



STAFF REPORT

TO: Environment & Planning Committee

FROM: Dennis Bush-King, Environment & Planning Manager

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT - REPORT REP10-05-25-** Report prepared for meeting of 20 May 2010

1. WATER MEASURING DEVICE REGULATIONS

The Government has announced intentions to introduce regulations requiring all water takes of 5 litres per second or more to be metered. The intention is to stage installation over six years. Within the first two years those takes of 20 litres per second or greater will have to upgrade first (2012). Water takes of more than 10 litres a second are to be metered within four years (2014) and water takes of more than 5 litres a second are to be metered within six years (2016). The regulations will have immediate effect for any new consents or consents under review. The announcement says the regulations will have effect from 1 July 2010.

The regulations will require the installation of digital meters which are capable of telemetering although councils will be able to decide whether that is required. As we have traditionally used analogue meters, all permit holders will, over time, have to upgrade. The exception will be consented takes of less than 5 litres/sec. This will create an issue where two differing technologies will be in place requiring a different compliance response by council.

The regulations are expected to exempt takes for non-consumptive uses and will not apply to individual domestic, stock water, and fire fighting takes. There is also provision for councils to seek catchment specific exemptions.

Tasman has required water metering for many years so we understand the value in measuring water takes as part of our management responsibilities. The Government estimates that 66% of all consented water takes nationally are not metered. This is similar to our position but those zones currently not metered are not fully allocated and we have in place monitoring bores and other devices to manage abstraction sustainably. We also have in our TRMP a programme to introduce metering in a staged manner consistent with demand and which allows us to effectively manage the costs of such monitoring.

In our view the government has under-estimated the costs of implementing the regulations – assessed nationally at \$1-2 million. Our current compliance effort costs around \$70,000 annually. While digital technology might reduce some of the labour effort involved, increasing our metering from 800 to 1300 would see an increase to over \$100,000. This will be passed on to permit holders under the current funding policy. If all consented takes over 5 litres per second had to be metered, and existing meters had to be upgraded, the cost to Tasman permit holders will be in the order of \$2M.

The proposal also suggests that takes from storage dams which are off stream or not on permanent flowing streams (ephemeral) will have to be metered. In the interests of encouraging water storage we have not required metering unless the dam is topped up from groundwater or a stream. Unless such takes from storage dams can be exempted from metering using the Ministerial discretion there will be an even greater number of meters required in the first two years because many storage dams would use more than 20 litres per second.

The actual measurement units are also a cause for concern. In many cases we have defined hourly, daily and weekly rates, and in some cases also instantaneous takes. Using liters per second as the primary trigger does not recognise the variability in demand – permit holders do not pump 24/7 which is why we base our approach on weekly abstraction totals (and then back calculate to get a litre per second value). This may mean that under the regulations a reasonable number of users may not need to have meters that comply with the regulations although under the TRMP, they will still need to be metered. Do we therefore accept there will be two measurement systems or do we take steps to convert everything over? These and other questions will need to be worked through as the detail of the regulations emerges.

2. AQUACULTURE LAW REFORMS

The Government has signaled plans to amend aquaculture legislation and promote other initiatives as it moves to support the aquaculture industry's goal of reaching \$1 billion in sales by 2025. Details have yet to be worked through but include proposals to reform consenting processes, extending the term of consents to a minimum of 20 years, better align RMA and Fisheries Act tests, to allow the Minister to amend coastal plans “in exceptional circumstances where it is in significant regional or national interest”.

It is expected further proposals dealing with transitional provisions will be worked on and these will be of particular interest to TDC. We need to ensure the tortuous advances that have been made are not undermined. In fact the RMA issues have been resolved and all that remains is sorting out the fishery issues and an allocation to iwi.

3. FORESHORE AND SEABED REVIEW

Appendix 1 contains a submission of the Government's Foreshore and Seabed Review which was to be lodged by the due date of 30 April on behalf of Council.

4. CERTIFICATE OF EXEMPTION – FOOD HYGIENE REGULATIONS

Last month the Committee considered an application for the Rototai Road Community Food Stall to be exempt from full compliance with the Food Hygiene Regulations. Following further discussion, and because staff do not have delegated authority, this matter is represented to the Committee.

The food stall/premises is a block built garage on land owned by Theo Blythe. The intention is that the premise will be used to sell fresh fruit, vegetables and bottled or canned produce only. The bottled or canned products are to be sourced from premises registered for the sale of food.

To bring the stall up to full compliance given the community nature of the operation would be a significant cost. The ceiling height would have to be raised to a minimum of 2.4m from the floor, impervious floor, wall and ceiling materials would need to be used, plus on site toilet facilities should be provided. Staff have assessed the risks involved and made satisfactory arrangements regarding food preparation, hand washing and toilet facilities. To insist on full compliance in this instance would cause undue hardship to the occupiers and would not represent a corresponding gain in food safety standards (given the nature of the food sold from the premises). The resulting operation would be similar to that which applies to many food stalls around the district which sell produce grown on-site.

A draft certificate of exemption is attached for Council approval as Appendix 2.

Recommendation

That the Committee agree pursuant to Regulation 6 of the Food Hygiene Regulations 1974 to grant a certificate of Exemption to Daniel Loytenburg and Kelvin McKenna (Ngang), trading as the Rototai Community Stall as detailed in Appendix 2 to REP10-05-25

5. SURFACE WATER STATE OF THE ENVIRONMENT (SOE) MONITORING

The Tasman surface water SOE programme presently covers 55 core sites that are sampled quarterly (every three months) for a range of parameters from bacteria to nutrients. The present programme grew out of a desire to have a wide geographical spread to our monitoring sites covering a representative range of stream types to enable the early detection of environmental issues. It was a deliberate decision to get good geographical spread to get a good handle on the state of water quality in our streams rather than have fewer sites enabling more frequent sampling to aid rapid trend detection.

This approach was common practice across regional councils. Of late at various National forums (RCEO's, National Monitoring Forum, Special Interest Groups), Regional/Unitary councils have come in for criticism by Crown Research Institutes and even the Parliamentary Commissioner for the Environment for a lack of rapid trend detection. Many RCs have subsequently been modifying their programmes to account for both geographical and temporal sampling improvements. Tasman has resisted changes to date in favour of doing targeted catchment-based investigations to determine the source of water quality problems. However, we are starting to be the exception. It is proposed that following the release of our next SOE report in

July-August this year that we reconsider our programme and seek better alignment with the national moves. We have already considered 4-5 sites which would be priorities for monthly sampling. While we will cover any changes within our existing budget for the coming year, there may be resource implications in the future.

The information that this monitoring generates will be linked to the web-based Land and Water New Zealand platform (LAWNZ) which Regional and Unitary councils are intending will act as a centralised vehicle to present information about New Zealand's environment. Collaterally it affords recognition of the role that RCs/UAs have as New Zealand's primary resource managers.

6. SALE OF LIQUOR REVIEW

The Law Commission has released a report entitled "Alcohol in Our Lives: Curbing the Harm" which contains 153 recommendations directed at reducing both the short and long term effects of alcohol misuse on society. While the Government has responded in relation to proposals to increase excise taxes, there will now be a period where the recommendations will be considered before amending legislation is introduced.

Key policy recommendations include:

- the introduction of a new Alcohol Harm Reduction Act;
- raising the price of alcohol by an average of 10% through excise tax increases; regulating irresponsible promotions that encourage the
- excessive consumption, or purchase, of alcohol; returning the minimum purchase age for alcohol to 20;
- strengthening the rights and responsibilities of parents for the supply of alcohol to minors;
- introducing national maximum closing hours for both on and off-licences; (4.00 am and 10.00 pm respectively)
- increasing the ability of local people to influence how and where alcohol is sold in their communities;
- increasing personal responsibility for unacceptable or harmful behaviours induced by alcohol, including a civil cost recovery regime for those picked up by the police when grossly intoxicated;
- moving over time to regulate alcohol advertising and sponsorship.

A number of the recommendations are specifically targeted at processes currently under the control of local authorities, including assessing applications for licences and enforcement. The 511 page report can be made available to councillors if interested. Staff will work with LGNZ over any response.

7. RICHMOND WEST UPDATE

The Environment Court has fixed the first series of mediation meeting on Richmond West appeals for the week of 22 June.

8. NATIONAL ENVIRONMENTAL STANDARD (NES) FOR CONTAMINANTS IN SOIL

A submission was lodged by the due date on this proposed NES and a copy can be made available to councillors if required.

9. ECOFEST

This year marks the 10th anniversary of Ecofest, the Council's annual environmental festival which showcases environmentally friendly products, services and messages. The objectives are specifically designed to

- To make it easier being green for everyone.
- To not only highlight environmental issues, but also offer easy everyday actions and solutions.
- To highlight positive environmental actions by individuals, businesses and communities.
- To encourage others to follow positive environmental examples.
- To provide an alternative to rules and regulations for environmental care.

Ecofest is now a joint initiative of the Tasman District and Nelson City Councils and is one of the biggest events of its type in New Zealand. Its success has been recognised across the region and was a recipient of the Minister for the Environment's prestigious Green Ribbon Award.

This year's event is to be held at the Trafalgar Centre on 21 and 22 August. On average, around 8000 people attend the Ecofest Expo every year. Surveys show that around half of these people will be attending their first Ecofest.

Planning is well underway and we hope to specifically target

- Teens/Youths: via Funky Fashion shows.
- Children: via Kids Trail.
- Businesses: via a Business Tour and seminars, and working with the Sustainable Business Network.

This year's Eco Challenge will be a Top of the South Food Challenge. The Top of the South Food Challenge is all about encouraging consumers to eat and buy local food and to support local growers and suppliers.

Council stands will this year highlighting the new “Tasman Warm Homes” scheme and the re-launched TDC website containing as it will a wealth of environmental information. The Smart Home will be on site, there will be another Biosecurity display (with the “Pesty Boys”), a Create Your Own Eden display (Waste Education Services representing Nelson City Council and Tasman District Council), and a Way to Go transport stand (NCC and TDC)

Ecofest is an effective way of showcasing “best” environmental practices, while encouraging people in “what they can do”, to make a positive difference, no matter how small. Many small actions can make a positive difference to our environmental footprint. This form of ‘practical’ environmental education has an important role in empowering the Tasman community with knowledge and skills for the future. Councillors will be called upon to help in due course.

10. RECOMMENDATION

It is recommended that this report be received.



Dennis Bush-King
Environment and Planning Manager

CERTIFICATE OF EXEMPTION

THE FOOD HYGIENE REGULATIONS 1974: FIRST SCHEDULE REQUIREMENTS FOR REGISTRATION OF FOOD PREMISES - ROTOTAI COMMUNITY STALL

The Tasman District Council grants an exemption pursuant to regulation 6 of The Food Hygiene Regulations 1974 as follows:

Owner: Theo Blythe, 45 Rototai Road, Takaka
Occupier: **Daniel Loytenburg and Kelvin McKenna (Ngang) – Trading as ROTOTAI COMMUNITY STALL**

Premises: Rototai Community Stall, Rototai Road, Takaka

Exemption: The premises are exempt from the requirements under sections of the First Schedule of the Food Hygiene Regulations 1974 which relate to the construction of the premises, the minimum ceiling height and the provision of staff toilet accommodation on the premises, provided that the following conditions are complied with.

- Conditions:**
- a) The use of the premises shall be restricted to the sale of unprocessed fresh fruit and vegetables and bottled and preserved fruit and vegetables and drinks prepared in a registered premises under the Food Hygiene Regulations 1974.
 - b) The conditions of the letter from the Tasman District Council dated 26 March 2010 regarding registration of the toilet accommodation and the use of the food stall, shall comply with the requirements of the Food Hygiene Regulations 1974.

Reasons: It is considered that requiring the occupier to raise the ceiling height to a minimum of 2.4 m from the floor and to provide impervious floor, wall and ceiling materials, plus provide on site toilet facilities would cause undue hardship to the occupiers and would not represent a corresponding gain in food safety standards, given the nature of the food sold from the premises.

Duration: For the life of the stall subject to annual inspection to ensure compliance.

The certificate of exemption shall cease to have effect in respect of this premises, if the current occupiers terminate their occupancy of the premises.

Dennis Bush-King
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Tasman District Council