



STAFF REPORT

TO: Environment & Planning Committee

FROM: D C Bush-King, Environment & Planning Manager

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT– REPORT EP08/10/10** - Report Prepared for Meeting of 9 October 2008

1. ANNUAL REPORT 2007-2008

Attached, as Annex 1, is a copy of the text that has been supplied to the Corporate Services Department for inclusion in the Annual Report for 2007-2008 financial year.

2. OTHER ANNUAL REPORTS

We have received copies of the Annual Report for the Nelson Marlborough Conservation Board and New Zealand Wine Growers. Annex 2 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.

3. DELEGATIONS

With the appointment of Graham Caradus as Co-Ordinator Regulatory services we have taken the opportunity to review delegations applicable to the position and have found the Sale of Liquor delegations could be better expressed. The current register does not specifically identify all the sections under the Act. The only additional powers expressed are the last three powers relating to sections 111, 133, and 134. Section 111 is akin to section 37 of the RMA and allows for non-prejudicial omissions to overlooked. The other two powers are enforcement remedies for which there has never been any need to invoke but are covered for the sake of completeness.

Recommendation

That pursuant to section 104 of the sale of Liquor Act, the Committee agrees to the following delegations to the identified staff positions and to accordingly amend the Delegations Register

Sale of Liquor Act 1989 (section 104)	
<u>Section 9</u> Power to issue Certificates of Compliance in regard to the Resource Management Act.	E&P Mgr, RCM, CP
<u>Section 9</u> Power to issue Certificates of Compliance in regard to the Building Act.	E&P Mgr, RegM, CBC, BCO, BI
<u>Section 12, 21, 34, 44, 46, 58, 67, 120, 125</u> Power to grant unopposed applications	E&P Mgr, RegM, CR, EHO
<u>Section 14, 16, 37, 39, 60</u> Power to impose conditions and vary conditions, give directions as to signage	E&P Mgr, RegM, CR, EHO, AO
<u>Section 24, 47,</u> Power to issue temporary authorities and Manager Certificates.	E&P Mgr, RegM, CR, EHO, AO
<u>Section 80, 82, 83</u> Power to issue uncontested special licences.	E&P Mgr, RegM, CR, EHO, AO
<u>Section 84</u> Power to exempt special licence holder from appointing managers	E&P Mgr, RegM, CR,
<u>Section 103</u> Power to appoint inspector	E&P Mgr
<u>Section 111</u> Power to waive certain omissions	E&P Mgr, RegM, CR,
<u>Section 133</u> Power to vary, suspend or revoke special licence	E&P Mgr, RegM, CR,
<u>Section 134</u> Power to suspend license for public health and fire safety reasons	E&P Mgr

Note: E&P Mgr = Environment & Planning Manager
RegM = Regulatory Manager
CR = Co-Ordinator Regulatory Services
EHO = Environmental Health Officer
AO = Administration Officer

4. NATIONAL ENVIRONMENTAL STANDARD ON ON-SITE WASTE WATER

Attached as Annex 3 is a submission prepared in response to a proposed National Environmental Standard for On-site Waste Water Systems. The current proposal is limited in its scope and therefore ineffective at addressing the failures associated with on-site waste water systems. The NES also give to regional councils powers which could better be integrated with territorial authority building consent procedures (not an issue for a unitary).. Local Government New Zealand has opposed the NES although agreed the issues raised by the NES do need to be better managed. The further conversation will no doubt improve on the current draft.

Recommendation

That the Committee endorse the submission on the proposed National Environmental Standard for On-site Waste Water Systems

5. A NATIONAL POLICY STATEMENT ON URBAN DESIGN?

Attached as Annex 4 is a submission prepared in response to a proposed National Policy Statement on Urban Design. The subject matter is fraught as design issues, whether urban or rural, are often personal and involve value judgements about what might be acceptable, where and at what scale. For an NPS to be relevant it must have as its purpose matter of national significance and the submission prepared reminds Government of the need to justify any such intervention through this type of policy.

Recommendation

That the Committee endorse the submission on the proposed National Policy statement on Urban Design

6. AFFORDABLE HOUSING (ENABLING TERRITORIAL AUTHORITIES) ACT 2008

Parliament passed in to law the above Act in the dying stages of this current term. There is little change to the basic package; there is still an ability for Councils to carry out housing needs assessments and develop an affordable housing strategy, to seek affordable housing contributions from developers (through a policy), and the Act has voided any covenants against social and affordable housing. It can be expected that Housing New Zealand will provide "further guidance" to local authorities in due course. This issue will be addressed through the LTCCP process.

7. FROST FANS

An issue has arisen with the introduction of frost fans in the District. Provided the fans do not exceed the height standards, there is no control on noise or vibration as it is classed as 'agricultural machinery'. In the present case consent was required because of the height although matters over which control is exercised exclude noise. A brief scan of other district plans, including Marlborough, Wairarapa, Hastings, Central Otago, and Hurunui, indicates our plan is more permissive. Some plans make frost protection fans permitted subject to noise standards, setbacks from residential zones or dwellings, timing of use and Marlborough also controls turbine speed. Hurunui District Council has just agreed to notify a plan change retaining permitted activity status for frost fans but subject to controls on noise and separation distances.

Council direction is sought on whether a report should be called for to give advice on whether this is an issue that needs more regulation or whether the status quo should prevail.

8. ANIMAL HEALTH BOARD

Attached as Annex 5 is a copy of a response from the Animal Health Board in respect on the issues we raised with them over vector management contract services. The Board is also seeking a commitment as to funding intentions beyond 2008/2009. We have not specifically covered this in LTCCP workshops to date but the current proposal to come back to Council is a 'business as usual' approach. The risk for us is that if the spending increases towards eradication rather than containment, there may be an expectation to increase the local share. Councillors may wish to indicate whether there is any appetite to change the current levels of

commitment towards Tb vector control, which is a discretionary payment we make because of the economic and biodiversity benefits to the District.

9. SHERRY RIVER – CATCHMENT UPDATE

Currently a Sustainable Farming Fund project is underway in the Sherry River Catchment. The aim of this project is to implement a whole-catchment approach to helping landowners improve water quality. This involves trialing a collaborative approach to farm environmental planning for all productive land uses in the catchment.

Council is assisting in the project by providing detailed water quality monitoring of the Sherry River and a number of side streams in order to gain a better understanding of the water quality issues. Also the Council is providing “in-kind” support to the project by providing mapping, GIS and administration services.

The project takes a step further by facilitating riparian planting through trialing easy care riparian planting options, organised community planting and weeding days and the like. It will also look at the impact of the project on water quality issues and assess barriers to successful adoption and implementation.

The Sherry is expected to become a Top-of-the-South demonstration catchment for collaborative farm environmental management.

10. FOOD SAFETY – VOLUNTARY IMPLEMENTATION PROGRAMME

Graham Caradus and Tracey Waddington have successfully completed their training as auditors for ‘off the peg’ Food Control Plans and we are now invited to complete the necessary formalities and delegations. We have also received interest from operators of food premises to join the VIP scheme and are working with other agencies to work out procedures and cost recovery arrangements.

11. RECOMMENDATION

It is recommended that this report be received.



D C Bush-King
Environment & Planning Manager

RESOURCE POLICY

What We Do

Our activities involve the analysis and development of policy and planning provisions required under the Resource Management Act and the Biosecurity Act.

The Tasman Resource Management Plan (TRMP) is the main environmental planning document used by Council. It currently comprises land, coastal, water, and discharge chapters.

Council has prepared a Regional Pest Management Strategy (RPMS) under the Biosecurity Act.

All the policy planning we are involved in is aimed at sustainable management of the natural and physical resources in Tasman District and identifying and managing values, areas, and sites that are important to the people of Tasman District.

Why We Do It

Council is required by law and by community expectation to sustainably manage the environment of Tasman District and the consequences of human activity. This requires sound analysis and robust policy development.

Our Goal

We aim to provide an appropriate policy framework for identifying and responding to resource management policy issues. Our policy framework will lead to sustainable management of the District's natural and physical resources including biosecurity risks.

Our Levels of Service

Resource Policy is an integral part of the planning process that aims to ensure the sustainable management of the District's natural and physical resources.

In turn this contributes to the wellbeing of people and communities on a variety of levels. We strive to deliver a resource policy service that:

- Maintains excellent professional standards of assessments, advice, and process
- Achieves high levels of satisfaction from informed stakeholders to the resource and biosecurity policy issues

How We Measure Progress

The level of community support for Council's policy and plan initiatives. The progress benchmark is 75% satisfaction level achieved for process and results, but acknowledging that communities may be diverse in their valuation of planning results.	Reported satisfaction level of 62% with 16% unable to answer. 22% not very satisfied for reasons which are unclear. ☹
Completing programmed work on time and within budget.	See explanations below in relation to completing projects on time. Overall expenditure in policy area above budget because of extra staff hours, legal and overhead costs ☹

Major Activities 2007-2008

<p>To undertake strategic development planning for urban and rural growth areas in the District.</p>	<p>In July 2007 notified variations were: CTA Design Guide (No. 55), Takaka Eastern Golden Bay (No. 57), Rural landscape (No 59) and RSDA road access (No 60). In October 2007 the Richmond West variations (Nos. 61-63) were notified. Work on Mapua/Ruby Bay and Motueka West has continued, as has the joint study with Nelson City Council on the Nelson South Richmond East development area and Richmond intensification. A workshop on intensification options was conducted in November 2007. From December 2007 commenced work on Golden Bay West strategic planning.</p>
<p>To finalise the aquaculture provisions in the TRMP Part III.</p>	<p>Council received a preliminary decision from the Chief Executive, Ministry of Fisheries on 15 February 2008. Council needs the final decision and settlement of allocation to Maori before the provisions can become operative. (Application lodged 19 January 2006).</p>
<p>To finalise policy decisions on the draft TRMP Part IV: Rivers and Lakes and proceed to notify as a TRMP variation.</p>	<p>There has been limited progress in preparation of Part IV because of other priorities.</p>
<p>To review the rural zoning regime and refine the Rural 1 and 2 zones and rules including reviewing the approach to assessing productive land values; and review the methods of managing opportunities for rural residential development in rural areas, including consideration of second dwellings and workers accommodation that may not lead to subdivision.</p>	<p>Programmed to commence later in 2008 because of other priorities.</p>
<p>To develop programmes and to complete a TRMP variation to manage Richmond's air quality problem following the National Environmental Standard for PM10.</p>	<p>Heard submissions on Variation No 51 on Richmond air quality management in June and July 2007 with decisions made in TRMP on 28 July 2007. No appeals. Policy Paper dealing with further PM10 regulatory and appliance upgrading options to Council in March 2008.</p>

<p>To consider or review issues and options for water allocation in the Motueka Central Plains zone (by December 2007), Deep Moutere groundwater zone (by December 2007) Takaka catchments (by June 2008) and to develop appropriate TRMP variations.</p>	<p>Technical reports on Motueka CPZ prepared and policy options presented to Council for public release in September 2008. Policy reports and draft variation on Moutere submitted to Council in August 2008 for variation notification.</p>
<p>To develop amendments to the TRMP on a number of administration issues requiring review.</p>	<p>Variation 58 Land Use amendments was notified in July 2007.</p>
<p>To complete policy analysis on stormwater management (by August 2007) and on-site wastewater management options (by February 2008) and undertake appropriate amendments to the TRMP.</p>	<p>Variation 56 Stormwater Management was notified in July 2007. Policy work on on-site waste-water management held over pending release of National Environmental Standard on the issue.</p>
<p>To continue to resolve remaining live appeals on all parts of the TRMP by consent order, hearing or TRMP variation, and to make Parts I, II and III operative in 2007, followed by Parts IV and V.</p>	<p>Worked on landscape and archaeological sites appeals and secured terms for settlement. An appeal that delayed TRMP approval was disposed of by the Environment Court in April 2008 and Parts I and II will become operative as from 1 November 2008. Part III awaits a decision from the Chief Executive of the Ministry of Fisheries</p>
<p>To respond to any plan change requests and provide policy advice to Council on legislative changes and other significant resource management policy initiatives requiring Council response such as water conservation orders, national environmental standards, and climate change initiatives.</p>	<p>Have responded to numerous Government initiatives including proposed national policy statements on the coast, freshwater, and renewable energy and national environmental standards on source drinking water standards, telecommunication facilities, electricity transmission, and water measuring devices. Made submissions on amendments to the Kahurangi National Park Management Plan and the Nelson Tasman Regional Economic Development Strategy.</p>
<p>To administer the Regional Pest Management Strategy approved under the Biosecurity Act and respond as appropriate to any national strategies and requests for further regional strategies.</p>	<p>The Regional Pest Management Strategy became operative 1 July 2007. Participated in the disestablishment of the Varroa Agency which saw funds returned to Council. The Council is working with Biosecurity New Zealand and other local authorities and sector interests in developing a Marine Biosecurity Strategy for the Top of the South.</p>

RESOURCE INFORMATION

What We Do

This activity involves establishing and maintaining an efficient resource information base to allow Council to properly discharge its resource management functions and to provide advice to the public on environmental conditions and issues affecting the District. It also involves investigation, monitoring, and analysis of significant environmental issues affecting or likely to affect the District.

Current activities include:

- Monitoring of air quality in Richmond and, equipment permitting, other areas of the District
- Hydrology monitoring network covering river flows, rainfall and groundwater levels
- Water quality testing of freshwater and marine coastal water
- Investigating natural hazard risk (earthquakes, erosion, flooding etc)
- Updating the District's resource information eg soil maps, water availability
- Responding to contamination risks within the environment

Why We Do It

Council is required by law and community expectation to monitor the state of the environment of Tasman District and to undertake resource investigations that allow us to better understand and manage the effects of resource use and changes in the quality and quantity of our land, water, air, and coastal resources.

Our Goal

We aim to achieve a robust and cost-effective approach to environmental monitoring and resource investigations which will provide a good understanding of the District's resources, an ability to assess environmental trends and manage risks to the environment.

Our levels of Service

We contribute by monitoring and investigating the state of the environment and providing information to better understand the environmental trends and risks facing the District. We also contribute by investigating opportunities to use and develop resources for the benefit of current and future generations.

Council will continue to manage this activity in a sustainable manner giving due regard to the demands of growth and emerging environmental trends.

How We Measure Progress

Progress is measured by the level of community support and awareness for the information collected and released. Surveys are undertaken with a target of 75% of residents rating their satisfaction as fairly satisfied or better.	Reported satisfaction level of 72% with 20% unable to answer. 😊
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Council is to monitor, collect and maintain resource data/records and report on environmental resources condition and trends as provided for in Council's State of the Environment Monitoring strategy on an annual basis.	See explanation below ☺
Ensuring our hydrometric network is available 99.5% of the time for regional hazard management.	Achieved – while some individual sites suffered outages, the network was always in operation. ☺
Timely reporting of air quality data with the aim of having no more than one exceedance by 2013.	Annual reports submitted ☺
Timely reporting of recreational bathing water quality with the aim of having no beach or swimming hole closures.	Achieved ☺

Major Projects 2007-2008

To prepare and distribute annually issue based reports (Surface Water, Air, Groundwater, Coastal, Land) on the State of the Environment.	Presented results of Freshwater Fish Survey to Council in August 2007, Pesticide Residues in Groundwater in September 2007, Air Quality report in September 2007, and Recreational Water Quality in May 2008. Several of these reports are available on the website.
To monitor, collect and maintain resource data/records and report on environmental resources condition and trends as provided for in Council's State of the Environment Monitoring Strategy.	<p>State of the Environment monitoring programmes Included air, freshwater, estuarine, coastal, and land monitoring programmes. Air quality monitoring occurred in Richmond and Brightwater, freshwater quality at 56 core sites around the district as well as investigations in the Sherry and Motupipi catchments. Estuarine monitoring occurred in the Motupipi estuary. Summer bathing beach water quality monitoring occurred at 23 sites. Groundwater quality monitoring occurred at 16 sites and groundwater levels at 38 sites. Freshwater fish surveys at 35 sites and fish passage surveys at about 250 sites.</p> <p>Three technical reports for surface water quality in the Motupipi catchment and one report on freshwater fish distribution in relation to stream habitat were produced. Each of these reports were presented to the public in Takaka and a second presentation</p>

	<p>on the fish report in Motueka. A 1.5 day workshop on estuary monitoring and restoration was held.</p> <p>The monitoring, collection and maintenance of resource data/records is ongoing. Most hydrology, meteorology and air quality data is reported in real-time, along with one river water quality site. In some cases this data is available on-line. River water and groundwater quality data are collected quarterly involving field visits to sites around the region. In addition to this groundwater nitrate is surveyed in major at-risk aquifers every 5 years. Inventories of contaminated sites, dam integrity, wetlands, and fish passage barriers are regularly updated and maintained. It is intended to undertake freshwater fish surveys every 18 months. Soil health and soil integrity information is collected approximately every 5 years. Monitoring of the health of Tasman's major estuaries also occurs approximately every five years. Transforming Council's flood map records into digital form and incorporation of these records into the GIS system is nearing completion. Completed LiDAR survey of 89 km² over the lower Motueka lower flood plain and coastal fringe and approximately 14.2 km² in the Ruby Bay/Mapua area</p>
<p>To initiate and respond to flood warnings and continue water resource investigations in the Waimea, Buller, Golden Bay, Moutere and Motueka catchments.</p>	<p>Hydrology</p> <p>Hydrological and water quality data were collected and interpreted for a variety of projects. Flood warnings were issued on a number of occasions during the year, and while several floods involved damage, none were major events. The telemetry software was replaced during the year, and has performed satisfactorily since. Instrumentation continues to be progressively upgraded to modern dataloggers. Contract hydrology services were provided to Nelson City Council. The TDC 'Flowphone' and web page are being widely used by anglers, canoeists and others.</p> <p>- Another dry summer was experienced with considerable effort put into monitoring and managing water resources through the dry spell.</p>

	<p>Targeted Water Resource Investigations</p> <ul style="list-style-type: none"> - Major effort has continued into the Waimea Water Augmentation project, and follow-up work on the Wai-iti water augmentation project. - Upper Motueka water allocation models - Wai-iti dam modelling for water releases and management - Motueka plains modelling - Completed report on investigations into water availability in the Dove catchment for report in September 2008
<p>To conduct investigations into pollution and contamination related issues.</p>	<p>Maintained Council's Site Contamination Register and carried out further work with owners affected by the Hazardous Facilities Screening Process. Considerable effort was undertaken to collect unused and persistent agrichemicals from both urban and rural landowners. The scheme was so successful that it was over subscribed, storage and disposal bottle necks were encountered. The collection and destruction will be continued in the future as funds permit.</p>

RESOURCE CONSENTS AND COMPLIANCE

What We Do

We assess resource consent applications as required under the Resource Management Act and the Tasman Regional Management Plan for the development and use of land, air, water, or coastal resources. Our activities also involve related compliance monitoring and enforcement.

The processing of applications involves coming to an understanding of the application, the location, and the likely effects. It also involves balancing the requirements of the law with the aspirations of the applicant and the views and concerns of affected parties.

Once a consent is issued, Council monitors its implementation and the ongoing operation. We also respond to any concerns raised.

Why We Do It

Council is required by law to receive and process resource consent applications and to monitor and enforce compliance with plan rules and conditions of consent. There is also an expectation from the community that we will respond to environmental and nuisance complaints.

Our Goal

We aim for high standards in the development of the District's resources. All development must be within sustainable limits set by Council's plans and with minimum environmental impact. We aim to provide excellent customer service in processing consents.

Our Levels Of Service

Resource Consents and Compliance contributes by processing and enforcing resource consents in a manner that allows the sustainable development and protection of natural and physical resources for the social, cultural, and economic wellbeing of individuals and communities.

Council will continue to manage this activity in a sustainable manner giving regards to the demands of growth.

How We Measure Progress

80% of applications are processed within statutory timeframes where specified.	90% of applications processed within time ☺
Target of 75% of residents rating their satisfaction with this function as "fairly satisfied" or better in annual surveys.	Reported satisfaction level of 32% with 21% unable to answer. 47% not very satisfied for reasons which include time delays, expense, and too much red-tape. ☹

Major Activities 2007-2008

To respond to enquiries and undertake the necessary consultation, analysis and processing of resource consent applications related to Council's resource management functions.	<p>Council continues to respond to enquiries and all other aspects of resource consent applications on an ongoing basis (see Appendix 1 for details). Staff serviced, by way of providing reports and attending, 30 Consent hearings held during the year (29 Consent Committee and 1 Commissioner hearings). 11 appeals against Council decisions were received.</p> <p>The consent workload involved some significant projects for the District including some major Rural 1 and Rural 3 subdivisions with private wastewater discharges, a major residential subdivision, a water storage proposal and a resort development in Kaiteriteri.</p> <p>90% of the 1135 resource consent applications were processed within the statutory timeframes (cf 66% of 897 in 2006/2007).</p>
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<p>To implement strategic monitoring programmes on resource consented and permitted activities that have potentially significant resource and environmental impacts, and to undertake post-consent and rule compliance monitoring and necessary enforcement and report on these. In this framework monitoring also includes responding to environmental nuisance complaints</p>	<p>The Compliance Monitoring team carried out consent and specific permitted activity compliance monitoring in accordance with the Compliance Monitoring Strategy. Staff also responded to written and verbal complaints and maintained a file of complaints with record of actions taken. Compliance continued to provide 3-monthly reports to the Environment & Planning Committee on monitored performance of individual targeted programmes, complaint summaries and enforcement actions undertaken during the reporting period. During the year the annual dairy effluent compliance programme and report was completed as was the water metering compliance programme. At the end of the year the Annual Report on Compliance Monitoring of Resource Consents and Permitted Activities was released.</p> <p>Received and responded to complaints. The following breakdown records the type of complaints received over the year.</p> <table border="0"> <tr> <td>Noise</td> <td>817</td> </tr> <tr> <td>Land Use</td> <td>240</td> </tr> <tr> <td>Charges – Air</td> <td>235</td> </tr> <tr> <td>Discharges – Water</td> <td>51</td> </tr> <tr> <td>Discharges -Land</td> <td>98</td> </tr> <tr> <td>Water Takes</td> <td>16</td> </tr> <tr> <td>Coastal</td> <td>21</td> </tr> <tr> <td>Rivers/Lakes</td> <td>9</td> </tr> <tr> <td>Rubbish</td> <td>88</td> </tr> <tr> <td>Safety Hazards</td> <td>17</td> </tr> <tr> <td>Abandoned vehicles</td> <td>237</td> </tr> <tr> <td>Other</td> <td><u>64</u></td> </tr> <tr> <td></td> <td>1893</td> </tr> </table> <p>(cf 1777 2006/2007)</p> <p>Non compliance with consent conditions or permitted activity rules resulted in sixty one abatement notices (cf 83 in 2006/2007) and twenty two infringement notices were issued during the year (cf 39 in 2006/2007). One prosecution was undertaken (cf 1 in 2006/2007). No enforcement orders (cf 1 in 2006/2007). 141 excessive noise directions issued (cf 219 in 2006/2007)</p>	Noise	817	Land Use	240	Charges – Air	235	Discharges – Water	51	Discharges -Land	98	Water Takes	16	Coastal	21	Rivers/Lakes	9	Rubbish	88	Safety Hazards	17	Abandoned vehicles	237	Other	<u>64</u>		1893
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ENVIRONMENTAL EDUCATION, ADVOCACY AND OPERATIONS

What We Do

This activity involves those Council activities that seek to encourage good environmental outcomes through education and advocacy and other non-regulatory methods. We also undertake works and services in conjunction with landowners involving catchment stabilisation, riparian protection, pest management and habitat enhancement.

Our current programme of activities includes:

- Promotion of the Eco-Fest programme that showcases good environmental behaviours and the latest eco-friendly technologies and practices.
- We work in schools and run environmental education programmes to promote best practice behaviour.
- We run a variety of soil conservation works focusing on soil health, riparian management, and responsible nutrient management.
- We are actively involved in eradicating and controlling plant and animal pests including providing funding for the bovine TB vector control programme.
- Regular promotion and awareness in Council's fortnightly newsletter, Tasman Newline, the Mag.

Why We Do It

Council is keen to promote good environmental outcomes by non-regulatory means where this is cost-effective and in those situations where active involvement in work programmes yields community support and involvement.

Our Goal

We aim to see improved practices in the use, development, and protection of the District's resources and minimise damage to the environment through inappropriate practices or the incidence of pests and other threats to the environment.

Our Levels Of Service

This activity contributes by working with individuals and groups to adopt good environmental behaviours and to undertake works that manage risks to the environment. Council will respond to and report against annual performance measures contained within the regional pest management operational plan. Council will continue to manage this activity in a sustainable manner giving regards to the demands of growth.

How We Measure Progress

Progress is measured by the level of community support and awareness for educational projects and events. Surveys are undertaken with a target of 75% of residents rating their satisfaction as "fairly satisfied" or better.	Not surveyed ☺
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Value for money spent on TB control is measured by ensuring the number of cattle and deer herds infected with bovine TB or on movement control reduces each successive year.	Number of infected herds is 3 as at 30 June 2008 compared to 6 in 2007. ☺
Plant pest eradication programmes are measured and reported on in our annual Regional Pest Management Annual Report required under the Biosecurity Act.	See separate annual report ☺

Major Projects 2007-2008

To identify and promote opportunities for achieving sustainable management of natural and physical resources through implementing Council's Environmental Education Strategy including sector codes of compliance, and education and advocacy for sustainable environmental management practices.	<p>Completed a wide range of education and advocacy initiatives including:</p> <ul style="list-style-type: none"> • A very successful Environmental Festival "Ecofest" was held in August 2007 with approximately 8000 people attending the two day main event. Planning underway for the 2008 event. • The annual Environmental Awards programme was run in November 2007. The entries were of a high standard and well over 100 people attended the awards ceremony. Planning of the 2008 Awards is now underway. • Smart Living Month (March 2008) activities undertaken in Golden Bay; • World Environment Day was hosted in June 2008 – free public transport and funding for community projects was provided • The Enviroschools programme is achieving great results with 8 schools signed up so far. • Waimaori Streamcare Programme – both TDC and NCC support this programme that has worked with schools and local people to actively monitor the health of streams through practical, hands-on workshops from a Maori perspective • Conservation Week – activities and kids competitions were held • Seaweek – over 600 children took part in activities and workshops at Rabbit Island • Waste Education Services – has been working with schools, businesses and communities to minimise waste
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	<ul style="list-style-type: none"> • Youth Environment Forum – forty young people supported to become active in the environment • With funding support from MfE the Reservoir Creek urban stream project has involved stream rehabilitation, riparian planting, testing for water quality, and active involvement by hundreds of children and people from the community. <p>General environmental publicity through Newsline, Ecobuzz (schools) and a weekly radio slot, published various articles and brochures to targeted audiences. Continued collaborative work with Nelson City.</p>
<p>To undertake pest management operations, including control of designated plants in sites of high public value in accordance with criteria specified in the Tasman Regional Pest Strategy.</p>	<p>Pest management operations were carried out on an ongoing basis in accordance with the Operational Plan prepared under the Nelson Tasman Regional Pest Management Strategy. A separate and more detailed annual report is available for review.</p> <p>Council continues to provide funds as a contribution to the Animal Health Board's Bovine Tb Vector Management programme, with the management being contracted to Southern Pest Management Services.</p>
<p>To undertake soil conservation, land management and stream protection works in conjunction with affected landowners.</p>	<p>Soil conservation, land management and stream protection works in conjunction with affected landowners continues in accordance with the approved programme. As well as advise to land owners, financial assistance is offered for approved riparian and wetland management and enhancement programmes. A nursery is operated to provide poplar and willow planting material for land, stream and river stability where required. Provided ongoing assistance to the Tasman Environmental Trust and the Tasman Natural Areas Enhancement Group.</p>

<p>To work with Ministry for the Environment to finalise the details regarding the successful clean up of the former Fruitgrowers Chemical Company site at Mapua, expected October 2007.</p>	<p>Council continued to work with the Ministry for the Environment (MfE) on this project taking over the site earthworks component in November 2007. The additional expenditure was largely covered by MfE reimbursement. Was involved in responding to an enquiry by the Parliamentary Commissioner for the Environment and awaiting MfE Site Auditor's Report. Sign off now expected mid-2009.</p>
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REGULATORY SERVICES

What We Do

This activity involves receiving and processing a range of license applications, giving advice and performing statutory functions in the areas of public health, building, sale of liquor, hazardous substances, animal control, rural fire, parking and maritime administration.

We assess and process permit and registration applications, the administration of bylaws and associated monitoring and enforcement action.

Why We Do It

Council is required by law to receive and process license applications and statutory registration systems, to inspect, monitor, and enforce compliance with these statutory regimes. There is also an expectation from the community that we will uphold and administer these regimes.

Our Goal

We aim to see development of the District that achieves high standards of safety design and operation with minimum impact and public nuisance. We offer excellent customer service in providing information on development opportunities and in processing permits and licenses.

Our Levels Of Service

This is achieved by processing consents, licenses and registration applications that are designed to promote and protect the safety and health of people and communities. In addition we conduct inspections and enforce compliance with standards to ensure people are kept safe.

Council will continue to manage this activity in a sustainable manner giving regards to the demands of growth.

How We Measure Progress

<p>Consents are processed according to industry best practice guidelines and no successful insurance claims against Council.</p>	<p>No insurance claim payouts although Council was involved, along with other parties, in a Weathertight Homes Resolution Service payment 😊</p>
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Process a minimum of 80% of applications within statutory timeframes where specified.	64% of building consent applications were processed within statutory time frames over the whole year but by the end of the year the rate of compliance was up to 81%. ☹
Targets include carrying out at least one inspection of all licensed premises each year, and carry out random underage tests of liquor premises.	Achieved on-site inspection target and ran two surveillance runs on liquor premises. ☺
To respond to high priority dog complaints within 30 minutes, 24 hours a day, 7 days a week.	Achieved although response was in some cases a telephone call rather than on-site presence ☺

Major Projects 2007-2008

To respond to enquiries and discharge inspectorial responsibilities under the Health Act, Building Act, Sale of Liquor Act, and the Hazardous Substances and New Organisms Act, and associated Council bylaws. We aim to carry out at least one inspection of all licensed premises each year.	<p>Plan checking and inspectorial responsibilities under the Health, Building, and Sale of Liquor Acts and Council bylaws were discharged using professionally trained and qualified staff and contractors.</p> <p>64% of 1,515 building consents were processed within the statutory processing time limit (cf 2006/2007 = 48%). By the end of the year were achieving 81% compliance. The average processing time was 20 days, in part a reflection of new inspection requirements (cf 2006/2007 = 23).</p> <p>Following much effort to review systems and procedures, we became an accredited Building Consent Authority in July 2008. We have increased resources to respond to the new demands which were unbudgeted and there were some one-off cost increases incurred to achieve accreditation, not all of which were offset by an increase in revenue.</p> <p>Reviewed Council's Gambling Policy and Control of Liquor in Public Places Bylaw in August 2007.</p>
To carry out Harbour Board functions including implementation of the Joint Oil Spill Contingency Plan (with Nelson City Council).	Harbourmaster functions were undertaken over the busy summer period with no major incidents being reported. Revised Navigation and Safety Bylaw in November 2004. Registered 45 commercial operators to operate within Tasman District harbour limits (cf 44 in 2006/2007).

	The Office of Harbour Master has kept up a regular liaison with the Council's 22 voluntary launch wardens, the Maritime Safety Authority and the Department of Conservation. No oil spills were reported.
To administer and carry out enforcement responsibilities under the Dog Control Act and Impounding Act.	The Council continues to administer the Dog Control Bylaw with service delivery being undertaken by Control Services (Nelson) Ltd. There were 5,702 rural and 4,159 urban dogs registered in Tasman District as at 30 June 2008. Council's contractors responded to complaints regarding wandering stock and dogs and impounded animals as required. 228 Dog Control Infringement Notices were issued, 214 of which were for unregistered dogs. (cf 242 in 2005/2006).
To carry out parking control responsibilities under Council's Parking Bylaw.	Parking Enforcement responsibilities were contracted out to Control Services (Nelson) Ltd. 1041 infringement notices were issued (cf 2006/2007 = 667) during the year along with other advisory warnings concerning parking. Public assistance continues to be offered while wardens are on duty.
To ensure fire risk in the District is effectively managed through supporting rural fire parties.	Fire risk in the District is being effectively managed by the Waimea Rural Fire Authority through a contract with Rural Fire Network and the ongoing support of rural fire parties.

Environment & Planning Department
Applications Processed - 1 July 2007 to 30 June 2008

1. Resource Management Act				
Type of Consent	Outcomes 2006/07		Outcomes 2007/08	
Land Use	637		599	
Subdivision	175		191	
Title Plans	137		145	
Completion Certificates	137		135	
Certificates of Compliance	45		8	
Water	146		94	
Discharge	83		241	
Coastal	14		10	
Resource Consent Transfers	87		78	
2. Building Act				
Type of Consent	2006/07		2007/08	
	No. Issued	Value	No. Issued	Value
Dwelling	323	79.6M	292	80.2M
Commercial	85	23.8M	50	17.0M
Other	1292	31.5M	1173	41.6M
Totals	1700	111.5M	1515	138.8M
3. Licences				
Type	2006/07		2007/08	
	No. of Certificates Issued		No. of Certificates Issued	
Food Premises	304		192*	
Hairdressers	38		22	
Camp Grounds	29		14	
Hawkers/Mobile Shops	39		24	
Others	49		55	
Commercial Vessel Operators	44		45	
4. Sale of Liquor				
Type of Licence	2006/07		2007/08	
	No. of Licences Issued		No. of Licences Issued	
Manager's Certificate	285		308	
On and Off Licence	119		93	
Club Licence	17		8	
Special Licence	82		98	
Temporary Authority Order	84		94	
5. Other				
Type	2006/07		2007/08	
Land Information Memoranda	705		599	
Complaints Received	1777		1893	
Abatement Notices Issued	83		61	
Infringement Notices Issued	39		22	
Enforcement Orders	1		0	
Excessive Noise Direction	219		141	

* A delay in releasing the certificates in July has meant actual numbers in the 07/08 year are lower than should have been the case

TASMAN NESLON VITICULTURE STATISTICS

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Tasman Nelson Wineries	15	22	25	28	27	26	24	29	29	28	32
Total NZ	293	334	358	380	398	421	463	516	530	543	585
Tasman Nelson as a proportion	5.1	6.6	7.0	7.4	6.8	6.2	5.2	5.6	5.5	5.2	5.5
Tasman Nelson - Hectares in Grapes	161	175	203	324	398	485	548	646	695	752	798
Total NZ	7,580	9,000	10,197	11,648	13,787	15,800	18,266	21,002	22,616	24,660	27,416
Tasman Nelson as a proportion	2.1	1.9	2.0	2.8	2.9	3.1	3.0	3.1	3.1	3.0	2.9
Tasman Nelson - tonnes og grapes	898	1,383	1,125	2,313	1,785	3,149	4,563	2,454	5,623	5,190	7,002 *
Total NZ	76,356	77,300	78,069	68,986	116,685	74,821	162,100	139,406	182,885	202,823	282,352 *
Tasman Nelson as a proportion	1.2	1.8	1.4	3.4	1.5	4.2	2.8	1.8	3.1	2.6	2.5
Grape Growers in Tasman Nelson						37	28	40	46	58	57
Grape Growers in New Zealand						634	594	825	873	1007	1073
Tasman Nelson as a proportion						5.8	4.7	4.8	5.3	5.8	5.3

Extracted from NZ Wine Institute's 2008 Annual Report

* estimate

Submitter Details:

Tasman District Council
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NELSON

Contact: Dr Robert Lieffering

Submission on:

Proposed National Environmental Standard for On-site Wastewater Systems

Introduction

This submission relates to the Proposed National Environmental Standard for On-site Wastewater Systems (“the proposed NES”) and has been prepared by staff of the Tasman District Council (“TDC”), being a Unitary Authority. The TDC supports the general concept of an NES for on-site wastewater systems but we oppose the limited scope of the proposed NES and some of the proposed approaches contained in the Discussion Document.

This submission provides responses to the questions posed in the Discussion Document but other important matters are discussed which the TDC considers need to be explored before any final NES is prepared.

Scope of the NES

The title of the proposed NES is “National Environmental Standard for On-site Wastewater Systems”, which suggests that the standard will cover all aspects of on-site wastewater management to ensure that the environmental and public health outcomes specified in the Policy Objective (section 4.1 in the Discussion Document) are achieved. For successful management of domestic wastewater on-site to occur it is important that the whole on-site wastewater treatment and land application system is:

1. designed appropriately for the site conditions;
2. installed properly and according to the approved designs;
3. operated properly; and
4. adequately maintained.

The proposed NES only addresses the last two items, despite the title of it suggesting otherwise. It is our view that any NES that is developed must cover all the four matters outlined above for new systems (or existing systems that are being upgraded) and should cover the last two items for existing system.

Although the design and installation of on-site wastewater systems is regulated by the Building Act 2004, to state, as it does in the Discussion Document, that these two elements are not appropriate to be covered in an NES is in our view short sighted. An NES which only covers the operation and maintenance of such systems will not achieve

the ultimate aim of ensuring that where domestic wastewater is required to be managed on-site that there are no unacceptable health or environmental effects. It is clear that territorial local authorities (TLAs) have had difficulties in adequately administering the Building Act requirements in relation to checking the designs and installations of on-site wastewater systems. This has been due to a variety of reasons including the fact that many TLAs do not have suitably qualified and/or experienced staff to audit the designs of on-site wastewater designs that are submitted as part of a building consent application. Further, it is not uncommon that inspections during the installation of land application components of such systems are missed due, in part, to a lack of resources but also due to the focus of inspections being mainly on the construction of dwelling. The lack of adequate design checking and installation inspection of on-site wastewater systems is, in our view, one of the major contributing factors to on-site wastewater systems “failing”. You can have an on-site wastewater system which is operated and maintained properly but it may continue to “fail” because it was either incorrectly designed or inadequately installed, or both. Ensuring that the system which is installed is that which has been approved under a building consent is also important and this can only be ensured by a coordinated approach to checking and inspection of on-site wastewater systems. The Discussion Document acknowledges that the current regulatory regime, which includes the Building Act requirements, is failing to recognise the significance of the problems associated with “failing” on-site wastewater systems.

The TDC is fortunate in that we have staff within our Resource Consents Section who have expertise in auditing on-site wastewater systems designs and are able to assist our building consents staff, thereby reducing the likelihood of poorly designed systems being installed. This would not generally occur in other parts of New Zealand which have the more conventional regional council (RC) - TLA set up. Notwithstanding the above, the TDC is still dealing with a historic legacy of inadequate design checking and installation which have resulted in systems “failing”.

The Discussion Document correctly states that there are two commonly used on-site wastewater system design documents used throughout New Zealand, namely AS/NZS1547:2000 (currently being reviewed) and Auckland Regional Council’s Technical Publication 58 (“TP58”), which have some differences between them. However, this should not be a reason why a proposed NES should not cover the design of on-site wastewater systems. In fact, it appears that the MfE is considering some form of regulation in relation to the design of on-site wastewater treatment systems because the Discussion Document asks whether or not the proposed NES should “prescribe a minimum level of treatment”. We recommend that the proposed NES should include the design of on-site wastewater systems that there could be two possible solutions which should be investigated, one of which should be included in the proposed NES:

1. The proposed NES could require that only “accredited” persons are allowed to prepare design reports that are submitted to the TLA as part of the building consent application. MfE would need to specify what the minimum level of accreditation is, noting that there are already some councils that operate this type of accreditation system (e.g. Marlborough District Council). The accreditation could include requiring the designer to use either of the two currently used design documents as the basis for their designs. This may well occur with the introduction of licensed building officials under the Building Act in 2009 but there should be a Resource Management Act linkage.

2. The second option could be that MfE develop its own national standard for the design and installation of on-site wastewater systems, based on either or both of AS/NZS1547:2000 or TP58, or alternatively adopt one of these as a national standard provided the tests of certainty, relevance, and resource management purpose can be met.

Of equal importance to a properly designed system is its installation. The proposed NES should cover this by requiring new systems (and existing systems that are being upgraded) to have mandatory checks and sign offs before a land application system is covered over. Further, the proposed NES should require that the installation of the system be supervised by the person who designed the system and require that person to submit "as-built" plans, photographs of the installation and location of the system, and a producer statement to the TLA and RC to prove that the system that was installed was in accordance with the plans approved through the building consent (or resource consent) process. There is currently a large variation in the level of checking and supervision that takes place during the installation of on-site systems and the proposed NES could ensure that there is national consistency in this critical element of on-site wastewater management. The proposed NES would need to apply to all new systems in respect to design and installation and not just to "targeted areas". Including on-site wastewater systems as a feature requiring a compliance schedule under the Building Act might be another option but again there needs to be a Resource Management Act linkage.

In respect of the operation and maintenance of such systems, we feel that an NES is the correct method of ensuring that the system which is installed continues to function as it was designed to do. We support the fact that the proposed NES covers the operation and maintenance of on-site systems but some of the proposed methods could be improved on. These are discussed elsewhere in this submission and through answering the questions posed in the Discussion Document.

In the event that the proposed NES ends up only covering operation and maintenance of on-site wastewater systems we suggest the name of the NES be changed to reflect this limited scope.

Focus of the Proposed NES

The proposed NES is focused primarily on protecting human health by reducing the risk of people coming into direct contact with wastewater that may come to the soil surface as a result of systems "failing". Whilst the Discussion Document discusses the fact that on-site wastewater systems can adversely affect water quality, the proposed warrant of fitness (WOF) approach will only really identify those systems which are failing by virtue of obvious visual problems such as wastewater coming to the soil surface. The only adverse "environmental" effect that would be determined through the proposed WOF inspection regime would be if there was an obvious direct discharge of wastewater to a surface water body occurring.

The Discussion Document acknowledges that it would be difficult and expensive to determine, through a WOF inspection regime, whether an on-site system is causing adverse effects on groundwater and the proposed NES is therefore very much focused on protecting human health. The Discussion Document acknowledges that, to operate effectively and to reduce risks of contaminating surface water and groundwater, on-site systems need to be "designed and installed correctly" (emphasis added). We agree entirely with this and hence our recommendation (presented in the previous section) that

the proposed NES must cover these two critical elements (design and installation), especially given that the WOF approach will only be able to ascertain gross visual effects.

Who Should Implement the Proposed NES?

The Discussion Document states that regional councils would be responsible for administering the proposed NES. Whilst the question of whether the TLAs or the RCs should be responsible for administering the proposed NES is not relevant for TDC (as we are a Unitary Authority) we do wish to comment on this.

We feel that the responsibility of administering the proposed NES should primarily be that of the TLA because the focus of the proposed NES is the protection of human health (as discussed in the previous section). If human health protection is to remain the main focus of the NES then it is logical that TLAs should be responsible for administering it for the following reasons:

- TLAs have a duty to improve, promote, and protect human health under the Health Act 1956;
- The Health Act 1956 gives TLAs powers to address problems associated with nuisances as they arise and environmental health officers have powers to act where on-site wastewater management practices are having local or community impacts;
- All on-site wastewater systems require building consents under the Building Act 2004 and it is the TLAs that consider and issue such consents;
- A common situation which can result in overloading of on-site systems causing them to “fail” is where additional habitable rooms are added to a dwelling, resulting in more wastewater being generated that needs to be treated and disposed of. Such additions require building consent and the TLAs are therefore best placed to assess and determine whether the existing on-site wastewater system can accommodate the increased flows or whether the system needs to be upgraded. The Discussion Document states that when a wastewater system or dwelling is modified that the system would need to be re-inspected for the WOF and clearly the TLAs are best place to know when this occurs, not RCs;
- TLAs have property databases and property files which contain the most complete record of the details of on-sites wastewater systems;
- RCs would only have records of those systems which have required resource consent and the NES is proposed to only cover permitted activity wastewater systems;
- TLAs will have a better appreciation than the RCs of which areas have “failing” on-sites systems which are causing nuisance or human health effects because when such situations arise members of the public would typically first contact their local TLA, who would investigate the incident; and
- TLAs have requirements under the Local Government Act 2002 to carry out sanitary services assessments, which include an assessment of the current state of wastewater treatment systems in communities not serviced by reticulated wastewater treatment systems.

If the RCs are tasked with implementing the proposed NES then they will need to have more control on the approval of new on-site wastewater designs and their installation because they would end up “inheriting” the problems and ongoing follow-up checks (and possible enforcement) through the WOF system associated with poorly designed and/or installed systems which may have been approved by a TLA.

Establishing “Target” Areas

The Discussion Document states that the proposed NES would only apply to “targeted” areas which would be identified by the local RC and gazetted. If this approach is to be applied we feel that it is vital that there be a consistent approach taken across New Zealand in determining which areas the proposed NES would apply to. The experience of establishing “air sheds” under the Air Quality NES did not result in such consistency being achieved.

The Discussion Document states that identification of the areas where the proposed NES will apply will be “left to councils”. This is not considered appropriate because there should be an “even playing field” across the country. Some RCs may decide that the work involved in undertaking the proposed risk assessment methodology across their region is too great or they may not have the resources to undertake the work and thereby choose very few (if any) areas where the proposed NES would apply. We question whether there will be any ability for the MfE to step in and direct an RC to include a particular area?

We feel that it would be more appropriate if the MfE took a lead role in establishing the areas where the proposed NES would apply. This would need to be done in conjunction with the RCs and TLAs, and a nationwide study would need to be done to identify the areas where the proposed NES should apply before it is made operative. That way a consistent approach can be assured and the anticipated outcomes can be better assured.

Before an area is gazetted it is important that comprehensive and conclusive evidence is available to show that there is in fact a problem, be it localised or cumulative, that warrants the proposed NES being applied to it. The criteria used to establish this cause and effect relationship also need to be robust and consistently applied around New Zealand. It would be unfair to impose the requirements of the proposed NES on landowners without first showing them that there is actually a problem that warrants a WOF approach to be implemented, with the obvious cost implications.

Costs and Benefits Analysis

The Discussion Document presents the results of a preliminary cost-benefit analysis, the results of which were used to determine that the proposed NES should only apply to “targeted areas”. We feel that more work is required in respect of this analysis before we are able to support the approach of the proposed NES.

The cost-benefit analysis presented in the Discussion Document again confirms that the main focus of the proposed NES is protection of human health because only the benefits to human health have been quantified/estimated and included in the final analysis. If the proposed NES is actually trying to improve or reduce the risk of adverse environmental effects of on-site wastewater systems occurring, then the environmental benefits of the two approaches (targeted areas versus all of New Zealand) must be calculated/estimated and included in the analysis. We reiterate though that if the proposed NES is trying to achieve an improvement in environmental quality that it needs to include the design and installation of on-site wastewater systems because the current WOF approach will not generally be able to assess whether a system is causing adverse effects on water quality.

Another consideration that could be made for the “applied across New Zealand” approach could be a tiered approach whereby some “targeted” areas would require a more frequent WOF inspection and the rest of New Zealand a less frequent inspection. The calculations, in respect of the “costs” do not appear to have considered this option. Further, newer systems could also have less frequent inspections, similar to the WOF regime applicable to new vehicles.

Section 7.4.1 of the Discussion Document covers the benefits in respect of public health and mentions reduced contamination of drinking water supplies. For the reasons already discussed, the proposed NES (covering only operation and maintenance) can not, in our view, claim to be able to protect drinking water quality. The WOF inspections will not be able to assess whether a system is contaminating shallow groundwater, which would be the source drinking water in many areas where on-site wastewater systems exist.

We question the “cost” calculations presented in the Discussion Document in respect of the annual costs of the inspections. We disagree with the cost estimate of \$470,000/year for inspecting 13,000 systems (equivalent to ~\$36/system). An inspection would take longer than the “average of 30 minutes” mentioned in the Discussion Document and would be closer to an hour if the inspection is to be undertaken properly, bearing in mind that many systems take time to actually find as they can be overgrown. Council charge out rates vary but are likely to be in the order of \$80-100/hour so the cost of inspecting 13,000 systems would be closer to \$1.3 million, not including travel time which in many cases could be 4-6 hours (return). We are unsure if the costs of re-inspection for remedial work have been included in the analysis.

In respect of the training costs of \$30,000 for 300 inspectors (equivalent to \$100 per inspector), we feel that this quantum should be checked with those organisations who run such courses. Training courses for on-site wastewater management are significantly greater than this figure and we suspect that the true cost of training the inspectors to the level required is likely to be at least an order of magnitude higher than that included in the analysis.

Monitoring the Effectiveness of the Proposed NES

There is very little discussion presented on how MfE propose to monitor the effectiveness of the proposed NES. Monitoring of indices will be the only way in which the success, or otherwise, of the implementation of the proposed NES will be able to be assessed. Some form of baseline monitoring or measure needs to be undertaken to which future monitoring can be compared. More information on this should be presented to the public before any proposed NES is drafted.

Concluding Comments

As with any NES, the drafting of the actual regulation will determine how practical the propositions will be. We are happy to assist in this phase to ensure any regulation will add value and better manage risk, rather than simply impose an additional layer of bureaucracy.

Response to Questions Posed in Discussion Document

1. Whilst we generally agree with the four “problem statements” presented, we feel that inadequate management of on-site systems is not necessarily the “primary” cause of the high number of “failing” systems in New Zealand. It is our view that inadequate or inconsistent checking of the designs and installation of the systems is of equal importance and hence our recommendation that the proposed NES covers these two critical elements in addition to operation and maintenance.
2. See (1).
3. Only limited work has been done to actually quantify the magnitude of these problems. As discussed earlier in this submission, if the “targeted area” approach is ultimately decided then there needs to be a consistent and robust assessment undertaken, with MfE taking the lead in this assessment.
4. No. We feel the policy should include the design and installation of new systems. However, if the proposed NES is to only cover operation and maintenance of on-site wastewater systems then we feel that proposed WOF system will provide only very limited ability to minimise the risk to “the environment” which is currently mentioned in the policy objective.
5. An alternative that could be considered is an NES which would require all on-site wastewater discharges, both new and existing, to have discharge permits. The discharge permits could have conditions which required a very similar level of inspection as that proposed by the proposed NES’s WOF system.
6. We agree that an NES is probably the best approach and the analysis appears to be sound.
7. We generally agree with the overall philosophy of the WOF inspection approach.
8. It should apply to all individual on-site systems, including consented systems and systems servicing the facilities mentioned in the question.
9. The inspection frequency is appropriate, however those systems which regularly “fail” the WOF inspection should receive more frequent inspections even after remediation work is completed.
10. No, definitely not.
11. Generally yes. Preceding weather conditions should be recorded. If the proposed NES is only to cover un-consented systems then the “Wastewater management system summary” won’t need to cover “discharge consents”. Given that the WOF is only a visual inspection, we are unsure how the inspector will be able to determine the “depth to limiting layer” under “Site and soil (environmental) risk factors”.
12. The proposed NES is deliberately targeting the operation and maintenance of existing systems so we can not see how it could possibly prescribe a minimum level of treatment. As discussed several times in this submission, it is our view that the proposed NES should also cover the design and installation of systems, however it should not go as far as to prescribe minimum levels of treatment as this would be

dictated by a site specific assessment and should have been addressed during the design phase of the system.

13. This depends on the results of a revised cost-benefit analysis which needs to take into account the environmental benefits.
14. If a “targeted area” approach is shown to be the best option (see 13, above), then we agree with the risk assessment methodology, however as discussed earlier in this submission, we feel that the MfE should take the lead in determining the “targeted” areas rather than leaving this up to the local RC.
15. Yes, the reasons for which have been previously discussed in this submission.
16. An MfE run training course is the only way to ensure that inspectors are consistent in the way in which they assess on-site wastewater systems.
- 17.- 22. See previous discussion in this submission on the cost-benefit analysis.

A NATIONAL POLICY STATEMENT ON URBAN DESIGN

Submission from Tasman District Council

30 September 2008

Thanks for the opportunity to provide views on issues raised in the background paper on a NPS on urban design. The following are our broad responses. Some of our answers to one question address considerations under other questions.

Question 1: should there be a NPS and if so what issues should be addressed and their priority

We take the view that:

- i. there are issues within the scope of sustainable urban design that have national relevance and importance across the urban environment in New Zealand, even though many of these issues would need to be addressed at a range of spatial levels;
- ii. the concept of a NPS seeking to address sustainable urban design issues should be proceeded with only after having made a critical assessment of exactly how, or under what policy design, such provisions could add value or be effectively and efficiently delivered under the RMA by local authorities and the community at large.

The issues we have in mind that could be considered for addressing through a NPS or alternative initiatives, but subject to the inquiry by design as stated above, are:

1. managing the pressures and consequences for sprawl or expansion of peripheries of urban centres as the dominant urban growth solution and the implications of this growth trend for success in containment through intensification around urban nodes
2. the design opportunities for new urban space or redevelopment of present urban space to enhance liveability including managing stormwater effects, provision of movement connectivity and social and economic infrastructure, creation of amenity values and enhancement of network infrastructure efficiencies through scaled application of key urban design principles
3. improving integrated planning within RMA (acknowledging the LGA context) for urban settlement development at single urban area and settlement pattern scales, including attention to:
 - monitoring and investigations into sustainable urban space demand and supply management
 - linking assessments and decisions for land and infrastructure particularly transportation across all relevant scales
 - developing a sustainable design awareness in councils and communities
 - enabling consideration of spatial design principles that enhance liveability and functional efficiency and manage environmental effects of urban development, at all levels of decision-making for those spaces: regional, territorial, urban centre, area, neighbourhood, property.

Question 2: the structuring , detail and directiveness of any NPS

Any statement can only seek to shift decisions and actions from the present urban pattern in any area towards marginal changes over time. Cities cannot be redesigned by fiat. So the directiveness must be only sufficient to facilitate this shift. Requiring stated urban outcomes to be put into policy and achieved by some timeframe is not realistic nor appropriate given the huge range of situations to be addressed. We consider the value of a NPS on urban design, might be best able to be addressed in relation to urban design principles, thematic issues and processes. We note the RMA Part II already contains a number of provisions that could be drawn on in developing some of these principles.

Policy content should be at the level of enunciating principles to apply in urban development planning, in relation to the issues identified above, in the form of “should undertake enquiries into..”, “should account for..”, “should have regard to...”, “should avoid...”.

The scope of policy content can be broad and can extend across the themes of:

- regional or district settlement patterns,
- spatial extent of urban centres and links between urban functions in multiple centres;
- environmental settings of existing urban centres and values or risks this poses (eg. catchment situation outlook for stormwater and greenspace and movement network design)
- place hierarchy and both spatial and functional form in growing urban centres, and interplay between place (node) and peripheral growth around the footprint of centres
- approaches to area design and delivery in the range of situations that are likely
- promotion of key tasks and tools in any urban development planning process, that recognises scale and resourcing variance around and within the regions.

Question 3: what should not be in a NPS

We agree with the observation in the background paper that practice initiatives not directly related to RMA plans and consent decisions should not be imposed through a NPS. We acknowledge the raft of initiatives needed and current by government, councils, developers and communities that a NPS cannot directly deal with (as identified in the background paper), but a NPS might broadly signal at least how the government intends to pursue some of these, and the place of organisational, professional and sector actions relevant to good urban design.

Question 4: spatial scales to address in a NPS

We recognise that urban design concepts have a large spatial reach. We consider that the purpose of any NPS is to address issues of national relevance and significance. Therefore in the spectrum of scales from regional settlement patterns, urban centres of all scales, areas, neighbourhoods to property or site scales, we consider that the largest spatial scales will be in general the most affected by NPS content or that content justified, and the smallest spatial scales will be the least affected or justified.

File Ref: V1-11-01

18 September 2008

Richard Kempthorne
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Tasman District Council
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Dear Richard

Re National Bovine Tuberculosis Pest Management Strategy

I am writing in regard to future funding for the Tb Strategy, and also in regard to a recent letter regarding vector management arrangements from Dennis Bush-King and Trevor Norriss. Currently your Council funds the 'local share' of vector (mainly possum) control costs in support of the Strategy. I would appreciate an early indication of your Council's likely funding intentions beyond the 2008/09 year.

By way of background, the Tb Strategy is implemented under the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Order 1998 (amended in 2004). Funding for the strategy was determined through extensive consultation at its inception, and at its last review, in accordance with requirements of the Biosecurity Act. Certain costs are met entirely by farming industry sectors, and others are allocated. With respect to vector control, on average 10% of the cost must be collected from land owners in regions where a vector control programme is undertaken. The most efficient collection method is to work with regional councils and unitary authorities to collect funds, rather than creating a less efficient and duplicated collection mechanism.

Council funding is discretionary under the Tb Strategy Order, as there is no ability to make binding obligations on Councils. However, longstanding support and commitment to Strategy funding from Councils was implicit in the Minister of Biosecurity deciding to implement the Strategy on the current funding basis. The Tb Strategy contributes significantly to a number of Community Outcomes for which Councils are responsible, relating to regional economic sustainability, biodiversity and pest control. Through the commitments of other funding partners, every dollar of local share collected in practice attracts nine dollars of additional funding.

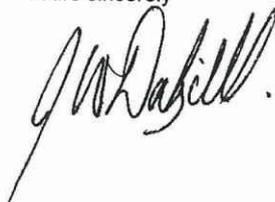
The Biosecurity Act requires that all National Pest Management Strategies must be formally reviewed every five years. In the case of the Tb Strategy, this process is underway, and the Minister of Biosecurity must notify a proposal with regard to the future of the Strategy by September 2009. Subsequent public consultation and decisions are then required. It had been hoped that sufficient certainty around future direction and funding would be available ahead of Council LTCCP development. It is now apparent that this will not be the case, and accordingly it is important that funding certainty is maintained for the 2009/10 and 2010/11 years while the review process occurs, to sustain the excellent progress of the Tb strategy.

An early indication of your Council's likely position will allow me to provide appropriate information and opportunity for discussion with regard to funding beyond the 2008/09 year. This should occur before LTCCP drafting to be of most value. The Animal Health Board, our member organisations, and we understand the Ministry of Agriculture and Forestry will also be submitting to the LTCCP process.

With regard to vector management arrangements for Tasman, we respect and appreciate the points made by Councillors with respect to the work undertaken by Southern Pest Management and the need to maintain a similar high standard in future. The district will not become a second cousin to the West Coast from where one of six AHB national programme management bases has been established. While some planning and administration can be undertaken outside the region, we need to maintain local input and knowledge to be successful. Rest assured that we will continue to have field presence in Tasman. Further we will maintain specific regional reporting and measurement for Tasman, including providing this information as required to Council. We are confident that changes to management will enhance our ability to implement the vector programme to best effect.

Returning to the matter of funding, I look forward to advice of your Council's intention in this matter. Please either contact me directly, or alternatively our Chief Executive William McCook.

Yours sincerely



John Dalziell
CHAIRMAN

*Copies to Peter Thomson, MAF Biosecurity
Dennis Bush-King & Trevor Norris, Tasman District Council*