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| Report No: | REP11-10-08 |
| File No: | S611 |
| Date: | 26 September 2011 |
| Information and decision | |

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: 6 October 2011
Report Author: Dennis Bush-King, Environment & Planning Manager
Subject: Environment & Planning Manager's Report

EXECUTIVE SUMMARY

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

RECOMMENDATION/S

That the report be received.

DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Environment & Planning Manager's Report REP11-10-08



Dennis Bush-King
Environment & Planning Manager

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| <i>Information Only - no substantive decisions required</i> | |

Report to: Environment & Planning Committee

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Subject: **Environment & Planning Manager's Report**

1. Measuring Up

- 1.1 The Minister for the Environment is seeking feedback on a report "Measuring up environmental reporting - a discussion document". This document is likely to lead to the introduction of a proposed Environmental Reporting Bill to Parliament in 2012 that will mandate the process and methods for the gathering and reporting at a national level on the state of New Zealand's environment.
- 1.2 The Tasman District Council has an obligation under section 35 (2) (a) of the RMA to monitor the state of the whole or any part of the environment of its region or district to the extent that is appropriate to enable the local authority to effectively carry out its functions under the act. This is the basis of the monitoring that staff undertake. This approach is to assess the impact of activities on the environment and to monitor the effectiveness of the policies and rules as set down in the Tasman Resource Management Plan.
- 1.3 As a Unitary Council with a smaller rating base we have managed the monitoring to achieve the best capture of the state and pressure upon our environment. This tends to support a large regional spread of monitoring effort with a reduced frequency of monitoring at each site. Our monitoring effort is to support the region and is not designed to support nationally focused reporting needs. However we try and integrate the national need onto any plans we have. It is our belief and practice that we must focus on our region's need first and foremost before being involved in national reporting which we believe should be funded from national budgets.
- 1.4 The report addresses who should take the lead in national reporting and secondly who should gather the data for the national level reporting. The second issue could impact significantly on councils.
- 1.5 Council has until the 18 of October to draft a response to this document. Attached as Appendix 1 is a draft submission for Council endorsement.

Recommendation

That the Environment & Planning Committee endorses the submission to the Minister for the Environment on his report “Measuring up environmental reporting - a discussion document” as contained in REP11-10-08 Appendix 1.

2. Remuneration Authority and RMA Hearings

2.1 Following discussion at the last meeting I wrote to the Remuneration Authority raising the discrepancy between Councillor Commissioners not being able to paid for hearing preparation but independent commissioners can. Letter attached as Appendix 2. I will report when, or if any reply is received.

3. Freedom Camping Act - Delegations

3.1 With the passage of the Freedom Camping Act 2011 there are two decisions which rest with the Council as local authority and for which it is recommended that delegations be granted. The first is the appointment of enforcement officers and the second concerns the disposal of goods seized. It is unlikely the second power would be exercised but both powers are similar to those already delegated under other legislation. For the sake of consistency therefore it is recommended that the delegations Register be amended accordingly. Most of the powers of enforcement under the Act (eg powers of direction, issue of infringement notices) are assigned to warranted enforcement officers

Recommendation

That the Environment & Planning Committee agrees to delegate to the nominated staff positions, the following powers under the Freedom Camping Act 2011:

Section 32 - Power to appoint enforcement officer
Section 39, 40 - Power to return or dispose of property
seized or impounded

E&P Mgr
E&P Mgr, Reg M

4. Animal Health Board Annual Report

4.1 A copy of the 2010-11 Annual Report from TB Free Tasman is attached as Appendix 3 for the year ending 30 June 2011.

5. Wine Industry Annual Report

5.1 We have received copies of the New Zealand Wine Growers Annual Report for 2011. Appendix 4 summarises the state of the wine industry in the Tasman Nelson region. This spreadsheet has been compiled over the years from each annual report and shows the movements in hectareage under vines, tonnage

harvested and the number of growers and wineries and expresses these as a percentage of national totals.

6. Activity Management Plans

- 6.1 Attached as Appendix 5 and 6 are proposed Activity Management Plans (AMP) for the Environmental Management and Public Health and Safety activity areas. Councillors will recall that for the purposes of the 2012-2022 Long Term Plan the current five activity areas covered predominantly by the Environment & Planning Department have been compressed into two.
- 6.2 An AMP is meant to describe the functions carried out under each activity, why we do what we do, and what are the issues and options around performing the functions. The AMP also covers funding sources, organisational risk, and importantly establishes expected levels of service and performance measures.
- 6.3 There are still some sections to finalise - for instance the Appendix summarising the 10 year budget and that will be inserted after Council agrees with the budgets (first workshop planned 2 November). However the structure is set subject to Council feedback. Unlike the utility, roading, and park and reserves AMPs where capital works are fully itemised, the two AMPs considered here essentially summarise how what we do contributes to the four community well-beings.

Recommendation

That the Environment & Planning Committee endorses the draft Environmental Management and Public Health and Safety Activity Management Plans attached as Appendix 5 and 6 to report REP11-10-08.

7. Alcohol Law Reform Bill

- 7.1 The Justice and Electoral Select Committee has examined the Alcohol Reform Bill and reported it back with amendments to Parliament. It will not progress any further and it will be up to the new Parliament to progress it. Unfortunately one of our main submission points has not been picked up; the Bill still includes a time consuming and costly process for making decisions on license applications - what may be described as RMA hearings on steroids. Decisions currently made under staff delegation will now have to be heard by hearing panels, no delegation powers are provided for, and recovery of costs is uncertain.

8. PSA Update

- 8.1 The kiwifruit industry is dealing with a major outbreak of a highly virulent strain of the bacteria *Pseudomonas syringae pv actinidiae* (PSA) that is devastating gold kiwifruit orchards in the Te Puke-Tauranga areas of the Bay of Plenty.

A less virulent strain of PSA that has been present in kiwifruit orchards around the North Island and in Tasman and Golden Bay for several years is causing leaf spotting but has no significant effect on fruit production.

- 8.2 An organisation has been set up (Kiwifruit Vine Health) to manage the outbreak with \$25M of funding from central government and \$25M from the kiwifruit industry to manage the outbreak. They are working on methods of containing the virulent strain within the existing orchards. This includes removing and burying or burning all infected material, cleaning all equipment and vehicles that are leaving orchards, investigating forms of biological control, and breeding resistant strains of gold kiwifruit. At this stage, no PSA bacteria has been found on kiwifruit.
- 8.3 Local groups of growers in other regions are working on regional management plans which aim to implement good orchard hygiene and to stop the movement of infected plant material coming into the region. The Tasman District Council Biosecurity team met with the representatives from KVH and local growers and they have asked that the following protocol be used by Tasman District Council staff coming onto properties with kiwifruit orchards. As a result staff will:
- make contact with the owner or a representative before coming onto the property
 - follow the owner's requirements for hygiene
 - avoid contact with any plant material while on the property
 - stay on the hard formed tracks and off the grass
- 8.4 If PSA V arrives, there will be a much tighter protocol to be followed if it is necessary to enter a property with a kiwifruit orchard.

9. DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Environment & Planning Manager's Report REP 11-10-08



Dennis Bush-King
Environment & Planning Manager

Appendices:

1. Submission on "Measuring Up" Report
2. Letter to Remuneration Authority
3. AHB Annual Report 2010-2011
4. Tasman Nelson Viticulture Statistics
5. Environmental management Activity Management Plan
6. Public Health and Safety Activity Management Plan

Submission on the proposed Environmental Reporting Bill

6 October 2011

TO: Submission on Proposed Environmental Reporting Bill
Ministry for the Environment
PO Box 10362
WELLINGTON 6143

FROM: The Chief Executive Officer
Tasman District Council
Private Bag 4
Richmond 7050

The Tasman District Council (TDC) thanks the Ministry for the Environment for the opportunity to make a submission on *Measuring up: Environmental Reporting - a Discussion Document* (discussion document), released by the Ministry for the Environment (MfE).

Introduction

The Tasman District Council believes that it adequately discharges its obligation under section 35 (2) (a) of the RMA at present. As a Unitary Council we have cost effectively managed the monitoring to achieve the best capture of the state and pressure upon our environment. Given our large district we have spread our monitoring effort and in many cases monitoring frequency is adjusted taking into account cost and need. Our monitoring effort is targeted to support the issues and risks faced in the district and is not designed to support nationally focused reporting needs. As we are accountable to our local community and must address the issues that arise for us locally, this is not to be unexpected. However we try and integrate the national need into any programmes we have, air quality and bathing water quality being two good examples.. It is our belief and practice that we must focus on our region's need first and foremost before being involved in national reporting which we believe should be funded from national budgets. While we are not opposed to the development of an Environmental Reporting Bill, we request that appropriate consideration be given to the cost burden its implementation may bring about.

To address the specific consultation questions within the document we supply the following responses:

1. ***Do you agree with the issues identified above? Have the main issues been defined accurately?***
 - *Issue 1: Lack of statutory obligation requiring regular independent SOE reporting.*

Tasman supports the mandate for regular and independent SOE reporting being given to the Parliamentary Commissioner of the Environment (PCE). This carries with it cost implications for the office and there will need to be a clear understanding about how the office will collect the information needed to perform its role. The role of regular issue based reporting on the pressures and state within a region should remain with the region.

- *Issue 2: Inconsistent regional SOE monitoring programmes.*

Tasman has managed its SOE monitoring using a risk based approach and in such a way as to maximise geographic spread to capture the bulk of resource use and activity. While it accepts that the sampling frequency used has limitations we believe that how regional SOE monitoring is conducted needs to be agreed and accepted by the community of interest that funds it and should not be prescribed by external bodies. Tasman does however agree that the methods used for monitoring and analysis needs a degree of national consistency and should be to an agreed standard.

Where monitoring is directed and to a prescribed standard for national reporting reasons, some consideration will need to be given to the allocation of a national budget to support any increased or redirected effort.

It is clear that there is a role for coordinated development of consistent monitoring site selection and monitoring method selection. However it needs to be remembered that the reason a region will select a monitoring site is driven by the region's need to define a problem, to instruct the region as to the state of a resource, or the measure effectiveness of policy intervention.

We believe the groundwater monitoring example in the discussion document is educative in that it achieves a national need by working with the regional monitoring networks. It achieves this by bringing national funding to the table and involving local input to select the sites. There are many additional sites being monitored, as well as the nationally selected ones, due to the quality of the programme. This is a model that works well.

2. *Are there any other issues that have not been considered?*

The capacity of the PCE to be able to adequately discharge its responsibility to report regularly is mentioned and should not be underestimated. We would also like to be confident that the various NPS and NES's existing and being developed are anticipated by any reporting Bill. The implications of any monitoring requirements likely to be introduced via NPS or NES then need to be adequately considered for their potential impact on the Regional or Unitary Council who may not have existing funds or capacity to address additional monitoring requirements.

We are concerned that regulations to require the national monitoring content are being proposed before there is clarity on the scope and size of national monitoring content and delivery standards.

3. What is the scale of the problem? Which is the bigger issue: the lack of statutory obligation requiring regular independent state of the environment reporting or inconsistent state of the environment monitoring?

Remembering that there is a need to address local problems with local solutions, we do agree that there are inconsistencies with monitoring methods and these need attention, but wish to note that there is a concerted effort going into rectifying the situation at present. An increased focus on this will not hurt. It is noteworthy to remember that how a sample is taken definitely needs to be standardised. However what is sampled, how frequently it is sampled, and from where it is sampled is always debateable.

The frequency of monitoring and the selection of monitoring sites needs careful consideration as we believe we are responsible for managing the region's resources, not in answering the Government's OECD reporting requirements. If we are to assist with international reporting obligations then we will be expecting national funding to assist.

Yes we agree that central Government has a perception problem with a perceived lack of independence. This is for it to address, but we believe the Office of the PCE can resolve this perception. Noting that if MfE is used to gather and store that information, which we believe is appropriate for national data sets, the 'independence' of the PCE may still be questioned as a government department would control the data that the PCE would use.

4. Do you agree with these objectives? Please give reasons.

Tasman agrees with the objectives and notes that in any discussion there is a need to delineate the roles between regional and national reporting requirements, and who delivers what.

It could be seen that the present LAWNZ website is a workaround that should be hosted and funded by MfE to ensure open access and availability of high quality environmental statistics. It is important to remember that it is not just regional and territorial authorities that collect data of national SOE reporting value, as CRI's, MAF, Universities and DOC are absent from this discussion document, all of whom receive national funding to undertake their monitoring, unlike regional government. Some thought should be given to ensuring that this data is also available from the same information portal.

5. Do you agree with the assessment criteria? Please give reasons.

Yes there is a need for regular and independent reporting on the environment and that as long as any potential cost burden is recognised and addressed for any increase in monitoring site, frequency, or method change, then we support the assessment criteria.

6. Do you agree with the preferred options? Please give reasons.

Tasman supports the use of the PCE for SOE reporting as it provides the level of independence and authority needed to be beyond question.

Regardless of the reporting being undertaken by PCE, MfE or EPA it needs to be remembered that there is a cost that falls on those organisations supplying data to external parties that we believe is not fully appreciated at a national level. We ask that as MfE is still to require regional data sets and seek input to policy development that its data sharing with the office of the PCE is as efficient as possible.

With regard to using Section 360 of the RMA to improve consistency of SOE monitoring it needs to be remembered why Regional Councils and Unitary Authorities monitor in the first place. We argue that we have been doing our duty to monitor effectively and efficiently now for our region. This is not for national reporting but rather to manage the resources within our boundary. For much of a monitoring programme only a few variables need to be measured, it is not efficient to require more to be collected in the national interest if the cost falls on the local residents for little or no additional benefit except the OECD report. However if we were to partner with central government around monitoring then the desired sites could be established and managed to an agreed standard without any change to regulation. This requires a partnership approach and not mandated data collection.

7. Is there an alternative option that has not been considered?

We would suggest that the CRI's will not be considered independent enough for national level SOE reporting and the use of an expert panel or a University body would likely be considerably less efficient than a dedicated office like the PCE, who is already established and has legislated independence.

8. To what extent do the options address the identified problems?

The PCE's office offers the level of independence and authority to be responsible for national SOE reporting.

While we agree that for national level reporting there needs to be consistency in monitoring methods and that these need to be auditable between regions. The additional cost burden needs to be assessed and addressed.

9. Are you aware of any other costs and benefits of the options?

We agree with the NES for Air Quality management in that it restricts the need to the problem areas, additionally it is an affordable programme that delivers as much benefit to the local residents as the national audience. As long as the measurement of additional parameters is left to the region to undertake as desired. In Richmond the only parameter needing monitoring is PM₁₀. We also appreciate that this network was established as a partnership between MfE and local government with MfE contributing some equipment to the programme.

Tasman is actively involved in the Groundwater Monitoring Programme for the same reasons and indeed we have expanded the number of sites to capitalise on the existing programme. Again the benefits are of equal or greater value to the local residents. We are nervous of any similar programme in the surface water, marine or terrestrial area that does not fully consider where the costs fall. The 'horses for courses' principle needs to apply when initiating any mandated monitoring requirements at the local level unless they are supported by national budgets.

10. Do you have any comment about which option would deliver the highest level of net benefit?

Tasman supports the PCE being given the responsibility to report on the state of New Zealand's environment. We do request that any desire for mandatory monitoring at the regional level needs considerable further exploration and that the National Groundwater Monitoring Programme provides a good basis for this as an example of an effectively working programme. Note there is a cost sharing and established working partnership between national and local funders in this programme.

11. What are the pros and cons of the proposed Environment Act amendment?

We would expect that given the separation of roles between MfE and the PCE that councils would not then be receiving twice the data requests, subsequent explanations and reviews that we presently do. We would expect that the role of gathering the data will stay largely with MfE and that there will be a portal for dissemination of this data, much like the LAWNZ site is attempting to achieve. We would be supportive of MfE stepping up to this responsibility and believe that it should have done so by now.

12. Is five-yearly reporting an appropriate reporting timeframe? If not, what time period would you recommend?

Tasman agrees with the 5 yearly timeframe for SOE reporting at the national level.

13. What do you think about the proposed environmental domains that the Parliamentary Commissioner for the Environment should report on in the state of the environment report? What topic areas or requirements (if any) would you suggest?

At a very high level this is everything in the natural resources area, but we consider that some thinking should have already proceeded what variables sit within the domains. Indicator and domain work is not new at MfE and should be well advanced and included within this discussion document.

Specifically the Coastal interface should be separated out from 'Ocean' as this is an area of active change and contest. Additionally most of New Zealand's marine area is outside local government management. We would expect to see issues such as climate change either having an area of its own or being addressed specifically

within each domain. This is too important at a national level to be marginalised. Some comment on how the interacting components of the domains will be addressed would be beneficial. This leads us into how the pressures like of waste, energy and transport will be addressed. They relate directly to the state and need to be understood to provide context for the SOE reporting to be fully appreciated and understood. Additionally this applies for the environmental management responses (plans etc), to provide context for changes observed.

14. *Outline any problems you perceive with the proposed RMA amendment?*

While a seemingly sensible approach there is considerable care needed in assessing the need and cost of any regulation made under an expanded Section 360. It is important to consider who is the primary beneficiary of any change. Care is needed to ensure that the new powers do not simply shift that work presently undertaken and funded via a Crown Research Institute to a Council without a shift in the funds to that Council. For example an expansion in the National River Water Quality Network via Sec 360 mandate has most benefit to National level reporting, than it does to Regional resource management. There is very little thought presented in this document to assess the positive and negative consequences of proposed amendments.

15. *Which environmental domains (e.g., fresh water, land, oceans) do you think should be prioritised for improvements in consistency?*

Freshwater is the resource that is facing the most public debate at present, receiving most focus within regional councils, and is receiving most attention especially around allocation and augmentation at a government level. Once water monitoring and reporting has been improved, land, closely followed by biodiversity, would come into focus.

16. *Have we accurately reflected the high level costs and benefits arising from the proposals for an Environmental Reporting Bill? Please give reasons.*

We agree that the bulk of the benefits are at the national level but highlight that the cost of implementation is likely to be passed to the local ratepayer rather than central government. Again we question the equity of such a shift in funding burden when the benefits accrue to others.

Additionally we struggle to see how the benefit of improved resource allocation will be achieved without suggesting that we are not doing it now. We believe we are addressing the needs of our region by using locally run and funded programmes, focused on local issues, and for the local population.

17. *Can you identify any other high level costs and benefits?*

There is a cost of establishing acceptable monitoring methods and site selection criteria, but some of the biggest costs will be in standardising methods, staff training and initiating regular audit and inter-council method standardisation. While this has positive benefits to all information users the effort and cost to achieve

standardisation of methods, site to site comparison and national level audits will be considerable. An example for some of this can be found with the present process to standardise hydrological monitoring initiated by the Local Authority Environmental Monitoring Group and NIWA. This is an important process but it is not without considerable cost and needs to be acknowledged in any suggested standardised programme. Additionally an extra benefit will be the pressure to accredit the officer responsible for data collection and while we agree with this, it needs to also be noted as a cost as well as a benefit.

The timelines for any such programme will have to be appropriate for the number of staff involved and limitations on budgets. Remember that most costs incurred at local government level are contestable and need annual approval. We will have to 'cut the cloth' to fit the budget at the expense of regional monitoring programmes if we are mandatorily required to participate in any national programme .

18. Do you have any information you would like to see included in the final cost-benefit analysis that will be carried out after the submissions are received and analysed?

In order to seek an increase in funding for monitoring programmes Councils will need a very clear reason why they should be collecting additional information that benefits more than the local region. Most of our present monitoring is targeted to address the resource use and impact within our region. Much of the increase in monitoring effort will be used to supply information to national reporting needs and research organisations which will be able to see much of their monitoring costs shift to Regional/Unitary Councils.

Additionally we have some concern that there is no apparent recognition of the substantial effort required to upgrade regional and national data management systems to standardise, store and make accessible what will eventually be needed by the regions, MFE and PCE. This is based upon the repeated past attempts by MFE which have not developed into agreed standards for indicators, datasets and monitoring methodologies at both regional and national scales. A robust collaborative process is now needed to formulate such agreements between the regions and MFE.