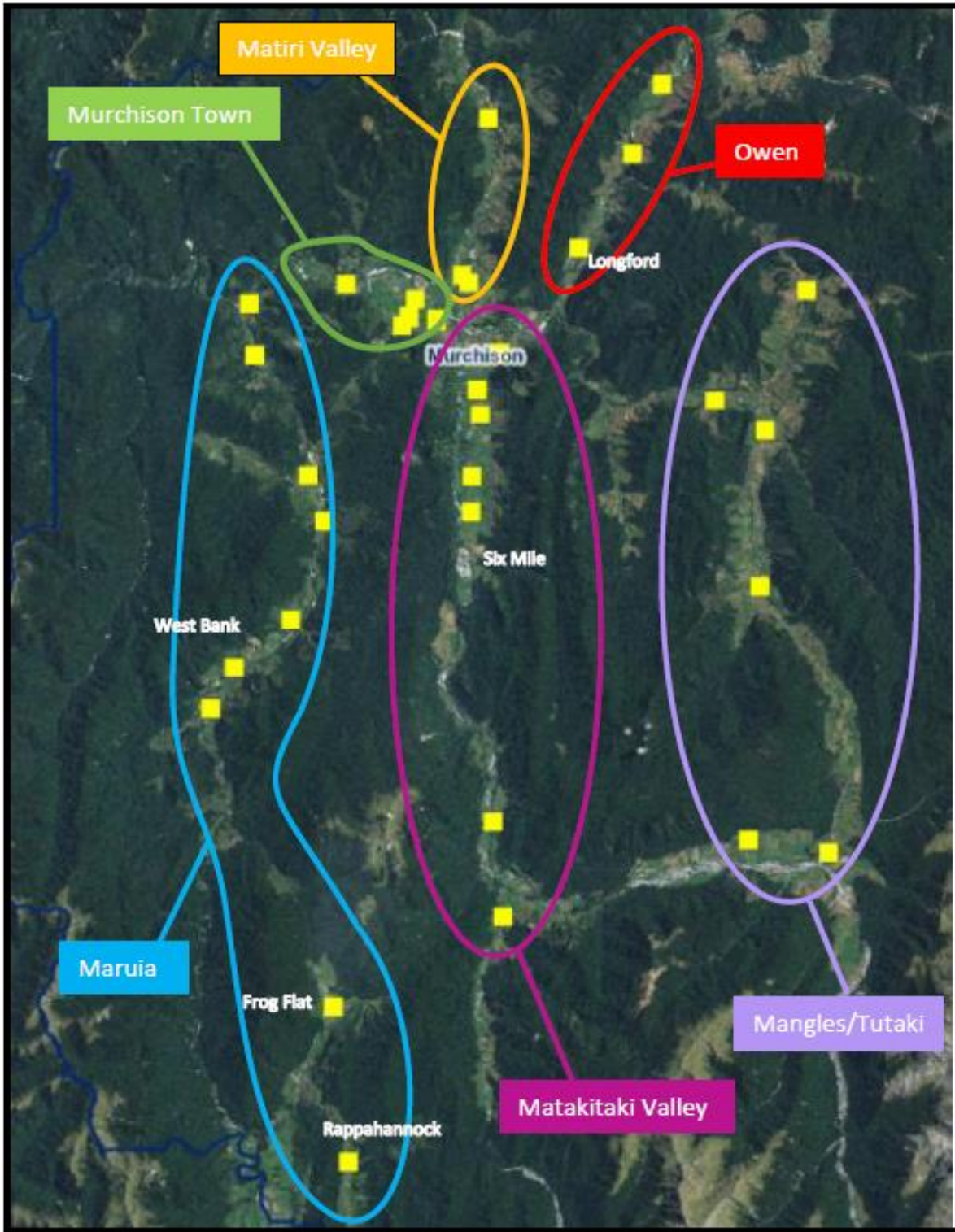
**Figure 2:** The spatial distribution of farm dairies in the Golden Bay sub-region





**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) |
|---|-----------------|----------------------|------------------------|------------------------|-------------------|---------------------------------|
| <b>NATIONAL STATISTICS (2018-2019) **</b> | 11 372          | 1 743 673            | 153                    | 4 946 305              | 435               | 2.84                            |
| <b>SOUTH ISLAND STATISTICS **</b>         | 3 216           | 690 216              | 215                    | 2 055 757              | 639               | 2.98                            |
| <b>TASMAN STATISTICS *</b>                | 126             | 18 230               | 145                    | 47858                  | 379               | 2.62                            |
| <b>GOLDEN BAY*</b>                        | 76              | 9 408                | 124                    | 24 780                 | 326               | 2.63                            |
| <b>CENTRAL*</b>                           | 21              | 3 164                | 121.85                 | 8050                   | 383               | 2.54                            |
| <b>MURCHISON*</b>                         | 29              | 5 659                | 167.7                  | 15 028                 | 518               | 2.66                            |

\* 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: [https://www.dairynz.co.nz/media/5792471/nz\\_dairy\\_statistics\\_2018-19\\_web\\_v2.pdf](https://www.dairynz.co.nz/media/5792471/nz_dairy_statistics_2018-19_web_v2.pdf)

- 4.6 There are some interesting observations from this data. Although dairy farming is a significant rural industry in Tasman, when comparing averages against national data, it is apparent that the scale and intensity is relatively low. Just 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 located in Golden Bay, this sub-regional 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 three farms with a herd greater than 1000 cows and five farms with a herd greater than 800 cows. Even though the average farm size in Murchison is 167.7ha compared to Golden Bay at 124ha, the average stocking rate is higher at 2.66 cows/ha compared to Golden Bay at 2.63cows/ha. The Central sub-region has the lowest intensity dairy farming in Tasman in terms of farm numbers, total herd size, and average land area and stocking rates.

### **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.
- 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. This is attributed largely to the amalgamation of small farms into bigger entities through buyout or lease of neighbouring farms that had ceased supply or by farms moving entirely away from dairying to dairy support, beef, and more recently converting to hops.
- 4.10 While these changes have seen the total number of farms drop, the total milking platform area has in fact remained relatively consistent until recently. Data shows a gradual decline

Item 7.1

in area occurred until 2010/11 where approximately 20,100ha remained in dairying. This was followed by a period of slow expansion in land used up to 2016 however, since that date it is evident this has now started to decline.

4.11 The overall dairy cow population has followed a similar trend. Since the baseline survey of 2005/06 when 57,549 cows were milked, numbers have fluctuated across seasons but slowly increased to peak of 58,179 cows in 2014/15. Since that date numbers are now falling. One constant that has remained stable during this time is the stocking rate, as the population and land area was largely unaffected

4.12 However, given the trends becoming apparent from the last four years data, it does appear that dairy farming is entering another era. As stated above, the most marked trend over the past 15 years is the decline in the number of dairy farms. This trend has accelerated in recent times. There are now just 126 farms are operating in Tasman in 2019/20, a drop of four from last season. This number is likely to fall further next season with at least four more dairies indicating they are ceasing supply and one other potentially being mothballed' to allow the farm to refurbish. This trend has also resulted in a dramatic drop in total herd number (55,878 cows in 2016/2017 to 47,858 cows this season) as well as the corresponding decrease in land used for dairy farming (20,934ha in 2016/2017 to 18,238ha this season).

4.13 These trends are presented in Figure 5 and a full break down of this data is presented in Table 2

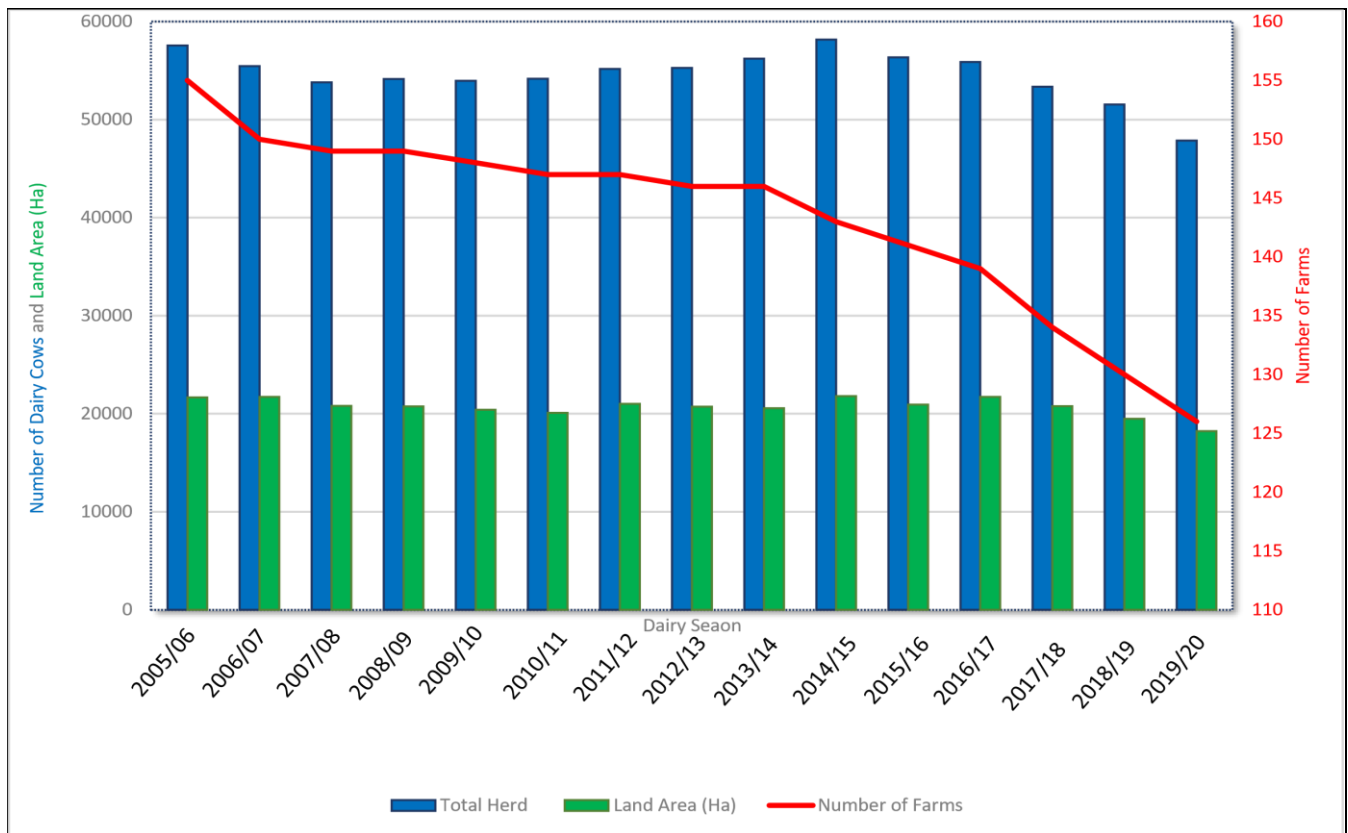


Figure 5: Tasman District's changing dairy herd size, associated land area and number of farms between 2005/06 and 2019/2020

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          |

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

- 4.14 An outcome of this drop in herd numbers alongside an equivalent drop in land area is that the actual stocking rate has remained relatively stable since 2005. Tasman's stocking rate is in fact one of the lowest in the country (<https://ecoprofile.infometrics.co.nz/nelson-tasman/Gdp/Dairy>) and from this data trend, it is evident that the 'dairy boom' seen in recent years in other regions did not occur in Tasman.
- 4.15 The trend of decreasing dairy farm numbers evident in the data appears set to continue in the coming years as farmers signal an intention to exit the industry. A decline in the total dairy population is also likely to follow given the pattern of land use change to horticulture and pastoral farming already seen in recent years. Certainly, conversion to hops is prevalent in areas suitable for that crop and dairy farms have rapidly given way to this industry there.

### Full Season Once-a-Day Milking

- 4.16 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 however for some this now a standard operating process. 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)

- 4.17 Tasman District has 30 farms (24%) practicing FSOAD milking this season, five 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 milkings 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.
- 4.18 Tasman District together with the West Coast and Northland regions have the highest percentage of farms milking FSOAD (<https://www.dairynz.co.nz/milking/once-a-day-milking/full-season-once-a-day-oad-milking/>)

### **Resource Consents – to Discharge Treated Effluent to Water**

- 4.19 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 2019/2020 dairy season.
- 4.20 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. Since the last reporting season when five farms held consents, two more farms have since surrendered their consents after commissioning low- application rate land disposal systems. The new land-based systems, incorporating the existing large storage ponds (discharge pipe removed) allows confidence to commit to a fully land based disposal system.
- 4.21 All 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.
- 4.22 Over the last six years, all of the remaining 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**

- 4.23 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.

- 4.24 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 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.
- 4.25 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 2019/2020 Compliance Survey - The Inspection Process**

- 4.26 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. The only deviation this season was as a result of the Covid-19 pandemic response which had a direct effect on the programme mid-season. At a time when the country was in various levels of restrictions, face to face meetings with farmers could not take place. As a work around and to meet protocols contactless interviews were conducted and then an unaccompanied physical inspection of the farm was completed at a later time. Post inspection feedback to the farmer was then given via telephone or email. This worked well.
- 4.27 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**

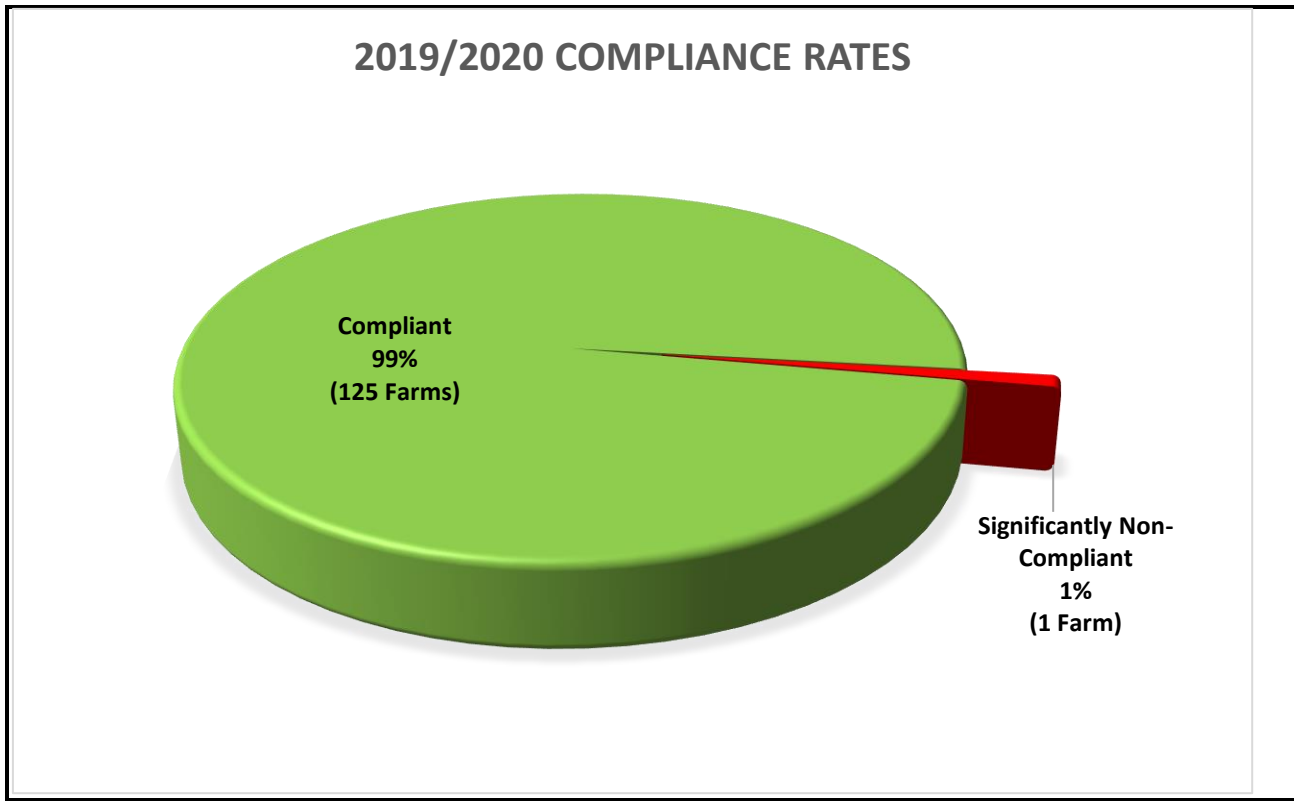
- 4.28 As with all dairy farm inspections undertaken by Council, farms once assessed were placed into one of three categories that described their level of compliance. The criteria for assigning these categories are:
- **Compliant:** No non-compliance with any Resource Consent conditions or any sections 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
- 4.29 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**

### **2019/2020 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 2019/2020 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 126 dairy farms in Tasman district were inspected at least once over the 2019/2020 season, of which 125 (99%) of all inspections were graded “Compliant”.
- 5.3 No inspections found issues that were graded as ‘Non-Compliant’.
- 5.4 One farm was graded as ‘Serious Non-Compliant’ and concerned the discharge of farm dairy effluent onto land in a manner that resulted in that effluent entering water, an unnamed tributary of the Matakītaki River. This was a situation created by a lack of adequate effluent storage and was further compounded by poor on-farm practices. This matter is now before the Environment Court.
- 5.5 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. 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.
- 5.6 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.

- 5.7 Over the past five 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 2019/2020 season, two more site specific designed systems had been commissioned, with one in Golden Bay and one in Murchison. A further five farms are part way through the installation of their systems and should be commissioned next season. Four more farms have had systems sized for them. These farms are now in a position where they are able to price out different storage options and work these costs into their farm budgets. At least six further farms are in the process of either designing improved systems or actively constructing improved containment facilities ready for the 2020/2021 season.
- 5.8 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 Council enough leverage at present and our intervention requires detection of an offence. It was fair to say that the majority of these were located 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.
- 5.9 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.
- 5.10 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 37% (48 farms) have effluent systems that have been designed and constructed to the standards set out in Dairy NZs code of practice and standards. 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 27% (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 that 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, 67%

(83 farms) of Tasman District’s dairy farms have storage systems that meet industry best practice and standards in terms of storage volume.

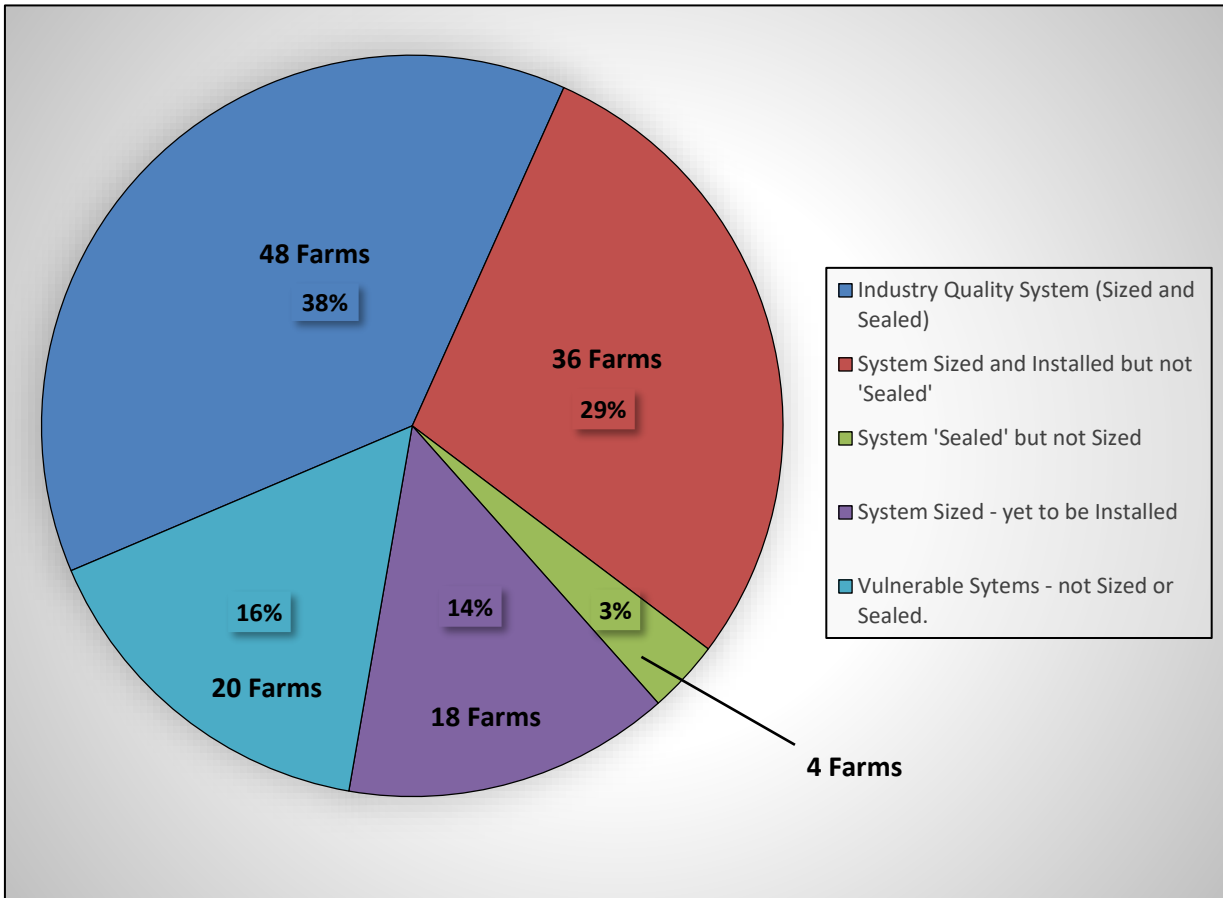


Figure 7: Snapshot of the districts effluent storage system suitability classification

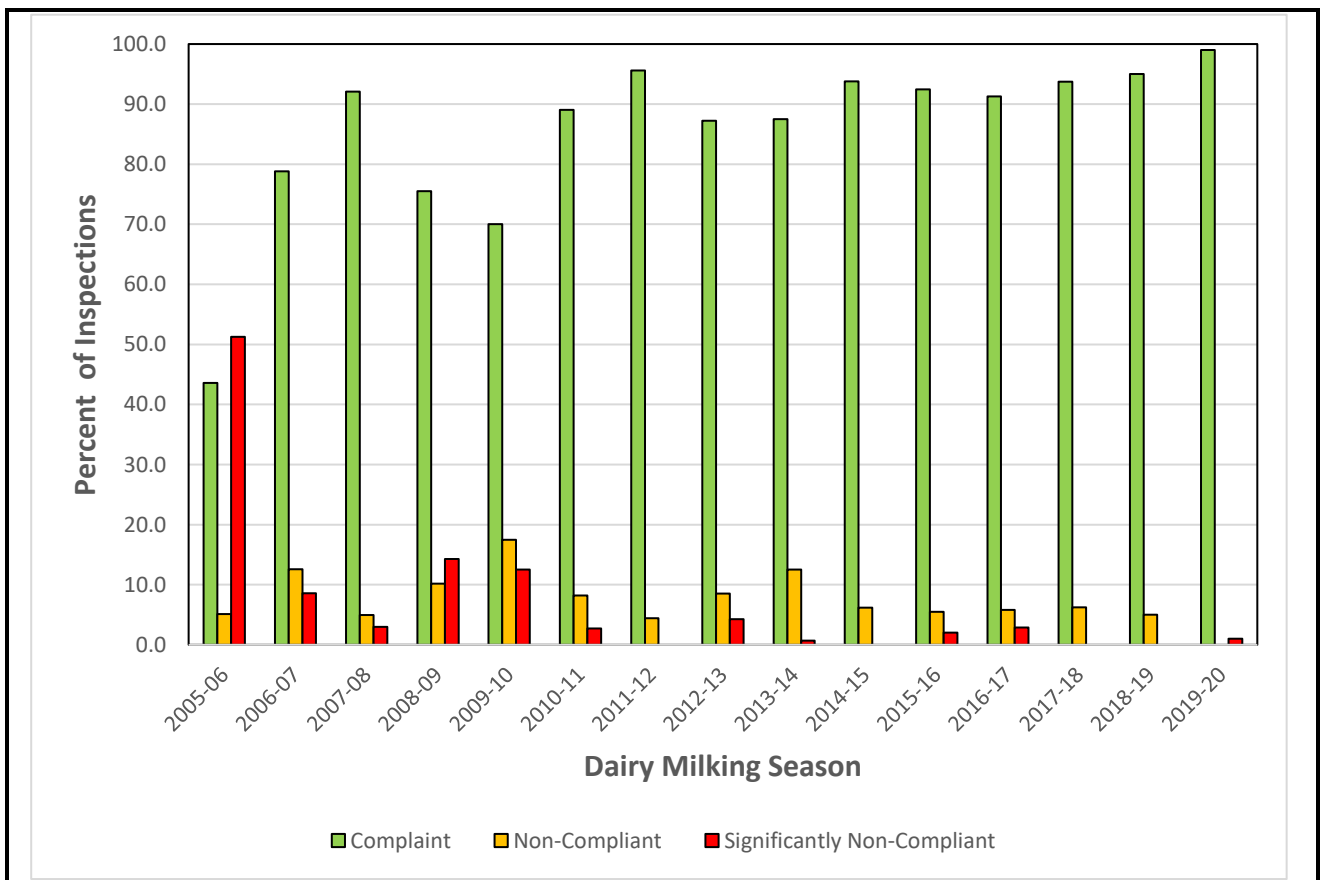
- 5.11 In addition to these numbers, a further 18 Farms (14%) have engaged accredited rural professionals and have had their current systems audited. Where needed, new storage facilities have been designed for future construction. Most of these farms have committed to having these upgrades fully commissioned within the next three seasons.
- 5.12 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.
- 5.13 There remain 24 farms (18%) that have storage facilities that have not been confirmed as being of sufficient size nor sealed to industry standards. 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.
- 5.14 With respect to these last two scenarios, all farms concerned have had Council staff engage with them regarding these shortfalls. All farms 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**

5.15 Figure 8 shows a comparison of the compliance rates from the past 15 milking seasons (2004/2005 – 2019/2020).

5.16 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 2019/2020 season was no exception to this positive trend. Only one farm was found to be non-compliant and disappointingly, it was significant in nature and could have been avoided had the farm had sufficient contingency storage. Despite this, 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.



**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.

**2019/2020 Enforcement Action**

5.17 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**

5.18 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 take into account that the operator had previously received a warning.

5.19 No formal letters were needed to be issued this season.

**Abatement Notices**

5.20 An Abatement notice prescribed under Section 322 of the Resource Management Act is a formal and legal directive from 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 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.

5.21 No Abatement Notices were required for offences found during the 2019/2020 season.

**Infringement Fines**

5.22 An Infringement Fine prescribed under Section 343C of the Resource Management Act is an instant fine issued by Council to a person(s)/company who has committed an offence against the Act.

5.23 No infringement fines were issued for offences found during the 2019/2020 milking season.

**Prosecutions and Enforcement Orders**

5.24 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.

5.25 As stated one prosecution was initiated for offences against the Resource Management Act 1991 for discharges that occurred in October 2019. The charges are for the discharge of contaminants, namely farm dairy effluent onto land, which resulted in that effluent entering water, an unnamed tributary of the Matakītaki River. This was a situation created by not having adequate effluent storage and was further compounded by poor on-farm practices and lack of due care. This case is still before the court and expected to be concluded in the coming months. An enforcement order may also be sought to ensure, among other requirements, that the new effluent system that the farmer is to install is appropriately sized and sealed and operated to Dairy NZ's Code of Practice and Standards. This action will be decided on as part of the court proceedings.

**National Audit of Council's Compliance Monitoring and Enforcement**

- 5.26 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.
- 5.27 Between 2007 and 2009, a project team was formed to develop nationally consistent criteria and compliance categories for grading dairy effluent monitoring inspections (see Appendix 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 this was postponed until 2021 due to Covid 19 lockdown restrictions on group meetings.
- 5.28 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, 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. 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 Council to recover the costs incurred in the monitoring of farm dairies with respect to the Permitted Activity Rules. As the majority of farms within the district operate as a Permitted Activity the Council cannot charge for routine inspections. When non-compliance is detected the cost of enforcement processes generally falls to the Council, as it does in any area of activity, but penalties such as infringements and court fines do provide some monetary return if and when these mechanisms are used. However, as the majority of farms are achieving full compliance it is fair to say that the greater part of the programme costs for permitted activity monitoring in dairy are presently borne by Council via general rates.

- 7.2 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 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.
- 8.1 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 126 dairy sheds had active discharges in the Tasman District during the 2019/2020 milking season. Of these, 123 farm dairies operated as Permitted Activities and the remaining three had Resource Consents authorising the discharge treated effluent to water.
- 9.2 The results of this survey were:
- 99% - Compliant.
  - 0% - Non-Compliant
  - 1% - Significantly Non-Compliant
- 9.3 All farms that hold resource consents fully complied with all conditions of their respective consents
- 9.4 One prosecution was initiated during the season for significant RMA breaches. An enforcement order may also be sought to ensure a site specific effluent system is installed, maintained and operated to industry standards.
- 9.5 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 up-take 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 takes in account 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 designed capacity and Council will engage with farmers to push this message and ensure it is incorporated into their on-farm maintenance program.

### **2020/2021 Dairy Farm Effluent Survey**

- 10.3 Farm Surveys for the 2020/2021 season commence in September 2020 and inspections will begin in earnest with a view to once again completing a full assessment of every farm in regards to 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 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 in order to build upon the positive work achieved during the past seasons. Such work includes the on-going 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.

## **11 Attachments**

1. [Download](#) Appendix 1-Criteria for assigning a grade of significant non-compliance

25



**APPENDIX 1**

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

| Criteria   | Examples   |
|--|--|
| Unauthorised discharges that have entered water (Ground or surface water)      | <ul style="list-style-type: none"> <li>• Overflowing ponds or sumps into surface water</li> <li>• Overland flow /runoff into surface water</li> <li>• Irrigating over surface water</li> <li>• Race/feedpad/standoff pad runoff into surface water</li> <li>• Discharges in breach of consent or plan rule conditions, and where adverse effects are visible/measurable/likely: e.g.               <ul style="list-style-type: none"> <li>• S107 considerations e.g. change in colour or clarity after mixing</li> <li>• Exceeding ammonia limits</li> <li>• Exceeding NTU/SS limits</li> <li>• Exceeding BOD limits</li> <li>• Exceeding faecal limits</li> <li>• Exceeding ground water nitrogen concentration limits</li> </ul> </li> </ul> |
| Unauthorised Discharges that may enter water (Ground or surface water)         | <ul style="list-style-type: none"> <li>• Significant surface ponding</li> <li>• Irrigating when soil conditions are too wet</li> <li>• Discharge without using an irrigator (e.g. pipe end discharge)</li> <li>• Sludge dumping</li> <li>• Discharges in breach of consent or plan rule conditions, and where adverse effects are visible and/or measurable and/or likely: e.g.               <ul style="list-style-type: none"> <li>• Exceeding nutrient application rates</li> <li>• Exceeding effluent application depths/rates</li> </ul> </li> </ul>  |
| Breach of abatement notice   | <ul style="list-style-type: none"> <li>• Any breach of an abatement notice</li> </ul>  |
| Objectionable effects of odour   | <ul style="list-style-type: none"> <li>• Serious adverse effects of odour have occurred</li> </ul>   |
| System shortcomings (where required by a rule in a plan or a resource consent) | <ul style="list-style-type: none"> <li>• Serious lack of contingency storage or backup plan.</li> </ul>  |
| Multiple minor non compliances on site with cumulative effects                 | <ul style="list-style-type: none"> <li>• Multiple minor discharges into a sensitive environment</li> </ul>   |



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

|                       |   |
|-----------------------|---|
| <b>Report To:</b>     | Regulatory Committee                              |
| <b>Meeting Date:</b>  | 23 July 2020                                      |
| <b>Report Author:</b> | Neil Green, Compliance and Investigations Officer |
| <b>Report Number:</b> | RRCN20-07-2                                       |

**Item 7.2****1 Summary**

- 1.1 Tasman District Council runs a dedicated program designed to record and report on the consumption of ground and surface water across the regions water zones, measure compliance with consent conditions, aid in the implementation of water restrictions and oversee the implementation and compliance of requirements set by the Tasman Resource Management Plan (TRMP) and the Reporting of Water Takes Regulations 2010.
- 1.2 The following covers the activities recorded over the 2019-2020 season.
- 1.3 Key findings from this season were:
  - The Tasman District once again witnessed high levels of water restriction over a prolonged summer period. Restrictions started on 27 January and were in effect at various locations and levels until 05 May 2020. For the Compliance Section monitoring and regulating the use of ground and surface water over this period, staff were required to be re directed from their own portfolios to assist the summer students with increased monitoring and auditing the restricted water use imposed throughout the district. Compliance staff also had to work through the additional issue of variable rationing levels being applied pre-Waimea Community Dam construction to consented water users on the Waimea Plains. Different rationing applied to users who had opted to be affiliated or non-affiliated to the dam, those who have objected to proposed consent conditions or were waiting for their replacement consents to be issued. This required significant work both with our database developers to accommodate this new level of rationing into the Water Monitoring Database and water users in assisting them understand what this meant for them.
  - The Dry Weather Taskforce convened on 14 occasions to impose or continue restrictions under Section 329 of the Resource Management Act 1991. Stage 1 rationing for the Waimea's commenced Monday 27 January 2020. Rationing was increased and elevated to stage 3 for affiliated consent holders and stage 4 for unaffiliated consent holders on 17 February 2020. The 19 February 2020 saw both affiliated and non-affiliated consent holders drop to level 2 and 3 respectively where they remained for a number of weeks before increasing and dropping again. All Waimea restrictions were removed on 14 April 2020. Restrictions and Cease takes were also implemented for other certain catchments over this period. On 17

February 2020 a Cease Take was placed on Dovedale and Moutere Surface water users. Dovedale users remained on Cease Take until 05 May 2020, whilst Moutere Surface water users jumped in and out of cease take depending on rainfall. All restrictions were lifted District-wide by 05 May 2020.

- 1014 meter audits were carried out over the period with emphasis on the drought affected zones.
- Resource Consents and Permitted Activity takes administered under the water metering project in the 2019-2020 season increased to 1,551 from the previous 1,530. Of these, 1416 were resource consent authorisations and 135 domestic use in the Moutere Surface Water zone.
- There were 1,012 active water takes this season. Of those, 6% still supply weekly water meter readings via New Zealand Post, 65% are now supplying weekly water meter readings via the web page service provided by the Council, 10% are supplying weekly water meter readings via email, and 9% are filing weekly water meter returns via telemetry. 10% supply weekly water meter readings via mobile phone.

- 1.4 Overall, compliance behaviour was not bad, but as always, there is still a requirement for regular contact between Council staff and a number of consent holders to maintain compliance. Last season Compliance issued a number of Abatement Notices and fines to the worst offenders and this seems to have had the desired deterrent effect on those repeat offenders this season. However, the bigger issue again this season was the number of meter readings not being supplied repeatedly (missing readings), even after numerous reminders. The Covid-19 Pandemic was an influencing factor for a period, with personnel not going on to site to take and submit water readings.
- 1.5 This resulted in the issue of warnings, Infringement fines and Abatement Notices in accordance with the Council's enforcement policies. 28 Warnings for excess takes and 80 missing readings. 2 Infringement fines and 1 Abatement Notice were issued for various offences associated with the taking of water.
- 1.6 The Tasman Resource Management Plan requirement to install a complying water meter recording a rate of under 5 l/s was also followed up. Installation was required by November 2018 and verification of meters as accurate by November 2019. This applies to 354 water takes. 333 of those takes have authenticated verification, 12 are requiring follow up and 9 are due within the next 12 months. The Measurement and Reporting of Water Takes Regulations 2010 requires all water meters recording water takes over 10 litres per second to be verified as accurate. This legislation imposes the requirement to verify water meter accuracy every five years. Follow up was required with consent holders who have water meters recording water takes over 10 litres per second whose meters required re-verification with proof of accuracy to be supplied to Council compliance staff.
- 1.7 The demands on compliance staff this season increased as Council phased in the transitional monitoring framework for the Waimea Community Dam. The delayed issuing of new resource consents, methods of return, and the complex water rationing triggers due to affiliation status in affected zones, created an extra workload on staff, especially those tasked with administration and monitoring. A number of work arounds and solutions had to be created to accommodate the various status of resource consents and non-issuing of

replacement consents. Compliance spent the early part of the season communicating with and assisting consent holders to understand and adopt necessary changes to try and stay on the front foot as much as possible.

- 1.8 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.
- 1.9 Whilst database and process changes were made this season, there have been future improvements identified to make working and reporting access more effective. They will however have to wait in line whilst other IT needs are met elsewhere in Council.
- 1.10 In conjunction with the IT department, teal time water meter rationing zone maps were created for the public on our website as part of the request of the Dry Weather Task Force. This was to increase Councils communication, and the ability for the public to gain ready access to up to date information.

|                           |
|---------------------------|
| <b>2 Draft Resolution</b> |
|---------------------------|

**That the Regulatory Committee receives the Annual District Wide Water Monitoring Report RRCN20-07-2**



### 3 Purpose of the Report

- 3.1 Tasman District Council runs a dedicated program 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 program.
- 3.4 At the conclusion of each water metering season the Compliance Department who oversees the program, 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 2019-2020 water year.

### 4 Water Monitoring Programme for 2019-2020 Season

#### Current administrative programme

- 4.1 70 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:
  - Monitoring users 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.
  - 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.
  - 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 2019-2020 season increased to 1,550 up from last year's figure of 1,530. This number of accounts comprises the following:
- 1,413 resource consent authorised ground or surface water takes
  - 137 Moutere domestic (permitted activity) bore takes.
- 4.6 Of the consented metered takes the following applies:
- 1014 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.
  - 148 were deemed non-active and not required to file weekly returns. These were consent holders not irrigating.
  - 251 are on future implementation. These are authorised through consent but have not yet been exercised.
- 4.7 Of the Moutere domestic takes the following applies:
- 121 bores are active and users filing six monthly returns.
  - 16 are not being used.

### **Water users preferred data return methods**

- 4.8 Of the 1014 active users who were required to provide water use returns the following methods were used to provide that data to the Council.
- 6% still preferred to supply weekly water meter readings using prepaid cards via ordinary post
  - 65% supplied weekly water meter readings electronically via the web page service provided by the Council
  - 10% supplied weekly water meter readings via email
  - 9% provide water meter use via telemetry
  - 10% supplied water meter readings via mobile phone.
- 4.9 Of the electronic methods available this season, webpage returns make up 69.2% of all returns coming in. Email returns to 10.6%, telemetry data to 9.6% and the Council's mobile app makes up 10.6% of returns.

### **Telemetry**

- 4.10 In the last year, the number of telemetered water meters has increased by 20 bringing the number to 94. These meters cover 73 accounts, i.e., several accounts have more than one meter. Four of the telemetered sites also provide additional data for consent requirements, i.e. water level, conductivity. The increase in numbers is mainly from businesses with multiple meters and the TRMP requirement for takes under 5 l/s to have a meter installed and provide readings.
- 4.11 The aligning of the telemetered water meter data with other hydrological data collected by the Environmental Monitoring section continues. With preseason and postseason 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.

- 4.12 There have been a number of issues with telemetered data. This has ranged from actual water meter malfunctions sending erroneous data, to power issues causing data to be lost. No more or less than other years. Occasionally the telemetered data appears okay, but the manual audits can highlight missing or erratic data.
- 4.13 The supply of electronic data in this format has increased as a result of the Waimea Dam project. The implementation of the Waimea Community Dam and the unaffiliated permit holder conditions will see the amount of telemetered water meters increase with the requirement placed on resource consent holders who take more than 2000 cubic meters of water per week. Council compliance staff are required to enforce the provisions of the Tasman Resource Management Plan including the requirement to install telemetered water monitoring equipment. 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.

### **Monitoring and Enforcement for 2019-2020 Season**

- 4.14 The prolonged dry weather this season resulted in early restrictions coming into effect mid-January. That did not ease until late April with the arrival of sufficient rainfall to scale back the drought response. During that dry period the Waimea zones quickly increased rationing stages. By mid-February unaffiliated consent holders moved to stage 4 rationing (65% cut from full weekly allowance) and affiliated consent holders moved to stage 3 rationing (50% cut from full weekly allowance) for a week before reducing to level 3 and 2 respectively for a number of weeks. Dovedale and Moutere Surface Water zone users spent long periods under a cease take notice. Zone restrictions moved up and down again before mid-April when the Dry Weather Task Force was able to start reducing restrictions across the district before finally removing them all early in May. It was made clear that unlike the previous season, short term informal agreements for allocation sharing were not an option however, a number of consent holders took the option to lodge applications to vary consent conditions to allow allocation sharing.

### **Missing Readings**

- 4.15 A bigger issue this season was the number of meter readings not being supplied repeatedly (Missing readings), even after numerous reminders.
- 4.16 The Covid-19 Pandemic may well have been an influencing factor for a period of time with personnel not going onto site to take and submit water readings amongst other reasons, although water users were written to and advised readings were still required due to water restrictions being in place.
- 4.17 Missing readings continue to be an issue for staff. 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. However missing readings also create administrative problems as once a reading is supplied it is entered under the receiving week and results in the total abstracted volume being registered as overtake for that week. These may therefore not be genuine overtakes if averaged over the missing period or they may actually be genuine overtakes and staff then have to decipher this.

- 4.18 Providing meter readings is a consent condition requirement. Staff have issued 80 warnings mainly via formal letters but also email. These are recorded against the water user's account and can be considered when deciding any future enforcement action.

### Excessive Water Use

- 4.19 753 overtakes were recorded throughout the 2019-2020 water season. 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 (I have commented on this separate issue).
- 4.22 Once these and meter and equipment faults there removed there were 70 genuine water overtakes.
- 4.23 All excessive water use situations were investigated and responded to in accordance with the Council's enforcement policies. 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 Two Infringement fines and one Abatement Notice were issued for noncompliance.

### Water Meter Auditing

- 4.25 The 'anytime, anywhere' water meter audit continued throughout this water year. The Council performed 1014 audits across 751 water accounts over the 2019-2020 irrigation season. 74% of all active meters were audited. 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 | 533              | 1                       | 533          | 52.5%               |
|               | 181              | 2                       | 362          | 36%                 |
|               | 31               | 3                       | 93           | 9%                  |
|               | 5                | 4                       | 20           | 2%                  |
|               | 0                | 5                       | 0            | 0%                  |

|                     |            |   |             |      |
|---------------------|------------|---|-------------|------|
|                     | 1          | 6 | 6           | 0.5% |
| <b>Total Audits</b> | <b>751</b> |   | <b>1014</b> |      |

4.26 Meter audits continue to include a reading of the meter dial, ensure integrity of the seal and obtain 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 2020 a total of 137 Moutere domestic bores have been identified and registered on the database. While that is the total registered, 16 are not being used.

4.29 In respect to these domestic meters, water use data readings are required April and November each year.

## 5 Water Rationing and the Dry Weather Task Force

5.1 The Dry Weather Taskforce was required to convene on 14 occasions to consider and impose restrictions under Section 329 of the Resource Management Act 1991 due to the serious water shortage that evolved over the January to April months.

5.2 As in the previous irrigation season, it was very clear that this was going to stretch water users and significant business decisions would have to be made. Compliance staff communicated with water users at the earliest opportunity to help them understand the implications of the transitional rationing conditions, and once again general agreement was reached that the early implementation of rationing steps would help in making water available later into the irrigation season.

5.3 Stage 4 rationing which is a 65% cut to the maximum allowable weekly volume, was put in place mid-February for unaffiliated Waimea water users, but reduced quickly back to stage 3 (50% cut) due to a welcome and timely rainfall.

5.4 Whilst it is acknowledged that water restrictions last season were unprecedented and came early, hard and fast, this season saw prolonged restrictions and for some at a high level of stage 2 (50%) and 3 (60%) for some time. Worst affected would be Moutere Surface Water and Dovedale zone users who spent long periods under a cease take.

5.5 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   |
|----------------|----------------|---------------|----------------|--|
| 21/01/2020     | 27/01/2020     | 329 Direction | 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. Motupiko.   |
| None       | 27/01/2020 | 329 Direction | Stage 1           | Redwood  |
| None       | 3/02/2020  | 329 Direction | Stage 1           | Moutere Eastern  |
| 4/02/2020  | 10/02/2020 | 329 Direction | Stage 1           | Moutere Eastern, Motupiko, Lower Confined, Hope and Eastern Hills, Lower Confined (Unaffiliated), Hope and Eastern Hills (Unaffiliated), Lower Confined (Affiliated), Hope and Eastern Hills (Affiliated)  |
|            |            |               | Stage 2           | Delta, Delta (Affiliated), Golden Hills, Golden Hills (Affiliated), Reservoir, Reservoir (Affiliated), Upper Catchments, Upper Catchments (Affiliated), Upper Confined Aquifer, Upper Confined (Affiliated), Waimea West, Waimea West (Affiliated), Redwood. |
|            |            |               | Stage 3           | Delta (Unaffiliated), Golden Hills (Unaffiliated), Reservoir (Unaffiliated), Upper Catchments (Unaffiliated), Waimea West (Unaffiliated), Upper Confined (Unaffiliated).   |
|            |            |               | Cease             | Moutere Surface  |
| 11/02/2020 | 17/02/2020 | 329 Direction | Stage 1           | Moutere Eastern, Moutere Western, Wangapeka, Tapawera, Tadmor, Glenrae, Wai-iti, Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge.   |
|            |            |               | Stage 2           | Motupiko, Lower Confined Aquifer (Affiliated), Hope and Eastern Hills (Affiliated), Lower Confined Aquifer, Hope and Eastern Hills.  |
|            |            |               | Stage 3           | Delta, Delta (Affiliated), Golden Hills, Golden Hills (Affiliated), Reservoir, Reservoir (Affiliated), Upper Catchments, Upper Catchments (Affiliated), Upper Confined Aquifer, Upper Confined (Affiliated), Waimea West, Waimea West (Affiliated), Redwood. |
|            |            |               | Stage 4           | Delta (Unaffiliated), Golden Hills (Unaffiliated), Reservoir (Unaffiliated), Upper Catchments (Unaffiliated), Waimea West (Unaffiliated), Upper Confined (Unaffiliated), Lower Confined (Unaffiliated), Hope and Eastern Hills (Unaffiliated).               |
|            |            |               | Cease             | Moutere Surface, Dovedale  |
| 18/02/2020 | 19/02/2020 | 329 Direction | Removed           | Moutere Surface, Wangapeka, Tapawera, Tadmor, Glenrae, Wai-iti, Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge.  |
|            |            |               | Stage 1 continues | Moutere Eastern, Moutere Western   |

## Item 7.2

|            |           |               |                      |   |
|------------|-----------|---------------|----------------------|---|
|            |           |               | Stage 1              | Motupiko, Lower Confined Aquifer (Affiliated), Hope and Eastern Hills (Affiliated), Lower Confined Aquifer, Waimea Hope Minor Aquifers  |
|            |           |               | Stage 2              | Delta, Delta (Affiliated), Golden Hills, Golden Hills (Affiliated), Reservoir, Reservoir (Affiliated), Upper Catchments, Upper Catchments (Affiliated), Upper Confined Aquifer, Upper Confined (Affiliated), Waimea West, Waimea West (Affiliated), Redwood.  |
|            |           |               | Stage 3              | Delta (Unaffiliated), Golden Hills (Unaffiliated), Reservoir (Unaffiliated), Upper Catchments (Unaffiliated), Waimea West (Unaffiliated), Upper Confined (Unaffiliated), Lower Confined (Unaffiliated), Hope and Eastern Hills (Unaffiliated).  |
|            |           |               | Cease take continues | Dovedale  |
| 25/02/2020 | 2/03/2020 | 329 Direction | Stage 1              | Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge, Moutere Eastern, Moutere Western, Baton, Stanley Brook, Tadmor, Tapawera, Glen Rae, Waimea Hope Minor Aquifers, Hope and Eastern Hills (Affiliated), Waimea Lower Confined Aquifer, Lower Confined Aquifer (Affiliated), Wangapeka.                   |
|            |           |               | Stage 2              | Redwood, Waimea Delta, Delta (Affiliated), Waimea Golden Hills, Golden Hills (Affiliated), Waimea Reservoir, Reservoir (Affiliated), Waimea Upper Confined Aquifer, Upper Confined Aquifer (Affiliated), Waimea Upper Catchments, Upper Catchments (Affiliated).  |
|            |           |               | Stage 3              | Motupiko, Delta (Unaffiliated), Golden Hills (Unaffiliated), Hope and Eastern Hills (Unaffiliated), Lower Confined Aquifer (Unaffiliated), Reservoir (Unaffiliated), Upper Confined Aquifer (Unaffiliated), Upper Catchments (Unaffiliated), Waimea West (Unaffiliated).  |
|            |           |               | Cease                | Moutere Surface Water, Dovedale   |
|            |           |               | Removed              | Wai-iti   |
| 3/03/2020  | 9/03/2020 | 329 Direction | Stage 1              | Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge, Moutere Western, Baton, Stanley Brook, Tadmor, Tapawera, Glen Rae, Waimea Hope Minor Aquifers, Hope and Eastern Hills (Affiliated), Waimea Lower Confined Aquifer, Lower Confined Aquifer (Affiliated), Wangapeka, Wai-iti, Wai-iti Dam Service Zone. |
|            |           |               | Stage 2              | Moutere Eastern, Redwood, Waimea Delta, Delta (Affiliated), Waimea Golden Hills, Golden Hills (Affiliated), Waimea Reservoir, Reservoir (Affiliated), Waimea Upper Confined Aquifer, Upper Confined Aquifer (Affiliated), Waimea Upper Catchments, Upper Catchments (Affiliated).   |



|            |            |               |                    |   |
|------------|------------|---------------|--------------------|---|
|            |            |               | Stage 3            | Motupiko, Delta (Unaffiliated), Golden Hills (Unaffiliated), Hope and Eastern Hills (Unaffiliated), Lower Confined Aquifer (Unaffiliated), Reservoir (Unaffiliated), Upper Confined Aquifer (Unaffiliated).   |
|            |            |               | Cease              | Moutere Surface Water, Dovedale   |
| 9/03/2020  | 16/03/2020 | 329 Direction | Stage 1            | Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge, Moutere Western, Baton, Stanley Brook, Tadmor, Tapawera, Glen Rae, Waimea Hope Minor Aquifers, Hope and Eastern Hills (Affiliated), Waimea Lower Confined Aquifer, Lower Confined Aquifer (Affiliated), Wangapeka, Wai-iti, Wai-iti Dam Service Zone.   |
|            |            |               | Stage 2            | Moutere Eastern, Redwood, Waimea Delta, Delta (Affiliated), Waimea Golden Hills, Golden Hills (Affiliated), Waimea Reservoir, Reservoir (Affiliated), Waimea Upper Confined Aquifer, Upper Confined Aquifer (Affiliated), Waimea Upper Catchments, Upper Catchments (Affiliated), Waimea West, Waimea West (Affiliated).  |
|            |            |               | Stage 3            | Motupiko, Delta (Unaffiliated), Golden Hills (Unaffiliated), Hope and Eastern Hills (Unaffiliated), Lower Confined Aquifer (Unaffiliated), Reservoir (Unaffiliated), Upper Confined Aquifer (Unaffiliated), Upper Catchments (Unaffiliated), Waimea West (Unaffiliated).  |
|            |            |               | Cease              | Moutere Surface Water, Dovedale   |
| None       | 12/03/2020 | 329 Direction | Cease take removed | Moutere Surface Water   |
| 17/03/2020 | 23/03/2020 |               | Stage 1<br>Stage 2 | Moutere Western, Baton, Stanley Brook, Tadmor, Tapawera, Glen Rae, Waimea Hope Minor Aquifers, Hope and Eastern Hills (Affiliated), Waimea Lower Confined Aquifer, Lower Confined Aquifer (Affiliated), Wai-iti, Wai-iti Dam Service Zone.  |
|            |            |               |                    | Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge, Wangapeka, Moutere Eastern, Redwood, Waimea Delta, Delta (Affiliated), Waimea Golden Hills, Golden Hills (Affiliated), Waimea Reservoir, Reservoir (Affiliated), Waimea Upper Confined Aquifer, Upper Confined Aquifer (Affiliated), Waimea Upper Catchments, Upper Catchments (Affiliated), Waimea West, Waimea West (Affiliated). |
|            |            |               | Stage 3            | Motupiko, Delta (Unaffiliated), Golden Hills (Unaffiliated), Hope and Eastern Hills (Unaffiliated), Lower Confined Aquifer (Unaffiliated), Reservoir (Unaffiliated), Upper Confined Aquifer (Unaffiliated), Upper Catchments (Unaffiliated) Waimea West (Unaffiliated).   |
|            |            |               | Cease              | Dovedale  |

## Item 7.2

|            |            |                  |         |   |
|------------|------------|------------------|---------|---|
| 24/03/2020 | 30/03/2020 | 329<br>Direction | Stage 1 | Moutere Western, Baton, Stanley Brook, Tadmor, Tapawera, Glen Rae, Waimea Hope Minor Aquifers, Hope and Eastern Hills (Affiliated), Waimea Lower Confined Aquifer, Lower Confined Aquifer (Affiliated), Wai-iti, Wai-iti Dam Service Zone, Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge, Wangapeka, Redwood, Waimea Delta, Delta (Affiliated), Waimea Golden Hills, Golden Hills (Affiliated), Waimea Reservoir, Reservoir (Affiliated), Waimea Upper Confined Aquifer, Upper Confined Aquifer (Affiliated), Waimea Upper Catchments, Upper Catchments (Affiliated), Waimea West, Waimea West (Affiliated). |
|            |            |                  | Stage 2 | Moutere Eastern, Delta (Unaffiliated), Golden Hills (Unaffiliated), Hope and Eastern Hills (Unaffiliated), Lower Confined Aquifer (Unaffiliated), Reservoir (Unaffiliated), Upper Confined Aquifer (Unaffiliated), Upper Catchments (Unaffiliated), Waimea West (Unaffiliated).   |
|            |            |                  | Stage 3 | Motupiko  |
|            |            |                  | Cease   | Dovedale  |
| None       | 6/04/2020  | 329<br>Direction | Stage 1 | Moutere Western, Baton, Stanley Brook, Tadmor, Tapawera, Glen Rae, Waimea Hope Minor Aquifers, Hope and Eastern Hills (Affiliated), Waimea Lower Confined Aquifer, Lower Confined Aquifer (Affiliated), Wai-iti, Wai-iti Dam Service Zone, Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge, Wangapeka, Redwood, Waimea Delta, Delta (Affiliated), Waimea Golden Hills, Golden Hills (Affiliated), Waimea Reservoir, Reservoir (Affiliated), Waimea Upper Confined Aquifer, Upper Confined Aquifer (Affiliated), Waimea Upper Catchments, Upper Catchments (Affiliated), Waimea West, Waimea West (Affiliated). |
|            |            |                  | Stage 2 | Moutere Eastern, Delta (Unaffiliated), Golden Hills (Unaffiliated), Hope and Eastern Hills (Unaffiliated), Lower Confined Aquifer (Unaffiliated), Reservoir (Unaffiliated), Upper Confined Aquifer (Unaffiliated), Upper Catchments (Unaffiliated), Waimea West (Unaffiliated).   |
|            |            |                  | Stage 3 | Motupiko  |
|            |            |                  | Cease   | Dovedale  |
| None       | 13/04/2020 | 329<br>Direction | Stage 1 | Moutere Western, Waimea Lower Confined Aquifer, Lower Confined Aquifer (Affiliated), Waimea Hope Minor Aquifers, Hope and Eastern Hills (Affiliated), , Wai-iti, Wai-iti Dam Service Zone,  |
|            |            |                  | Stage 2 | Moutere Eastern, Baton, Stanley Brook, Tadmor, Tapawera, Glen Rae, Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge, Wangapeka, Redwood, Waimea Delta, Delta (Affiliated), Waimea Golden Hills, Golden Hills  |

|            |            |               |                   |  |
|------------|------------|---------------|-------------------|--|
|            |            |               |                   | (Affiliated), Waimea Reservoir, Reservoir (Affiliated), Waimea Upper Confined Aquifer, Upper Confined Aquifer (Affiliated), Waimea Upper Catchments, Upper Catchments (Affiliated), Waimea West, Waimea West (Affiliated).   |
|            |            |               | Stage 3           | Motupiko, Delta (Unaffiliated), Golden Hills (Unaffiliated), Hope and Eastern Hills (Unaffiliated), Lower Confined Aquifer (Unaffiliated), Reservoir (Unaffiliated), Upper Confined Aquifer (Unaffiliated), Upper Catchments (Unaffiliated), Waimea West (Unaffiliated).   |
|            |            |               | Cease             | Dovedale, Moutere Surface  |
| None       | 14/04/2020 | 329 Direction | Removed           | Moutere Surface, Waimea Lower Confined Aquifer, Lower Confined Aquifer (Affiliated), Waimea Hope Minor Aquifers, Hope and Eastern Hills (Affiliated), , Wai-iti, Wai-iti Dam Service Zone, Baton, Stanley Brook, Tadmor, Tapawera, Glen Rae, Takaka Surface Water, Takaka Aquifer, Takaka Marble Aquifer Recharge, Wangapeka, Redwood, Waimea Delta, Delta (Affiliated), Waimea Golden Hills, Golden Hills (Affiliated), Waimea Reservoir, Reservoir (Affiliated), Waimea Upper Confined Aquifer, Upper Confined Aquifer (Affiliated), Waimea Upper Catchments, Upper Catchments (Affiliated), Waimea West, Waimea West (Affiliated), Motupiko, Delta (Unaffiliated), Golden Hills (Unaffiliated), Hope and Eastern Hills (Unaffiliated), Lower Confined Aquifer (Unaffiliated), Reservoir (Unaffiliated), Upper Confined Aquifer (Unaffiliated), Upper Catchments (Unaffiliated), Waimea West (Unaffiliated). |
| 14/04/2020 | 20/04/2020 | 329 Direction | Stage 1           | Moutere Western  |
|            |            |               | Stage 2           | Moutere Eastern  |
|            |            |               | Cease             | Dovedale   |
| 21/04/2020 | 27/04/2020 | 329 Direction | Stage 1           | Moutere Eastern, Moutere Western   |
|            |            |               | Cease             | Dovedale   |
| 28/04/2020 | 29/04/2020 | 329 Direction | Removed           | Moutere Western, Moutere Eastern   |
| 28/04/2020 | 4/05/2020  | 329 Direction | Cease             | Dovedale   |
| 5/05/2020  | 5/05/2020  | 329 Direction | Cease Take Lifted | Dovedale   |

## 6 Strategy and Risks

- 6.1 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:

- 6.1.1 **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, and contacting those not using water for confirmation that the non-use situation remains.
- 6.1.2 **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 to be 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.
- 6.1.3 **Electronic records.** There are now 94 telemetered water meters over 73 accounts i.e., several accounts have more than one meter. The supply of electronic data in this format is has increased as a result of the Waimea Dam. This number will further increase with the requirement placed on unaffiliated resource consent holders who take more than 2000 cubic meters of water per week. Council compliance staff are required to enforce the provisions of the Tasman Resource Management Plan including the requirement to install telemetered water monitoring equipment. Unaffiliated resource consent holders 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.
- 6.1.4 The proposed amendments to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 as part of the Governments Freshwater Management strategy will now impose additional telemetry requirements and impact on the Council under the role as regulator.
- 6.1.5 **Main database changes.** The rapid changes occurring in the management and reporting of water use has meant demand for increased database functionality. Version two of the water metering database was rolled out this season. Whilst a great improvement on version one, further improvements and changes have been identified that should enhance information management in and out. This will be implemented when IT support becomes available.
- 6.1.6 The Tasman Resource Management Plan does not put a limit on the taking of water for stock drinking and it is not monitored. It is apparent that many consent holders take both irrigation and stock drinking water from a source using a single pump and meter and separate it at some point beyond. The previous two years of summer drought have highlighted that the inclusion of unlimited stock drinking water through a water meter used to monitor consented water obscures compliance with the actual consented water use. When there is a registered overtake from a meter, which includes the use of stock drinking water, monitoring staff are forced to attempt to determine stock numbers and deduct daily requirements from the total volume in order to determine compliance. This is impractical, fraught with risk and open to abuse. There were 59 registered overtakes during this seasons drought which included stock drinking water. It is unknown if these were true overtakes due to the stock water

component. Staff believe there are probably more water use returns that include stock water but remain hidden as they have not recorded an overtake and received closer scrutiny. If the Council is required to accurately monitor water use while keeping stock water use as unlimited changes are likely to be required in the upcoming plan reviews. The Compliance Department will continue to feed into this process.

## **7 Resource Management (Measurements & Reporting of Water Takes) Regulations 2010 and Tasman Resource Management Plan (TRMP) Reporting of water take requirements.**

- 7.1 Overall administration requirements of the water metering program continue with the requirements of the National Regulations. Re-verification of meters recording water takes of 10 litres per second or greater are now being followed up.
- 7.2 The TRMP requires meters for takes of less than five litres/second and this applies to 397 water takes. These water takes were to have their meters verified as accurate by November 2019.
- 7.3 To date 283 water takes have provided evidence of their water meters being verified as accurate.
- 7.4 The remaining 114 water takes are either awaiting a service provider to carry out verification, are new consent holders or require reminding again. This will be followed up by written letter.

## **8 Policy / Legal Requirements / Plan**

- 8.1 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](http://www.tasman.govt.nz) for public viewing. The 2019-20 water year will be uploaded in July once the end of year wrap up is complete.
- 8.2 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.

## **9 Consideration of Financial or Budgetary Implications**

- 9.1 A summary of the Compliance Monitoring Water income/costs for the 12 month period ending 30 June 2020 is as follows.

- 9.2 Budgeted expenditure for the 2019/20 year was \$331,851. Total actual expenditure for the period was \$350,953, with total income for the period of \$269,440.
- 9.3 The program was 60% water user funded this year. The target remains for this activity to be 100% user funded.

## 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 Waimea Dam transitional rationing steps and tough drought restrictions.
- 10.2 The Covid-19 Pandemic had a significant impact, but a certain level of business as usual was maintained.
- 10.3 Non-compliance with meter returns continues with a large number of missing readings this summer. This season a record number of warnings were issued either by letter or email. As always, compliance staff assess each case of non-compliance and where possible place emphasis on education and encouragement to achieve compliance.
- 10.4 Whilst there were still numerous overtakes this season which resulted in formal written warnings, there was much less repeat offending so only two Infringement Fines and one Abatement Notice were issued. This is most likely the result of the stance taken at the end of last season with the issuing of 40 Infringement fines and 17 Abatement Notices for the more serious offenders.
- 10.5 Use of the mobile phone application and other electronic methods of meter returns remain approximately the same this season although telemetry has gone up by 2%. The number of consent holders who, for various reasons, lack the ability or will to utilise electronic technology to provide returns remains also. 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.
- 10.6 The Waimea Community Dam transition phase is now in place in the water metering program. The Compliance Section continues to work on its strategies for this and the post dam construction implementation of this project.
- 10.7 Many consent holders take both irrigation water and stock drinking water from a single source and this can create difficulties in compliance monitoring and enforcement.
- 10.8 Telemetry is a growing method for monitoring water use. This will increase further as some consent holders unaffiliated to the Waimea Dam project are required to install telemetry to report water use.
- 10.9 The expanding water program has had a significant impact on Council database requirements. The new version two of the database was implemented this season and functionality has been continually fine-tuned this season to reflect the fluid situation and adapt to the increase in data flow and management. Further improvements have been identified for application and testing prior to next summer season. This seeks to improve yet again for better information management, such as analysing and reporting on that information and providing greater customer service.

- 10.10 Consent holders in the Waimea zones will now be required to supply Irrigation Management Plans (IMP) to the Council by 31 August starting 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 Irrigation Management Plan requirement reminder letters going out July 2020.
- 11.2 Improvements and updates of the water database to be tested prior to going live.
- 11.3 November 2020 the new water season commences.
- 11.4 2020-21 Preseason letters to go out by end of September 2020

## **12 Attachments**

Nil





**7.3 RESOURCE CONSENTS MANAGER'S ANNUAL REPORT****Information Only - No Decision Required**

|                       |                                       |
|-----------------------|---------------------------------------|
| <b>Report To:</b>     | Regulatory Committee                  |
| <b>Meeting Date:</b>  | 23 July 2020                          |
| <b>Report Author:</b> | Phil Doole, Resource Consents Manager |
| <b>Report Number:</b> | RRCN20-07-3                           |

**1 Summary**

- 1.1 This report presents a summary of the performance of the Resource Consent Section regarding compliance with statutory timeframes for the full 12 months of the 2019-2020 financial year.
- 1.2 For the processing of 1,272 resource consent applications, including variations to existing consents completed in the 12-month period, 95.6% compliance with statutory timeframes was achieved. The 4.4% (56) completed out of time resulted in 34 discounts being applied to processing fees.
- 1.3 There has been one appeal to the Environment Court, yet to be resolved.
- 1.4 This report also outlines current workloads and issues and notable jobs that have been, or are being dealt with over the past four months since my last report to the Committee on 12 March 2020.

**2 Draft Resolution**

**That the Regulatory Committee receives the Resource Consents Manager's Annual Report RRCN20-07-3; and**

### 3 Purpose of the Report

- 3.1 This report presents a summary of the performance of the Resource Consent Section regarding compliance with statutory timeframes for the full 12 months of the 2019-2020 financial year. It also summarises the current workload and notable jobs that have been dealt with since my last report to the Committee on 12 March 2019 and provides an update on appeals to the Environment Court.

### 4 Summary of Resource Consent Processing for the 2019-2020 Financial Year

- 4.1 Table 1 below presents a summary of the various types of resource consent applications, including changes to existing consents and other applications that were lodged during the 2019-2020 year, compared with previous years.

**Table 1: Applications Lodged During 2019-2020 Year**

| Category                  | 2014-15     | 2015-16     | 2016-17     | 2017-18     | 2018-19     | 2019-20     |
|---------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Coastal                   | 17          | 27          | 22          | 33          | 15          | 30          |
| Discharge                 | 231         | 184         | 197         | 183         | 195         | 208         |
| Water                     | 349         | 258         | 336         | 140         | 323         | 177         |
| Land Use District         | 480         | 540         | 601         | 637         | 604         | 623         |
| Consent Notice Variation  |             |             | 30          | 19          | 16          | 25          |
| Land Use Regional         | 39          | 26          | 35          | 23          | 45          | 22          |
| Subdivision               | 131         | 126         | 133         | 170         | 156         | 155         |
| Certificate of Compliance | 3           | 4           | 3           | 3           | 15          | 15          |
| Designation               | 5           | 1           | 0           | 0           | 8           | 0           |
| Outline Plan              | 15          | 16          | 12          | 10          | 13          | 23          |
| Right of Way LGA          | 12          | 15          | 23          | 23          | 17          | 9           |
| Boundary Exemption        |             |             |             | 24          | 53          | 39          |
| <b>Totals</b>             | <b>1319</b> | <b>1197</b> | <b>1392</b> | <b>1241</b> | <b>1460</b> | <b>1326</b> |

**Notes to Table 1:**

*The numbers of applications listed include variations to existing resource consents.*

*To date 69 of the applications lodged during the 2019-2020 year have been withdrawn, cancelled, or replaced (similar numbers in previous years).*

*Thirty-nine applications had to be returned because they were incomplete (40 returns last year). Many of the returned applications are re-lodged and completed.*

- 4.2 Land Use applications have remained high, plus the 39 Deemed Permitted Boundary Notices, continuing the 33% increase in overall numbers compared to five years ago. The major driver is the continuing surge in residential growth around the district, with many applications for bulk and location dispensations for dwellings in new subdivisions, as well as for second dwellings and other in-fill developments on existing residential properties.

- 4.3 The number of new subdivision applications has remained high over the past 12 months, also reflecting the continuing growth surge for residential development, but also more boundary adjustments and other subdivision proposed for rural properties. The Special Housing Area consents are summarised later in this report.
- 4.4 The water permit applications received include the consent renewals for the Upper Buller water management zone, as well as many applications for changes to the Waimea Water permits relating to affiliations to the Waimea Dam project and water sharing arrangements.
- 4.5 Tables 2 and 3 present summaries of the various types of consent applications for which processing was completed (i.e. decisions made) during the 2019-2020 year. They show the degree of compliance with statutory timeframes. Last year's results are also shown.

**Table 2: Timeliness of Non-notified Applications**

| Non-Notified             | 1 July 2018 – 30 June 2019 |            |              |             | 1 July 2019 – 30 June 2020 |              |              |             |
|--------------------------|----------------------------|------------|--------------|-------------|----------------------------|--------------|--------------|-------------|
|                          | Total                      | % in Time  | Average Days | Median Days | Total                      | % in Time    | Average Days | Median Days |
| District Land Use        | 504                        | 96%        | 22           | 16          | 465                        | 97%          | 27           | 18          |
| Consent Notice Variation | 16                         | 100%       | 14           | 13          | 20                         | 95%          | 22           | 19          |
| Subdivision              | 137                        | 69%        | 41           | 36          | 118                        | 78%          | 54           | 36          |
| Coastal                  | 9                          | 100%       | 31           | 32          | 17                         | 82%          | 75           | 78          |
| Discharge                | 135                        | 92%        | 39           | 23          | 120                        | 92%          | 55           | 27          |
| Regional Land            | 21                         | 95%        | 28           | 19          | 22                         | 95.5%        | 52           | 40          |
| Water Permits            | 105                        | 98%        | 69           | 70          | 481                        | 99.8%        | 435          | -           |
| <b>Summary Consents</b>  | <b>927</b>                 | <b>92%</b> | <b>32.5</b>  | <b>20</b>   | <b>1243</b>                | <b>95.5%</b> | <b>37*</b>   | <b>23*</b>  |
| NOR/OP/EUC/CofC          | 16                         | n/a        | -            | -           | 36                         | n/a          | -            | -           |
| Boundary Exemptions      | 51                         | 100%       | 4            | 4           | 31                         | 93.5%        | 9            | 7           |

**Notes to Table 2:**

The numbers of applications shown include variations to existing consents which comprise 12% of the total (10.5% in the previous year).

Twelve completed consent applications (including two variations) for Special Housing Areas are excluded from these figures.

Days shown are working days excluding all clock stops when processing is put on hold.

\*The summary figures for average and median working days exclude the water permits.

**Table 3: Timeliness of Public and Limited Notified Applications**

| Notified          | 1 July 2018 - 30 June 2019 |           |              | 1 July 2019 - 30 June 2020 |           |              |
|-------------------|----------------------------|-----------|--------------|----------------------------|-----------|--------------|
|                   | Total                      | % In Time | Average Days | Total                      | % In Time | Average Days |
| District Land Use | 9                          | 78%       | 218          | 10                         | 100%      | 127          |
| Subdivision       | 4                          | 50%       | 145          | 3                          | 100%      | 133          |
| Coastal           | 1                          | 100%      | 235          | 1                          | 100%      | 907          |
| Discharge         | 11                         | 18%       | 126          | 9                          | 100%      | 226          |

|               |           |            |            |           |             |     |
|---------------|-----------|------------|------------|-----------|-------------|-----|
| Regional Land | 1         | 100%       | 149        | 4         | 100%        | 316 |
| Water Permits | 3         | 100%       | 110        | 2         | 100%        | 77  |
| Designations  | 0         | -          | -          | 0         | -           | -   |
|               | <b>29</b> | <b>55%</b> | <b>160</b> | <b>29</b> | <b>100%</b> |     |

**Notes to Table 3:**

*Two publicly notified application processes and nine limited notified application processes were completed.*

*Days shown are working days excluding all clock stops when processing is on hold, including when the process is suspended by the applicant.*

*Eighty percent of the notified applications listed had time extensions applied, compared with 100% last year. All time extensions are included in the count of working days.*

- 4.6 Seventy-two percent (910) of all resource consent applications completed in the 2019-20 year had time extensions applied, compared to 49% last year. The percentage figure is higher for several reasons. All of the water permit renewals had time extensions applied, as agreed by the applicants. Sixty percent of the other (non-water) consents completed had time extensions applied, compared to 55% last year, about half of those at the request of, or with, the applicant's agreement. A portion of those were delayed by the Pandemic lockdown restrictions. Otherwise, time extensions are typically required for large and/or complex subdivisions with associated land use and discharge permits and other special circumstances. Requests from applicants to place applications "on hold" for various reasons are treated as time extensions, to conform with the requirements of the National Monitoring System – this results in higher average processing days.
- 4.7 Twenty-seven percent of all applications required a further information request (compared to 31% in the previous year).
- 4.8 Eighteen percent (82) of the non-notified District Land Use consents were completed in 10 working days or less. The 2017 Amendments to the Resource Management Act (RMA) introduced a 10 day "fast track" timeline for consent applications that involve district land use controlled activities only - 68 qualifying applications were processed in the 2019-20 year. The median was 10 working days for processing these fast track applications.
- 4.9 Approvals for new rights-of-way are often included with subdivision consents. Otherwise approval can be given under the Local Government Act 1974 - six of those were completed during 2019-2020 (compared to 16 last year).
- 4.10 Other work related to resource consents includes the two subsequent approval steps for subdivisions, known as section 223 and section 224 approvals. During the 2019-2020 year, 116 title plans were approved and 116 certificates were issued for completed subdivisions (compared to 111 and 110, respectively, for last year). This workflow reflects the demand for new allotments and the pace of development, including several large residential developments involving stages, confirming the continuing surge in subdivision development around the District. Approvals for the larger subdivisions can be quite complex and time consuming, particularly when requisitions have to be issued to get corrections made to legal deeds and/or plans.
- 4.11 Table 4 below presents a summary of decisions made on the 1,272 resource consent applications completed in 2019-2020 (as listed in Tables 2 and 3). Six hearings were

required in total, although only one during the last six months. Fifteen limited notified applications were able to be granted without a hearing because all issues were resolved.

**Table 4: Summary of Decisions**

| Decision makers                                    | Number |
|--|--------|
| Granted by Independent Commissioners               | 14     |
| Declined by Independent Commissioners              | 0      |
| Granted by Council staff under Delegated Authority | 1258   |

## 5 Marginal or Temporary Consent Exemptions

- 5.1 Since 18 October 2017, the RMA has provided for two types of “consent exemption” notices, those being for “deemed permitted boundary activities”, and for “marginal or temporary exemptions”.
- 5.2 Applications for **Deemed Permitted Boundary Activities** require the written approval of the owner(s) of the property on the other side of the infringed boundary. As listed in **Table 2** above, 31 Boundary Exemption Notices were issued during the 2019-20 year.
- 5.3 Notices issued for **marginal or temporary breaches** of plan rules are referred to as MOTCEs (pronounced “MOT-SEES”). Twenty-two MOTCE Notices were issued during the 2019-20 year, for a wide variety of activity types including minor structures, minor earthworks, burning of stumps (air discharge), and very minor breaches of land use and stormwater rules.

## 6 Discount Regulations

- 6.1 The discount regulations that apply to Council’s charges for processing resource consent applications require a “sliding scale percentage discount” of 1% for each day that processing goes over time, rising to a maximum 50% discount.
- 6.2 For the 2019-20 year, there were 37 non-notified applications, involving 56 consents that were completed out of time, resulting in 37 fee discounts ranging from 3% to 50%. The discounts total \$25,000 excluding GST, compared with \$30,000 in the previous year.
- 6.3 As for the previous two years, these discounts mainly result from the on-going surge in subdivision workload associated with the growth in residential demand in the District, including zoning uplifts and Special Housing Areas, which has coincided with continuing staff changes. Several other applications that were in progress as at 30 June 2020 have also gone over time as a result of these challenges.

## 7 National Monitoring System

- 7.1 Details of our resource consent processing results are required to be sent annually to the Ministry for the Environment (MfE) as part of the National Monitoring System. The data is verified by MfE. Results for the past five years up to 2018-19 are publicly available to view

on the MfE website. <https://www.mfe.govt.nz/rma/rma-monitoring> Our results for the 2019-20 year (as summarized in this report) are due to be sent to MfE by the end of August.

## 8 Objections to Decisions Made Under Delegation

- 8.1 There are 29 live Objections to consents granted by staff under delegated authority, and three others were resolved during the reporting period. Twenty-six of these 32 Objections involve water permit renewals.
- 8.2 An Objection lodged in February 2018 against conditions imposed on a water permit and two associated dam consents for taking water to storage in the Mt Heslington area (the deemed Reservoir Zone) is yet to be resolved. An extensive response was made by Council staff to the matters of Objection, but not accepted, and a hearing will likely be required. Consents staff are endeavouring to maintain consistency with other Reservoir Zone water permits and the influence of the Waimea Dam.
- 8.3 An Objection lodged in May 2018 regarding conditions of consent imposed for the Supermarket proposed at the Salisbury Road/Champion Road intersection in Richmond raised issues relating to upgrade of the road frontages and traffic roundabout. The Objection remains “on hold” pending the outcome of negotiations with Council’s Engineering Services Department.
- 8.4 An Objection was lodged in June 2019 against a condition requiring a five metre wide esplanade strip adjoining the Riwaka River on a rural subdivision consent. This objection has been resolved.
- 8.5 An Objection was lodged in September 2019 against a condition on a subdivision consent requiring land to vest for road widening without compensation in Bird Lane Wakefield. Council staff consider the condition to be consistent with previous consents in that locality, and have advised the Objector accordingly.
- 8.6 An Objection was lodged in November 2019 against a condition on a subdivision consent requiring land to vest as road without compensation for widening at the Gardner Valley Road/Best Road intersection. Consents staff have responded to the points raised.
- 8.7 Upper Motueka Water Zone: six Objections have been received regarding replacement water permits issued in the Upper Motueka water management zones, raising a mix of issues. Two of these Objections have been resolved. Consents staff have also responded to the other four Objectors. Some technical matters appear to be resolvable.
- 8.8 Waimea Water Zone: 12 Objections have been received to date regarding replacement water permits issued for the Waimea water management zones, raising a mix of issues relating to the bona fide reviews, specific soil information and rootstock survival. Consents staff are considering these Objections. Some technical matters may be resolvable.
- 8.9 Redwoods Water Zone: six Objections have been received regarding replacement water permits in the Redwoods water management zone, raising a mix of issues relating to bona fide reviews and the creation of the Redwoods water management zone by Plan Change 67. Consents staff are considering these Objections. Some technical matters appear to be resolvable, but the water zone issue may be out of scope for Objections.
- 8.10 Aorere/West Coast Water Zones: one Objection has been received on a replacement water permit, relating to the bona fide review.

**9 Appeals**

- 9.1 There had been no live appeals to the Environment Court since February 2019, until a new appeal was lodged in March 2020. Refer to **Table 5** below for further details.

**Table 5: Appeals**

| <b>Appellant</b>                | <b>Matter</b>   | <b>Status</b>   |
|---------------------------------|---|---|
| WLC Trustee Limited (Applicant) | Subdivision Consent RM181013 was granted in March 2019 for a 2-lot subdivision off Thorp Street Motueka, requiring a walkway reserve with compensation to provide access to Thorp Bush. An Objection to this condition was heard and dismissed by an Independent Commissioner, except for clarifications to the conditions. | Environment Court mediation scheduled for 27 July 2020. |

**10 Reviews of Consents**

- 10.1 I have served notice of a review of a subdivision consent granted in April 2020 relating to the Industrial Zone at Bird Lane Wakefield, on the grounds that the application for consent did not accurately state the intended use of the proposed access and therefore the potential adverse effects of the development on an adjoining residential property could not be properly assessed. That review is in progress.
- 10.2 I have served notice of a review of a subdivision consent granted in May 2019 for a site in the Rural 3 Zone at Williams Road Tasman, on the grounds that the application for consent did not accurately describe the overall landscape and boundary plantings to be carried out and therefore the potential adverse effects of the development on an adjoining property could not be properly assessed. That review is in progress.

**11 Resource Management Act Amendments**

- 11.1 Parliament passed the latest amendments to the Resource Management Act 1991 (RMA) last month, several of which affect resource management consenting. Two changes that will take effect from 29 September, and that will have most impact on current practice are:
- Repeal of the preclusions from public notification for some subdivisions and some residential activities; and
  - New provisions that will allow applicants for non-notified applications to suspend processing – this is similar to what can already be done for notified applications, and it should solve the issue of long time extensions mentioned above see (paragraph 4.6).
- Another amendment has repealed the 2017 provision that would have required reserves financial contributions to be converted into development contributions.

**12 Water Permit & Irrigation Dam Consent Renewals**

- 12.1 Upper Motueka Water Management Zones: the remaining seven applications were completed during the reporting period, with a total of 85 new permits being issued for these water zones. Six Objections were received, as summarized above.
- 12.2 Waimea and Redwoods Water Management Zones: almost all of the 290+ applications for new water permits have been completed, with three still outstanding including the Waimea East Irrigation Company which has 200 plus users for which details of affiliation to the Waimea Dam need to be confirmed. These three outstanding applications are expected to be resolved shortly. Eighteen objections have been received, as summarized above.
- 12.3 Priority was given to requests for allocation sharing in the Waimea Zones that were prompted by the water restrictions over last summer. Priority is also being given to applications to change water users' affiliation statuses.
- 12.4 Aorere/West Coast water management zones: most of the 20 applications to replace permits in these zones that expired on 31 May 2018, have been completed, with three outstanding. One Objection has been received, as summarized above.
- 12.5 Takaka water management zone: 77 applications to replace permits in this zone that also expired on 31 May 2018, have been given lower priority because of the proposed Water Conservation Order for Te Waikoropupu Springs and the expected Proposed Plan Change for this water management zone.
- 12.6 Irrigation Dams: similarly, 70 applications for replacement dam consents have been lower priority and will be processed once the work on the Waimea permits including the Objections is largely completed.
- 12.7 Upper Buller Water Management Zone: 20 applications have been received to replace water permits for this zone that expired on 31 May 2020.
- 12.8 Applicants can continue operating under their expired consent conditions including the rates of water take therein, until their replacement permit commences.

**13 Special Housing Areas Consenting**

- 13.1 Consent applications for the Special Housing Areas (SHAs) in Tasman District are processed in accordance with the provisions of the Housing Accords and Special Housing Areas Act 2013, which adopts much of the RMA consenting process but differs with regard to infrastructure and notification requirements. Progress made on SHA consent applications over the past four months is summarized below.
- 13.2 For SHA T1-02 in the Richmond West Development Area, "The Meadows" subdivision comprising 470 residential units to be located on the northwest side of Borck Creek with frontage to McShane Road was granted consent in July 2019. Applications to amend several aspects of the subdivision and land use consents were lodged in February 2020. Most of the amendments are minor, being responses to market demand. However, the proposal to increase the allowable building coverage to 50% on all allotments that will be 480m<sup>2</sup> or less in size was questioned by Consents staff, with the outcome being acceptance of 45% building coverage for those allotments. The amended variations were granted in May 2020.



- 13.3 A consent application was lodged in July 2019 for a 379 residential lot subdivision in SHA T1-03 Appleby Fields, also in the Richmond West Development Area. That application is progressing through further information requests, plus consideration of changes to the layout of road links to State Highway 60. Possible changes to the layout of infrastructure adjoining the State Highway 6 Bypass designation, including Poutama Drain and an acoustic barrier, are also being considered.
- 13.4 Consent applications for the two SHAs in Richmond East (being T01-07 and T01-09) are progressing through further information requests, the most significant issues being management of stormwater run-off from these areas.
- 13.5 Likewise, the consent application for SHA T01-04 at Marahau is also subject to further information requests, particularly regarding natural hazards and wastewater management and there has been no response from the applicant over the past four months.

#### 14 Other Notable Application Work since July 2019

- 14.1 Other notable applications and proposals dealt with over the past four months are:
- 14.1.1 **Rural 3 Subdivisions:** Tasman Bay Estates Limited (TBE) is implementing what was known as the Harakeke proposed Rural 3 development of 96 rural residential style allotments that was granted consents in December 2016. The coastal clusters were completed in 2019, and TBE has applied to make amendments to the remaining stages, the most significant aspects being to modify and delay the enhancement works required on Tasman Stream until 70% of the overall development is completed, compared to 43% as consented. The stream enhancements were a major focus of the public submissions on the original application, and given the risks of non-completion, a decision has been made that the proposed variations need to be publicly notified.
- 14.1.2 **Drag Racing Motueka Aerodrome:** the Nelson Drag Racing Association's 10-year consent expired in May 2019. They have applied to continue with four events per year (the permitted activity rule in the TRMP allows two events per year). The application was publicly notified in August, attracting 106 submissions, only two of which are opposed and those two submitters do not want to be heard. Submitters in support are being asked to also withdraw their request to be heard, so that the application can be completed without need for a hearing.
- 14.1.3 **Nelson Speedway:** the Nelson Speedway Association Inc. has applied for consent to amend the timing of the race meetings they can hold between October and April each year at Lansdowne Road, near Richmond. Public notification was requested. That occurred during June and attracted over 750 submissions mostly supportive.
- 14.1.4 **Olive Estate Expansion:** the Integrity Care Group has applied for consents to expand their Olive Estate Lifestyle Village onto what was the "Nicoll Block" between Langdale Drive and Hill Street in Richmond. The proposal includes shifting the care facility up to the new Hill Street frontage next to Brenda Lawson Way, and does not make provision for a public neighbourhood reserve as shown on the TRMP Planning Map. The application was publicly notified during June and attracted 76 submissions, some 80% are opposed to various and about 50% want to be heard.

- 14.1.5 **Pohara Flood Protection Works:** this application by Council’s Engineering Services Department for flood protection works on Ellis and Barnett Creeks at Pohara was limited notified to affected landowners and others in December 2019. The submission period closed on 14 February, allowing an extended time over Christmas/New year for affected persons to consider the proposals. Three submissions have been received. This application process has been put on suspension while the applicant carries out further consultation with the submitters.
- 14.1.6 **Global Stormwater Discharges:** this application by Council’s Engineering Services Department for “global” consents to authorise discharges of stormwater from the stormwater drainage networks was publicly notified in October 2019, and attracted one submission in support. Progress is being made on draft consent conditions with the aim of being able to grant consents without need for a hearing.
- 14.1.7 **Gravel Extraction from Rivers:** this application by Council’s Engineering Services Department for “global” consents to extract gravel from rivers across the District was publicly notified in September 2018, and attracted nine submissions. The submitters included several iwi who have Statutory Acknowledgements for many of the rivers. The consenting process was suspended in December 2018 to allow the applicant to consider the matters raised by submitters. A hearing was held by Independent Commissioners in November 2019. Their decision to **grant** consents was issued on 10 March, and the consents took effect from 1 April 2020. Concerns with some of the conditions imposed, relating to gravel volumes and frequency of riverbed surveys, will be further investigated and addressed by way of an application for change of conditions if the evidence supports that.
- 14.1.8 **Airstrip at Awaroa:** an application for a second private airstrip at Awaroa on the Abel Tasman Coast has been put on hold, pending the outcome of Environment Court proceedings to determine what existing use rights pertain to the existing airstrip.
- 14.1.9 **Other Limited Notified Applications:** several current applications have been limited notified to neighbours, including industrial activity, multiple dwellings on a site, “in-fill” rural residential and rural lifestyle subdivision proposals, and an additional dwelling on a shared access. Most of these have attracted opposing submissions and are likely to require hearings. Several other rural life style subdivisions have been able to obtain all affected person approvals.
- 4.1.10 **Richmond Intensive Development Area:** several applications have been processed over the past 12 months for new housing developments within this area, to re-develop existing residential lots close to the town centre.
- 4.1.11 **Peri-urban Subdivisions:** a subdivision proposing a residential size allotment on a Rural 1 zone site opposite the Mapua Rise residential development on Seaton Valley Road has had a road frontage upgrade condition imposed in accordance with the TRMP and the 2019 Land Development Manual. In response to concerns expressed by the applicant, the draft condition was revised to be reasonable in terms of the incremental effects of “one lot” subdivisions and the expected future road user requirements on Seaton Valley Road, and to be consistent with conditions imposed on other similar peri-urban subdivisions around the District.
- 4.1.12 **New Motueka Public Library:** an application for the proposed new library site at Deck’s Reserve was received on 22 May 2020. An independent RMA Commissioner

has been appointed to consider both the notification report, and the substantive consent decision.

## 5 Iwi Liaison and Statutory Acknowledgements

- 5.1 For many years we have been sending weekly lists of resource consent applications to local iwi for them to identify any proposal of interest, thereby assisting Council to achieve its obligations under the Resource Management Act and the TRMP to recognize Maori cultural values and provide for in the consenting process.
- 5.2 From 1 February 2015 the lists of applications have been sent to all of the eight Te Tau Ihu iwi, to assist with meeting Council's obligations regarding Statutory Acknowledgement Areas that took legal effect from that date.
- 5.3 The liaison has been primarily with Tiakina Te Taiao and Manawhenua ki Mohua representing several iwi, and more recently direct with representatives of Te Atiawa and Ngati Kuia. Tiakina te Taiao ceased this aspect of their services from 31 March 2020, so the liaison is also now directly with representatives of Ngati Tama and Ngati Koata.
- 5.4 Assistance is given to iwi representatives for navigation of the Tasman Resource Management Plan and how the various RMA rules apply (or not) to matters of interest or concern to iwi.

## 6 Current Staffing, Contractors and Workloads

- 6.1 Staff recruitment and retention challenges continue – it is now close to four years since the resource consents section was fully staffed. Approvals have been given over the past four years to increase staff numbers to match the increase in workload, but we have not been able to maintain a full complement of staff over that time.
- 6.2 An Organisation Review carried out at the end of 2019 also determined a need for additional staff resources, but implementation of that has been delayed by the Covid-19 pandemic lockdown period.
- 6.3 In the Subdivision Consents team, Ella Mowat returned from parental leave in March on a part-time basis. Marijke Ransom was covering Ella's position on a part-time basis, and she is continuing to assist with the subdivision workload. Jenna Wolter shifted to the subdivision team 12 months ago, but had to continue with Natural Resources work because of staff gaps in that team (see below). In the interim we are continuing to use contractors for processing subdivision applications including the Special Housing Area consenting. We are also continuing to give priority to s223 and s224 approvals, whenever possible, to avoid delaying the issue of titles for completed developments.
- 6.4 In the Natural Resources Consents team, Alice Hill returned to part-time work from parental leave in March. Tim Dodd joined us in January in a graduate role, but he has just left us to return to Christchurch. Bryan Scoles moved to a full time role in the Environmental Information section from March, and he has been replaced by Amy Bennetts who started with us in March. Ros Squire resigned from her Council consents role in December, and Shaun Burton took up that position at the end of June. We are currently trying to recruit a replacement to fill the vacancy left by Tim Dodd's departure. Some of the Natural Resources workload has been contracted out, but there is a very limited pool of suitable contractors for processing these types of resource consents.

- 6.5** In the Land Use consents team, recruitment of new staff has also been a challenge. Liz Lightbourne’s position was vacant from June 2019 when she decided not to return from parental leave, until Sirraaj Hassan arrived from South Africa to take up that position in March. Bob Askew was assisting us part-time with the duty planner roster based at the Motueka office, but he decided to resign in March when the Covid-19 Pandemic loomed. Edna Brownlee has continued to assist us with LIMs and Building Consent checks. There are also several contractors assisting us with land use consent applications.
- 6.6** Over the past 12 months we have used 12 contractors and between them, they processed 15% of the completed resource consent applications, excluding the 480 water permits.
- 6.7** Staff levels improved March, but full inductions for the new staff were delayed by the Covid-19 Pandemic lockdowns. The need to use contractors should reduce over time.
- 6.8** Most of the consents staff, except two, were able to continue working during the pandemic lockdown level 4, and all during level 3 lockdown, enabling 156 decisions to be completed during those 8 weeks, a very similar volume to the same period in the previous year. However, the processing of some applications was delayed by the ban on site visits, and extra demands placed on Team Leaders, including an immediate shift to electronic files from the start of the lockdowns.
- 6.9** The Administration support team currently comprising four staff has handled a significant workload with the 480 water permits completed on top of all the other work associated with subdivisions and cost recovery, and the shift to electronic files.
- 6.10** The overall workload for the Consents section also continues to be influenced by increases in demands on the time of duty planners and other enquiries, as well as with pre-application work generally. The number of LIMs and Building Consent checks has also steadily increased.
- 6.11** I again thank the Consents staff and other Council staff who regularly assist us in our work for their efforts in dealing with the high workload and many complex applications, despite the staffing changes and shortages.

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|----------------------|
| <b>7 Attachments</b> |
|----------------------|

Nil

**7.4 CHAIRPERSON'S REPORT****Information Only - No Decision Required**

|                       |  |
|-----------------------|--|
| <b>Report To:</b>     | Regulatory Committee                       |
| <b>Meeting Date:</b>  | 23 July 2020                               |
| <b>Report Author:</b> | Dana Wensley, Chair - Regulatory Committee |
| <b>Report Number:</b> | RRCN20-07-4                                |

**Item 7.4****1 Summary**

- 1.1 Welcome to the third Regulatory Committee meeting of 2020. It is hard to believe we are only a bit over halfway through this year. I want to acknowledge the important work staff undertake for the good of the community and the environment. The regulatory space can be difficult for our community to navigate, but it is always pleasing to see staff work together with the community to increase understanding of the wide range of regulatory obligations that fall on local government to manage in the community.
- 1.2 Following the Government's announcement on 8 July of the new Three Waters Reform Package, we will be called on to upskill and work in new ways. This can be a challenge, but also a time of opportunity. I encourage Councillors to attend the upcoming workshop on Monday 27 July which will discuss the content of the reforms programme and give us a chance to feedback to the Steering Committee.
- 1.3 There are a number of areas where staff are experiencing increased workload at the moment. The targeted amendments to the Dog Control Bylaw and the Freedom Camping Bylaw review continue to take up staff time. The Resource Consent team is also dealing with two significant applications which require much time. I ask that Councillors respect that this is a busy time for staff.
- 1.4 Since our last meeting, I have had the pleasure of attending the Positive Ageing Forum, the opening of the Age Concern Hall, the opening of the Wai-Iti Dark Skies Park and the Richmond Transport Strategic Case Investment Logic Mapping (ILM) workshop with Cr Tuffnell and Cr Maling.
- 1.5 Our commitment as a Council to climate change continues to be an area that deserves serious attention. I am delighted to be part of the Nelson Tasman Climate Forum and am encouraged with the enthusiasm and skill that members of this community have and are willing to share.
- 1.6 I want to acknowledge the hard work Julie Nevin has put into the forum. She has helped shape it for the better with great skill and expertise. The new leadership structure with paid positions will benefit its smooth operation and ensure it is set to continue to contribute to our climate resilience across the Nelson and Tasman region. The two paid roles are funded by our neighbours at Nelson City Council for this financial year.

## Item 7.4

- 1.7 On Wednesday 15 July, Cr Walker and I attended the first face-to-face meeting of the Forum since the Covid-19 lockdown. At this meeting, the first part of the draft Nelson Tasman Regional Climate Strategy was discussed.
- 1.8 Staying with the issue of climate change, it is worth noting the new changes to the Resource Management Act (RMA) which were passed recently. Significant alterations have been made in the ability to consider greenhouse gas emissions when making planning decisions.
- 1.9 A summary of all the changes to the RMA can be found [here](#).
- 1.10 For those of you interested, I notice that the Ministry of Business, Innovation and Employment (MBIE) has issued a new report updating its response to climate change and the need to reduce emissions in the building sector. The building and construction sector is a large contributor to greenhouse gas emissions. Of note are the comments around carbon emission targets and its potential impact on both the Building Act and the Building Code:
  - 1.10.1 We'll be setting targets around energy use and carbon emissions that focus on getting New Zealand where it needs to be. At the start, we should be able to reach the goals through good current practice, but over time, the goals will be increased to make greater carbon savings and emissions reductions. To meet the goals, we'll need to make some changes to current building laws – both the Building Act and the Building Code.
- 1.11 The full report can be read at:  
<https://www.mbie.govt.nz/dmsdocument/11522-building-for-climate-change>

|                           |
|---------------------------|
| <b>2 Draft Resolution</b> |
|---------------------------|

**That the Regulatory Committee receives the Chairperson's Report RRCN20-07-4.**

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| <b>3 Attachments</b> |
|----------------------|

Nil





## 2.3 ENVIRONMENT AND PLANNING MANAGER'S REPORT

Information Only - No Decision Required

|                       |  |
|-----------------------|--|
| <b>Report To:</b>     | Regulatory Committee                               |
| <b>Meeting Date:</b>  | 23 July 2020                                       |
| <b>Report Author:</b> | Dennis Bush-King, Environment and Planning Manager |
| <b>Report Number:</b> | RRCN20-07-5  |

### 1 Summary

- 1.1 This report covers a number of general matters concerning the regulatory activities of the Council since the 11 June 2020 meeting of the Regulatory Committee.

### 2 Draft Resolution

**That the Regulatory Committee receives the Environment and Planning Manager's report RC20-07-5**

### 3 Government Policy Changes

- 3.1 Since our last meeting, staff prepared submissions on the Covid-19 Recovery (Fast Track Consenting) Bill. The Bill received Royal Assent on 8 July so is now law and will self-repeal on 8 July 2022. None of the points raised in our submission resulted in any amendments to the legislation! Should the Minister receive any applications to use the order in Council process we will have 10 working days to respond.
- 3.2 The Urban Development Act is now law and one point we raised in our submission was reflected in a change to the final legislation, but if Kāinga Ora do any work in Tasman then we will have to do a lot of work, including collecting rates for distribution to Kāinga Ora. Fortunately the focus of their attention is on Auckland, Waikato and Bay of Plenty.
- 3.3 As reported elsewhere in the agenda, the Resource Management Amendment Act 2020 (RMA) is also now in effect and sets up a new planning process for freshwater management, but does allow us to continue to collect reserve financial contributions under the RMA. The new law also formally links the Climate Change Response (Zero Carbon) Amendment Act 2019 (ZCA) and the RMA by including emissions reductions plans and national adaptation plans under the ZCA, once these are in place, in the lists of matters councils must have regard to when making regional plans, regional policy statements and district plans (sections 61, 66 and 74). It also repeals the sections (70A, 70B, 104E and 104F) of the RMA that prohibit local authorities from considering emissions.
- 3.4 Staff have also prepared a submission on amendments to the National Environmental Standard on Air Quality which is attached as Attachment 2 for Council sign-off.

#### **Recommendation**

#### **That the Regulatory Committee**

- 1) receives and notes the submission on Covid-19 Recovery (Fast Track Consenting) Bill, Attachment 1 of this Report RC20-07-xx ; and**
- 2) receives and agrees to the submission on National Environmental Standard on Air Quality, Attachment 2 of this Report RC20-07-xx**

### 4 Amendment to Delegations Register

- 4.1 In light of the Covid-19 Recovery (Fast Track Consenting) Bill, and the 10 day turn around required, it is recommended that the Council delegate to staff the power to respond to the Minister for the Environment, should we receive any referral applications under the legislation. We are currently working with one prospective applicant. It is proposed that the delegation to advise the Minister be exercised in consultation with the Mayor, and Chair of the Operations and Regulatory Committees.
- 4.2 To avoid any doubt, it is also recommended that in light of changes made to the Resource Management Act and the ability for applicants to request that the processing of their applications be suspended, that staff be given the power to agree to this.
- 4.3 To support pending changes in the Resource Consent Team, I also recommend that some of the powers of decision making around processing of consents that are currently delegated to the Manager, Resource Consents, also be delegated to the Principal Planner positions.

The relevant delegations are referred to by respective number in the existing delegations to staff

**Recommendation  
That the Regulatory Committee**

**1) Agrees to amend the Delegation Register to delegate to staff the following powers:**

| <b>Covid-19 Recovery (Fast Track Consenting) Act 2020</b> |   |  |
|---|---|--|
| S 21 and 22   | Power to respond to and provide information to the Minister for the Environment, in consultation with the Mayor and Chair of Operations and Regulatory Committees | Activity Planning Manager<br>Engineering Services Manager, Environment and Planning Manager,<br>Manager Resource Consents  |
| <b>Resource Management Act</b>                            |   |  |
| S 91A, 91B, 91C   | Powers to agree, and give notice, in relation to requests to suspend processing of consent applications   | Consent Planner,<br>Environment and Planning Manager, Principal Planner Resource Consents, Resource Consents Manager, Team Leader Land Use Consents, Team Leader Natural Resources Consents, Team Leader Resource Consents, Team Leader Subdivision Consents |

**2) Agrees to amend the Delegation Register to delegate powers currently delegated to the Resource Consent Manager to the Principal Planner – Resource Consents position as follows:**

|            |  |
|------------|--|
| <b>218</b> | s.10(2)(b)<br>Power to grant a time extension to existing use.   |
| <b>220</b> | s.34A(1)<br>Power to appoint and delegate the functions and powers of the Council to one or more Hearing Commissioners to hear and decide on any application for resource consent or to hear and recommend on any private plan change request that was accepted by Council. Such appointments shall be made following consultation with the Chairperson of the Regulatory Committee. |
| <b>224</b> | s.37<br>Power to extend or waive time periods.   |
| <b>227</b> | s.41D<br>The power to strike out a submission.   |

|     |   |
|-----|---|
| 228 | s.42<br>Power to respond to requests to protect sensitive information.  |
| 229 | s.42A<br>Power in relation to requiring or commissioning a report on any matter described in section 39(1).   |
| 234 | s.87F<br>Power in relation to providing a report on applications that are to be determined by the Environment Co  |
| 238 | s.92(2)<br>Power to commission report for further information.  |
| 240 | ss.95, 95A & 95D<br>Power to determine whether to publicly notify an application for resource consent, and to decide whether the activity will have, or is likely to have adverse effects on the environment that are more than minor.  |
| 241 | ss.95A and 95D<br>Power to determine whether to publicly notify an application for resource consent, including whether special circumstances exist.   |
| 243 | s.97(4)<br>Power to adopt an earlier closing date   |
| 245 | s.99<br>Power to decline to process an application or to consider a submission under subsection (8).  |
| 246 | s.99A<br>Power to refer matters to mediation prior to a hearing.  |
| 247 | s.100<br>Power to determine that a formal hearing is or is not needed in accordance with Section 100, except where the delegated officer is processing the application.   |
| 251 | ss.104-104D, 106 & 107<br>Power to decline any resource consent application not requiring a hearing. Power to decline an application (including for a controlled activity) on the basis that it is considered that the Council has insufficient information to enable it to make a decision on the application. |
| 253 | ss.108A & 109<br>Power to make decisions in relation to bonds or covenants.   |
| 254 | s.110<br>Power to authorise refund of money paid when activity does not proceed.  |
| 256 | ss.114(7)&(8), s.116B<br>Power to give notice in relation to applications involving an exchange of reserve land   |
| 257 | s.119A<br>Authority to allow staff to process changes and reviews to restricted coastal activity consents subject to criteria in the Act.   |
| 258 | s.124<br>Power to permit the exercise of consent while applying for renewal.  |

|     |   |
|-----|---|
| 259 | s.125<br>Power to extend the period in which a resource consent lapses, except where the delegated officer processed the application.   |
| 260 | s.126<br>Power to cancel unexercised consents.  |
| 261 | s.127<br>Power to decide who is adversely affected by an application to change or cancellation of a consent condition.  |
| 262 | ss.128-132<br>Power to initiate and determine a review of a resource consent, except if a hearing is required.  |
| 272 | s.139A<br>Power to issue existing use certificates.   |
| 276 | s.149G<br>Power in relation to providing a report to the Environmental Protection Agency when commissioned to do so.  |
| 280 | ss.168A & 169<br>Power to decide whether to notify a notice of requirement for a designation.   |
| 285 | ss.181 & 182(1)<br>Power to agree to alter a designation.   |
| 287 | s.182(5)<br>Power to decline removal of designation.  |
| 288 | s.184<br>Power to decide on lapsing of designations.  |
| 289 | ss.189A & 190<br>Power to decide whether to notify a notice of requirement for a heritage order.  |
| 292 | s.198BA<br>In consultation with the Chairperson or deputy chair of the Regulatory Committee, power to grant or decline requests for requirements to be determined by the Environment Court instead of by the Consent Authority. |
| 296 | s.198BA<br>In consultation with the Chairperson or deputy chair of the Regulatory Committee, power to grant or decline requests for requirements to be determined by the Environment Court instead of by the Consent Authority. |
| 310 | s.357D<br>Power to uphold objections to conditions of consent where there is a favourable staff recommendation.   |

## 5 Water Bottling Decision

- 5.1 The High Court in Christchurch has released its judgment on the granting of resource consents relating to two water bottling plants – one operated by Cloud Ocean Water, the other by Rapaki Natural Resources. The judgement, *Aotearoa Water Action Inc vs Canterbury Regional Council [2020] NZHC 1625 [8 July 2020]*, has some very interesting principles over the ability, or rather lack of it where the effects of abstraction are no different,

of Councils to control the end use to which water is put. The appeals were dismissed and the Council's decision to grant the consents upheld. The decision can be viewed [here](#).

## Item 7.5

## 6 Essential Freshwater Package

- 6.1 While not having anything further to report since my last report, we are aware that work is underway to release a revised National Policy Statement on Freshwater, amendments to the Resource Management (Measurement and Reporting of Water) Regulations, and new Regulations relating to stack exclusion and freshwater management. This is a placeholder in case they are made public by the date of the meeting.

## 7 New Zealand Fish and Game Review

- 7.1 The Terms of Reference of a targeted ministerial review into the governance of Fish & Game New Zealand and regional Fish & Game councils have been published (see Attachment 3). Two independent experts, former Law Commission member and former Secretary for Justice Belinda Clark and former Environment Court Commissioner John Mills have been appointed to undertake the review. It is anticipated that the review panel will produce a report by the end of 2020. Fish and Game are a key stakeholder for us in relation to freshwater management. It is expected the reviewers will receive comments as part of the review process. I do not intend making any submission unless the Council considers otherwise.

## 8 Volunteer Enforcement Officers

- 8.1 Staff were asked to consider whether volunteers could be appointed to assist with Bylaw and other enforcement similar to an arrangement established for freedom camping control in Motueka. This is a particular situation where the Chair of the Motueka Community Board has received a warrant and appropriate training because of the link between the Board and the Council.
- 8.2 We currently only use volunteers to assist as Honorary Launch Wardens; these are effectively there to advise on the rules and assist in disputes. Importantly they have no enforcement powers. We have previously used volunteer Litter Wardens who had powers to obtain the names of offenders but they were dispensed with after receiving too many complaints about some who were over diligent in performing their role. We still receive information from members of the public who have a particular interest and we act appropriately on the information supplied. Sometimes the community is our best asset in notifying us of inappropriate behavior.
- 8.3 Accordingly, staff have shied away from using volunteers in any enforcement role as this creates a number of issues:
- a) There are additional management demands which we are not geared up for
  - b) They must be suitably trained and warranted to ensure consistent and safe operation.
  - c) The Council has Health and Safety obligations which are not easily covered.
  - d) There is a greater risk of narrow focus i.e. they do not have the knowledge of a particular issue across the district and could act inappropriately.
  - e) They would be expected to have appropriate equipment and gear depending on the task which has cost implications for the Council.

**9 Action Sheet**

9.1 Attachment 4 is the Action Sheet which updates Councillors on action items from previous Committee meetings relevant to the Regulatory portfolio.

**10 Attachments**

|                      |   |    |
|----------------------|---|----|
| 1. <a href="#">↓</a> | Attachment 1 - Covid-19 Recovery (Fast Track Consenting) Bill           | 69 |
| 2. <a href="#">↓</a> | Attachment 2 - TDC Submission on Proposed Amendments to Air Quality NES | 75 |
| 3. <a href="#">↓</a> | Attachment 3 - TOR for Fish and Game Review                             | 89 |
| 4. <a href="#">↓</a> | Attachment 4 - Action Sheet   | 93 |





19 June 2020

Local Government and Environment Select Committee  
Parliament Buildings  
Private Bag 18041  
Wellington 6160

Dear Committee Members

### **Covid-19 Recovery (Fast Track Consenting) Bill**

Thank you for the opportunity to comment on the Covid-19 Recovery (Fast Track Consenting) Bill. We could have offered some more constructive feedback if more time had been provided. There are elements of the package which may achieve the intended purpose of the legislation, but overall it is procedurally intensive and information demanding. We remain to be convinced that any of the three pathways set up will achieve the compression in time that the Government is looking for. The Referred Project pathway in particular still has two gates to pass – firstly the Minister, who is under no time frame except a general duty under Clause 10 and then the Expert Consenting Panel (ECP).

We have provided more detailed comments in the attachment. We have two high level comments. The first is that the ECP will need to rely on local authorities to ensure a good understanding of consents required and likely conditions, especially if they have the residual monitoring obligations. The Bill should provide for the local authority to provide a section 42A report to the ECP.

The other matter is that we strongly urge the Committee to amend the Bill so as to allow the Minister, once an Order in Council has been made, to direct the ECP to process an application on essentially a non-notified basis in qualifying circumstances. Clause 19 of Schedule 6 may be a suitable location as it already contemplates the possibility of no hearing being held.

We do not consider it is necessary for all projects to have to go through the extensive processes contained in the Bill. The process used should be in proportion to the issues, interests, and risks involved. The ECP could be empowered to decide on this, or the Minister empowered to direct an application to follow what would amount to a non-notified pathway, with truncated procedural obligations.

Provided the Minister or Panel is satisfied, the Bill could enable such truncation, provided that:

- the application demonstrates appropriate consultation and the results of that consultation;
- any effects associated with the activity are localised or no more than minor;
- the application provides proposed conditions that would appropriately mitigate against any adverse effects.

**Item 7.5**

By way of example, Tasman District Council would like to have the opportunity to propose that the redevelopment of Port Tarohe should be processed on a truncated (non-notified) basis. The upgrade works are going to take place within the existing footprint of the harbour, the Council has and continues to work with Iwi, the Mohua Blue Penguin Trust and the Port Users Advisory Group, to ensure the works are appropriately designed and constructed, and the effects are no more than minor.

The Council itself could decide to process the application on a non-notified basis under the current law, except there are some matters which may be of interest to other parties. The application will address these matters, but there is a difference between being affected by a proposal and being interested in it. Use of the Order in Council process, suitably amended, would minimise the risk of any aggrieved “interested” party taking judicial review action against the Council. The advantage is to allowing a proposal such as this to go through the Order in Council process and benefit from the expedition the Bill is designed to provide for qualifying projects.

We would be happy to speak in support of this submission

Yours faithfully

Tim King  
Mayor



**Attachment 1**

| Detailed Issues                             |  |
|---|--|
| Clause                                      | Comment  |
| Clause 12 - Development Contributions (DCs) | <p>Clarity is needed to determine whether DCs can be required of fast-tracked projects at resource consent time.</p> <p>S198(1)(a) of the LGA specifies that DCs can be collected when a resource consent is granted under the RMA. Clause 12 of the Bill sets out the relationship between the RMA and the Bill. As worded, a consent issued under the Bill is not granted under the RMA (but then is deemed to have force and effect as though it was under the RMA). This contrasts to the repealed Housing Accords and Special Housing Areas Act which modified the application of the RMA which meant that consents were still issued under the RMA per se.</p> <p>While a territorial authority can collect DCs on building consent or service connection, preference is always to take DCs as early as possible. Further, there may be other fast-track consents that would have attracted liability for DCs where no building consent is required later on.</p> <p>The simple solution would be for a consequential amendment to section 198(1)(a) of the LGA to add the fast-track bill in for DCs.</p> |
| Clause 19 (iii)                             | <p>Interestingly one of the qualifying attributes is that the work to go through the fast track process will contribute to “well-functioning urban environments”. What about rural environments?</p>   |
| CI 20 (j) and (k)                           | <p>An applicant for a referred project has to list the resource consents and “requirements to designate” (the correct term rather than the undefined colloquial term “designation”). How will the Minister know everything is covered if the local authority does not verify or corroborate? This is a potential gap – you wouldn’t want the Minister or ECP to waste their time only to find out that the applicant has not covered all the bases.</p> <p>Presumably, in inviting the local authority to comment under Clause 21, the local authority would be expected to address any omissions within the 10 day timeframe (from which we note other Ministers are exempt). We consider this oversight should be addressed.</p> <p>Given the local authority is to be responsible for monitoring consents, and if subdivisions to provide housing are the subject of the fast-tracking and will be involved in the s 223 and 224 processes, it is important all the appropriate consents are secured and that any conditions are appropriate and ‘fit for purpose’.</p>                                       |

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| <p>Cl 29</p>      | <p>If NZTA roading activities can benefit from the prescribed Permitted Activity (PA) status (as covered in Schedule 4), why can't local authority roading activities likewise benefit (if they so choose), rather than having to go through a separate Order in Council process?</p> <p>We suggest cl 29 should be amended accordingly to likewise cover local authority roading activities. The safeguards are provided within the scope of Schedule 4 and cl 31.</p>  |
| <p>Schedule 4</p> | <p>Some of the PA provisions lack certainty. This ambiguity in the law breaks all the drafting conventions for rules and conditions of consent and would leave both applicants and regulators in a difficult situation if agreement could not be reached and would leave the regulator with no option but to abate any adverse effects arising.</p> <p>The purpose of a PA, or even a consent, is to allow activities which might have anticipated effects, to be undertaken. While the drafting would be difficult to improve (and ostensibly tries to reflect best practice), the Bill should include a disclaimer of sorts that says the consent authority shall be the final arbiter in the event of any disagreement. This would also minimise any challenge from a third party.</p> <p>Instances of ambiguity include:</p> <ul style="list-style-type: none"> <li>• Clause (12)(4)(e) says for earthworks (including diversion, damming and discharge of sediment) to be permitted it cannot have “more than minor adverse effects” on aquatic life. That is not an objective measure and ultimately this is likely to be a matter of expert opinion and is likely to be subject of debate after an activity has occurred. This is not an appropriate PA standard. [Further, the Minister will need to make this determination with regard to effects on the exercise of protected customary rights before deciding to refer an application to the panel cf s18(2)(d)(i) which is likely to be difficult given applications to the Minister need only include a general level of detail].</li> <li>• Schedule 4(15) may obviate the need for a resource consent but not a building consent. Perhaps a deeming provision is required to provide an exemption as if Schedule 1(2) of the Building Act applies.</li> <li>• Schedule 4(16)(1) says works must be undertaken outside of “relevant” fish spawning periods unless “unnecessary” or “impracticable”. While this must be determined by a person with a post-graduate degree in freshwater ecology (or similar), this is likely to be subject of debate by different experts. What fish</li> </ul> |

|            |   |
|------------|---|
|            | <p>species are “relevant” should be clarified, as should what is considered “impracticable” (i.e. if it costs money to get a fish expert out to electrofish a stream, is it impracticable).</p> <ul style="list-style-type: none"> <li>• Schedule 4(33) says changes to existing structures or reclamations in the CMA must be as “small as practicable and have no additional effects on coastal processes”. Again, what is “practicable” is subject to differences of opinion, and therefore is likely a subject of challenge. Equally, the significance of effects on coastal processes may not be clear without a detailed assessment of those effects.</li> <li>• Schedule 4(26) says yards must be designed and located in a manner that will “minimise their visibility”. Beauty is always in the eye of the beholder!</li> <li>• Schedule 4(12)(6)(c) says earthworks must not change a natural wetland’s median annual water level by more than 0.1 metres. This is impossible to determine without several years-worth of water level information on a specific wetland which is unlikely to exist in reality.</li> </ul> |
| Schedule 4 | CI 7 – presumes a requirement for a management plan yet it is unclear where this obligation arises (cl 5 (3)(c) is unhelpful).  |
| Schedule 4 | CI 22 – reference to the Auckland Unitary Plan to define “sensitive activity” seems a bit strange for work done on say State Highway 6 in the South Island. Presumably MfE will make the references available and one presumes Auckland Council will not change the plan provisions. Why not use the definition provided in cl 23?  |
| Schedule 4 | CI 25, 27 – require preparation and submission of management plans (different to those in CI 7). One assumes they will be prepared to an adequate standard by a suitably qualified person? What happens, as it always does under adaptive management regimes, when management plans change over the course of construction?   |
| Schedule 4 | CI 36 – good that the agency undertaking the work has to self-monitor but to whom does it provide evidence of compliance?   |

|                   |   |
|-------------------|---|
| <p>Schedule 5</p> | <p>While provision is made for cost recovery for monitoring of the Schedule 4 permitted activities, and for providing the EPA with information (Schedule 6 (7)(4)), provision for cost recovery where the ECP specifically requests assistance directly from a local authority appears to be omitted (e.g. Schedule 5 (12)(2)), although the EPA can recover costs (see Recovery of Costs, Schedule 5(14)(2)).</p> <p>In addition, local authorities are also expected to engage at multiple other points of the process as a standard matter (e.g. before the Minister refers an application to a panel, in response to the Panel as a standard requirement (separate to the Sch. 5 (12)(2) request), and potentially in regard to draft conditions. Most of this sort of work would normally be cost recoverable for a local authority so this raises potential resourcing costs (although clearly dependent on how many projects go down this route). Cl 12 says local authorities “must” assist the ECP when requested to do so and under Schedule 6 cl 7(4), the EPA can be invoiced to recover a reasonable charge. However why is there no time limit given to provide this information – at least iwi authorities have 30 days under Schedule 4 cl 5.</p> |
|-------------------|---|

## ***Attachment 1: Tasman District Council submission on the Air Quality NES Consultation***

### **Introducing PM2.5 as the primary regulatory tool to manage ambient particulate matter**

**Q1. Do you agree the proposed PM2.5 standards should replace the PM10 standard as the primary standard for managing particulate matter?**

Yes.

As noted in the *Proposed Amendments to the National Environmental Standards for Air Quality – Consultation Document* (Consultation Document), fine particulate matter (PM2.5) is recognised as having the highest health risk (compared to PM10) and is mainly produced by human activities. For the benefit of all New Zealanders, there is a compelling case supported by a wealth of scientific evidence to move from monitoring and setting limits on PM10 to PM2.5.

**Q2. Do you agree we should include both a daily and an annual standard for PM2.5?**

Yes.

In principle, Tasman District Council supports using both the daily and annual standards for PM2.5 as they would be complementary and address the seasonal nature of PM2.5 emission sources (e.g. home heating emissions during autumn/winter).

As noted in the Consultation Document, serious adverse health effects can occur after short-term (acute) exposure to air pollutants however the most important impacts at a population level are associated with the cumulative effects of long-term (chronic) exposure. Therefore, while Council in principle supports the use of both daily and annual standards, the Council highlights that monitoring requirements should focus on an annual standard.

Council's concern regarding use of a daily standard and what it is based on is discussed in Question 3.

**Q3. Do you agree the standards should reflect the WHO guidelines?**

Yes, in principle.

MfE is proposing to introduce ambient air quality standards for short and long term PM2.5 threshold concentration, set at the levels recommended by WHO:

- Annual average PM2.5 limit of 10 µg/m<sup>3</sup>

- Daily (24 hour) average PM<sub>2.5</sub> limit of 25 µg/m<sup>3</sup> (including no more than three exceedances per 12 month period)

While it is acknowledged that the WHO guidelines offer guidance for reducing the health impacts of air pollution, based on the ongoing expert evaluation of scientific evidence, the Consultation Document highlights that New Zealand's air quality profile is different from most of the rest of the world (with the two main sources of air pollution being burning wood and coal in winter for home heating, and traffic all year around). While we support in principle the use of WHO Guidelines, Tasman District Council recommends that better scientific evidence is required to justify MfE's use of these guidelines in the New Zealand context. Alternatively, MfE could develop New Zealand-specific standards, particularly in relation to a daily limit, which better reflects New Zealand's air quality profile.

Tasman District has one gazetted airshed, located in Richmond. The Richmond Airshed is currently classified as 'polluted' under the Air Quality NES, as it exceeds the standard for concentrations of PM<sub>10</sub> during winter months. Richmond's main source of air pollution is biomass combustion (wood burning), primarily associated with home heating during late autumn and winter months. Studies<sup>1</sup> indicate that in the Richmond Airshed PM<sub>2.5</sub> concentrations are around 90% of the PM<sub>10</sub> concentrations during the winter months, and around 50% during the summer months. As noted in Question 4 below, the Airshed regularly exceeds the WHO PM<sub>2.5</sub> daily average limit of 25µg/m<sup>3</sup> during winter.

As outlined in the Consultation Document, the WHO guidelines are currently under review and the Council seeks clarity on the approach MfE may take. For example, if the WHO guideline review proposed lower standards (for example, an annual average PM<sub>2.5</sub> limit of 8 µg/m<sup>3</sup>), would MfE also require these new standard(s)?

**Q4. Do you consider your airshed would meet the proposed PM<sub>2.5</sub> standards? If not, what emissions sources do you expect to be most problematic?**

No, the Richmond Airshed would not meet the proposed PM<sub>2.5</sub> standards.

PM<sub>2.5</sub> has been measured intermittently in the Richmond Airshed since September 2015.

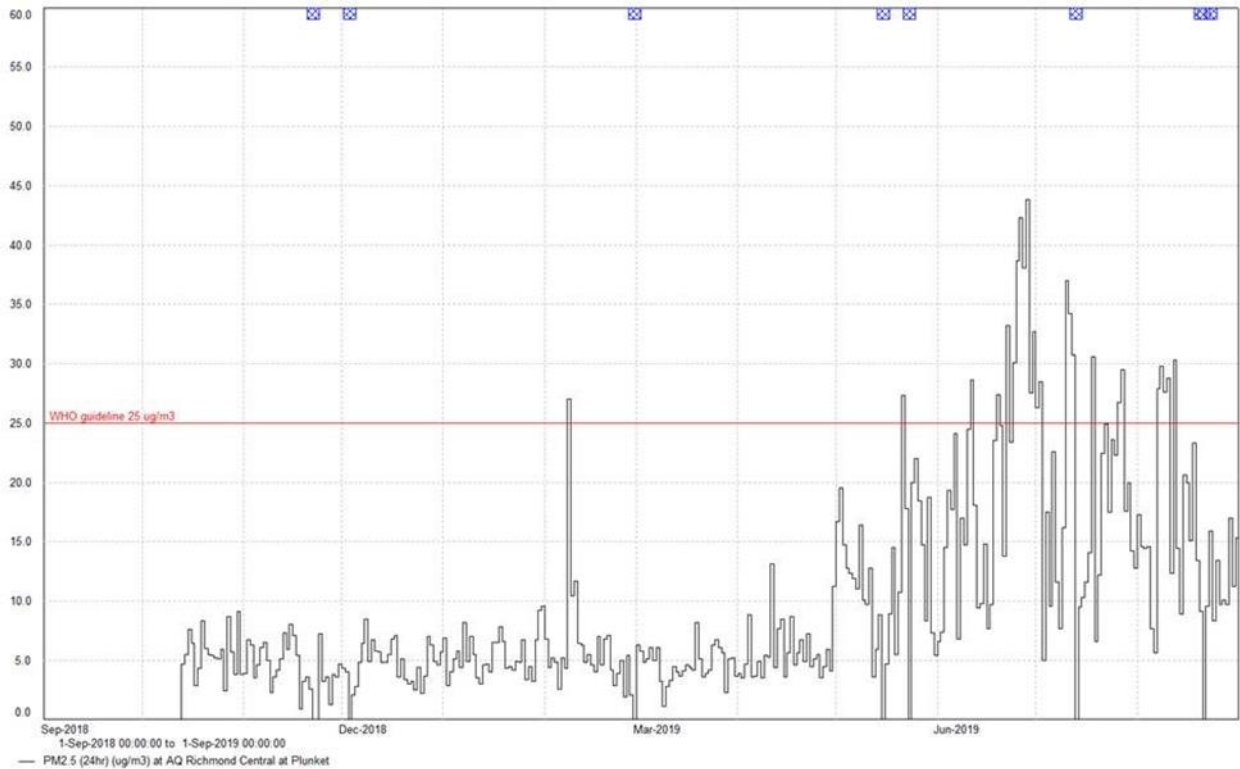
Between 1 September 2018 and 31 August 2019, the Airshed exceeded the current WHO PM<sub>2.5</sub> daily guideline value of 25 µg/m<sup>3</sup> a total of 25 times. One exceedance was on 8 February 2019 (associated with the Pigeon Valley wild fire near Wakefield), and the remaining exceedances over the winter period from May to August 2019 (see Figure 1 over page). The data for winter 2019 shows the typical seasonal pattern, with peak PM concentrations occurring in winter and is associated with the use of biomass combustion (burning wood). The maximum daily PM<sub>2.5</sub> concentration measured in Richmond was 44 µg/m<sup>3</sup> on 28 June 2019, which is on the same date as the PM<sub>10</sub> maximum for the year. The PM<sub>2.5</sub> data is similar to the last full record obtained in 2017, when there was a total of 23 exceedances of the WHO daily guideline value over the winter 2017 season.

<sup>1</sup> Wilton, E. (Environet Ltd) and Zawar-Reza, P. (University of Canterbury). 2017. *Assessment of the impacts of regulatory measures targeting domestic home heating on annual average PM<sub>2.5</sub> in Richmond (Envirolink Report 1777-TSDC134)*.

Davy, P.K. and Trompetter, W.J. 2017. *Apportionment of PM<sub>2.5</sub> and PM<sub>10</sub> sources in the Richmond airshed, Tasman District*. Lower Hutt (NZ): GNS Science. (GNS Science consultancy report; 2017/86).



Figure 1: Richmond Daily PM2.5 concentrations in µg/m3 (1 Sep 2018 – 31 Aug 2019)



In 2017, Tasman District Council commissioned a report<sup>2</sup> which assessed the relationship between PM10 and PM2.5 (for winter and non-winter months) and concluded that a reduction of PM2.5 concentrations of around 21% is required to meet a PM2.5 annual average of 10 µg/m<sup>3</sup>.

*Emission Sources*

The most problematic emission source in the Richmond Airshed is biomass combustion (wood burning).

In 2016 the Council commissioned GNS Science to undertake a source apportionment study<sup>3</sup> which identified biomass combustion was the primary source of both PM2.5 (75%) and PM10 (49%) in the Richmond airshed – as shown in Figure 2 over page. Biomass combustion was also the dominant source contributing to exceedances of the PM10 Air Quality NES standard of 50 µg/m<sup>3</sup>.

In 2019, Tasman District Council sought advice from the University of Canterbury regarding undertaking air quality dispersion modelling (Envirolink Report 1905-TSDC149). As part of that report, the University analysed PM10 data from 2018 winter which identified that in the Richmond Airshed:

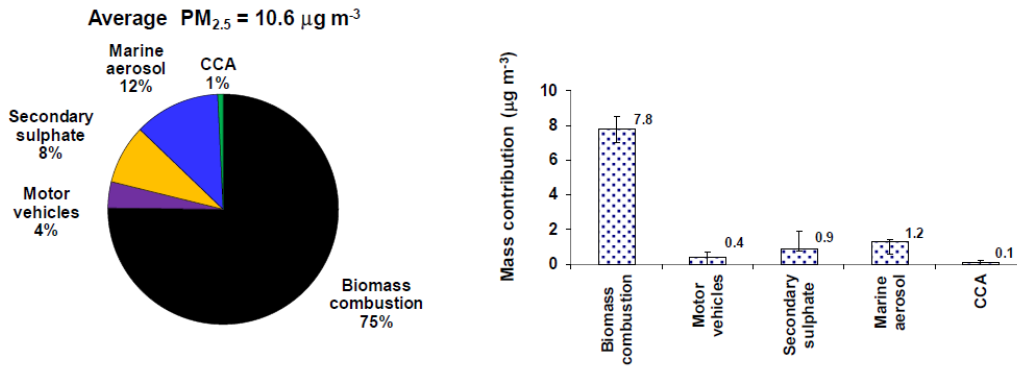
- There is a typical home heating signature, with early morning and evening peaks; and

<sup>2</sup> Wilton, E. (Environet Ltd) and Zawar-Reza, P. (University of Canterbury). 2017. *Assessment of the impacts of regulatory measures targeting domestic home heating on annual average PM2.5 in Richmond (Envirolink Report 1777-TSDC134).*

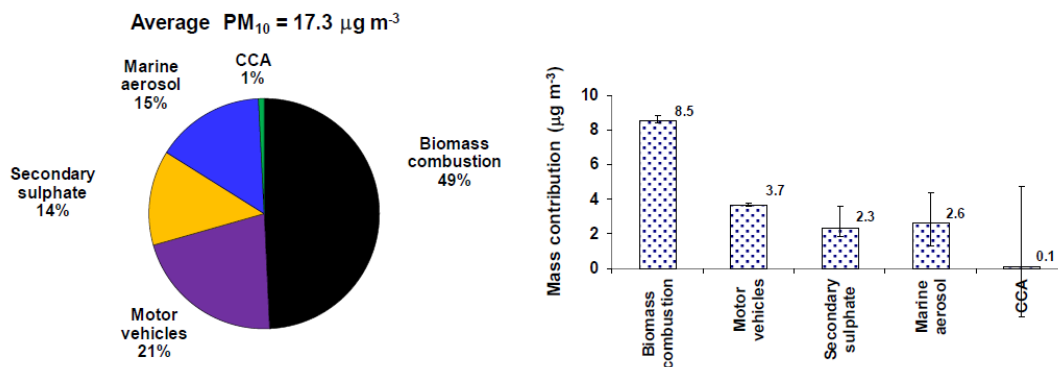
<sup>3</sup> Davy, P.K. and Trompetter, W.J. 2017. *Apportionment of PM2.5 and PM10 sources in the Richmond airshed, Tasman District. Lower Hutt (NZ): GNS Science. (GNS Science consultancy report; 2017/86).*

- Given the unusual spikes in PM10 that occur past 10pm on some nights under settled synoptic conditions, it is highly possible that emissions from rural outdoor burning contributes to particulate matter loading of the Richmond Airshed.

**Figure 2: Emission sources for PM2.5 and PM10 in Richmond Airshed (Source: Davy and Trompetter, 2017)**



**Figure ES1** Average source contributions to PM<sub>2.5</sub> in Richmond over the monitoring period (October 2015 – October 2016).



**Figure ES2** Average source contributions to PM<sub>10</sub> in Richmond over the monitoring period (June 2013 – October 2016).

The Council has commenced a full review of its resource management plans and the ‘discharges to air’ review will seek to address home heating and outdoor burning issues. Given that both of these are complex issues which are faced nationally by regional/unitary councils, the Council would urge MfE to include within the scope of the Air Quality NES review the following two matters:

- Further work to consider the contribution of older wood burners to air pollution (e.g. appliances that are 20 years +) and regulations to address this issue. The Council appreciates that managing air pollution is a complex matter and the environmental and health benefits need to be balanced against enabling our communities to heat their homes during the autumn and winter months. We have addressed this point further under Question 13.
- Develop regulations to address rural outdoor burning, as this is applicable to many regions. Addressing rural outdoor burning will require balancing the operational needs of primary production industries (e.g. orchards, horticulture, viticulture, cropping, forestry) while ensuring

better air quality outcomes and MfE is best placed to deliver this through a coordinated national approach.

## **Retain the PM10 standard with reduced mitigation requirements for breaches**

### **Q5. Do you agree councils should be required to keep monitoring and managing PM10?**

No.

Councils should only be required to keep monitoring PM10 in existing gazetted airsheds for a specified period to ensure that there is a continuation of monitoring records while councils transition over to PM2.5 (if not already monitoring PM2.5). Once there is sufficient data collection with an accurate record of PM2.5 (which can establish the relationship between PM2.5 and PM10), it is suggested that both monitoring and management of PM10 is optional for councils, rather than being required. However, some councils may wish to continue to monitor PM10 to enable longitudinal analysis of PM10 and demonstrate overall airshed improvements.

For new airsheds that may be gazetted once the Air Quality NES amendments are in place, it is recommended that councils should focus their efforts on monitoring and managing PM2.5 sources only (and PM10 could be an optional extra).

As noted in the Consultation Document, the main issue with regulating PM10 is that it is not the best indicator of the health impacts of particulate matter pollution; and that the coarse component of PM10 includes naturally-occurring particles over which we have no control. On this basis, the requirement for councils to manage particulate matter should be focussed on PM2.5 only. For many councils the issue will be the costs involved to monitor and/or manage both PM10 and PM2.5 and therefore, this suggested approach is more pragmatic and enables councils some flexibility to match their circumstances.

#### *Monitoring of Airsheds*

Regulation 15 of the current Air Quality NES requires councils to monitor an airshed if it is likely that the ambient air quality standard for a contaminant will be breached. This means, there is no requirement to monitor in airsheds where the air quality is good and there is no risk of breaching the standards. Clarity is sought from MfE on if this approach will continue, or if there is an expectation that all airsheds within a region are required to be permanently monitored regardless of air quality?

Tasman District currently has one gazetted airshed in Richmond, and the rest of the district falls within a 'rest of region airshed'. A medium-term work programme is in place to undertake particulate matter monitoring over autumn/winter months in a number of smaller townships to identify if there are air quality issues which may require targeted management and creation of new gazetted airsheds, however this is subject to staff resourcing and budgets (previous historical temporary PM10 monitoring has indicated that air quality was not an issue). The requirement for ongoing permanent monitoring in airsheds, regardless of air quality, will have implications for Council resourcing and budgets.

#### *Monitoring Instruments*

Schedule 2 of the current Air Quality NES specifies the instruments that are to be used for monitoring. The instruments must be either USEPA reference methods, or equivalent methods as specified in Schedule 2. The variety of instruments available and methods makes it difficult to get consistent data. Currently Tasman District Council has ongoing reference samples collected to

enable adjustments to the equivalent methods. Further clarity and guidance from MfE on PM2.5 instrumentation will be required including whether ongoing correction factors for gravimetric equivalence will be required. The National Environmental Monitoring Standard guidance on air quality for PM10 recording is still in draft and aims to get national consistency. There will be a need for similar guidance for PM2.5 recording which should be developed and finalised with urgency to ensure it is available for use alongside any revised Air Quality NES.

The Council would also like to highlight that there is disconnect between Regulation 16 requirements to give public notice within one month of a standard being breached and the practicalities of monitoring. Council sends its monitoring samples to a laboratory in Auckland for analysis, and this can take up to a month to process prior to staff receiving the data, review it, and then publish a notice if necessary. It is recommended that the timeframe to give public notice is extended (for example 6-8 weeks, or 'as soon as practicable') in recognition of this process.

**Q6. What would be the additional costs involved in retaining PM10 monitoring alongside PM2.5 monitoring, versus the potential loss of valuable monitoring information?**

The additional costs for Council for retaining PM10 include the instrument purchase, (\$40,000) for BAM equivalent method and \$45,000 for a reference method. Additional housing and air conditioning requirements (\$20,000), telemetry requirements (\$5000 per instrument) ongoing equipment power and maintenance costs (annual costs of \$10,000 for PM10) and instrument verification analysis costs (annual costs of \$4000 for PM10). This includes additional monthly to quarterly instrument checks and repairs.

Tasman District Council purchased a dual beta attenuation monitor in 2018, which can monitor both PM10 and PM2.5 for the Richmond Airshed. The cost for retaining PM10 alongside PM2.5 is essentially double the price for the new single channel instrument, and there are ongoing additional filter tape and instrument maintenance costs. There will also be additional staff time for data validation requirements.

As part of MfE's package of consultation documents, the report '*Air quality cost-benefit analysis update: Review of the National Environmental Standards for Air Quality (November 2019)*' outlined that regional councils/unitary authorities would incur new additional 'one off' costs as a result of implementing these Air Quality NES amendments. The report estimated \$65,000 per council for monitoring equipment, however we would highlight that this underestimates the actual costs for councils as identified above.

**Polluted airsheds and resource consents**

**Q7. Do you agree an airshed should be deemed polluted if it breaches either the annual or the daily PM2.5 standard?**

No.

It is noted that the Richmond Airshed is currently classified as 'polluted' under the Air Quality NES, as it exceeds the standard for concentrations of PM10 during winter months.

Tasman District Council recommends that if MfE were to continue with a 'polluted' classification, then it would be appropriate to apply this only to the annual standard in recognition of the serious health implications from long-term (chronic) exposure to particulate matter, including premature death.

**Q8. If all new resource consent application to discharge PM2.5 into a polluted airshed must be offset or declined, how would this affect your activities, or activities in your region?**

Discharging activities would progressively shift out of the airshed, moving the problem elsewhere. Many of the industries in Tasman district are processing primary products into 'higher value' products. In most cases, this requires a lot of energy, usually in the form of heat. Industries have chosen to move their activities outside the Richmond Airshed to give themselves more opportunities, given that the Airshed is classified as polluted.

Offsetting would be limited.

Tasman District Council consenting staff advise that the current regulations are difficult to implement, and the offset provisions have only been applied when the applicant owns the discharge consent being used to offset within the Airshed. The regulations place a heavy burden on the modelling results provided by the applicant. The regulations assume that the modelling is a real correct number rather than a modelled estimate based on assumptions etc.

**Q9. Can you identify a more appropriate, measurable threshold for controlling consented discharges in a PM2.5 context?**

Yes.

There are three areas that cause problems, namely (1) the standard is just a number and the health impacts of particulate matter still exist below the standard; (2) the modelling is a best guess; and (3) the concentrations of PM2.5 are quite low with an annual average causing challenges with choosing a cut off number.

The proposed standard has the ambitions to protect human health. However, the fact remains that particulate matter is a non-threshold pollutant and evidence suggests that further reduction in exposure can further reduce health impacts (even below the threshold of 10 µg/m<sup>3</sup>). Thus, there is no scientific rationale for distinguishing between progress made in reducing concentrations above and below this threshold.

PM2.5 is no different to other pollutants, there are inherent limitations and uncertainties related to linking ambient concentrations to individual exposure and subsequent risk. Uncertainties arise from the use of different modelling systems with different approaches to approximating reality.

There is a challenge in maintaining consistency temporally and spatially in the measurement and modelling against the standard. The ability to model concentrations is limited by uncertainties associated with the models and potential industrial processes. The relatively low PM2.5 limit increases the effect of these uncertainties.

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It is suggested that for consenting industrial discharges, to focus on the daily PM2.5 numbers at or beyond the boundary, rather than the annual average.

**Q10. Do you agree that if a council does not have adequate PM2.5 data, the airshed's classification under the PM10 standards should continue to apply?**

Yes, as an interim approach until monitoring of PM2.5 status can be established.

The PM2.5 data for Richmond Airshed suggests that the PM2.5 standard is more stringent than the PM10 standard. Smaller rural townships, which are not designated as polluted, will need to be monitored and may need to be gazetted.

Attachment 2

**What is being proposed – domestic solid-fuel burners**

**Emissions standard**

**Q11. Do you agree with the proposal to reduce the emissions standard to no more than 1.0g/kg? If not, what do you think the standard should be?**

Yes.

Tasman District Council supports this proposal in principle, recognising that burner design (burner emissions and efficiency) is a key regulatory instrument to help improve air quality nationally. However, the Council would also like to emphasise that wood burner operation and maintenance and user behaviour and fuel quality also plays a key role.

In addition to reviewing the emission standards, there is a need to address the removal of non-compliant wood burners that are 20 years+ in polluted airsheds. Focusing efforts on removing these old, inefficient wood burners could potentially have more overall gains in improving air quality in polluted airsheds than reducing the emission standards from 1.5g/kg to 1.0g/kg. Please refer to our response to Question 13 for further details on this point.

**Q12. Are there areas where a lower (more stringent) standard could be applied?**

Yes.

Nationally, there may be areas where a lower (more stringent) standard does apply, or could be applied.

It is noted that through the Tasman Resource Management Plan (TRMP), the Richmond Airshed has more stringent rules than the Air Quality NES regarding the use of wood burners. The home heating rules have been operative since 2007 and new dwellings are only allowed to install pellet fires as a new discharge in the Airshed. Installation numbers have been low (there were a total of 82 pellet fires in the airshed at March 2020). Council staff acknowledge that since the rule was made operative, technology has since improved and ultra-low emission burners (ULEBs) are on par with pellet fires for Air Quality NES emissions and efficiency standards. Council staff need to review management options for the Richmond Airshed, which may continue to include a more

stringent rule framework than the NES given that the airshed remains polluted. What could be perceived as a 'simple' rule fix to allow a choice between burners (wood and pellet fires) could create unintended consequences in an already polluted airshed particularly as latent demand for ULEBs is difficult to quantify and could result in an increase in annual exceedances.

### All domestic, solid-fuel burners covered

**Q13. Do you agree the new emissions standard should apply to all domestic, solid-fuel burners newly installed in properties less than two hectares in size?**

No, in part.

- Yes, it should apply to all domestic solid-fuel burners; and
- No, it should also focus on existing homes with older non-compliant burners to require upgrade; and
- No, the size of threshold is not appropriate and instead urban-rural zoning should be used.

There are three parts to the question which the Council would like to comment on as follows.

#### *New emissions standards should apply to all domestic, solid-fuel burners*

Tasman District Council supports the proposal that the new emissions standards should apply to all domestic, solid-fuel burners as this is an anomaly with the current Air Quality NES. As noted in the Consultation Document, emissions from other uses of household burners (e.g. cookers) and other types of fuel (e.g. coal and multi-fuel) all contribute to air pollution and should be regulated.

For example, the Tasman Resource Management Plan currently allows solid fuel-burning appliances which are primarily used for cooking purposes as a permitted activity in the Richmond Airshed and some residents have tried to use this rule to circumvent more onerous and restricted rules regarding wood burners. It has been an implementation issue for both resource and building consent teams which undermines the intent of the Air Quality NES and plan rules.

#### *Newly installed in properties*

It appears that MfE's proposal focuses on circumstances where home owners choose to replace their older wood burners as a result of natural attrition, or wish to install a burner in a newly built house. It does not propose to regulate the use or phase out of older wood burners which can significantly contribute to air pollution. For example, the Richmond Airshed Emissions Inventory<sup>4</sup> identifies that in 2019 around 238 kg of PM10 was estimated to be discharged into the airshed on a typical winter's day from domestic home heating; and it is estimated that the largest portion (56%) of emissions was from pre-2006 wood burners.

<sup>4</sup> Wilton, E. (Environet Ltd). 2020. *Richmond Air Emission Inventory – 2019*.

The Consultation Document proposes to enable councils to continue to make rules or bylaws that are more stringent than this proposal. This would allow the Council to consider a phase out of older wood burners in the Richmond airshed (if necessary) as part of a package of management options, given its polluted classification under the Air Quality NES. The Council currently operates a 'point of sale' rule within the airshed to address these older, non-compliant wood burners by requiring home owners to upgrade at the time of house sale. This rule has been difficult for staff to administer and enforce. It is also difficult to quantify rule effectiveness given that the Council does not hold home heating information on an individual property level. As identified in the Consultation Document, homes containing older burners often take decades to be listed for sale, and this impacts on rule effectiveness given the slow retirement rates of non-compliant wood burners.

The purpose of national environmental standards is to provide national consistency and to remove the need for individual councils to undertake lengthy and costly RMA 1991 Schedule 1 processes where there is an overriding environmental benefit at a national scale. The Council would urge MfE to reconsider if the proposed measures (focusing on new wood burners) goes far enough to enable compliance with the PM2.5 regulations, without addressing the contribution of older wood burners to air pollution (e.g. appliances that are 20 years +). The Council appreciates that managing air pollution is a complex matter and the environmental and health benefits need to be balanced against enabling our communities to heat their homes during the autumn and winter months.

*Properties less than two hectares in size*

The threshold of using 'properties less than two hectares in size' is a very blunt mechanism. The intent is to regulate wood burners in urban areas where the concentration of properties is such that the cumulative effect of wood burner use has the potential to cause adverse effects on air quality. In the Tasman district, like other areas in New Zealand, there are properties (e.g. lifestyle blocks, farm workers houses) in rural and remote locations which are being caught under the regulations simply because their property title is less than two hectares in size. This is an unnecessary financial burden on these home owners to expect them to comply. The Council recommends that MfE review this element of the proposal and consider an alternative threshold, for example the urban/rural boundary of townships.

**Q14. Do the current methods to measure emissions and thermal efficiency need updating or changing? For example, to address any trade-off between thermal efficiency and emissions, or to test other types of burners or burner modifications that seek to reduce emissions?**

Tasman District Council does not have any comments to make in relation to the current methods to measure emissions and thermal efficiency. However, the Council would like to take the opportunity to comment on the wider wood burner authorisation process.

Tasman District Council staff rely solely on MfE's authorised wood/pellet burner list to ensure compliance with the Air Quality NES and our Tasman Resource Management Plan rules. This list is used by staff when administering resource and building consent processes, assisting with compliance issues, and to provide advice to home heating businesses and home owners on authorised solid fuel burners.

It is appropriate that MfE funds the authorisation process given that the process and the authorised wood/pellet burner list is required nationally by councils to implement the Air Quality NES. The public health benefits, including reduced hospital admissions, indicate the benefits of



the system affect a broad section of the population. It is appropriate the costs are borne at the national level to reflect the benefits. Likely options for MfE are:

- carry out the authorisation process themselves;
- partner with another government agency such as MBIE, EECA or EPA to undertake the authorisation process on MfE's behalf; or
- formally engage and fund an organisation to undertake the authorisation process on MfE's behalf (such as Environment Canterbury and Nelson City Council, an accredited laboratory or testing facility, or another relevant body).

In the first instance, Tasman District Council recommends that MfE fund Environment Canterbury and/or Nelson City Council to continue to administer the authorisation process on MfE's behalf given that they have an established process in place. If neither of these councils wish to continue to provide the authorisation process, then we recommend that the EPA would be best placed to provide the authorisation process given their responsibility for regulating activities that affect New Zealand's environment.

## What is being proposed – mercury emissions

### **Q15. Do you support the proposed amendments to the NESAQ to support ratification of the Minamata Convention on Mercury?**

Yes.

Tasman District Council supports MfE's steps towards ratifying the Minamata Convention on Mercury which was signed in 2013.

### **Q16. Do you agree with how these amendments will affect industry?**

Tasman District Council agrees that prohibiting the manufacturing processes is a practical solution.

International best practice guidance supplied with the Convention is focused on large sources. It is unclear how it will relate to the small coal fired boilers that are used within the Tasman District. Within the district there are a large number of boilers providing heat sources for horticultural glasshouses and these are relatively simple with very limited emissions control technology employed.

### **Q17. What additional guidance do you think will be needed to support implementation of the proposed amendments? Will industry need help to interpret the best practice guidance for the New Zealand context?**

The industry will need to understand how best practice relates to them. Good guidance and sensible interpretation is critical to both industry and the regulators and this needs to be relevant to the New Zealand situation.

### **Q18. Do you use any of the manufacturing processes in Proposal 9? If so, does this process use mercury?**

No.

**Q19. Do you agree with the Government's proposed approach to regulate the source categories in Proposal 10? If not, why not?**

Tasman District Council agrees in principle with the Government's proposed approach. We would like to see a guidance given for smaller industrial boilers that effectively exempt them from this requirement.

**Q20. What air pollution control technologies are currently required for existing source categories listed in Proposal 10?**

It depends on the scale of the discharge. In the Tasman district, it is mostly mechanical control, baghouses and cyclones as we have relatively small scale discharges.

**Timing, implementation and transitional provisions****Q21. Do you agree that lead-in times are required for starting to monitor PM2.5 and for burners that will no longer be compliant? What lead-in times would you suggest and why?**

Yes.

Tasman District Council supports the need for lead-in times, particularly given that not all councils are currently monitoring PM2.5 annually in their airsheds. The lead-in time should allow for councils to purchase monitoring equipment and establish a base line of data (which is robust and accurate), from which the regulations should apply. Timeframes could be staggered depending on individual council's circumstances (e.g. those who already have a base line of data, or those yet to purchase equipment and start monitoring, and possibly different lead-in times for currently 'polluted' airsheds). The National Planning Standards is a recent example where implementation of government standards has provided flexibility to match individual council's circumstances.

Timeframes for Air Quality NES implementation is required to ensure that councils prioritise and budget for air quality work programmes, as councils have a number of competing resource management priorities. Given the potential for substantial budget changes to implement, lead-in timeframes should reflect the Long Term Plan cycle for councils. Alternatively, a central government funding subsidy could be used to assist councils to purchase monitoring equipment to facilitate earlier collection of monitoring data.

As part of the Air Quality NES implementation, Tasman District Council requests that MfE takes a lead on delivering a national education programme on the amendments rather than leaving this to individual councils to undertake. It is noted that MfE's report '*Air quality cost-benefit analysis update: Review of the National Environmental Standards for Air Quality (November 2019)*' identified councils should budget for \$50,000 for education costs in relation to these Air Quality NES amendments, however this is an unrealistic expectation. MfE is best placed to deliver a national education programme given that these amendments are nationally applicable, would enable consistent messaging, and create resourcing efficiencies if delivered by one organisation.

**Q22. Are there any other matters you think would require transitional provisions? If so, what?**

No comment.

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**Attachment 2**



**Governance Review of New Zealand Fish and Game and regional Fish and Game Council**

June 2020

**Terms of reference****Purpose**

1. This document describes:

- context about Fish and Game
- the objectives and terms of reference for the Ministerial review
- review process including resourcing, timeframes, obligations and further information.

**Context**

2. Part 5A of the Conservation Act 1987 sets out the functions, powers and structure of the New Zealand Fish and Game Council and regional Fish and Game Councils to manage sports fish and gamebird across New Zealand.
3. The sports fish and gamebird resources which Fish and Game manage are highly valued by licence holders.
4. The habitats for some sports fish and gamebirds are under greater development and use pressure, than when Fish and Game was established.
5. Fish and Game has had a central role in establishing water conservation orders to protect waterways; and their outstanding amenity and other values.
6. The regional structure is an important element of Fish and Game's organisational structure and management of sports fish and game birds.

**Purpose of the review**

To establish if the functions, powers and organisational structure of the New Zealand Fish and Game Council and the regional Fish and Game Councils in Part 5A of the Conservation Act 1987 are fit for purpose for a modern regulatory and management Crown agency; and identify any changes required.

To provide recommendations on how Fish and Game can better implement its responsibilities under section 4 of the Conservation Act to give effect to the principles of the Treaty of Waitangi.

**Review Panel**

The review will be objective and undertaken independently of Fish and Game. The following arrangements reflect this.

A two member Panel will be appointed by the Minister of Conservation comprising persons with expertise in the following:

- a. Governance of public bodies and/or public administration.
- b. Financial and strategic planning and management.
- c. Public law, including an understanding of conservation and resource management legislation.

#### Terms of reference

#### 7. In undertaking the review, the review panel should consider:

- **Organisational structure:** Review the current organisational structure, respective roles, and responsibilities and determine if it is appropriate for a modern regulatory agency;
- **Functions and statutory responsibilities** – Assess whether current statutory functions and responsibilities are fit for purpose and identify any changes needed to ensure Fish and Game operates as a modern and effective manager of sports fish and game birds.
- **Governance structure and accountability:** Assess the current governance and accountability structure and determine if it is appropriate for a modern regulatory agency; identify the most appropriate relationship between NZ Fish and Game Council and regional Fish and Game Councils; between the councils and licence holders; and accountability to the Minister
- **Electoral system and representation:** including the timing and process for elections for the New Zealand and regional Fish & Game councils; whether the current electoral system provides stability, accountability and transparency. The Conservation Act provides little guidance.
- **Representation:** how the interests of licence holders, Treaty partners and the wider community are best represented in Fish and Game's governance structure;
- **Treaty partnership:** how Fish and Game can better implement the responsibilities under section 4 of the Conservation Act to give effect to the principles of the Treaty of Waitangi.
- **Organisational policies and practice:** whether there are effective policies and practice for organisational management, i.e. good employer requirements, staff management and accountability.
- **Funding and revenue:** Assess the adequacy of current financial and strategic planning and budget management; understand the current challenges to the financial stability of the national and regional councils; consider the policies for an allocation of licence revenue and identify the appropriate revenue sharing arrangements between national and regional Fish & Game councils<sup>1</sup>; determine whether a clear revenue sharing formula should be established in legislation; and identify other potential revenue raising opportunities beyond increasing licence fees.
- **Community engagement:** Identify any opportunities to increase licence holder, Treaty partner and community engagement in the management of sports fish and game birds
- **Meeting procedures:** for both the national and regional councils and whether changes are needed to the meeting rules (s26A Conservation Act).

<sup>1</sup> Section 26(1)(f) of Conservation Act provides for the New Zealand Fish & Game Council to determine allocation of revenue.

- **Advocacy:** the significance of Fish and Game’s advocacy and whether any changes are needed to increase its effectiveness.
- **Management planning:** Identify if the current statutory process in sections 17L and 17M of the Conservation Act for the preparation, approval, review, and amendment of sports fish and game management plans are fit for purpose; and any changes needed.

**Out of scope**

8. Material change to the current set of statutory responsibilities for sports fish and gamebird management is out of scope. Allocating these responsibilities to other agencies is also not within the scope of the review.
9. The principle of a regional structure is also to be maintained.

**Resourcing and support**

10. The cost of the review will be met by the Department of Conservation.
11. Costs will include:
  - review panel fees to be agreed with panellists;
  - expenses incurred, such as travel and accommodation;
  - salary for secretariat support (provided by DOC) and expenses associated with functions.
12. The Department of Conservation will provide the reviewers with administration and secretariat support; which will include organising engagement and may include assisting with drafting the review report
13. The panel can commission independent advice if required; subject to its budget and approval of expenditure of more than \$5,000 by the Chief of Governance.

**Timeframe**

14. It is anticipated that the panel will complete its work and provide its report and recommendations to the Minister of Conservation by 31 December 2020.

**Expectations**

15. The review panel should ensure it meets (in person or by video-conference) with the New Zealand Fish and Game Council and with some councillors from some regional Fish & Game councils. The panel may meet with the Chief Executive and any regional managers.
16. The review panel may receive comments from or meet and invite comments from Treaty partners; key stakeholders; and any interested parties it chooses.
17. The review panel will conduct a survey of licence holders to assess their views.
18. Fish and Game New Zealand and the regional Fish and Game councils are expected to provide any information requested by the review panel and co-operate with the review.
19. The review panel will provide updates to the Minister on the progress of the review, in particular on any process issues that may arise to ensure they are managed.
20. Any further expectations considered necessary to guide the review may be developed by the Minister of Conservation and communicated to the review panel in a timely way.
21. The Panel’s key contact in the Department will be Mervyn English.





## Action Sheet - Regulatory Committee – July 2020

| Meeting Date:    | Minute/Action | Description   | Accountable Officer                | Status  |
|------------------|---------------|---|------------------------------------|---|
| 6 September 2018 | EP18-09-04    | Enforcement Policy to be updated to cover off option of diversion                         | Dennis Bush-King/ Adrian Humphries | Still to action   |
| 11 June 2020     |               | Committee asked for a breakdown of dog infringements                                      | A Humphries                        | Circulated under separate cover   |
|                  |               | Staff to advise on whether voluntary assistance could be used to assist with dog control  | A Humphries                        | On this agenda  |
|                  | RC20-06-6     | Staff to clarify status of land at Rangihaeata Headland as shown in the Dog Control Bylaw | A Humphries                        | We are of the opinion that, the balance of evidence, the area marked as dog control exercise area in the bylaw is correct being over reserve, road reserve or beach. While the Headline title is shown as extending into the water, it is a derived boundary from a very old plan. We could have the matter surveyed but do not believe the cost warrants it. It would be unlikely to achieve any greater protection of birds. If dogs are going on to private land, the owner would be able to ask the owner to leave. If a dog were to attack protected wildlife, an offence is still committed and we can intervene regardless of land tenure... |

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**Attachment 4**