

Notice is given that an ordinary meeting of the Environment and Planning Committee will be held on:

Date: Thursday 31 August 2017
Time: 1.30 pm
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Environment and Planning Committee

AGENDA

MEMBERSHIP

Chairperson	Cr T King	
Deputy Chairperson	Cr S Brown	
Members	Mayor R G Kempthorne	Cr S Bryant
	Cr P Canton	Cr M Greening
	Cr P Hawkes	Cr K Maling
	Cr D McNamara	Cr D Ogilvie
	Cr P Sangster	Cr T Tuffnell
	Cr A Turley	Cr D Wensley

(Quorum 7 members)

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AGENDA

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 PUBLIC FORUM

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF MINUTES

That the minutes of the Environment and Planning Committee meeting held on Thursday, 24 August 2017, be confirmed as a true and correct record of the meeting.

7 REPORTS OF COMMITTEE

Nil

8 PRESENTATIONS

Nil

9 REPORTS

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10 CONFIDENTIAL SESSION

10.1 Procedural motion to exclude the public.....	41
10.1 Wakefield Plan Change 65.....	41
10.2 Richmond Housing Choice Proposed Plan Change	41

Following completion of today's meeting there will be a workshop on Amendments to the Resource Management Act which come into force in 18 October 2017

9 REPORTS

9.1 ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

Information Only - No Decision Required

Report To:	Environment and Planning Committee
Meeting Date:	31 August 2017
Report Author:	Carl Cheeseman, Co-ordinator Compliance Monitoring
Report Number:	REP17-08-10

1 Summary

- 1.1 To make the best use of available resources, Tasman District Council operates tailored Resource Management monitoring programmes. These focus efforts on the range of activities seen as significant to the district, either in terms of environmental resources or because of actual or potential adverse effects, or community interest. Council also provides a 24-hour complaint response service and undertakes a range of enforcement actions in response to detected non-compliance.
- 1.2 Tasman District Council's Compliance & Enforcement section is tasked to undertake these activities. This report summarises this programme of work for the period 1 July 2016 to 30 June 2017. Noise compliance is reported through the Regulatory section of Council and is not covered in this report.
- 1.3 As with every year, complaint response continues to be first priority and a considerable amount of time is spent responding to the public's concerns. Complaints were up 12% on the same period last year at 2,389, the increase was predominantly due to a rise in abandoned vehicles. The other significant increase was in smoke and odour complaints.
- 1.4 Despite the substantial impact complaint response has on the section, we continue to operate the targeted monitoring programmes that focus efforts on the range of activities seen as significantly impacting on the district.
- 1.5 Over the 2016/17 year a total of 2,340 resource consents and targeted permitted activities were monitored. Compliance with conditions or plan rules was reasonably high this year, with 2,022 (86%) recorded as being fully compliant. Of the 318 that failed to achieve full compliance with one or more consent conditions, 247 (78%) were graded as having only nil or minor adverse effect and required no further enforcement action. The remaining 71 recorded non-compliances were of a level sufficient to require some type of action and were scaled as moderate or significant depending on the level of offending and environmental effects. These were all addressed using some form of enforcement action commensurate to the level of adverse effect and need for deterrence.
- 1.6 Unfortunately, the Compliance section does have another 2,022 resource consents that have outstanding monitoring requirements and these have to be picked up as and when possible.

- 1.7 During the year Council undertook a number of enforcement actions for breaches of consent, plan rules, or regulations, with 54 abatement notices, 68 infringements notices, two enforcement orders and four prosecutions initiated or finalised during the period. Much like complaint response, the requirement to undertake enforcement actions to remedy or mitigate adverse effects and provide a suitable deterrence does in itself, have a direct impact on our resources and ability to proactively monitor and provide other key services. This is due to the fact that gaining compliance and ensuring the appropriate response to the offending can take a considerable amount of staff time.
- 1.8 It is pleasing to report that the Compliance section had a great deal of success in its enforcement actions over the period, particularly with the serious matters that went before the Environment Court either as prosecutions or enforcement orders.

2 Draft Resolution

That the Environment and Planning Committee receives the Annual Compliance and Enforcement Summary Report REP16-09-03

3 Purpose of the Report

- 3.1 This report summarises Tasman District Council's Compliance section programme of work and achievements for the period 1 July 2016 to 30 June 2017. The report outlines consent monitoring performance and compliance and enforcement response over the period and serves in part to meet Council's obligations under section 35 of the Resource Management Act 1991.
- 3.2 This annual report does not attempt to report on effectiveness and implementation of the Tasman Resource Management Plan (TRMP) rules, resource consents, or state of the environment monitoring.
- 3.3 The structure of the report is as follows:
- Section 2 Outlines current compliance structure and programmes
 - Section 3 Reports on performance with consent/permitted activity monitoring
 - Section 4 Reports on complaint response for the period
 - Section 5 Reports on enforcement activity for the period

4 Compliance Monitoring Programmes

- 4.1 Tasman District Council continues to operate targeted monitoring programmes, which focus efforts on the range of activities seen as significantly impacting on the district either in terms of resource use, environmental effects or community interest. While noise and associated monitoring falls within these programmes it is carried out by another department of Council and is not covered in this report.
- 4.2 Targeted monitoring programmes allow for structured and consistent effects based monitoring and more efficient use of limited resources. They also provide the ability to report on individual compliance performance with rules or resource consents along with district wide activity performance. This gives us the ability to better identify trends and issues and respond flexibly with additional resourcing or enforcement strategies as required.
- 4.3 Currently the section consists of seven warranted officers and an administrator under the direction of a Co-ordinator. Additional administrative resource is provided from the regulatory department and amounts to approximately 0.6 FTE. Compliance Officers are assigned and have direct responsibility for managing and reporting outcomes under their individual portfolios. Each Compliance Officer holds a number of portfolios.
- 4.4 These monitoring programmes are subject to periodic review and this is happening now. The current suite of monitoring programmes are listed below in Table 1:

RMA Section	Compliance Programme
9	Land based aggregate extractions.
	Remote Signage
	Mining
	District Land Use
	Land disturbance
	Forestry

RMA Section	Compliance Programme
	Hazardous Facilities (HF)
	Bores
12	Aquaculture
	Moorings
	Coastal Structures and occupations
13	Waterway structures
	River works/gravel extractions
	Diversions/flood protection
14	Consented surface water takes
	Groundwater takes
	Hydroelectric generation
15	Dairy Shed Effluent - Permitted/Consented
	On - site Domestic Wastewater
	Consented air discharges
	Richmond Airshed
	Stormwater discharges
	Chemicals/pesticide discharges

Table 1: Current monitoring programme in Tasman District

- 4.5 Underlying each programme is a subset of targeted monitoring areas based on their environmental risk, performance history, community interest or need for wider data reporting. These activity targets cover both consented and permitted activities occurring in the district. Table 2 below outlines some of these specific targets in detail.

Programme	Activity Targets
Land based Aggregate extraction	Working extraction size, discharges, backfill compliance
Forestry	Earthworks and tracking, sediment discharge controls and structures in waterways
Land Disturbance	Earthworks, sediment and erosion controls, plan approvals
On-site wastewater	Discharge quality, installation and maintenance requirements
Aerial 1080 discharges	All consent conditions
Water Metering	Groundwater and surface-water meter returns, meter regulations, Dry Weather Task Force (DWTF) data inputs
Farm Dairy effluent	Dairy effluent disposal - TRMP rules and consent conditions
Hazardous Facilities Sites	Consent and permitted activity rules performance
Fish processing plants	Water and air discharge consents, land use consents
Council Global Activities	River works, Wastewater treatment plants Coastal works permits, Biosolids/solid waste

Table 2: Tasman District Council Compliance programme activity targets

- 4.6 Compliance officers responsible for these programmes develop a comprehensive strategy of programme and data management. They are also required to develop an effective working relationship with industry and users and participate in liaison committees if set up.

Compliance Grading

- 4.7 At the completion of any consent monitoring a grade is assigned reflecting the status or level of compliance. This grading system provides assistance to the compliance section in determining monitoring and enforcement response strategies for individual consent holders and across activity sectors.

1	Full compliance	Compliance with all relevant consent conditions achieved at time of inspection or audit.
2	Non Compliance: No action	Non-compliance with consent conditions with no or minor actual environmental effects and no action required.
3	Non Compliance: Action	Non-compliance with consent conditions with minor to moderate adverse effects and where action is required.
4	Significant Non-compliance	Non-compliance with conditions where there is actual or potential <u>significant</u> adverse effects and action is required.
5	Not Monitored	Consent not monitored at time of being exercised and compliance with conditions unable to be determined or not required.

Table 3: Compliance grading bands

5 Summary of Consent and Permitted Activity Monitoring in Tasman District 2016/17

- 5.1 Over the 2016/17 year a total of 2,340 resource consents and targeted permitted activities were monitored. This is down on previous years and is a result of staff having to respond to complaints and enforcement actions that resulted from non-compliances that were detected throughout the period.
- 5.2 Compliance with conditions or plan rules was relatively high for those activities that were monitored. Of the consents and permitted activities that were graded, 2,022 (86%) were graded as fully compliant. Of the 318 that failed to achieve full compliance with one or more consent conditions, 247 (78%) were graded as having nil or minor adverse effect (grade 2) and required no further enforcement action. Many of these are technical non-compliances such as failure to submit documents or to notify according to conditions of consent. The remaining 71 recorded non-compliances were of a level sufficient to require some type of action and were scaled as moderate or significant (Grade 3 & 4) depending on the level of offending and environmental effects. These were all addressed using some form of enforcement action commensurate to the level of adverse effect and need for deterrence.

Compliance Rating	2016/17
1. Fully complying	2,022
2. Non-compliance. Nil or minor adverse effect	247
3. Non-compliance. Moderate adverse effect	65
4. Non-compliance. Significant adverse effect	6

Table 4: Consent and targeted permitted activity compliance performance for monitoring period

- 5.3 The following table is a breakdown of the number of consents monitored per consent type under the agreed programme.

Consent Type	# Consents
Land Use	99
Land Use Controlled	2
District: Land Use Discretionary	8
Land Use: Restricted Discretionary	2
District: Land Use Non-complying	5
Land Use: Non Notified Non-complying	2
Coastal Disturbance	3
Coastal Marine Farm	1
Coastal Occupation/Structure	4
Coastal Reclaim - Drain	1
Coastal discharge	2
Discharge - Air	11
Discharge - Land	484
Discharge - Water	27
Discharge - Dairy Effluent	139
Land Use - Bore	16
Land Use - Disturbance	29
Land Use - Excavate	2
Land Use - Gravel Extraction	8
Land Use - Hazardous Facilities	9
Bed - Activity on Surface	2
Bed - Culvert/Bridge/Ford Structures	4
Bed - Dam & Weir Structures	1
Bed - Entering & Passing Across	2
Bed - Gravel Extraction	2
Bed - Other Activities	2
Bed - Other Structures	3
Land Use - Watercourse	3
Water - Divert	4
Water - Dam	2
Water Take	1461

Table 5: Consent numbers monitored per consent type.

- 5.4 Unfortunately, the Compliance section has 2,022 additional resource consents that have outstanding monitoring requirements and these will have to be picked up as and when possible. These are consents controlling a broad range activities, with many in the land use categories. They do not include water take consents or consented dairy activities, which are absorbed into those specific monitoring programmes.

Notable Industrial and Regional Consents

- 5.5 The following section outlines the monitoring of some of the larger or more notable consented activities that occurred around the district during the period.

1080: Sodium Monofluoroacetate Operations

- 5.6 The Resource Management (Exemption) Regulations 2017 came into effect on 1 April 2017 and now has an influence on the monitoring programme. These Regulations exempt pest control operations discharging 1080, brodifacoum and rotenone from regional council controls under the Resource Management Act 1991 (RMA). The monitoring obligations still fall to Council and the Compliance section will continue to monitor aerial applications in the future. During the year a series of operations were carried out by the Department of Conservation and Project Janzoon in the Kahurangi and Abel Tasman National Parks, as well as an operation in the Mokihinui area. There were no recorded non-compliances from these operations.

Herbicide Spraying Programmes

- 5.7 Both Tasman District Council and NZ Transport Agency undertook a range of roadside vegetation spraying operations around the districts roads. These areas are identified through resource consents that carry a sweeping range of conditions in regards to the undertaking and reporting of operations.

Both consent holders exercised these consents over the period and met all conditions.

Wastewater Treatment Plants (WWTP)

- 5.8 The largest wastewater treatment plant operating in Tasman district is on Bells Island, managing effluent from Nelson and Tasman. The consent holder is the Nelson Regional Sewage Business Unit (NRSBU), a joint venture between Nelson City Council and Tasman District Council. Treated effluent is discharged into the Waimea Estuary and biosolids are applied onto Tasman District Council forested land on Rabbit Island. NRSBU hold a number of discharge consents to land, air and the coastal marine area. Extensive monitoring is required and results supplied to Council.

5.8.1 NRSBU Bells Island - Discharge to Waimea Estuary.

This resource consent allows the discharge of up to 25,000 m³ of treated effluent per day into the Waimea Estuary. Conditions of the resource consent require sampling of effluent quality on a monthly basis. Routine sampling reports were received as required. Minor non-compliance was recorded with a series of exceedances in the BOD limits in the sample sets over the period. No action required.

5.8.2 NRSBU Bells Island - Discharge to Air.

No incidents and fully complying with consent limits.

5.8.3 NRSBU - Discharge of Biosolids on Rabbit Island.

Resource consent allows the discharge of stabilised sludge to approximately 1000 hectares of forest land on Rabbit Island on a rotational basis. Consent conditions require sampling of effluent, groundwater quality, and soil contaminant concentrations on the irrigated land.

A full report including trends is required to be submitted every six years on anniversary of consent. The six yearly report was received in 2014 and nothing is due this year.

5.8.4 Collingwood WWTP

The Collingwood township WWTP discharges treated effluent into the Burton Ale Stream. The resource consent requires a range of monitoring including discharge quality and periodic surface water monitoring. The consent holder is required to provide sampling data and annual reports.

All sampling data and annual reports for the period were received. Minor non-compliance was recorded on some sampling results and also macro invertebrate sampling of streambed. The non-compliance has been noted and matters have been followed with the consent holder however, no formal enforcement action has been required for the level of issues detected.

5.8.5 Takaka WWTP

The Takaka WWTP currently serves Takaka Township and surrounds. A consent allows the discharge of 700 m³ of effluent via rapid infiltration basins. All sampling data and annual reports were received as required. Some minor non-compliance was recorded during this period as a result of some technical faults but required no action from Compliance other than noting.

5.8.6 Upper Takaka WWTP

Upper Takaka Wastewater Treatment Plant is a small system that services approximately 26 households and discharges treated effluent into land via a single pond and marsh cell system. The annual report is overdue. All sampling data for this period received as required.

Consistent minor non-compliance recorded due to exceedances in the discharge volumes. This system continues to be highly susceptible to inflow and infiltration from the private lateral connections during rainfall events, and when the groundwater table is high. The Compliance section is monitoring the situation but environmental effects are considered to be minor and no formal enforcement action has been required at this stage.

5.8.7 Motueka WWTP

The Motueka WWTP services the township of Motueka and surrounding areas, the resource consent allows for a maximum of 10,000 m³ of effluent per day to be discharged through a wetland system. The current consent has a short duration (expiring in 2018) and allows for the discharge while redesign and upgrades are finalised.

The annual report is overdue. Sampling results have been received as required. Consistent moderate non-compliance recorded through exceedances in the discharge volumes and some quality measures. The Compliance section has been following these issues up with the consent holder but recognises that there are underlying problems with the system that can only be properly addressed with the planned upgrade. No formal enforcement action was undertaken during the period.

5.8.8 Tapawera WWTP

Tapawera's wastewater treatment plant is a small system servicing the township. The consent allows a maximum discharge of up to 500 m³ per day. The annual report is overdue. Sampling results have been received as required. Minor non-compliance has been identified through the sampling in the groundwater monitoring bores where *E.coli* has been found to be greater than <1 cfu/100ml. As this is also evident in the upstream bores it is likely that this is the influence of surrounding agriculture. Noted, but no further action and sampling continuing.

5.8.9 Murchison WWTP

The resource consent allows for a maximum of 500 m³ of effluent per day to be discharged into the ground via infiltration trenches. Five bores monitor for groundwater effects and consent conditions require a range of monitoring including plant performance and ground water monitoring.

The annual report is overdue. All sampling results have been received as required. Consistent minor to moderate non-compliance recorded due to exceedances in *E.coli* and some other measures in groundwater bore sample results throughout the year, also some flow exceedances in high rainfall. As upstream sample bores are also elevated it is likely that agricultural activity is having an influence on sampling results and no action is anticipated at this stage, however, the Compliance section is monitoring this.

5.8.10 St Arnaud WWTP

The resource consent allows the discharge of up to 290 m³ per day of effluent from a single aerated oxidation pond feeding a two-stage marsh cell and discharge to land. The annual report is overdue. Sampling results have been received and are compliant.

Landfills and Transfer Stations

5.9 Tasman District Council operates a single landfill and a number of transfer stations in the District under various resource consents.

5.9.1 Eve Valley Landfill

Eves Valley has been operating as an engineered, sanitary landfill since 1989. Stage 1 was capped and closed in 2001. Stage 2 of the landfill covering 4.5 ha was operational up until 30 June 2017 when it was closed.

Annual reporting is required which covers the range of performance conditions including site management and ground/surface water sampling.

5.9.2 Eve Valley Discharge to Land

Reports received. All sampling and reporting conditions met over the period. Some minor exceedances in certain measures detected in some ground water bore results. No follow up required.

5.9.3 Eve Valley Discharge Stormwater

Report received. All sampling and reporting conditions met over the period. Issues of non-compliance with respect to several leachate discharges into the Eves Valley stream during high rainfall events with minor effects. Additional work was subsequently undertaken which is expected to resolve this matter. Also issues with silt from the stormwater settling pond during high rainfall events with some minor effects. Compliance Officers continue to work with the consent holder on this matter.

5.9.4 Eve Valley Discharge to Air

Annual report received. No issues.

5.9.5 Scott's Quarry Transfer Station: Takaka, Golden Bay

Scott's is subject to two resource consents for the land use for a transfer station and discharge of stormwater. Consents require a comprehensive range of ground and surface water quality sampling and site management.

All sampling received as required although Annual Report received late. No issues of non-compliance in sampling results.

5.9.6 Richmond Transfer Station

Richmond transfer station is the largest transfer station in the district. The site is subject to the conditions of a consent allowing the discharge of stormwater to the Coastal Marine Area.

Quarterly sampling results and annual report received albeit late. No discharge exceedances however some minor non-compliances detected regarding maintenance of the flume.

5.9.7 Mariri Transfer Station: Motueka

Mariri transfer station services the area of Motueka and surrounding areas of the Moutere and Mapua/Ruby Bay. The site is subject to a discharge of stormwater consent with conditions requiring sampling and annual reporting. All reporting has been provided as required. Non-compliance has been recorded where septic tank overflow occurred during heavy rain. This was addressed at the time by the consent holder with pump out and containment.

5.9.8 Murchison Recovery Centre

This site is on the former landfill and operates two consents for discharge to air and stormwater. Full compliance achieved.

TIMBER TREATMENT PLANTS

5.10 There are a number of timber treatment plants in the district.

5.10.1 Nelson Pine Industries Ltd

Nelson Pine Industries (NPI) Limited operates MDF and LVL plants at Lower Queen Street, Richmond; they hold a suite of consents including air, stormwater and hazardous facility. During the 2016/17 year, NPI undertook all monitoring as required under their consents and supplied the results to Council. No issues of non-compliance recorded.

5.10.2 Carter Holt Harvey

Carter Holt Harvey (CHH) operates a sawmill complex at Eves Valley. The company holds a suite of consents including air, stormwater and hazardous facility. All reporting has been complied with. All compliant with the exception of sampling bores established with consent to discharge to Eves Valley Stream from Woodshed Creek, have recorded an instance of elevated Aluminium above consent limits.

5.10.3 AICA Limited

AICA Limited operates a phenol and formaldehyde resin plant at Lower Queen Street, Richmond. The company holds resource consent to discharge contaminants into the air from the production of phenol and formaldehyde resins and resource consent to discharge

stormwater into the Waimea Estuary. During 2016/17, no stormwater discharges occurred from the site and there were no exceedances recorded in concentrations of formaldehyde or the other measures required under consents.

5.10.4 **Goldpine Industries**

Goldpine Industries operates a CCA and Alkaline Copper Quat (ACQ) timber treatment plant on the floodplain of the Upper Motueka River. Goldpine Industries hold a large number of consents for this site including, discharge of stormwater, air discharge, hazardous substance and other land use consents.

All reports and sample data received. Some issues with exceedances in the sediment sampling at one site has required the Company to take some action address the issue. No other action required by the Council who are monitoring the progress.

5.10.5 **Hunters Laminates 2014 Limited**

Hunters Laminates 2014 Limited operates a timber processing facility at Beach Road in the Richmond industrial area. Their primary product is laminate timber products.

The company holds resource consents to discharge stormwater and hazardous substance storage. Resource consent conditions for this site include a comprehensive range of tiered sampling and reporting clauses.

In the latter part of 2016, the Council had detected a range of offences in relation to activities occurring on this site and the company is now facing charges in the Environment Court. More details are available in the following section of this report entitled enforcement.

5.10.6 **Prime Pine**

Prime Pine operates a timber processing and treatment facility in the Little Sydney Valley. This site is a CCA treatment plant and holds a suite of consents associated with the operation including stormwater discharge, air and hazardous facility.

A summary of stormwater and sediment sampling received. No issues.

DAIRY PROCESSING FACTORIES

5.11 The Fonterra Co-operative Group Limited own and operate two milk-processing factories located in Brightwater and Takaka.

5.11.1 **Fonterra - Takaka Plant**

The Takaka factory holds a suite of consents related to its operation including:

- Consent to discharge combustion products, odours and particulate matter into the air;
- Consent to discharge wastewater and whey onto land;
- Consent to discharge wastewater and whey into the Takaka River during flood flow;
- Consent to take groundwater.

As part of the resource consent conditions authorising the various discharges, the company is required to supply reports on performance at specified periods. The company has complied with reporting during 2016/17.

Of note is that due to the levels of rainfall occurring in this area over the year, saturated soils have meant the Company has been required to exercise its consent to discharge process water to the Takaka River on a number of occasions. The Company has provided all necessary

pre and post data and sampling as imposed by the conditions of that consent and no non-compliance has been detected.

It is also worth noting the Takaka Factory is currently undergoing significant upgrades to its waste and stormwater infrastructure.

5.11.2 **Brightwater Plant**

The Brightwater factory produces hold consents for:

- Resource consents to discharge combustion products, odours and particulate matter into the air;
- Resource consent to discharge stormwater and uncontaminated cooling water;
- Resource consent to store hazardous substances;
- Resource consent to take groundwater.

As part of the resource consent conditions authorising the various discharges, the company is required to supply reports on performance at specified periods and the company has provided the required reports in 2016/17. Some minor non-compliance was recorded with respect to the discharge consent around soil probe data and one incident of the boiler stack discharge breaching opacity restrictions over specified period. These non-compliances have not required any enforcement action.

FISH PROCESSORS

5.12 There are two types of fish processors operating within the district:

5.12.1 **Talley's: Port Motueka**

Talley's operate a fish processing, fishmeal and ice cream factory at Port Motueka. The company holds a suite of consents and is going through the renewals process at present. In the interim the existing conditions prevail.

During this period, a significant number of non-compliances were detected around the consented discharges to the coastal marine environment and to air. The Compliance section is following this up with the consent holder. This includes various enforcement actions and these matters are yet to be resolved.

5.12.2 **Salmon Farms**

Two freshwater salmon farms operate in Golden Bay. New Zealand King Salmon (NZKS) is located on the banks of Waikoropupu (Pupu springs) River and Anatoki Salmon is located on the banks of the Anatoki River. Both companies have a variety of resource consents relating to:

- Diverting and taking of water;
- Structures in waterways; and
- Discharge of water and contaminants into receiving waterways.

Both salmon farms are required as part of their discharge consent conditions to supply annual reports on discharge quality. The reports are to detail what effects the discharge may be having on the receiving water quality and macroinvertebrate communities.

During the 2016/17 year both companies undertook all monitoring as required under the consent and supplied annual reports.

NZKS fully complied with their reporting although the company is unable to report on one consent condition due to the transmissometry measuring being inaccurate. This is due to the clarity of springs water being clearer than the calibration coefficient for pure water. Experts are grappling with this at present and Council is being kept informed.

Anatoki Salmon has supplied results and annual reports for the various consents they hold. The discharge of water from the salmon pond continues to fail quality measures due to the slips in the upstream catchment from the flood event in 2011 having an ongoing influence. The consent renewal process will need to address the issues that are encountered on this site.

6 Complaints Action 2016/2017

6.1 The Compliance section provides 24-hour complaint response, each year it investigates a wide range of activities as a result of public complaints. During the 2016/17 year, 2389 complaints were received by Council that related to the RMA or Litter Act. This was up from 2,141 recorded in the previous year. Overall, this represented a 12% increase on the previous year. Figure 1 displays the current year’s data as part of the trend in complaint numbers in Tasman district over last five years.

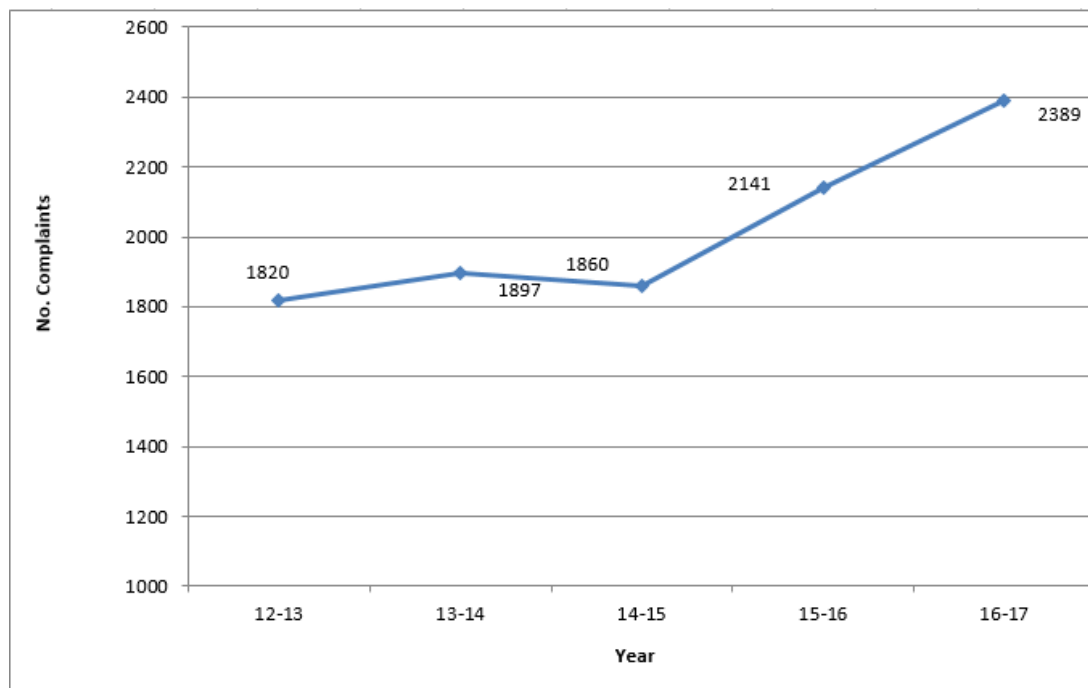


Figure 1: Trend in complaint numbers in Tasman district over last five years

6.2 The following graph provides a simple breakdown summary of these complaint numbers against the eight standardised complaint categories used in this annual report summary.

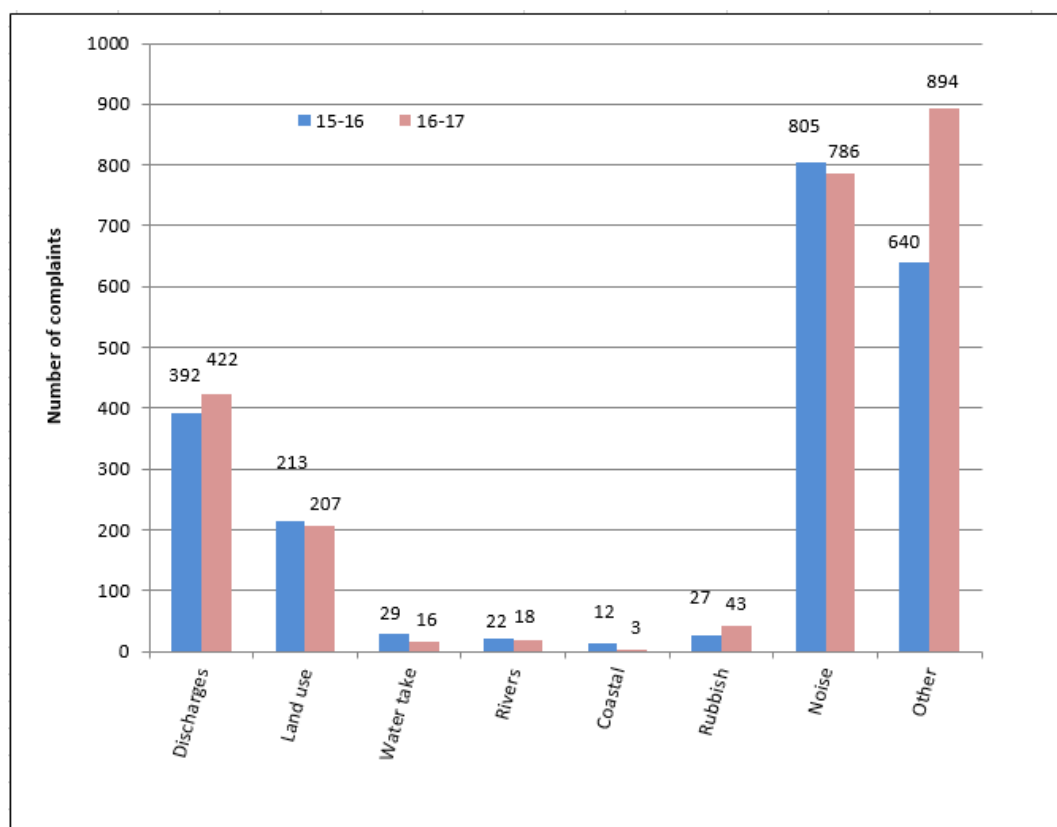


Figure 2: Number of complaints received in comparison to previous year by general category

- 6.3 The results show an increase of 248 (12%) in overall complaints from the previous year.
- 6.4 The most significant increase was in the category of “other”, and was associated with abandoned vehicles. In the previous year, Council responded to 174 notifications around abandoned vehicles, whereas this year that figure was 277. This represents a 37% increase on last year, creating the spike seen in the graph.
- 6.5 Across the remainder of the groups the category “discharges” was the only other that saw any significant increase. Most years, outdoor burning is one of the biggest contributors to the discharge complaints category and this year was no different. Smoke effects from outdoor burning in and around Lower Moutere, Motueka and the Riwaka area were common complaints and were attributed to burning on the horticultural blocks around the outskirts of these areas during the winter months. Burning in the Brightwater and Waimea plains also prompted many to complain. It was not uncommon for people in the urban areas to complain about the visual effects and the impact on the airshed and their own restrictions. Complaints were dealt with on a case-by-case basis and action taken as and when it could be established that a breach had occurred.
- 6.6 Rubbish dumping notifications also saw an increase this year, along with abandoned vehicles. It is likely that this problem is underrepresented in the figures as some members of the community clean sites up. Additionally, the Engineering Services department and its contractors respond to similar complaints and this action may not always be captured through this data set. The river berms of the Waimea and Motueka Rivers were typical hot spots, but a number of laybys and reserves around the district were also subject to fly tipping. The Compliance section issued a number of infringement fines when it could identify offenders but

many of these went unpaid and were ultimately filed with the collections department of the Ministry of Justice for recovery.

7 Enforcement Action

- 7.1 One of Council's key measures of performance is timely resolution of significant non-compliance with respect to breach of consent conditions. Significant non-compliance is graded as a 4. Timely resolution is defined as 80% resolved within nine months and 95% resolved with 12 months.
- 7.2 During the 2016/17 year a total of six consents were subject to this measure in the reporting year. There were no carryovers from the last period (see Table 6). All were resolved within six months.

	Number of actions	Resolved (nine months)	Resolved (12 months)
Non compliances recorded and resolved this current period	6	6	N/A
Non compliances carried over from the previous year subject to measure*	N/A	N/A	N/A
Non compliances with nine and 12 month deadline beyond this reporting period**	N/A	N/A	N/A
Total	6	100%	N/A

Table 6: Resolution of non-significant compliance with respect to breach of consent conditions

NOTES

*Significant non-compliances carried over from the previous year report are those non-compliances that were identified in that period but resolution dates fell beyond.

**This represents significant non-compliances recorded in the reporting period, not yet resolved and where the 9 and 12 month measures fall beyond this current reporting period. These would be reported on in the next annual report.

- 7.3 During the 2016/17 year, Council compliance officers undertook a range of enforcement actions in response to detected non-compliance or breaches. Table 7 provides an overall summary of enforcement action taken and compares this to the same period in the previous year. It should be noted that enforcement action includes response to breaches of consent conditions, non-compliance with rules for a permitted activity in the TRMP, or infringements against the Litter Act.

Enforcement action	2016-17	2015-16
Abatement notices	54	41
Infringement notices	68	49
Enforcement orders	2	0
Prosecutions	3	0

Table 7: Summary of Enforcement action during the 16/17 year including comparison data for previous year

Abatement Notices

- 7.4 54 Abatement notices were issued by the Compliance section over the period, the details of which are contained in the following table. It should be noted that this data excludes those abatement notices issued under Section 16 (noise) by the Regulatory Department, but does include those issued by this section in relation to consent condition breaches where noise was the non-complying factor if applicable.
- 7.5 Abatement notices for unauthorised discharges featured highly in this year's data and the majority of these were associated with domestic wastewater non-compliance with conditions of consent. Typically, these were failures in undertaking sampling, servicing or providing documents required through consent conditions. Abatement Notices issued for unauthorised sediment discharges and discharges to air associated with certain activities also featured in this group.

The second biggest group was activities around land use, these were for a broad range of non-compliances with either resource consents or plan rules.

RMA Section	Number issued
Section 9 - Land use	21
Section 12 - Coastal	1
Section 13 - Rivers/Lakes	1
Section 14 - Water	3
Section 15 - Discharges	28
Total	54

Table 8: Number of Abatement Notices relative to each section of the RMA (Sec 9 - 15)

Infringement Fines

7.6 During the period 68 infringement fines were issued for breaches against the Resource Management Act or Litter Act as outlined in the following table including method of recovery

Resource Management Act 1991	Number issued	Paid	Court for recovery	Withdrawn
Contravention of section 9 - (Land use)	3	2	1	-
Contravention of section 12 - Coastal	1	-	1	-
Contravention of section 13 - (Rivers)	-	-	-	-
Contravention of section 14 - (Water)	8	6	1	1
Contravention of section 15(1) (a) (Discharge contaminant into water)	3	2	1	-
Contravention of section 15(1) (b) (Discharge contaminant to Land)	1	1	-	-
Contravention of section 15(1)(c) (Discharge - Industrial Premises into air)	1	1	-	-
Contravention of section 15(1) (d) (Discharge - Industrial Premises to land)	2	2	-	-
Contravention of section 15 (2) (Discharge to air in contravention of NES)	3	2	1	-
Contravention of section 15(2A) - (Discharge Air - breach rule or regulation)	8	7	1	-
Contravention of an abatement notice	14	9	5	-
Contravention of an excessive noise direction	1	-	1	-
Litter Act 1979				
Deposit and Leave Litter	22	8	14	-
Fail to comply with Litter Notice	1	-	1	-
Total	68	40	27	1

Table 9: Infringement notices by type and outcome

Enforcement Orders

7.7 Two enforcement orders were before the court during this reporting period, the details of which are summarised below:

7.7.1 E A & J A Ashton

The Council sought Enforcement Orders in the Nelson Environment Court as a result of the increasing use of the subject property for the storage of old cars and other waste materials. The respondents contested the Orders and the matter was heard in Court in late May 2017. Evidence was heard from both sides and a site visit made to the property by the Judge. As

a result, the Judge delivered a decision in the favour of the council. In essence, the orders required the respondents to:

- Cease bringing on and storing any further vehicles on the subject property,
- All vehicles identified and listed under the schedule to the order to be removed by the specified date.
- Apply for resource and building consents for those buildings identified as requiring authorisation.
- Ensure that no sheds are used for storage of vehicles, unless for vehicles identified in schedule presented to Court or unless resource consent obtained.
- Ensure the perimeter fence complies with the Tasman Resource Management Plan rules.

7.7.2 Tree Top Estate Limited & R A Gardner.

The Council sought enforcement Orders in the Environment Court after it became aware of significant effluent discharges occurring as a result of intensive farming practices on a property. The Orders were agreed and came into force in late May 2017. These orders contained a comprehensive set of conditions imposed around controlling the land use. Some of the key conditions were:

- Cease housing any cattle (or any other animals) on the farm in any existing or new shed or building, until a Council approved Effluent Management Plan, including a recommended effluent management system, is in place
- Cease disposing of cattle effluent generated from the indoor housing of cattle and cattle carcasses to the existing effluent mounds on the farm and the farmland generally.
- Ensure that the farm is managed and maintained so that effluent from cattle housed in the sheds and the existing effluent mounds is prevented from entering any water body located on the farm by containing run off from these areas.
- Engage a suitably qualified and experienced advisor experienced in animal effluent management to;
 - undertake a detailed inspection over all areas of the farm,
 - prepare a plan which sets out the findings of the inspection, addresses the management of effluent and recommends an effluent management system for the housing of cattle in the sheds (or any other animals the Respondents plan to house in the sheds) in order to achieve compliance with the Tasman Resource Management Plan (TRMP) and the Act.
 - prepare a plan recommending measures to remove and dispose of the existing waste (cattle effluent mixed with cattle carcasses and other materials)

Prosecutions

7.8 Three prosecutions was initiated or resolved in this period.

7.8.1 **Defendant:** Brett Edward Mytton

Charge: Contravention of section 15(2A) of the Act by discharging contaminants into air in a manner which breached a Regional Rule, namely Rule 36.3.7.1 of the Tasman Resource Management Plan (TRMP) by the open combustion of prohibited materials, namely plastic

products, when the discharge was not expressly allowed by the national environmental standard or other regulations, or by a resource consent or was not an activity allowed

Sentence: The defendant appeared in Court on the 11 May 2017 and was sentenced to \$8000 after discounts for early plea, actions he undertook including a public apology, community work plus the voluntary payment of \$5000 to the local library and \$1000 to rural fire as part of restorative justice.

7.8.2 Defendant: Hunter Laminates 2014 Limited

Charge: Hunter Laminates 2014 Limited did commit an offence against section 338(1)(a) of the Resource Management Act 1991 (“the RMA”) in that it contravened section 15(1)(c) of the RMA in that it discharged contaminants, namely combustion products from the burning of timber impregnated with metals, from industrial or trade premises, namely a factory manufacturing timber products, into air, when the discharge was not expressly allowed by a national environmental standard or other regulations, a rule in a regional plan, or a resource consent

The defendant entered guilty pleas on the 28 June 2017 and the matter is adjourned.

7.8.3 Defendant: Amberglen Farm Limited & Hayden John Pomeroy & one other

Charges: Nine charges for offences against Section 338(1)(a) of the Resource Management Act 1991 for contravention of Section 15(1)(b) of the Act by the discharge of contaminants namely dairy effluent onto land in circumstances which may have resulted in that effluent entering water.

Two of the defendants - Amberglen Farms and H J Pomeroy entered guilty pleas to eight of the charges on 8 March 2017 and the matter has been adjourned. The third defendant has pleaded not guilty and a reserve trial date has been set for November 2017.

8 Future Strategies

8.1 A comprehensive review of the Compliance monitoring work programme is due for finalisation in the next few months. The principle purpose of the review is to confirm that we have identified the correct core activity areas in which to put our limited resources and are meeting defined objectives using appropriate measures. It is also an opportunity to better define the framework used to identify these priority areas and thus provide a more intuitive, demand and risk focused priority strategy. The expected result from this is:

- Better delivery of resources into projects identified as significant to the environment, the community or of national importance,
- Improved flexibility and scope to change to demands and shifting expectations,
- Better delivery of outcomes in key areas by targeted efforts,
- A mechanism to define appropriate monitoring regimes,
- A more robust auditable system,
- A monitoring strategy that is consistent with the regional council’s national strategic compliance framework.

- 8.2 Emphasis continues on improving our data capture and reporting processes where we can, in order to meet increasing needs for central government reporting, particularly in the area of water management. A lot of work is going into this administrative role at present. A new database for water is being rolled out and will be operational by the start of the new water season.
- 8.3 The Stock exclusion regulations that are currently being worked on at a national level will have a direct impact on us when they are implemented at the regional level. The draft regulations are still being finalised and we have had input into these through our dairy monitoring officer who has been on the MfE working group. It is anticipated that once these Regulations are implemented, our current resourcing will not enable us to effectively monitor and enforce them. Additional resourcing and utilising other technologies such as drones will be required.

9 Conclusion

- 9.1 Complaint response continues to be our first priority and a considerable amount of time is spent responding to the public and their concerns. This does have a negative impact on the more proactive consent monitoring work; however, it is essential that Council responds to public and community concerns first and foremost.
- 9.2 Non-compliance by consent holders has a direct impact on our resources. The time spent ensuring that adverse effects are mitigated and that offenders are held to account, particularly in significant cases, can divert officers away from other work for considerable periods. Enforcement is a critical function of Council in ensuring the integrity of its rule framework and for protecting our natural resources, however, discharging this function does have a knock on effect with other critical objectives.
- 9.3 This year enforcement actions undertaken by the section have included five matters that have been, or are soon going to be, before the Court. While we have had highly successful outcomes, but it has taken away the ability to get on the front foot with resource consent monitoring, which is down as a result.
- 9.3 On the monitoring side, the water metering and Dairy effluent programme along with the wastewater and industrial programmes have continued and the work going into these has seen reasonable compliance performance. Worryingly, increasing numbers of consent holders in both water and wastewater have slipped in their performance in recent times and this has required a much stiffer enforcement response to obtain compliance with conditions. This targeted response is expected to continue next year in order to improve performance in these sectors.
- 9.4 Finally, a strategic review of the current work programmes will be completed by the end of this year. This will provide us with a renewed understanding of our key priority areas and where we can put our resources to best effect.

10 Attachments

Nil

9.2 ENVIRONMENT & PLANNING MANAGER'S REPORT**Decision Required**

Report To:	Environment and Planning Committee
Meeting Date:	31 August 2017
Report Author:	Dennis Bush-King, Environment and Planning Manager
Report Number:	REP17-08-16

1 Summary

- 1.1 This report covers a number of general matters concerning the activities of the Environment and Planning Department since our last meeting on 9 August 2017.

Draft Resolution**That the Environment and Planning Committee:**

1. receives the Environment & Planning Manager's Report REP17-08-04
2. approves Plan Change 62 to the Tasman Resource Management Plan under Clause 17 Schedule 1 of the Resource Management Act 1991 to commence as operative from the notification date of the next update expected to be September or October 2017.

2 Lake Kilarney

- 2.1 For the past two summers significant algal blooms have occurred in Lake Kilarney, Takaka. The local community is concerned about the discolouration of the lake and potential effects on adjoining properties. These algal blooms are typically due to the build-up of nutrients. With help from locals, staff have finally witnessed significant stormwater contamination of the lake from Council-owned pipework. Although the pipe to the lake was installed in 1970, it was only in 2004 that floodwaters from pasture and residential properties on Meihana Street were accepted into the system. It appears that these overflow events to the lake are common even in relatively small rainfall events when soils are saturated. Results from samples of this stormwater are pending. Discussions about possible diversion of this stormwater have begun internally.
- 2.2 Dissolved oxygen profiles and sediment samples were collected in July. Oxygen was fully depleted in the lower few meters of the lake. While sediment analysis is due in October, the results to date indicate significant nutrient and organic contamination. Council has applied for Envirolink funding to get advice on developing a more comprehensive plan to inform us as to the situation and remedial options.

3 Private Plan Change Request 62 – Progressive Enterprises Ltd, 144 Salisbury Road Richmond

- 3.1 On 14 June 2017 Full Council adopted the Commissioner's report and recommendation to approve, with modifications, Private Plan Change 62 as its decision under clause 29(4) Schedule 1 RMA. This Plan Change is for the rezoning of 1.32 hectares of land from a Residential Zone to a site specific Commercial Zone to enable a 3,200 sq m gross Countdown supermarket, 200 sq m gross small scale retail/commercial development, a 600 sq m gross community activity/commercial activity, associated car parking, access and landscaping.
- 3.2 This Council decision was publicly notified on Saturday 17 June and the appeal period expired on 28 July. The Environment Court has confirmed that no appeals were received during this time.
- 3.3 It is therefore recommended that Council approves the Plan Change under clause 17 of Schedule 1 of the Resource Management Act (RMA) so that it may commence legal effect as an operative change. It being a private Plan Change, it only takes legal effect once it is operative under clause 20 of the RMA.

Recommendation:

That the Environment and Planning Committee:

Approves Plan Change 62 to the Tasman Resource Management Plan under Clause 17 Schedule 1 of the Resource Management Act 1991 to commence as operative from the notification date of the next update expected to be September or October 2017.

4 Hydrological Year Cumulative Rainfall (2016-17)

- 4.1 If you were thinking it has been a wet year then Attachment 1, which shows cumulative rainfall for the year 2016-17, will be of interest. Aquifer levels and soil moisture levels should be in a good position for start of the irrigation season.

5 National Policy Statement on Freshwater 2017 (NPSFW)

- 5.1 The Government has released an updated NPSFW and it comes into effect on 6 September 2017. The main change from the NPS-FM 2014 is the inclusion of regional and national swimming targets. The controversy over initial proposals to make 90 per cent of New Zealand's rivers and lakes swimmable by 2040 was focused on the grading system for swimmability, which replaced the old requirement for waterways to be wadeable. The policy now includes all four statistical tests used for determining which rivers are excellent, good, fair, intermittent or poor.
- 5.2 The revised plan will also require 1000km of waterways nationally be improved to a higher grading each year for the next 23 years, supported by new, yet-to-be-released national environmental regulations governing activities like fencing stock out of waterways. The new policy also tackles nutrient discharges. It makes explicit that nutrients must be limited to control algae growth and establishes a new process for regional councils to manage instream levels of nitrogen and phosphorus, and requires councils to take action when measures of aquatic life drop below newly specified levels.
- 5.3 There will be additional costs of meeting the water quality improvements. Not only will these fall on farmers to fence waterways and reticulate stock water, councils in improving their wastewater and stormwater infrastructure, but there will be increased monitoring and reporting obligations on councils. Staff are assessing these in consultation with other regional councils and MfE but they include more frequent monitoring of a greater number of representative sites, monitoring macroinvertebrates, nitrogen and phosphorus, and cultural monitoring.

6 Waimea Plains Zones Bona Fide Assessment Outcome 2017

- 6.1 All except three of 329 permit holders on the Waimea Plains have now received their bona fide assessments. The three outstanding are more complicated and not simply a bona fide review process. They are TDC, Fonterra (both take and discharge) and Hope Moulded Poly Ltd.
- 6.2 Each application has been assessed against the *bona fide* definition in the Tasman Resource Management Plan (TRMP) (see Rule 31.1.2.2(f)), which is a necessary step independent of any intention to affiliate or not to the proposed Waimea Community Dam.

- 6.3 Each irrigation application has been assessed based on Council's recently updated (Waimea Plains) soil data, existing crop type, whether they have exercised in the last five years and the maximum 10 year use in the period April 2003 to April 2013. Each assessment outcome should be the logical and correct interpretation of the TRMP rules.
- 6.4 Applicants have been advised the *bona fide* outcome only becomes their consented volume once they are notified of the (Council's) decision. Until then, they may operate under their existing consent conditions and volumes. This includes where the *bona fide* outcome is zero allocation, which it is for 14 applicants.
- 6.5 The processing of all applications is now deferred (with the agreement of permit holders) until the **water supply agreements** (WSAs) being created by dam operator are available, or a decision is made not to proceed to construct the Waimea Community Dam, whichever occurs earlier. Regarding the former option, the latest date when the WSAs are required has been extended by the Council until 1 November 2018.
- 6.6 Applicants have been advised to write and notify Council if they identify relevant errors of fact or where, in their opinion, a mistake has occurred interpreting and/or implementing the TRMP provisions. If applicants intend to seek corrections to their bona fide assessments, they must do so in writing by September 1.
- 6.7 After the release of the decisions permit holders will have a formal right of objection and then there is an opportunity to appeal to the Environment Court.
- 6.8 **Some Frequent Questions & TDC Answers:**
1. What is the total reduction in water allocation indicated by the bona fide reviews? *The latest report on this is we have reduced allocations by 28% with the bulk of the reductions occurring in the Delta, Waimea West and Reservoir.*
 2. Have sustainable allocations been achieved in any of the zones? *No. All zones continue to be over-allocated relative to the targets in Table 31.1FA (page 31/18). The target 800 l/sec minimum flow without augmentation will be more difficult to be met, so rationing may occur more frequently and severely in dry times without an augmented water supply.*
 3. Is TDC receiving many queries about the bona fide reviews from permit holders? *Over a dozen have called with the majority of queries around effects on growth, perceived inequity and reasons for their low or nil usage.*
- 6.9 Attachment 2 is a copy of the brochure explaining the rationing steps under the TRMP.

7 National Environmental Standard – Plantation Forestry

- 7.1 The [National Environmental Standards for Plantation Forestry](#) were published on 3 August 2017. The new NES aims to
- maintain or improve the way New Zealand manages the environmental effects of plantation forestry, and
 - increase the efficiency and certainty of managing plantation forestry activities.

- 7.2 The regulations come into effect on 1 May 2018. Guidance material will be published ahead of this. Regrettably there are some anomalies in the NES which may cause some issues – for instance any crossing of a river or stream affected by a water conservation order now requires consent. Not only will there be a likely increase in consents required but where the NES permits activities, there is an expectation that there will be increased monitoring for which we could technically charge. Staff will consider the implications prior to May 2018.

8 2018 Census Content

- 8.1 Statistics NZ have finalized the [census content for the 2018 Census](#) of Population and Dwellings. Statistics NZ will conduct the 2018 Census of Population and Dwellings on Tuesday, 6 March 2018.
- 8.2 Whilst there have been some changes, most census topics have remained unchanged to preserve the comparability of the data over time. Main changes to the census content include questions on housing quality (does your dwelling suffer from dampness, mould), and access to basic amenity indicators included. Other changes include:
- Questions on main types of heating will include types of appliances used
 - New information on whether post school qualification was attained in New Zealand or overseas
 - Information on study participation has been expanded to all usual residents, including under 15 years and new question on usual mean of travel to education
 - New question on usual residence one year ago.

9 Enhancing evidence-informed policy making

- 9.1 The Prime Minister's Chief Scientific Advisor has published a report on [Enhancing evidence-informed policy making](#) – a review of the state of New Zealand's science advice systems. The report summarises developments since an earlier report in 2013 and discusses the interface between science and public policy, including the accessibility of knowledge to decision-makers.
- 9.2 Local government decision makers face similar challenges and evidence alone rarely is the basis of policy decisions. There are many factors at play but Professor Gluckman says that public policy decisions should be informed by what we know and do not know and that better decisions are more likely to be made when informed by evidence. He goes on to say:
- The worrisome rise of 'post-truth' polemic and the greater and easier promulgation of 'false news' that we have seen globally in recent times can be seen as threats to the democratic process, social cohesion and good governance. I believe that a commitment to protect and enhance the evidential input into the policy process is an increasingly important defence against these trends.

10 Tasman Special Housing Areas

- 10.1 The Government has now gazetted the eight special housing areas in Tasman which can be viewed at the following link: [Housing Accords and Special Housing Areas \(Tasman\) Order 2017](#) . Applicants have until 16 September 2019 to lodge their applications.

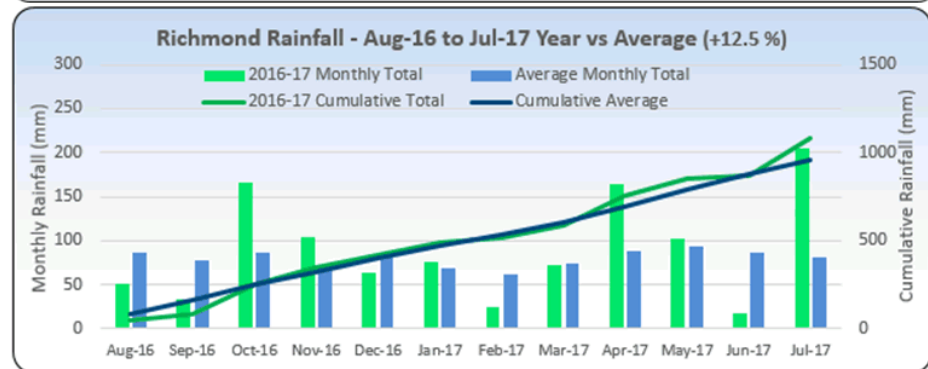
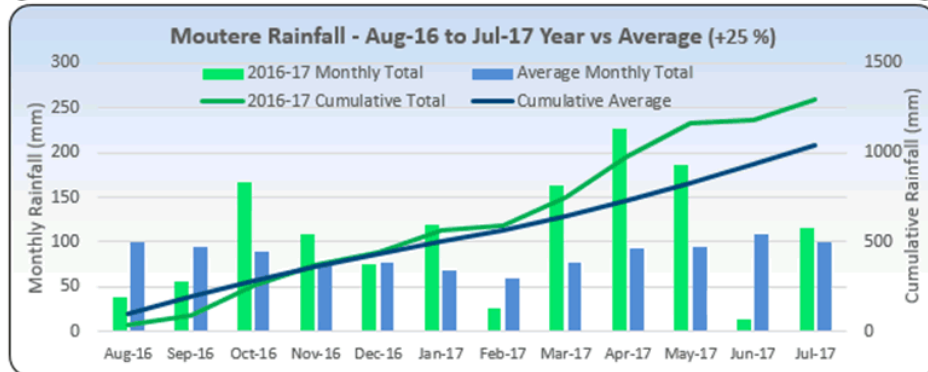
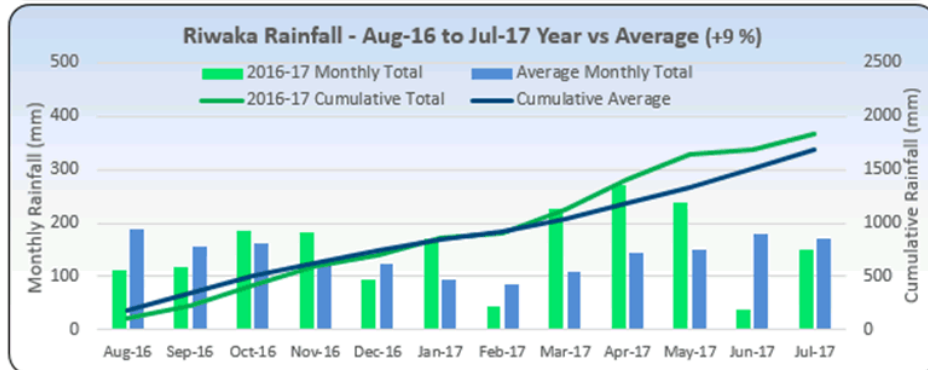
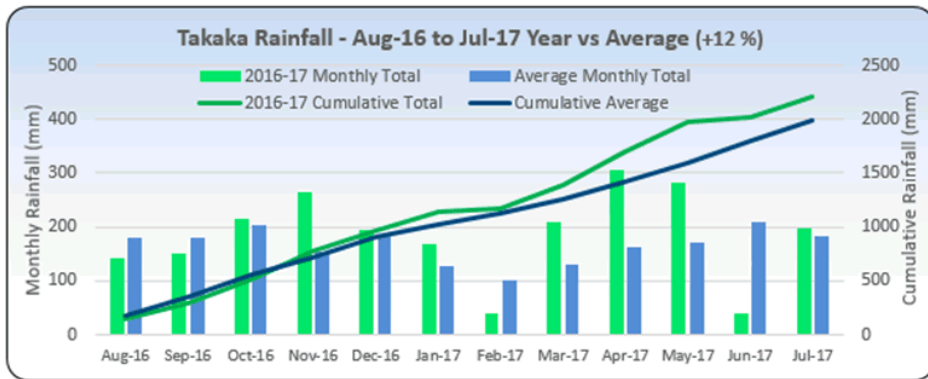
11 Action Items

11.1 Attachment 3 updates Councillors on actions items from previous Environment & Planning Committee meetings.

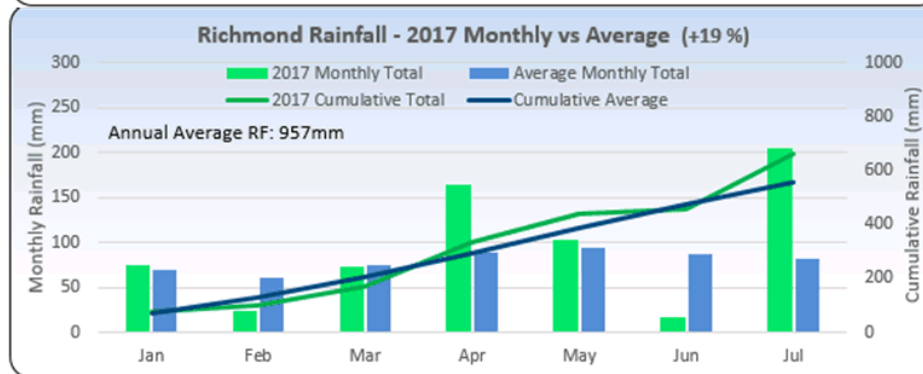
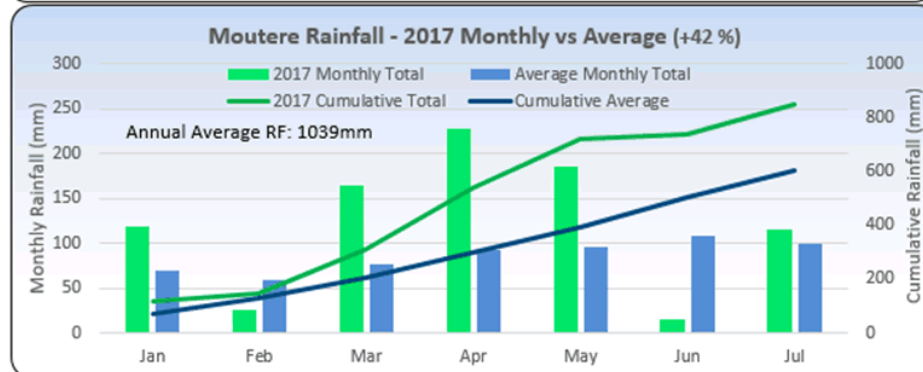
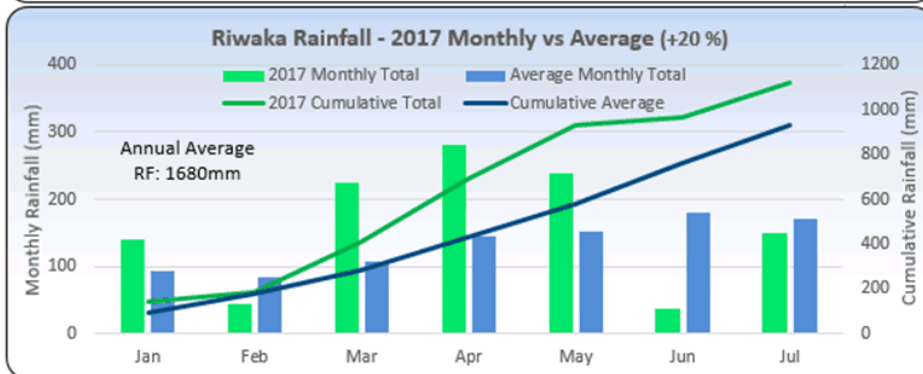
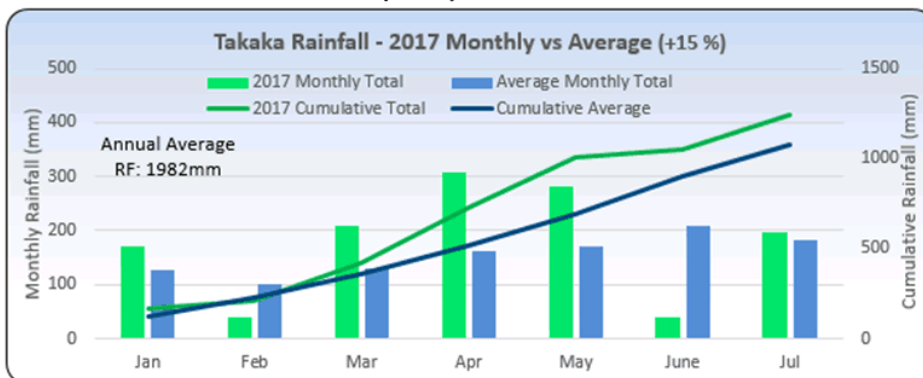
12 Attachments

1.	Attachment 1: Hydrological Year (2016-2017) Cumulative Rainfall	31
2.	Attachment 2: Water Restriction Brochure	33
3.	Attachment 3: Action Items	37

Hydrological Year (2016-17) Cumulative Rainfall



Calendar Year (2017) Cumulative Rainfall



Note to Waimea Plains Water Permit Holders

How might water restrictions affect you?

This handout explains how water restrictions might affect you before a decision is made on your water permit renewal application. It also provides information about how water restrictions might apply into the future whether there is a Waimea Community Dam or not. You are being separately advised of your bona fide assessment outcome and you will be able to relate any existing or likely allocation to the examples included below.

You will be aware that when river and groundwater levels drop over summer it has been the Council's practice to introduce staged restrictions when certain triggers are reached. The reasons for this are to maintain a minimum flow in the river and to prevent the risk of saltwater intrusion into the aquifers.

The Tasman Resource Management Plan (TRMP) identifies the various thresholds which have guided the introduction of water restrictions under Section 329 of the Resource Management Act. Further information is in Schedule 31C and Tables 1A, 1B, 1C and 1D in Chapter 31 of the TRMP.

Until a dam decision is made

Permit holders will be allowed to take and use water according to the terms and conditions of their expiring consents until a decision is made whether or not to proceed with the Waimea Community Dam (provided a decision is made before 1 November 2018). Until consent decisions are released on the current round of water permit renewals the current restrictions remain; Stage 1 restrictions will come in when the Wairoa River at Irvines is at 2500 l/s. Restrictions involving either a 20%, 35% or 50% reduction will be calculated on the current authorised allocation – see Case Study 1 below.

Case Study 1 involving a weekly allocation of 3500 m³/week

	Stage 1	Stage 2	Stage 3
Permitted Allocation (m ³ /week)	Allocation reduced by 20% rationing (Permitted Allocation x 0.8) –	Allocation under 35% rationing (Permitted Allocation x 0.65) –	Allocation under 50% rationing (Permitted Allocation x 0.5) –
3500	2800	2275	1750

Restrictions without a dam

In the event that a decision is made not to proceed with a dam, water restrictions will be based on the reviewed (bona fide) allocation limits and are based on a different set of criteria – see Case Study 2A and 2B below.

Case Study 2A within the Delta, Reservoir, Upper Confined Aquifer, Waimea West and Upper Catchment management zones

	Stage 1	Stage 2	Stage 3	Stage 4	Cease Take
Allocation after bona fide permit review (m ³ /week)	Allocation under 20% rationing (Allocation x 0.8) –	Allocation under 35% rationing (Allocation x 0.65)	Allocation under 50% rationing (Allocation x 0.5)	Allocation under 70% rationing (Allocation x 0.3)	
3000	2400	1950	1500	900	0

Case Study 2B within the Lower Confined Aquifer, Hope and Eastern Hills, Golden Hills management zones

	Stage 1	Stage 2	Stage 4	Cease Take
Allocation after bone fide permit review (m ³ /week)	Allocation under 20% rationing (Allocation x 0.8)	Allocation under 35% rationing (Allocation x 0.65)	Allocation under 70% rationing (Allocation x 0.3)	
3000	2400	1950	900	0

Permit holders within the water management zones in Case Study 2A will move to Stage 1 rationing when the Wairoa River at Irvines is at 2750 l/sec. A move to Stage 2 will depend on groundwater and river recession but in reality, without a dam, a move to Stage 3 will follow very quickly and will be introduced when the Wairoa River is at 2300 l/sec. Stage 4 will be introduced when the Waimea River at Appleby reaches 800 l/sec.

Permit holders within the water management zones in Case Study 2B will generally move into rationing a week later than those in Case Study 2A. The reason for this is because in the early stages of a drought these zones, being further away from the river and, in the case of the LCA, being more confined, have a smaller effect on the river flows. There is no Stage 3 in the areas covered under Case Study 2B.

Cease takes will be introduced in consultation with the Dry Weather Task Force for all permit holders in the areas covered by Case Study 2A and 2B having account to Policy 30.1.3.20 of the TRMP. This includes the rate of Waimea River flow recession at Appleby particularly as it falls to <500 l/sec and saltwater levels exceed 1 millisiemen per centimetre (mS/cm) in the Delta monitoring bore WWD 50.

Restrictions with a dam – affiliated or non-affiliated

If a decision is made to proceed with a dam, permit holders will be required to decide whether they wish to affiliate or not. Those users who decide not to affiliate will continue to be subject to water restrictions as if there were no dam up to the point a decision is made on the water permit renewal – see Case Study 3 below. Those who choose to affiliate will not normally face restrictions once the dam is constructed unless the dam is unable to release sufficient water. Consultation would be triggered when the dam level drops to 2.7Mm³.

Case Study 3 involving a permit holder in the Delta, Reservoir, Upper Confined Aquifer, Waimea West and Upper Catchment management zones who after bona fide review has an allocation of 3500 m³/week and chooses not to affiliate to the dam.

	Stage 1	Stage 2	Cease Take
Allocation after bona fide permit review (m ³ /week)	Allocation under 20% rationing (Allocation x 0.8)	Allocation under 50% rationing (Allocation x 0.5)	
3500	2800	1500	0

Stage 1 rationing will be triggered when the Wairoa River drops to 2750 l/sec. Stage 2 will come in at 2300 l/sec and at 2050 l/sec unaffiliated takes will cease and will not be able to resume abstraction until the 7 day moving mean reaches 6000 l/sec in the Wairoa River at Irvines. Unaffiliated permit holders in the Lower Confined Aquifer, Hope and Eastern Hills, and Golden Hills management zones will be one stage behind the other zones on the Waimea Plains but will have the same cease take trigger at 2050 l/s.

Prior to 1 November 2018, if the decision is to proceed with a dam, Council will release final decisions. Any permit holder who does not have a water supply agreement (ie is an unaffiliated permit holder) will be subject to the rationing steps described in Case Study 3 (depending on the zone). Until dam commissioning, affiliated permit holders will be restricted to the amount authorised at 27 April 2013 provided the amount of water used does not increase above their assessed maximum (10 year) weekly volume but the rationing steps will be as they are now (eg Step 1 rationing commences at 2500 l/sec).

After the dam is operational they will be able to take up to the amount authorised and equivalent to the volume reflected in their water supply agreement with the dam operator.

Action Sheet - Environment & Planning Committee

Meeting Date:	Minute/Action	Minute or CSR or Email request	Accountable Officer	Status
1 November 2012	REP12-11-06 NPS on Renewable Electricity Generation	Requests staff to identify opportunities to amend the TRMP to improve the process for installing mini and micro hydro and photovoltaic energy systems	Steve Markham	No action yet. Programmed for 2018
1 June	EP17-06-08	Wetlands Tool - Councillors requested that staff report back to the Committee on where Council is currently with regard to assessing the significance of identified wetland regions	Dennis Bush-King	In progress
3 August	EP17-08-03	Environment and Planning Manager, Dennis Bush-King to report back on Waimea water permit renewal process.	Dennis Bush-King	On this agenda
3 August	EP17-08-03	Re-establish the Waimea FLAG	Barry Johnson	Underway

9.3 ENVIRONMENT AND PLANNING CHAIR'S REPORT

Information Only - No Decision Required

Report To: Environment and Planning Committee
Meeting Date: 31 August 2017
Report Author: Tim King, Environment & Planning Committee Chair
Report Number: REP17-08-15

1 Summary

1.1 A verbal report will be provided by the Chair.

2 Draft Resolution

That the Environment and Planning Committee receives the Environment and Planning Chair's Report report

3 Attachments

Nil

10 CONFIDENTIAL SESSION

1. 10.1 Procedural motion to exclude the public

The following motion is submitted for consideration:

THAT the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

10.1 Wakefield Plan Change 65

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	48(i)(d) - To deliberate in private in a procedure where a right of appeal lies to a Court against the final decision.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

10.2 Richmond Housing Choice Proposed Plan Change

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	48(i)(d) - To deliberate in private in a procedure where a right of appeal lies to a Court against the final decision.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.