

Document: 501610

27 August 2008

**Chairperson and Members
Policy and Planning Committee**

Notice of Meeting

Notice is hereby given that a meeting of the **Policy and Planning Committee** will be held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford on:

Thursday 4 September 2008 commencing at 10.30am.

B G Chamberlain
Chief Executive

**THE TARANAKI REGIONAL COUNCIL REQUESTS THAT THIS
AGENDA REMAINS EMBARGOED UNTIL COMMENCEMENT OF THE
MEETING**

Agenda for the meeting of the Policy and Planning Committee of the Taranaki Regional Council to be held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford on Thursday 4 September 2008 commencing at 10.30am.



Councillors		N W Walker	(Chairperson)
		M J Cloke	
		M G Davey	
		P D Horton	
		M A Irving	
		M P Joyce	
		D L Lean	(ex officio)
		D N MacLeod	(ex officio)
Representatives	Councillor	A Hickey	(South Taranaki District Council)
	Councillor	M Betts	(New Plymouth District Council)
	Councillor	J Rowe	(Stratford District Council)
	Mr	G Hight	(Federated Farmers of New Zealand)
In attendance	Messrs	B G Chamberlain	(Chief Executive)
		R A Phillips	(Director-Operations)
		A D McLay	(Director-Resource Management)
	Mrs	M J Nield	(Director-Corporate Services)
		G C Severinsen	(Policy Manager)
		P Ledingham	(Information Officer)
		K van Gameren	(Committee Administrator)
Mr	J Clough	(Wrightson Consulting)	

Apologies

Notification of Late Items

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**Minutes of the Policy and Planning
Committee Meeting of the Taranaki
Regional Council, held in the Taranaki
Regional Council Chambers, 47 Cloten
Road, Stratford, on Thursday 24 July
2008 at 10.30 am.**

ITEM ONE

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Present	Councillors	N W Walker M J Cloke P D Horton M A Irving M P Joyce	(Chairperson)
		D N MacLeod	(ex officio)
Representatives	Councillor Mr	A Hickey G Hight	(South Taranaki District Council) (Federated Farmers of New Zealand)
In attendance	Councillor Messrs	B J Marsh B G Chamberlain M J Nield G K Bedford A D McLay R A Phillips G C Severinsen P Ledingham	(Chief Executive) (Director-Corporate Services) (Director-Environment Quality) (Director-Resource Management) (Director-Operations) (Policy Manager) (Information Officer)
	Mrs	K van Gameren	(Committee Administrator)
	Mr	G Pittams	(Wrightson Consulting)
	Dr	Ants Roberts	(Ravensdown Fertiliser Company)
		One member of the media	
Apologies		The apologies from Councillor M G Davey, Councillor D L Lean and Councillor J Rowe (Stratford District Council) were received and sustained.	

**Notification of
Late Item**

General Business - Energy Efficient Lightbulbs

**1. Confirmed Minutes: Policy and Planning Committee Meeting
- 12 June 2008**

Recommended

THAT the Taranaki Regional Council

1. receives the confirmed minutes of the Policy & Planning Committee meeting held on Thursday 12 June 2008 at 10.30 am.

08/155

Horton/MacLeod

Matters Arising

There were no matters arising.

2. Community investment in environmental improvements in Taranaki

- 2.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum introducing a report prepared for the Council by Business and Economic Research Limited on community investment in environmental improvements in Taranaki, the findings of which will be included in the Council's next state of the environment report due for release later this year.
- 2.2 It was noted that the report indicates that over the past five years environmental capital investments on water resources, air and noise, land management, energy efficiency and environmental services totalled \$216.7 million – almost two and a half times the expenditure identified in 2002 for the previous five year period.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum and report on '*Community investment in environmental improvements in Taranaki (2008)*'
2. notes the considerable expenditure being made by the Taranaki community on environmental protection and enhancement between 2002-2007 which is conservatively estimated at \$85.1 million per annum
3. notes that information from the report will be included in the Council's next state of the environment report due to be released later this year.

08/156

Cloke/Irving

3. Exclusive Economic Zone Environmental Effects Legislation

- 3.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum updating Members on the proposed legislation for regulating environmental effects of activities in New Zealand's Exclusive Economic Zone (EEZ). The new legislation will set out a new rules and consents regime for the EEZ and new controls are proposed to manage currently unregulated environmental effects of existing activities and the effects of new activities in the EEZ in future.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum
2. notes that legislation to manage the environmental effects of currently unregulated activities in New Zealand's Exclusive Economic Zone is to be drafted and a Bill introduced into Parliament before the end of August this year.

08/157

MacLeod/Irving

4. Hearing of submissions on the Proposed Regional Policy Statement for Taranaki

- 4.1 Mr G Severinsen, Policy Manager spoke to the memorandum seeking agreement from the Committee that a Hearing of submissions on the Proposed Regional Policy Statement for Taranaki take place following a scheduled meeting of the Policy and Planning Committee and to outline the format for the Hearing.
- 4.2 It was noted that the Hearing was originally scheduled to be held following the Policy and Planning Committee meeting on 4 September 2008. TrustPower Limited (a submitter to the Proposed Regional Policy Statement for Taranaki) has sought Council permission to extend the submission period to give them more time to consider their and others submission points. The Council agreed to extend the submission period resulting in the date for the Hearing changing to 16 October 2008.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum on the Hearing of submissions on the Proposed Regional Policy Statement for Taranaki
2. agrees that a Hearing of submissions on the Proposed Regional Policy Statement for Taranaki takes place on Thursday 16 October 2008 following the meeting of the Policy and Planning Committee scheduled for that day
3. agrees that the Policy and Planning Committee reconvene as the Hearing Committee to hear submissions on the Proposed Regional Policy Statement for Taranaki.

08/158

Joyce/Irving

5. Annual activity reports for 2007/2008

- 5.1 Mr R A Phillips, Director-Operations, and Mr G C Severinsen, Policy Manager, spoke to the Council's Policy and Planning and River Control and Flood Management annual activity reports for 2007/2008 outlining the progress made in the achievement of the Council's various programmes and activities.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum and annual reports for 2007/2008 on Policy and Planning and River Control and Flood Management
2. notes that the reports will be made available to key and interested stakeholders.

08/159

Cloke/Irving

6. Building Act 2004 for Dams: Transfer of Functions to Environment Waikato

- 6.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum updating Members on the transfer of Building Act 2004 functions, duties and powers for dams and their appurtenant structures, under Part 2 of the Act, to Environment Waikato and the functions, powers and duties under the Act retained by the Council.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum
2. notes the Consents Section budget for Building Consent Authority accreditation was exceeded
3. notes Building Act 2004 transition arrangements are in place between the district councils and this Council
4. notes minor changes to delegations, consents , enforcement , officer warranting, and charging actions/procedures/policies will be made to incorporate the changes arising from new functions under the Building Act 2004 and the transfer of some of these functions to Environment Waikato
5. notes under the Building Act 2004 all the functions, powers and duties of a Building Consent Authority and some complementary non-Building Consent Authority functions were transferred
6. notes the transfer deed and memorandum of understanding were signed, under delegated authority by the Chief Executive on 22 June 2008, and the transfer is effective of 30 June 2008 as per the two documents;
7. notes under the Deed Environment Waikato are to provide a six monthly report on the exercise of the transferred functions and these will be available to Members as part of the Consents Annual Activity report
8. notes the Council will retain some Building Act 2004 functions and is working collaboratively with other councils to develop standard operating procedures and guidance material for staff to efficiently deliver these functions.

08/160

Joyce/MacLeod

7. An introduction to nitrification inhibitors

- 7.1 Dr Ants Roberts, Ravensdown Fertiliser Company, provided a powerpoint

presentation to the Committee on nitrification inhibitors and their potential place in nutrient budgeting, water and soil quality environmental management and the reduction of greenhouse gas emissions.

Recommended

THAT the Taranaki Regional Council

1. receives the presentation by Dr Ants Roberts on the current state of nitrification inhibitors.

08/161

Cloke/Joyce

Councillor B J Marsh left the Policy & Planning Committee meeting at 11.45 am.

8. Presentation – New Zealand Groundspread Fertilisers Association Conference

- 8.1 The memorandum providing for Members' information an address entitled 'Water Quality Management and the need for Good Practice – a Taranaki view' presented by Chief Executive Mr B G Chamberlain at the New Zealand Groundspread Fertilisers Association Conference held in New Plymouth on 7 July 2008, was received and noted by the Committee.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum on an address entitled 'Water Quality Management and the need for Good Practice – a Taranaki view' presented by Chief Executive Mr B G Chamberlain at the New Zealand Groundspread Fertilisers Association Conference held in New Plymouth on 7 July 2008

08/162

Horton/Irving

9. General Business

Councillor A Hickey (South Taranaki District Council) highlighted the recent trend towards the use of energy efficient lightbulbs requesting further information on how the lightbulbs are to be disposed of and the impacts of their disposal on landfills. A report would be prepared for the next Policy and Planning Committee meeting.

There being no further business, the Committee Chairman Councillor N W Walker, declared the Policy and Planning Committee meeting closed at 11.50 am.

Confirmed

Chairman: _____
D N MacLeod

Date: **12 August 2008**

ITEM TWO

4 September 2008

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**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Annual activity reports for 2007/2008

Purpose

1. To introduce reports on the Council's activities in the 2007/2008 year. A brief presentation of the highlights of each report will be made. Directors will be available to highlight the significant activities and to answer any queries regarding the reports.
2. Attached separate to the Agenda for Members' information are the following annual activity reports:
 - Pest plant management
 - Pest animal management
 - Public Information
 - Resource investigations and monitoring (includes waste minimisation).
 - Biodiversity
 - Navigation, safety and harbour management
 - Land Management.

Background

3. At the end of each financial year, annual activity reports are prepared outlining the progress made in the achievement of the Council's various programmes and activities.
4. The attached reports are structured on the Council's annual plan which has an objective and programme for the year under each significant area of activity. The reports describe the activities undertaken towards the achievement of the programme. This is done in an informative and appealing manner by the use of graphs, tables, charts and photographs. The reports contain more detailed information on operational matters and less emphasis on financial reporting than the Council's Annual Report. They also focus more on the outcomes achieved.
5. Reports on policy and planning and river control and flood management were considered at the Policy and Planning Meeting held on 24 July and compliance monitoring and consent processing administration and enforcement were considered at

the last meeting of the Consents and Regulatory Committee. The report on revenue and financial policy, investment policy and liability management policy will be considered by the Executive Committee as will the recreation, culture and heritage report and the report on Regional Land Transport Planning and Passenger Transport will be forwarded to the Regional Land Transport Committee. The Emergency Management Civil Defence report will be considered by the Executive Committee and provided to the Co-ordinating Executive Group of CDEMG and the CDEM Group Committee for information.

6. The reports are available to auditors to note detailed performance and copies will be sent to key stakeholders, put on the website, and will be made available to the public on request.

The reports

7. A brief summary of the highlights in each report follows:

Pest plant management

8. In 2007/08 inspections confirm that overall occupier compliance with Strategy rules continues to be satisfactory, although the number of properties with significant pest plant problems (ie, Category C properties) slightly increased.
9. Compliance with the strategy rules has been satisfactory. In total, 274 Notices of Direction to control pest plants were issued. All the Notices (which expired before 30 June 2008) were complied with and there was no subsequent need for further enforcement action.
10. The Council inspected 46 plant nurseries and retail outlets in Taranaki to ensure they are not selling, propagating or distributing pest plants. In conjunction with these inspections the Council looked for, enforced and provided information on a ban on pest plants banned from sale, propagation and distribution under the National Pest Plant Accord.
11. The Council received and responded to 285 requests for information from the public about weeds and other plants this financial year (down from 586 the previous year).
12. The Council provided advice and information and published advertisements about land occupier obligations relating to, pest plants, in particular common and purple pampas.
13. In relation to 'eradication pest plants' the Council treated 50 small properties and directed land occupiers to treat a further 25 infestations. This control has addressed the control of all 'eradication pest plant' infestations that were known as of 2001 (when the previous Strategy became operative), the control of most infestations subsequently discovered after that time, and, as appropriate, the re-treatment of these sites.
14. Through its pest plant management activities, the Council in conjunction with the community has restricted the spread of invasive pest plants and protected agricultural production values and environmental values in the region.

Pest animal management

15. The implementation of the 'Self-help Possum Control Programme', which now covers 96% of the Taranaki ring-plain continues to be the main focus of the Council's pest animal management activities. This programme focuses on the Council treating

properties and then facilitating the land occupiers' maintenance of reduced possum numbers.

16. Given the extent of the ring plain now covered by the self help programme, the new addition to the programme, that the Council undertook the initial possum control on, was the Kaimata operational area, covering just 48 properties or 3,431 hectares.
17. The Council inspected 547 properties in the Self-help Possum Control Programme. Inspections confirm that overall compliance with the strategy rules for possum control has been satisfactory. Five Notices of Direction directing occupiers to control possums were issued.
18. Monitoring confirms that occupiers in the Self-help Possum Control Programme have been very effective in maintaining reduced possum numbers in areas treated by the Council. Only 24% of the properties monitored were over the Council's target of 10% Residual Trap Catch (down from 30% last year).
19. The Council undertook targeted possum control on 23 properties in the Self-help Possum Control Programme or bordering the Programme, including 19 properties adjacent to Egmont National Park.
20. The Council responded to 347 public enquiries pertaining to pests – most enquiries pertained to ants, possums and mustelids. Increased publicity was used to raise public awareness of Argentine Ants.
21. Through the Council's pest management activities, significant parts of Taranaki have effective long term pest control, which contributes towards community efforts to enhance agricultural production and indigenous biodiversity and amenity values in the region.

Public Information

22. The Council has met its performance targets set out in the 2007/2008 Annual Plan for its Public Information functions. The activities undertaken support the Council's slogan of "Working with people, caring for our environment", and further enhance the environmental awareness and attitudes of the Taranaki community.
23. The Public Information programme involves advising, informing, educating and generally engaging with the community on Council business, to provide non-regulatory implementation of Council policies. The range of communications activities has continued to grow, particularly in areas such as transport and the Council's riparian programme. The increased usage of the Council's websites demonstrates their value for engaging with the community.
24. During the 2007/2008 year five issues of Recount were produced and distributed to over 1,000 key stakeholders, organisations and the media.
25. In June a riparian planting day, which was part the communications plan to promote an increase in riparian fencing and planting, attracted national television and print media coverage.
26. The Council's partnership with Puke Ariki included the launch of the Whenua exhibition and publication (2006/2007 Annual Project) and the launch of the 60 Springs environmental education programme (2007/2008 Annual Project).

27. The monthly average of visits to the Council's website was 29,963 (26,645) and 70,029 (59,690) for the Taranaki Regional Explorer site.
28. The Taranaki Regional Council presented seventeen environmental awards to recognise environmental projects in categories of industry, agriculture and individual/school/community groups.
29. The Council's environmental education programme focuses on the school sector to promote sustainable use of the region's natural resources. The Council's Education Officer worked with 210 (198) classes involving 5,585 (5,553) students this year and a further 669 (1069) visitors to the Council's display areas.
30. During the year, 35 (37) units of work and 447 (732) additional resources were sent out to teachers covering topics such as the weather, rivers, coast, waste minimisation and recycling, sustainable land management, civil defence emergency management and trees.
31. The Council produced four issues of the S.I.T.E newsletter to schools and distributed over 750 copies of each issue.
32. Five teacher workshops were facilitated by the Council including Visit the Rock Pools, Waste Minimisation and Recycling, two sessions on SHMAK (Stream Health Measurement and Assessment Kit) and Adopting a Stream.

Resource Investigations, monitoring and waste minimisation

33. State of the environment monitoring continues to be a major focus of the Council's investigations and monitoring activities. The monitoring provides long-term information on the state of Taranaki's environment and of its physical and natural resources, assisting the Council to develop and review policy and methods of implementation, and to promote sustainable resource management. Resource investigations tend to be shorter in duration and to focus on exploring particular issues, so that the Council strategically acquires the knowledge base and understanding it needs for defensible and robust policy development and implementation.
34. The implementation and the promotion of waste minimisation and cleaner production initiatives for industries within the Taranaki region continued to be the core focus for waste minimisation activities for the year.
35. During the 2007/2008 year, Council staff implemented 19 state of the environment monitoring programmes, including 921 inspections and sampling runs and surveys at 264 monitoring sites. A number of individual programme reports were prepared by the Council, while staff also provided data and other information used in national reports. In addition, staff carried out work for the five yearly comprehensive State of the Environment Report for Taranaki due to be published late 2008.
36. The quality and defensibility of the Council work is fundamental, and staff have maintained quality assurance programmes and information databases for hydrometric, chemical laboratory, air quality, physicochemical freshwater, freshwater biological and marine biological data.
37. In order to provide information to the public in a timely manner, the Council has maintained public access to on-line live regional data on rainfall and bathing beach

water quality, and included access to river flow and level data, wind speed and direction data and soil moisture and temperature data.

38. In 2007/2008, the Council undertook 12 research investigations and applied research projects. Projects undertaken during the year or designed during the year for implementation in 2008/2009 included further exploration of the extent of physicochemical and biological effects of dairy effluent discharges on streams, on-going studies in the Waiokura Stream catchment of opportunities for good farming practices to improve stream quality, further data and reports examining trends in the robustness of Taranaki soils under pastoral land use, examining the biodiversity of our pastures and riparian margins, partnering studies into the performance of nitrification inhibitors under Taranaki conditions, conducting a site assessment of the former Patea freezing works (a study complicated by a fire at the site), and collaborating in a study of littoral sand drift on the north Taranaki coast.
39. Key waste minimisation projects included waste minimisation studies in selected priority sectors in consultation with the three Taranaki district councils.
40. Staff continued to work with schools on waste minimisation matters and the implementation of the National Environmental Standards Air Quality (2004) as it applies to schools.

Biodiversity

41. In 2007/08 the Council prepared *'The Biodiversity Strategy: an operational strategy to guide the biodiversity actions of the Council'*. Submissions were received from 17 stakeholder groups or individuals when the draft was circulated for stakeholder comment. These submissions were overwhelmingly positive with regards to the proposed directions and focus, and were valuable in finalising the Strategy.
42. A workshop was held gathering together representatives from biodiversity agencies and community groups in Taranaki to discuss ways of working more closely together. The response from participants was highly positive.
43. Nine biodiversity plans were commenced or prepared in conjunction with landowners of Key Native Ecosystems. Out of this planning work, additional biodiversity condition fund resources are being made available to two Key Native Ecosystems (one the Council is managing on behalf of the landowners, and the other, the Council assisted a community group to access this fund). Council supported predator control work and wetland fencing/planting work was carried out at a number of Key Native Ecosystem sites.
44. A range of biodiversity related work was carried out through Council's existing programmes, and reported on in other significant activity reports. This included the preparation of 21 farm plans and 301 riparian plans, providing 256,438 plants at cost to 670 plan holders and advice and supporting 3,437 land occupiers through the self help possum control programme and monitoring structures in waterways for fish passage.
45. Support was provided to several 'iconic' biodiversity projects: technical and financial support was provided to Lake Rotokare Scenic Reserve Trust; support was provided to prepare a marketing proposal for the East Taranaki Environment Trust kiwi project; logistical support was provided for the pest control work at Whitecliffs for Ngati Tama and the Council continued to work in partnership with the Department of Conservation

in terms of working towards the next possum control operation in the Egmont National Park. Finally, the Council's own iconic project, the riparian restoration project on the ring plain was the subject of increased public awareness.

46. This year the Council started scoping the requirements for its biodiversity data management and the requirements for a monitoring plan.
47. A study into biodiversity changes in riparian vegetation of differing ages was commenced, along with a study into the biodiversity values of small streams, and a re-survey of wetland extent using 2007 aerial photos.

Navigation, safety and harbour management

48. The Council has responsibilities for navigation safety within Port Taranaki under the Local Government Act 1974 and also has responsibilities for marine oil spill response under the maritime Transport Act 1994.
49. During the 2007/2008 year, the Council achieved its performance measures for its navigation and oil spill response functions. Of note there were 2,097 vessel movements in Port Taranaki with no navigation and safety incidents. Two minor oil spill incidents occurred within the port area and were responded to in accordance with statutory requirements and the Council's Oil Spill Response Plan. A major oil spill occurred in October 2007 when approximately 15 tonnes of crude oil washed up on the west coast near Okato from an off-shore production station. Maritime New Zealand has launched legal action over the spill.
50. The *Port and Harbour Safety Management System* was granted full approval by Maritime New Zealand and is valid for a period of three years from 11 July 2007. This was the first safety management system approved in New Zealand.
51. Review of the navigation/safety signage in the Port area has commenced.

Land Management

52. Providing advice and advocacy through property planning services whereby plans are prepared addressing sustainability issues on a site-specific basis continues to be the main focus of the Council's land management work.
53. A further 21 comprehensive farm plans, and one agroforestry plan, were prepared for land occupiers in the hill country. This means that as at 30 June 2008, 178,580 hectares of the hill country was covered by either a comprehensive farm plan or agroforestry plan.
54. This financial year, Council prepared a further 301 riparian management plans. This brings the total number of riparian plans up to 2009. However, implementation of the fencing and planting recommendations in the riparian plans is only happening slowly. Incentives were repeated this year such as offering sponsored prizes to encourage farmers into riparian management and a heightened media campaign. Council recognises the importance of face to face contact with farmers to encourage implementation of the riparian plans.

55. As at 30 June 2008, landowners had fenced 504 km of stream bank and planted 426 km of stream bank by way of implementing their riparian plans. Taking the existing fencing and planting into consideration, this means that 60% of stream banks are fenced and 43% of stream banks are planted.
56. Council provides planting material for either soil stability purposes or riparian planting. This is a key component in the success of the Council's land management programme. This year over one quarter of a million trees were provided at cost to landowners.
57. Council works with land holders to adopt land use practices and techniques that avoid or minimise soil erosion in the hill country, and which maintain and improve water quality in ring plain schemes. With continued land holder and community support for this programme, Council believes it will continue to meet its land management objective of promoting sustainable land and riparian management.

Recommendations

THAT the Taranaki Regional Council:

1. receives the memorandum and annual reports for 2007/2008 on pest plant management, pest animal management, public information, resource investigations, monitoring and waste minimisation, biodiversity, navigation, safety and harbour management, and land management;
2. notes that the reports will be made available to key and interested stakeholders.

AD McLay
Director-Resource Management

Approved:

B G Chamberlain
Chief Executive

4 September 2008

**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Approval of Marine Oil Spill Contingency Plan for Taranaki

Purpose

1. To provide an update on the completion of a review of the Council's '*Marine Oil Spill Contingency Plan*' (the Plan) and its subsequent approval by Maritime New Zealand (MNZ). A copy of the Plan is available to Members on request and a copy of the table of contents is attached to show the content of the Plan.
2. A brief presentation on the October 2007 Okato Oil spill will be made, by the Compliance Manager, Mr B Pope, for Members. It will show the main phases of an oil spill response, how the Plan was used, and the lessons learned.

Background

3. Local authorities are required to prepare a marine oil spill contingency plan under the Maritime Transport Act 1994. The Plan applies to coastal waters within the Council's 12 nm limit under the Resource Management Act. The Plan is generally reviewed every 3 years and this is fifth review of the Plan.
4. When contingency plans were first prepared by councils there was variability in approach. MNZ has looked to standardise plan format and align this with that of the National Oil Spill response Plan with the latest Plan review process.
5. Oil spill response involves mainly Council staff being trained and certified in various roles to respond to spills under the guidance of the Plan. Private sector staff associated with the oil industry are also trained and able to respond (e.g. Port Taranaki Ltd and Shell Todd Oil Services Ltd staff). The Council is annually funded by MNZ to maintain staff training and to conduct oil spill response exercises. The Plan review is also funded by MNZ.
6. Oil spill response equipment owned by MNZ is located at the Port and is available for local and national use.
7. The Regional On-scene Commander (ROSC) is responsible for the spill response. The Director- Resource Management and Compliance Manager are the Council's ROSCs with the latter undertaking the majority of the responses. The Council also has a MOU in place with Environment Waikato to provide ROSC services if their ROSCs are unavailable.

8. The Council works closely with MNZ's Te Atatu oil spill response team in reviewing the Plan and in responding to oil spills. The results of spill events are recorded and used in the review of the Plan for continual improvement purposes.
9. The October 2007 Okato oil spill from the Umaroa, which processes and stores oil from the Tui Field for off load to tankers, was the second largest in New Zealand history and occurred as the Council was reviewing the Plan. Some valuable lessons were learned? during the spill that have been incorporated into the revised Plan. These include media management and community liaison. During the Okato spill a community liaison group was formed that included iwi, recreational and local interests which provided improved two way communication and input in to determining when the clean up operation should cease. Council officers gathered the evidence for MNZ to take a successful enforcement action for the spill against AWE and Prosafe. A debrief with MNZ is scheduled to address issues raised during the oil spill response and subsequent enforcement action.
10. Trained oil spill response teams throughout New Zealand may be called on to deal with a large spill event.
11. Under the Maritime Transport Act the Council is to consult with Maori over the Plan. An invitation to consult was offered to all Taranaki iwi and accepted by Ngati Ruanui Iwi. A meeting was held to discuss the Plan and the Iwi expressed interest in becoming involved in the response team.

Contingency Plan Components

12. The objectives of the Plan are to:
 - a) prevent further pollution from a marine oil spill; and
 - b) contain and clean-up the marine spill;

in a manner that does not cause further damage to the marine environment, or any unreasonable danger to human life, or cause an unreasonable risk of injury to any person.
13. Standard operating procedures for the four phases of oil spill response are set out in the Plan namely:
 - 1) discovery, notification, evaluation, identification, activation;
 - 2) development of a spill response action plan;
 - 3) implementation of a response action plan;
 - 4) response termination and demobilisation; and
 - 5) post operations- document costs/litigation.
14. Chapters from the National Spill Response plan are included addressing a range of operational matters and appendices include information about equipment, personnel, communications, sensitive areas and coastal information, and plan administration.
15. Management of the response is based around establishing an incident command centre and use of the Co-ordinated Incident Management Structure (CIMS) also used by Police, Fire Service and Civil Defence/Emergency Management. The scale of the response is

obviously a function of the spill size and the full CIMS model is only used for major spills.

16. Media interest in spills is increasing and potentially brings pressure to the ROSC to respond to the large number of media enquiries while importantly managing the actual physical spill response. Hence, more resources have been put into media response procedures in the revised Plan and the additional strategy and staff resource in the Public Information section utilised.
17. The Plan review was a component of the Policy and Planning programme for 2006/07 in the LTCCP 2006/2016. However, high workloads, staff shortages, and the Okato oil spill resulted in the Plan review process being completed, with MNZ approval, in 2007/08.

Recommendations

THAT the Taranaki Regional Council:

1. receives this memorandum; and
2. notes Maritime New Zealand provided approval for the Council's *Marine Oil Spill Contingency Plan* on 24 June 2008.

AD McLay
Director-Resource Management

Approved:

B G Chamberlain
Chief Executive

ITEM FOUR

4 September 2008

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**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Proposed National Environmental Standard on Ecological Flows
and Water Levels**

Purpose

1. To present a submission on the Discussion document on a '*Proposed National Environmental Standard on Ecological Flows and Water Levels (2008)*' (the 'discussion document') submitted to the Ministry for the Environment and to recommend that the submission be endorsed by the Council.
2. A copy of the submission is attached to this memorandum for Members' information. Submissions closed on 29 August 2008.
3. A copy of the discussion document can be made available to Members on request. Further information can be found on the Ministry for the Environment's website www.mfe.govt.nz.

Key points for Members' information

- A discussion document has been released for submission on a proposed National Environmental Standard on Ecological Flows and Water Levels.
- The objectives are supported, particularly the move to improve water allocation efficiency across the country and to increase the consistency on the selection of technical methods to assess the ecological component of environmental flows.
- The concept of adopting more complex flows assessment methods where the levels of abstraction are high or the values of the water body significant are supported, as is the gathering of all the technical methods for flow assessment into one document.
- The Council's submission encourages the adoption of clear management objectives that are relevant and measurable, and recommends that the NES provide guidance on the developing of such objectives.
- The Council's submission strongly encourages the Ministry for the Environment to continue to engage with councils and other key stakeholders in the drafting of the National Environmental Standard. The discussion document was prepared with good engagement through the working group. As the discussion document is drafted into a National Environment Standard it is imperative that the Ministry

continues this level of dialogue to engage with councils and other affected parties (despite no formal legal requirement to do so). The successful and workable implementation of the NES will depend on careful drafting of the text.

- Finally, the Council's submission stresses the importance of the Ministry of the Environment clearly identifying the significant technical support and resources that will be required to implement the NES. These include such matters as providing guidelines and support for the various computer models, formal training in all methods, including field sampling, data processing and computer model analysis. In addition, support will be required for the gathering of information or estimating hydrological parameters where this information is scarce.
- The NES just relates to ecological flows whereas environmental flows are far broader, and often value driven (taking into account a suite of other aspects to flow management). The Council supports the identification in section 7 (future actions to complement the NES) of the Ministry for the Environment looking to explore ways to assist councils in this important area.

Background

4. The Government has embarked on a programme of policy work entitled the 'Sustainable Water Programme of Action'. Members were briefed on this in February of this year. The programme aims to improve the sustainable management of freshwater, to protect our freshwater resources into the future, and to acknowledge the fundamental importance of water to all New Zealanders.
5. By developing a strategic and nationally consistent approach to managing fresh water resources, the government is seeking to achieve three key national outcomes:
 - Improve the quality and efficient use of freshwater by building and enhancing partnerships;
 - Improve the management of the undesirable effects of land use on water quality; and
 - Provide for increasing demands on water resources and encourage efficient water management.
6. Establishing environmental flows and water levels is a critical part of effective water management. Therefore, the government is proposing to develop a National Environmental Standard (NES) under the Resource Management Act 1991 (RMA).
7. National environmental standards are regulations made under sections 43 to 44 of the RMA. Standards can be numerical limits, narrative statements or methodologies that are in a legally enforceable form.

Proposed NES on Ecological Flows and Water Levels: Discussion document

8. The proposed national environmental standard is intended to complement and enhance the existing RMA process for establishing environmental flows and water levels through regional plans. The specific objectives for the proposal are:

- Objective 1 – To ensure that all resource consent decisions on applications to take, use, dam and divert water from rivers, lakes, wetlands and aquifers are made in the context of a *clear limit on the extent to which flows and water levels can be altered*;
 - Objective 2 – To ensure that all resource consent decisions on applications to take, use, dam and divert water from rivers, lakes, wetlands and aquifers are made in the context of a *clear specification of available water*; and
 - Objective 3 – To reduce conflict and provide consistency on the appropriate technical methods used to assess the ecological component of environmental flows and water levels.
9. The discussion document recommends that the preferred option to address these objectives is to develop a national environmental standard that:
- **Sets interim limits** on the alterations to flows and or water levels in those rivers, wetlands and groundwater systems for *which there are no limits set in a proposed or operative regional plan*;
 - Provides a **process for selecting the appropriate technical methods** for evaluating the ecological component of environmental flows and water levels.
10. For example, **interim limits** are proposed for allocating ground water: 15% of the average annual recharge; and for allocating water from streams less than 5 m³/s: a minimum flow of 90% of the mean annual low flow and an allocation limit of 30% of the mean annual low flow or the present total allocation.
11. The suggested **process** for selecting appropriate technical methods is as follows:
- Assess the risk of deleterious effects on instream habitat according to the size of the stream and the species of fish present. This recognises that counter-intuitively, there are higher effects on the ecology of small streams from water abstractions than on the ecology of large rivers.
 - Calculate the degree of hydrological alteration based on the risk to the ecology and whether the stream has a high or low baseflow.
 - Then, based on the degree of hydrological alteration and the significance of instream values, a matrix of methods for determining ecological flow requirements is proposed.
12. For example, a small abstraction from a stream with a high baseflow would result in a 'low' degree of hydrological alteration. If the instream values were low-medium then the methods for determining ecological flows are the simple, low cost ones such as using historical flows or an expert panel.
13. If however, the level of abstraction is higher, the stream's significance higher or the risk to the ecological values greater, then the process recommends more comprehensive methods be undertaken for calculating ecological flows.

How the proposed NES relates to current water management in Taranaki

14. Water allocation and environmental flows are managed in Taranaki through objectives, policies and methods provided in the *Regional Policy Statement* and more specifically the *Regional Fresh Water Plan for Taranaki*, which was made operative in 2001.

15. Environmental flows are required by policies 6.1.3 and 6.1.4, which note that the Council will require the retention of water flows or levels that retain at least 2/3 habitat at mean annual low flow. This policy is subject to policy 6.1.3 which sets out other matters the Council will have regard to when setting flows. Given that flow levels are set through these policies, the proposed interim minimum flow would not over-ride the Council's plan.
16. While the *Fresh Water Plan* specifies minimum flow levels, it is silent on surface water allocation limits (although these have been set out in the Council's '*Guide to surface water availability and allocation in Taranaki (2005)*'). Therefore, the interim limits proposed in the national environmental standard would apply in Taranaki (30% of mean annual low flow for streams under 5 m³/s and 50% of mean annual low flow for rivers greater than that, or the total allocation at the time the NES comes into force). These allocation levels are not too dissimilar to those already used by the Council, and therefore would have little impact on current fresh water management.
17. Applications for water from catchments already allocated to this level, would need to use the assessment methods in the technical document, and be assessed under the policies of the *Fresh Water Plan*.
18. The *Fresh Water Plan* is silent on explicit allocation limits for ground water. The proposed interim limits would restrict allocation to 15% of the annual recharge or the current total allocation for coastal aquifers and 35% for other aquifers. Given the high levels of recharge of shallow Taranaki ground water aquifers in relation to the current level of abstraction, these interim levels would pose no restrictions to ground water abstraction in Taranaki.
19. The *Fresh Water Plan* does not set water levels for diverting water from wetlands. Under the Plan, diversion of water from regionally significant protected wetlands (Appendix IIA) is prohibited, diversion of water from regionally significant unprotected wetlands (Appendix IIB) is discretionary. Diversion of water for the purpose of land drainage is provided for in Rule 77, but excludes wetlands in Appendix III, and any over 10 ha.
20. The proposed NES suggests that an interim limit for wetlands is conservative, to prevent any increase in the abstraction of water from a wetland unless provision is made in a regional plan. It proposes no change in water levels for wetlands.
21. It is unclear if the NES applies to diversion of water from wetlands, to abstraction of water from wetlands, or to both. Equally, it is unclear if the provisions in the *Fresh Water Plan* would be considered as 'provisions', even if they do not set water levels.
22. Given this uncertainty, the Council's submission has recommended that the NES apply only in circumstances where there are no objectives or policies relating to wetlands in a regional plan, or to give serious consideration to removing the wetland limits from the interim levels because of the complexities and difficulties of setting wetland levels.

The submission

23. The Ministry for the Environment has set out specific questions in the discussion document and the draft submission has been structured around these questions.
24. The submission supports the issues identified in the discussion document, noting in addition, that monitoring the effectiveness of ecological flows in delivering on

anticipated or predicted ecological response is as important as determining appropriate flows in the first place.

25. The submission supports the approach to improving the selection of appropriate methods for assessing ecological flow requirements, and supports the use of more complex methods where the level of abstraction is high or the values of the water body significant.
26. The submission supports the proposed interim levels but expresses concern about the ability to enforce the proposed wetland interim level.
27. The submission makes some suggestions for addressing some technical aspects of the discussion document and accompanying technical document.

Next steps

28. The next steps in the process are for the Ministry for the Environment to prepare a summary of the submissions and a report on the submissions. The report, along with the recommendations on the proposal for a national environmental standard will then be considered by the Minister for the Environment and Cabinet.

Decision-making obligations

29. Part 6 (Planning, decision-making and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendation(s) made in this item comply with the decision-making obligations of the Act.

Policy considerations

30. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Biosecurity Act 1993.

Financial considerations

31. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Council Community Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Legal considerations

32. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Recommendations

THAT the Taranaki Regional Council:

1. receives this memorandum;
2. notes that the Ministry of the Environment has released a discussion document relating to a proposed National Environmental Standard on Ecological Flows and Water Levels; and
3. endorses the attached submission on the discussion document on the National Environmental Standard on Ecological Flows and Water Levels.

AD McLay
Director-Resource Management

Approved:

B G Chamberlain
Chief Executive

Document: 467409

26 August 2008

Ministry for the Environment
PO Box 10362
WELLINGTON

Proposed National Environmental Standard on Ecological Flows and Water Levels

Introduction

1. The Taranaki Regional Council ('the Council') thanks the Ministry for the Environment for the opportunity to comment on the public discussion document entitled '*Proposed National Environmental Standard on Ecological Flows and Water Levels* (2008) ('the Discussion Document').
2. The Council makes this submission in recognition of its functions and responsibilities under the Resource Management Act 1991 and the Local Government Act 2002.
3. The proposed National Environment Standard (NES) forms part of the Sustainable Water Programme of Action (SWPOA). Senior Council staff are involved in various forums associated with the programme and have represented the Council on the working group responsible for developing this discussion document.
4. As a general comment the Council welcomes and supports the development of appropriate tools that will assist regional councils in their water management functions, as long as these tools enable and assist local decision making to arrive at solutions that reflect local conditions and not adopt a prescriptive 'one-size-fits-all' approach. Management of water flows and levels is a particularly complex area of fresh water management that invariably requires a local approach.
5. Council Officers attended the briefing on the NES at a workshop in Palmerston North, and appreciated the opportunity to ask questions and seek clarification.

General submission points

6. The Council supports the intent of the Proposed NES to 'provide for increasing demands on water and encouraging efficient water management' and supports the specific objectives for the NES.
7. The Council supports the concept of adopting more complex flows assessment methods where the levels of abstraction are high or the values of the water body significant.

8. The Council acknowledges that bringing all the technical information relating to flow assessment into one technical report constitutes a significant step forward in water management in New Zealand and congratulates MFE on this achievement.
9. The Council encourages the adoption of clear management objectives that are relevant and measurable, and recommends that the NES provide guidance on the developing of such objectives.
10. The Council strongly encourages the Ministry for the Environment to continue to engage with councils and other key stakeholders in the drafting of the National Environmental Standard. The discussion document was prepared with good engagement through the working group. As the discussion document is drafted into a National Environmental Standard it is imperative that the Ministry continues this level of dialogue to engage with councils and other affected parties (despite no formal legal requirement to do so). The successful and workable implementation of the NES will depend on careful drafting of the text.
11. The Council wishes to stress the importance of the Ministry of the Environment clearly identifying the significant technical support and resources that will be required to implement the NES to bring all councils up to a similar standard. These include such matters as providing guidelines and support for the various computer models, formal training in all methods, including field sampling, data processing and computer model analysis. In addition, support will be required for the gathering of information or estimating hydrological parameters where this information is scarce. While some councils are well advanced in many of these matters, others will need further resources or support.
12. The Council notes that this NES just relates to the ecological flows whereas environmental flows are far broader, and often value driven. The Council supports the identification in section 7 (future actions to complement the NES) of the Ministry for the Environment looking to explore ways to assist councils in this important area.

Response to questions posed in the discussion document

Question 1- Problem statements and issues

Do you agree with the problem statements and the three key problems that were identified as benefiting from national direction?

13. The Council supports the problem statements, particularly the recognition that whilst environmental flows are currently in place for most systems, small streams and groundwater systems tend to be those without established flows, yet are increasingly those systems under increased pressure from water abstraction. This has been the Council's experience in Taranaki where by far the majority of the region's streams have median flows of less than 5 m³/s.
14. The Council also supports the recognition that environmental flows do not clearly define the available water and that allocation limits are required where these are not specified in regional plans.
15. The third problem statement in the discussion document notes that the existing process for setting ecological flows and water levels is costly and contentious. The Council would add to this, that determining appropriate flows is strongly dependant on having good hydrological data, or good methods for estimating hydrological statistics.

Obtaining even baseline data to establish average flows or average low flows is in itself a costly business, quite aside from then setting appropriate environmental flows.

16. Therefore as noted above, it is important that the Ministry recognise that Councils are likely to vary in their capability or capacity to obtain good hydrological data, and the necessary expertise to use some of the proposed methods and that national support systems will be necessary to fill the gaps. Section 7 is a good starting point.
17. Section 3.1.3 notes that a great deal of time can be spent arguing about an appropriate method for setting environmental flows, because flows cannot be 'standardised' in the same way that water quality standards can. The Council notes that it is not only is time taken in arguing about an appropriate *method*, but also in arguing over the interpretation and application of the results from the method once selected. Very few of the ecological flow setting methods have secured agreement within the scientific community of appropriate interpretation techniques.
18. A further problem statement and issue that needs to be recognised is that there are very few guidelines available on establishing and developing community consensus on the instream management objectives for a waterway, nor for identifying and quantifying the value (for both instream and out of stream purposes) of water. Establishing an agreed instream management objective is, irrespective of the uncertainties surrounding the flow setting methods, critical to enable meaningful monitoring of the flow levels set.
19. It is recommended that the NES include a table of possible instream management objectives to assist water managers select the appropriate, *measurable* management objectives for their waterway.
20. This highlights a further problem, and that is the importance of monitoring the ecological response to flows set, against a clear objective, in order to be able to review the management of the waterbody in light of monitoring results. This has been recognised as future work that is needed to assist the implementation of the standard in section 7 of the discussion document, but needs to be recognised amongst the problem statements, and steps put in place to address it through the NES.

Question 2 – Assessment and evaluation of alternatives

Do you consider that all available options have been covered? Do you have comments on the assessment and evaluation of alternatives?

21. The national environmental standard does not propose to over-ride limits and allocation techniques currently presiding in regional plans, until those plans are reviewed. The Council supports this as considerable community consultation was undertaken in developing the *Regional Fresh Water for Taranaki*, and the Council would not wish to see current provisions over-ridden.
22. That said, there are issues, such as the allocation limits for groundwater and the allocation limits for surface water that the *Regional Fresh Water Plan for Taranaki* is silent on (although these have been set out in the Council's '*Guide to surface water availability and allocation in Taranaki (2005)*'). Therefore interim limits proposed to be included in the NES will be of assistance, although they are generally consistent with the management approach already adopted by the Council through the implementation of the *Fresh Water Plan*.
23. The Council supports the inclusion in the NES of technical methods section to ensure national consistency in the selection and application of technical methods for determining ecological flows and water levels. The Council notes that previous guidelines (e.g. the '*Flow Guidelines for Instream Values*' produced by MfE in 1998) did not

lead to a consistency in approach, and this may have been due to their non-statutory nature. Thus opting for a NES rather than guidelines would seem preferable.

24. Whilst the Council supports the option of having an NES for ecological flows, even though they are only part of the overall equation, a timetable should clearly spell out when national guidance would be provided for other flow related matters, such as those described in section 4.5. Perhaps the vehicle for outlining such a timetable could be the National Policy Statement. The Council will advocate for this through the submission process on the NPS.

Question 3 – the need for interim limits

Do you support the need for, and introduction of, interim limits set through a national environmental standard?

25. The Council generally supports the need for, and the introduction of, interim limits set through a national environmental standard in order to achieve some level of consistency nationally on the proviso that they are carefully drafted and workable. The Council has reservations about the workability of the wetland interim limit for example, and over the practical interpretation of some of the other interim limits. Where there is any degree of uncertainty, it would be preferable for interim limits not to be set.

Question 4 – The interim limits

Do you have comments on the numbers for the interim flows and water levels? Are there sufficient divisions of rivers and streams and groundwater systems?

26. The interim limits proposed for streams with mean flows less than or equal to 5 m³/s to be a minimum flow of 90% of the mean annual low flow (MALF). The Council notes that very small streams (<500 l/s) are even more sensitive to changes in flow and that the mean annual low flow for such streams could be considered a more appropriate minimum flow. This has been negotiated as a minimum flow for a number of the Council's pasture irrigation consents, which are invariably from very small streams.
27. There is currently inconsistency between the interim limits and the proposed technical methods: the interim limits set minimum flows based on historic flows (i.e. MALF) irrespective of stream size, fish species or value. The technical methods rate abstractions of up to 30% of MALF as generally a 'medium' degree of hydrological alteration. This in turn would suggest the need to adopt more complex predictive methods for streams with either a medium or high instream value significance.
28. This suggests that the interim limits may need to be set more conservatively, or that there are more divisions added for rivers and streams of different size and value.
29. Shallow coastal aquifers – this interim limit should be set for coastal aquifers where there is a threat of salt water intrusion, irrespective of the geology (i.e. not all coastal aquifers are predominantly sand).
30. Minimum flows – the definition in the discussion document notes that this is the flow when consent holders have to reduce, and ultimately stop, abstracting. The management of ceasing abstractions as rivers draw down to their minimum can be complex and may require further detail in the NES or in supplementary water shortage management procedure documents.
31. Water harvesting, i.e. water abstraction at flows greater than 3X the median (or some other figure) – has not been considered in the interim guidelines. Consideration could be given to how this could be provided for. Harvesting flood flows presumably should not be considered in the allocation limit set.

32. While the Council supports the need to safeguard wetlands, the proposed interim limit for wetlands could be difficult to administer. The *Regional Fresh Water Plan for Taranaki* has rules for the diversion of water from regionally significant wetlands, but does not set 'wetland levels'. This might result in the interim limit needing to apply to this region. The NES is unclear if this limit is proposed for water abstraction from wetlands (i.e. through a pipe) or if other activities (such as diverting water from wetlands, adjoining land drainage or land use) that may have an influence on wetland water level are also captured.
33. Taken to its logical conclusion, the proposed NES may be taken to be a nation wide prohibition to activities likely to result in the alteration of wetland levels. This may result in a severe loss of local decision-making in relation to wetland management, even if wetland management has already been subject to extensive community processes through the development of a regional plan, but where, perhaps, setting of wetland levels was not considered necessary at the time of developing that plan.
34. Thus, it is recommended that the NES impose interim limits on wetland levels only where there are no objectives or policies relating to wetlands in a regional plan, not where there are no identified wetland levels.
35. Alternatively, given the enormous difficulty and complexity with setting wetland levels, the Ministry should give careful consideration about even including interim limits on wetland levels.

Question 5 - Time bound

The proposal does not set a time limit for how long the interim limits will apply. There is some concern that this will not encourage catchment-specific or regional default flows to be set. Do you think the interim flow and water levels should apply for only a limited period?

36. The Council has no comment to make for how long the interim limits will apply for. Presumably they have been designed to be sufficiently conservative to safeguard ecological values and processes, although see comments above. Flows established through regional planning processes are likely to be less conservative. Therefore there is no problem with interim limits becoming the defacto limits if they adequately achieve the objective of safeguarding the life supporting capacity of the waterbody.

Question 6 - Inclusion of existing consents within allocation limits

As currently structured, the interim allocation limits include all existing consents. Implementation of the limits will, therefore, not require claw-back of existing consents to meet the interim allocation limit. Claw-back is an option allowed when an environmental flow is set through a regional plan. How do you think the situation, where the amount of water allocated to existing consents exceeds the numeric interim limit, should be addressed?

37. The Council supports leaving the management of 'clawing back' water allocation to local decision making to resolve.

Question 7 - the need for an NES on the selection of technical methods

Do you support the aim to provide consistency in the selection of methods for assessing ecological values? Does consistency need to be provided in a national environmental standard or would guidance documents be sufficient?

38. The Council supports the aim of providing consistency in the *selection* of methods for assessing ecological values. The fact that this may not necessarily lead to consistency in interpretation of the methods needs to be acknowledged.

39. The technical document does not provide methods for assessing *ecological values*, leaving this process up to the planning process. Water managers across the country could do with tools on valuing water bodies, and identifying and articulating those values into specific, and measurable, instream management objectives.
40. The NES is based on the premise that using more complex methods will give a more accurate answer. This should not be undertaken at the expense of setting *measurable* objectives, and then designing a monitoring programme to test the effectiveness of the flows derived from the predictive models. In other words, at the end of the day the various flow setting methods are all just predictive models which must be verified by monitoring the ecological response to the flow regime put in place.

Question 8 – The approach outlined in the technical document

Do you have any comments on the approach outlined in the technical document Draft Guidelines for the Selection of Methods to Determine Ecological Flows and Water Levels?

41. The Council supports the technical document including a range of methods to select from, but considers that it would be of valuable assistance if there was a clear linking of which method was appropriate for which value/objective. Table 2.6 goes some way towards this, but could be improved upon by providing an additional column that sets out the issues that the various methods would best address, along with specific examples of measurable instream management objectives.
42. The Technical document discusses regional methods, and suggests that they would be used in similar circumstances as generalised models. However, it should be noted that, just as generalised habitat models need ‘testing and refinement at the regional level’ (recommendation made in section 2.5.3), regional models should also be tested and refined. They have not been updated since originally developed in 1993, and although utilised extensively, have not been monitored or tested to assess if they are delivering on the level of environmental protection offered.
43. The Technical document (p19) notes that native fish preference curves are being reviewed using a database of over 6 000 observations. Given the nocturnal behaviours of native fish, it will be important to ensure that those preference curves are derived from observations of native fish habitat use during night time. Relying on data from electrofishing will produce inaccurate native fish preference curves.

Question 9 – The inclusion of new methods if they become available ?

How should new and emerging methods be incorporated into the process outlined in the proposed Standard?

44. Technical methods will constantly be improved upon, or new methods adopted, so there will need to be a process for amending the supporting technical document on a regular basis. It would be preferable if methods were subject to the peer review process of scientific publishing before being recommended as a method. Indeed, a number of methods outlined in the Technical document are still largely experimental and need to be recognised as such.

Question 10 – NES approach to breaches

How do you think the national environmental standard should address applications for resource consents that breach the interim limits?

45. The discussion in section 5.3.2 proposes that applications for resource consents that breach the interim limits would be classified as ‘non-complying’, and would need to be assessed against policies in a plan (if they exist) and against part II of the Act. This is

more appropriate than a prohibited status as it will enable local councils to make decisions appropriate to each case.

Question 11 – Application of the NES to existing and replacement consents

How should the national environmental standard apply to existing and replacement resource consents in each of the situations outlined in Table 2?

46. Table 2 recommends that applications for flows or abstractions that exceed the interim limits must be considered as a non-complying activity – where it would then need to be tested against policies in a plan. If a plan has not specified flows or levels, then it may be that there are no suitable policies in the plan to assess the application against (in which case part II of the Act would be relied upon).
47. Applications for new resource consents would be required to be assessed using the methods in the technical document. This may over-ride aspects of the regional plan.

Question 12 – Benefits and costs of preferred option

Have the range of benefits and costs of the proposed national environmental standard been identified? Are the costs and benefits identified in this document accurate? Do you have other information you would like to see included in the cost-benefit analysis that will occur after submissions are received and analysed?

48. The Council has no additional information to aid a refinement of the cost benefit analysis.

Question 13 – Quantification and analysis

Do you have any comment on the assumptions used in the analysis? Do you have any comment on the partial quantification of costs outlined in this section? Do you have information that would be useful for the full analysis?

49. Council has no additional comments or information.

Yours faithfully

B G Chamberlain

Chief Executive

per: AD McLay

Director-Resource Management

4 September 2008

**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Primary Sector Water Partnership: Plan of Action

Purpose

1. To introduce the '*Primary Sector Water Partnership Leadership Document: Plan of Action - Summary of the Plan for action (2008)*' (hereafter referred to as the ' Plan'). The Plan is attached separate to this agenda for Members' information. The Plan is set at quite a high level, with sector strategies and action programmes to be developed by the Partnership Group members in due course.

Background

2. The Primary Sector Water Partnership is a grouping of the major primary sector organisations. It has been formed to anticipate and engage proactively on water management issues.
3. The primary sector has shaped this countries economy, society and environment. The sector is important for New Zealand's economic performance as agriculture, horticulture and forestry provide an estimated 20 % of GDP, around 47 % of total exports and cover about 52 % of the land area.
4. The sector representations in the partnership are:
 - Dairy (Fonterra, DairyNZ)
 - Arable (Foundation for Arable Research)
 - Horticulture (HortNZ)
 - Sheep and Beef (Meat and Wool NZ)
 - Forestry (NZ Forest Owners Association)
 - Fertiliser (Fertiliser Manufactures Research Association)
 - Irrigation (Irrigation NZ)
 - Federated Farmers NZ.
5. The partnership is to work with regional councils and territorial authorities to identify priority catchments and to develop sector-specific initiatives within those priority catchments, so as to ensure sector efforts and available resources are focused where

there is the most need. The priority catchments are to be determined by August 2008 with a complete plan of action by September 2010. As the Council has not been contacted, no priority catchments are likely in this region. This also could reflect the Council and communities efforts over the last twenty-five years to maintain and/or improve water quality in the region, such that there are no such catchments needing action.

6. The purpose of the Plan is to promote sustainable freshwater management by land based primary sector by supporting and co-ordinating sector initiatives. In addition to work in priority catchments there are national initiatives based on nutrient application, water efficiency and building capability, research and extension.
7. The Partnership has been working together since May 2006 and has received input from local government New Zealand and several regional councils.
8. The goals of the partnership are to:
 - maintain and/or enhance water quality from primary production land, with demonstrable and accelerated progress on the resolution of water quality from agricultural land within five years; and
 - demonstrable improvements in water use efficiency by the primary sector within five years.
9. The Primary Sector approach aims to achieve sustainability goals and to maintain dynamism and flexibility in the primary sector by:
 - developing Sustainable Water Management Strategies for each partner;
 - engaging landholders in environmental outcomes and self management of their impacts, with an initial focus on identified priority catchments; and
 - working in partnership with central and regional government.
10. The voluntary targets for action are:

Nutrient Management	<ul style="list-style-type: none"> • By 2013, 80% of nutrients applied to land nationally are managed through quality assured¹ nutrient budgets and nutrient management plans. • By 2016, 1.7 million ha of intensively farmed land² will have implemented nutrient management plans, in the context of their wider farm management planning, to achieve improved environmental outcomes.
Good practice industry bench mark of water use	<ul style="list-style-type: none"> • By 2016, 80% of extracted water used by the sectors will be under a self management approach to meet benchmarks³ of good practice industry bench marks of water use.

¹ The people undertaking and processes used will be subject to independent quality assurance.

² Land with dairy, arable, and horticultural operations.

³ Such benchmarks would be agreed between the sectors and regions, and would be set based on efficient reasonable use for region, system type and season – and be dependent on regional council agreement.

Sediment and Microbial Management	<ul style="list-style-type: none"> • By 2010 all forestry land, and by 2016 1.7 million ha of intensively farmed land will have implemented a management programme to minimise microbial and sediment deposition in waterways.
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11. There is also emphasis in the Plan given to building capability, research and extension, with the target of sector groups building capacity to achieve sector specific targets by 2011, and to increase alignment of sector and public sector research investment to deliver the knowledge required to achieve the desired outcomes in priority catchments.

Taranaki context

12. Over 60% of Taranaki's total land area of 723 610 hectares has been developed for pastoral farming. The rest is mainly indigenous forest cover (half of which is in the Egmont National Park and other Crown reserves) with some exotic forest cover. Sustainable management of the region's land resource is essential for Taranaki's environmental and economic future, and requires careful management.
13. The Partnership goals are not inconsistent with the environmental outcomes sought in the Council's policies and plans. The Plan is seeking to maintain and/or enhance water quality from primary production land which is identical to the Council's objective in the Regional Policy Statement. Water quality management is a key resource management issue going forward for this Council with considerable effort going into regulatory programmes based around consents and the non-regulatory riparian and hill country farm plans to address soil conservation, diffuse source runoff of nutrients and sediment. Hence the Plan's nutrient reduction targets, if achieved, will assist in addressing this issue.
14. A further goal of the Partnership is to demonstrate improvements in water use efficiency within 5 years. While water allocation and efficiency of use are not significant issues for this region, the improvements sought by the partners are supported and could lead to more efficient water use and more water being available for use or allocation in this region.

Assessment

15. The Plan is not that easy to follow and it is not clear as to exactly what is being proposed, but it is considered a positive step in terms of improving sector members' environmental performance. The Plan is probably best considered a work in progress that will evolve through time. NGOs and others have been critical of the primary sector for its lack of environmental leadership and action and the Plan represents a response to this criticism.
16. Bringing together the various Partners, with quite different approaches, into a partnership has to be acknowledged as a significant achievement. This represents a great opportunity for benchmarking the performance of the sectors moving into the future.
17. The action of the sector members could be considered to follow the dairy industries *Dairy and Clean Streams Accord* (2003) but regional councils are not represented and there are environmental matters addressed beyond those pertaining to water quality and biodiversity (wetlands). The regional action plans developed under the Accord in

each region are a similar concept to the strategies to achieve targets proposed under the Partnership for each member. Councillors will recall this Council put considerable effort into involving appropriate stakeholders in the development of the Action Plan so that there was understanding of the issues and ownership of the actions to address the issues. It is suggested this same approach should be followed by the Plan Members in each region to provide relevance and acceptance, and achieve appropriate input from regional councils.

18. Fonterra is also a member of the Partnership and in addition to the Accord targets sets new targets for nutrient management and loss reduction, water and nutrient use efficiency, and associated research that deliver tools, technologies and management practices.
19. The commitment to take this “living document” out to the community and regional councils may lead to recognition that additional and specific resourcing may be required.
20. The Plan, in Annex 3, includes some overarching principles in the development of freshwater policy for New Zealand developed by the MAF convened Primary Sector Reference Group, which are summarised as: balancing desired outcomes, partnership/collaborative approach, catchment based solutions, use rights, use of science in decision making, and management tools and infrastructure. All but the ‘use rights’ principle are considered appropriate. It is claimed where existing use rights are derogated, the impact on these should be recognised through appropriate compensation. It is also noted actions taken to mitigate or remedy the cumulative environmental impacts of past land management practices must be considered inter-generational equity and recognise the lag time of physical and biological systems. Land owners are responsible for the environmental effects of their land use and the notion of a property right to continue to cause adverse environmental effects is backward looking and does not recognise society considers environmental and financial sustainability should be closely aligned.
21. The Plan includes an annual reporting mechanism to Ministers which is recognised as a positive mechanism and allows progress made towards the voluntary targets to be reported, and allows all stakeholders to assess performance.

Next steps

22. The Plan notes that smaller working groups will be established. The groups will include key sector parties for each target, together with other stakeholders such as regional councils. The working groups are to determine the pathway for designing and implementing the management systems that will achieve the environmental targets/outcomes.
23. As noted above, the Plan outlines that engagement with regional councils will be undertaken in order to tailor responses to suit variation in land-uses and issues. It is envisaged this would occur in much the same way the Regional Action Plan for Taranaki under the Accord was developed.
24. The Plan notes that sector strategies will be developed and updated in close consultation with regional councils. This should allow existing programmes and any additional work to be undertaken in an integrated, pragmatic and cost effective manner.

25. In addition, the Partnership is seeking the development of a working party with Government to ensure that capability needs are met (i.e. people on the ground with the necessary skills).

Recommendations

THAT the Taranaki Regional Council:

1. receives the memorandum on the *Primary Sector Water Partnership: Plan of Action(2008)*;
2. acknowledges the Plan represents a positive first step by primary sector organisations towards environmental sustainability; and
3. supports the engagement opportunities with Partnership members arising through Plan implementation and the anticipated environmental improvements.

AD McLay
Director-Resource Management

Approved:

B G Chamberlain
Chief Executive

4 September 2008

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**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Submission on Proposed Stratford District Plan 2008 - further to
plan changes 14 & 15**

Purpose

1. To introduce a submission made to the Stratford District Council on their *Proposed Stratford District Plan 2008*.
2. A copy of the submission is attached to this memorandum for Member's information. Submissions closed on 6 June 2008.

Background

3. The Stratford District Plan has been operative for 10 years and accordingly the Stratford District Council [SDC] is reviewing the District Plan.
4. Members will recall that the at the 22 November 2007 Committee Meeting the Council's submission on SDC's Proposed District Plan Change 14 & 15 was introduced and subsequently endorsed by the Council.
5. Plan Changes 14 and 15 were the result of a consultation round undertaken by the SDC as part of their district plan review.
6. In November 2006 the SDC released a discussion document inviting public comment on the operative District Plan. An internal review of the Plan was also carried out during this time.
7. Plan Changes 14 and 15 made up the proposed changes from the review. The changes pertained to residential subdivision, development in the rural zone and the consideration of 'reverse sensitivity' when considering land use changes.
8. The Council submitted in general support of the Plan changes. In the submission the Council noted its support of the work being undertaken by the SDC, specifically with regard to the consideration given to 'reverse sensitivity' effects when considering land use change in rural areas, the promotion of streambank protection, and the adoption of a natural hazards policy. However, the Council questioned the scope of the Plan review and the fact that the Stratford District Council was not endeavouring to re-notify the entire District Plan. The Council was not the only key stakeholder to question the review process.

9. As a result of the questioning of the validity of the review process, the Stratford District Council notified the entire Stratford District Plan, notified as the *Proposed Stratford District Plan 2008*. The Plan was notified in April 2008.
10. The submissions made on Plan Change 14 and 15 will be taken into consideration by the SDC along with the submissions made on the *Proposed Plan*, as part of the full review process.

The submission on the Proposed Plan

11. The *Proposed Plan* has been assessed against the Taranaki Regional Council's policies as set out in the Regional Policy Statement and Regional Plans. The Council's submission is in general support of the work being undertaken by the Stratford District Council in its review of the District Plan. The submission focuses on planning for the avoidance and mitigation of natural hazards, the adoption of a significant natural areas schedule by the SDC, land use zoning and 'reverse sensitivity' effects with regard to lawfully established activities/industries (i.e. oil production stations and drilling sites).
12. Whilst the Council supports the work being undertaken by the SDC the Council requested that some of the policies and objectives were taken one step further to include measurable targets.

Timetable for review

13. The SDC's summary of submissions was notified in June 2008. The Council did not submit a further submission, in support or opposition of the submissions made.
14. The hearing of submissions is to be undertaken in October 2008. The Council is to submit in support of its submissions. The Committee will be updated in due course of the outcome of this process.

Decision-making obligations

15. Part 6 (Planning, decision-making and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendation(s) made in this item comply with the decision-making obligations of the Act.

Policy considerations

16. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Biosecurity Act 1993.

Financial considerations

17. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Council Community Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Legal considerations

18. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Recommendation

THAT the Taranaki Regional Council:

1. receives the memorandum on the Stratford District Council's *Proposed District Plan 2008*; and
2. endorses the submission.

AD McLay
Director-Resource Management

Approved:

B G Chamberlain
Chief Executive

Document: 466360

6 June 2008

Mike Avery
Planning & Regulatory Manager
Stratford District Council
PO Box 320
Stratford

Submission on Proposed Stratford District Plan 2008 – further to plan changes 14 & 15

Introduction

1. The Taranaki Regional Council [the Council] thanks the Stratford District Council for the opportunity to comment on the Proposed Stratford District Plan 2008.
2. The Council makes this submission in view of its functions and responsibilities under the Resource Management Act 1991, the Local Government Act 2002 and the Civil Defence Emergency Management Act 2002.
3. The Council submitted in general support of the Stratford District Plan Changes 14 & 15 in November 2007. In the submission the Council noted its support of the work being undertaken by the Stratford District Council, specifically with regard to the consideration given to 'reverse sensitivity' effects when considering land use change in rural areas, the promotion of streambank protection, and the adoption of a natural hazards policy.
4. This submission on the Proposed Stratford District Plan is in addition to the submission on Plan Changes 14 & 15. The Council generally supports the work being undertaken by the Stratford District Council in its review of the District Plan. This submission focuses on planning for the avoidance and mitigation of natural hazards, the adoption of a significant natural areas schedule by the Stratford District Council, subdivision that adjoins a watercourse, land use zoning and 'reverse sensitivity'.

Restrictions on land use in natural hazard zones

5. Taranaki and the Stratford District are subject to a range of natural hazards. The most significant of which for the Stratford District are flooding, volcanic activity, land instability and erosion, and high winds.

6. Inappropriate development or lack of awareness can increase the exposure of people and communities to risks from natural hazards. Some human activities can exacerbate the potential for a natural hazard to occur e.g. forestry clearance leading to increased run-off and flooding potential, or building in flood-prone areas. Increasing public awareness of hazards can be an effective way of reducing this risk and avoiding often costly reactive hazard protection, construction or engineering works. Good planning to avoid or mitigate the effects of natural hazards is also important. It may be difficult to avoid adverse effects in already developed areas, but measures should be required to ensure the effects of the natural hazards are not increased or the risk to the community intensified.
7. The risks to properties from natural hazards can sometimes be reduced or avoided by locating a reasonable distance from known hazards, and in some circumstances by adopting specific design techniques.
8. The Council therefore supports the Stratford District Council's approach of identifying natural hazards in the district and the development of rules and standards, conditions and terms on resource consents to prevent or control subdivision and/or development proposed to take place in areas identified as being at risk from natural hazards and to ensure all development is carried out in a manner that does not exacerbate natural hazards.
9. The Council requests that the Stratford District Council take this approach one step further and develop a set of generic planning hazard maps to sit within the District Plan, the maps will ensure that the hazard zones are readily available and easily identified in the context of the Stratford District. The maps should include among others, flood zones, lahar zones and erosion prone land.
10. The Council also requests that new development in natural hazard areas is not only controlled by the Stratford District Council but prohibited in some cases, where it is not possible to avoid or mitigate the risk.
11. The Stratford District Council should also consider measures to promote the relocation of existing development and infrastructure away from areas prone to natural hazards, particularly where the costs resulting from protection works exceed the benefits, or particular development such as lifelines infrastructure plays an essential role in community well-being.

Significant natural areas

12. The Taranaki region is a biologically diverse region, with its iconic mountain, substantial areas of indigenous vegetation and large number of short rivers leading to the sea. However, since human settlement and the introduction of accompanying pests, indigenous biodiversity has been in steady state of decline.
13. Land clearance and drainage has contributed to much of the reduction of indigenous habitats and the disproportionate loss of some types of terrestrial habitats such as wetlands and lowland forests.

14. Increased pressure is now being placed on local government through the RMA to promote and undertake indigenous biodiversity protection works, to stop this decline.
15. The Taranaki Regional Council has recently adopted the *Biodiversity Strategy*, with the primary purpose of the *Strategy* being to pull together all the Council's biodiversity-related programmes under one operational document, develop a co-ordinated and focused programme of action for indigenous biodiversity work, and set out a road map for the future. The *Strategy* also captures other biodiversity programmes in the region, seeking the benefits of integration.
16. The Council proposes to use existing resources to efficiently and effectively further the management of biodiversity on private land in Taranaki by, among other measures, utilising information that district councils have on Significant Natural Areas and enhancing the biodiversity component of existing programmes.
17. The South Taranaki and New Plymouth district councils have identified areas with locally important indigenous biodiversity values, which are referred to as 'Significant Natural Areas'. Rules apply protecting these areas from inappropriate subdivision, use and development. The Stratford District Council has general vegetation clearance rules.
18. The identification of Significant Natural Areas is a widely used method by district councils throughout New Zealand, and a method that increases public awareness and guides land use planning.
19. The Council therefore requests the development of a significant natural areas schedule for the Stratford District by the Stratford District Council.

Subdivision that adjoins a watercourse

20. A number of lifestyle blocks and rural subdivision have been created in the district, in many cases these development adjoin water courses. The Council therefore supports the Stratford District Council's proposed amendment to the District Plan, that offsets the effects of this land use, so that the riparian margins objective reads as follows:

"To use rules, and standards, conditions and terms that require as conditions of consent for land use, subdivision or development –

- *the creation of esplanade strips or reserves where land adjoining water course identified on the NZMS 260 Topographical Series in the following "ring plain" catchments is subdivided: Waingongoro [.....]Kahouri".*

21. However, the Council is aware of problems that have arisen in the region when cattle from the lifestyle blocks have gained access to the watercourses and destroyed the riparian planting.
22. The Council therefore requests that the Stratford District Council's approach is taken one step further to require stock to be excluded from the water courses (i.e. by way of fencing) as a condition of subdivision or land use consent.

Land use on the fringe of a zone

23. The Council notes that in and around the Stratford township permitted land use on the fringe of a zone is often adjacent to sensitive land use activities (i.e. residential dwellings adjacent to industrial areas and so forth). The Council suggests that the Stratford District Council consider implementing restrictions on permitted activities when located on the fringes of a zone and when that permitted activity may cause an adverse effect. Essentially, minimising effects and reducing 'reverse sensitivity' problems, resulting in increased security and certainty for all involved.

Flaring – 'reverse sensitivity'

24. The Council notes that in the past there have been 'reverse sensitivity' problems in the region where rural subdivisions have been allowed to encroach towards lawfully established existing activities, for the purpose of this submission we will focus on lawfully established oil production stations and oil drilling sites. The subdivision development has been allowed to encroach without consideration as to whether there are aspects of that activity that might be disagreeable to those moving into such subdivisions. The established industries have then become the target of complaints not all which are resolvable. Furthermore, at the time of consent renewal, the process is no longer as straight forward, resulting in uncertainty for the applicant and increased time and costs for all involved.
25. Established industries and land uses that comply with appropriate environmental standards, terms and conditions need protection from reverse sensitivity problems for their continuing security and certainty of operation.
26. In the case of oil production stations and oil drilling sites a flare is often involved and is consented under the *Regional Air Quality Plan for Taranaki*. Then flare is to be a distance of greater than 300 metres from any dwellinghouse if the activity is to be consented as a controlled activity under the Plan. If the applicant does not meet this standard then the activity is to be processed as a discretionary activity and all affected parties (those within 300 metres) that did not give written approval will be served notice (i.e. limited notification process).
27. The Council suggests that when an individual(s) wishes to build within this 300 metre buffer zone they are to get approval from the production station/drilling site. Thus providing continued security for lawfully established industries that comply with appropriate environmental standards.

Conclusions

28. The Council once again thanks the Stratford District Council for the opportunity to comment on the Proposed Stratford District Plan 2008.
29. The Council generally supports the work being undertaken by the Stratford District Council. However, the Council requests that some of the Stratford District Council's policies and objectives are taken one step further.

30. Should you have any queries on the matters raised in this submission please do not hesitate to contact the undersigned.

31. The Council wishes to be heard in support of its submission.

Yours faithfully
B G Chamberlain
Chief Executive

per: AD McLay
Director-Resource Management

ITEM SEVEN

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4 September 2008

**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Energy-saver light bulbs and their environmental implications

Purpose

1. The purpose of this memorandum is to provide the Committee with information concerning the environmental significance of the introduction of energy-saver light bulbs, particularly in the light of comments distributed through popular media.
2. Attached to this memorandum is a message prepared by the leader of the Greens Party, Jeanette Fitzsimons, in response to what is obviously a large number of emails she has received on the subject, a fact sheet prepared by the Green Party, and an excerpt from the website of the Ministry for the Environment. These provide additional background material. This memorandum summarises the contents as well as providing additional comment.

Background

3. The Efficient Lighting Strategy was launched jointly by the government (Energy Minister David Parker and Government Spokesperson on Energy Efficiency and Conservation Jeanette Fitzsimons) on 17 June 2008. It is part of a wider programme to implement Minimum Energy Performance Standards for a large number of electrical appliances that has been underway for the last seven years. The programme is delivered through EECA, the Energy Efficiency and Conservation Authority.
4. It is intended that the Strategy should set a pathway to reduce lighting energy consumption by 20 per cent by 2015. It will do this through a number of actions, including promoting efficient, affordable lighting technology and phasing out the least efficient lighting products by setting minimum energy performance standards.
5. The Government has noted that each year the country spends approximately \$660 million on electricity for lighting, in doing so generating about 2.65 million tonnes of greenhouse gas emissions. The intention is that New Zealanders will be able to save almost \$500 million by 2020, just by changing the lights.
6. Contrary to popular perception, the Strategy does not directly ban the traditional incandescent light bulb, nor does it make compact fluorescent bulbs (CFLs) compulsory. Rather, in setting an efficiency requirement, it establishes a level of performance that such light bulbs cannot meet. As noted in the attached material, some 95% of the energy

supplied to a traditional incandescent light bulb is emitted as heat (i.e. it serves no purpose and thus this energy is wasted), and only 5% as light.

7. As noted in the attached material, there are or will be, by the time the Strategy takes effect in October 2009, a number of alternatives, not just CFLs (and in some cases such as lighting within appliance such as stoves and fridges, the existing bulbs can continue to be used).
8. There is a NZ manufacturer of CFLs. Advice from this supplier is that 'Currently there are 10-12 million CFL bulbs that have been sold. Market uptake has far exceeded expectations and continues to rise rapidly'. New generation CFLs, such as CFLs that are suitable for lighting circuits containing a dimming system, are under development.
9. in terms of promoting energy efficiency, the introduction of CFLs would be welcomed by this Council. It is consistent with the objective and policy on energy efficiency set out in the proposed RPS.
10. The concern that the use of CFLs raise for this Council is that they contain mercury. Mercury is an environmental toxic, especially in the methyl mercury (organic mercury) form. It particularly accumulates in the food chain to levels toxic in the body burden. Therefore their use in CFLs has raised alarm that their use and disposal will result in the release of additional inventories of mercury into the environment. An article in the August edition of 'Investigate' magazine has apparently provoked and heightened public comment in this regard.

Discussion

11. Leaving aside the commentary on policy and process contained within the article, it makes the following points:-
 - One study in Maine, USA, found that the breakage of a CFL lamp inside a home led to high and continuing levels of ambient mercury. The study found that decontaminating a home would prove difficult (eg vacuuming proved ineffectual);
 - MfE's advice to put CFL fragments into plastic bags would not prevent the escape of mercury into the air, as the bags are porous to mercury;
 - Maine and USEPA treat CFL remnants as hazardous;
 - Mercury is a powerful neurotoxin;
 - The NZ manufacturers of CFLs point out their mercury is present inside a cold CFL in a semi-solid amalgam form, not as a vapour;
 - The NZ manufacturers of CFLs point out fluorescent tubes have already been in use in NZ for sixty years, with no known health implications or problems;
 - The article writer points out that fluorescent tubes in offices is different from children in homes crawling or playing on carpets where CFLS may have been broken;
 - The NZ manufacturers of CFLs point out that for anyone concerned over CFLs, there are energy-efficient alternatives;
 - The article writer could not find any indication that any Government department - ERMA, OSH, or Energy Safe- was prepared to address the issue of the safety or otherwise of CFLs;

- The life of CFLs may not always be as long as is claimed in advertising and by the Government. Their life is especially shortened if repeatedly cycled (frequently turned off and on);
- When CFLs fail at the end of their life, they may overheat and thereby pose a fire risk;
- As CFLs are used, the mercury in them binds to the glass rather than remaining in a free form, (the significance being that end-of-life CFLs do not pose the same risk if broken or when being disposed of);
- CFLS may cause wireless and power supply interference.

12. The following comments on the article are offered by Council officers:-

- The relevance of the Maine study is not established. The amount of mercury involved, and the form of the mercury, are key questions that remain unanswered;
- Likewise, the adequacy or otherwise of the current MfE guidance on disposal via plastic bags is not actually established by the comments in the article. If in an amalgam or other combined form, mercury will not be anywhere near as volatile as it is in the elemental form (ie orders of magnitude different);
- It is not sufficient to baldly note the neurotoxic effects of mercury and imply these effects will be linked to CFLs. These effects are highly dependent upon the form the mercury is in, and on the pathway of exposure;
- While the mercury in CFLs in NZ may well be present in amalgam form when cold, if a CFL is broken while in use there will obviously be an increased release of mercury into the open air;
- This Council's responsibilities do not extend to the safety of the use of CFLs in homes. In the view of Council officers, this is properly a matter for the Ministry of Health (as a public health issue) and/or ERMA (as a matter of the introduction of a new hazardous material into New Zealand), and it is inappropriate for this Council to presume to comment further on this aspect;
- As far as the disposal of end-of-life or broken CFLs is concerned, it is noted that fluorescent tubes and electrical switchgear containing elemental mercury have been disposed of into 'rubbish dumps' in the region for sixty years, and to the recollection of Council staff mercury has only ever been detected (at parts per billion level) in the leachate at one site (a large old municipal 'dump' ie not an engineered landfill site). Given the high standard of construction of the current regional landfill at New Plymouth, with multiple barriers to loss into the environment, Council officers consider there is simply no credible environmental risk associated with the disposal of old or damaged CFLs in the region.

13. Articles such as the one noted by councillors obviously have an effect upon popular perception. In this case, it is the view of Council officers that based on the information available to date, the disposal of energy efficient light bulbs such as CFLs do not pose an undue environmental risk, and their use can be promoted and encouraged on environmental grounds (significant net benefit from both the national and global perspective). However, this memo does not comment upon or take a position on the question of whether CFLS can be considered safe for use in the home. This is the main

point that has been raised in the media, and is a public health rather than a resource management issue.

14. However, while finding much to support the use of CFLs from this Council's perspective, it is also unfortunate that the public advice on the Ministry for the Environment's website includes statements-
- that end of life CFLs 'should' be recycled (when the Ministry is aware there is only one company that does so in the whole of New Zealand, and then at a cost to the disposer. A figure of 46 cents per bulb for recycling has been quoted to the ARC);
 - that for disposal, the avenue for CFLs is through hazardous waste collections (when there is no option for the CFLs so collected for disposal other than along with domestic refuse into a modern landfill; and when it does not appear, based on the information available, that CFLs are in fact hazardous); and
 - that citizens are being advised to approach their local council for advice on how to recycle CFLs (when the Ministry knows that there are no such options that are practicable, and hence no advice on recycling for local councils to offer).

The Ministry's statements are therefore not particularly helpful.

Comments from Government

15. Following publication of the 'Investigate' article, Jeanette Fitzsimmons has released a statement: *'It is very difficult to assess the claims made, because the article confuses elemental mercury with methyl mercury: ambient air guidelines with single doses: and kilowatts with kilowatt hours. It is also very hard to see the connection between a pin-head-sized solid of mercury amalgam and a vapour which is said to contaminate whole houses. However, there is no doubt at all that mercury is highly toxic if it is in a form that people can ingest. All the information we have had to date suggests that it almost always isn't. That's why it is important that all the sources referenced by the article are independently assessed by a scientist who is seen as not connected with Government policy. New Zealanders need to know that using CFL bulbs will not pose a health risk to themselves and their families. This article raises some concerns, and I feel it only right that these claims are independently reviewed so that the facts are available to everyone.'*
16. In response to emails recently circulating around the waste management staff of councils, Ministry officials have advised: *'The Ministry's information sheet also refers to our work with the Lighting Council and other stakeholders, including Local Government New Zealand, to develop a product stewardship scheme for mercury-containing lamps (not just CFLs). As you will be aware, this initiative is currently voluntary and industry-led. If the proposed Waste Minimisation Bill is enacted and mercury-containing lamps are identified as priority products through the consultation process, then the government will be able to regulate product stewardship for these products. Any product stewardship scheme developed would be expected to achieve environmental benefits throughout the lifecycle of the product and not solve a problem at one part of the lifecycle, just to move the environmental impact to another part of the lifecycle. Therefore, a lifecycle impact analysis of recycling mercury-containing lamps versus disposal to landfill would be needed to ensure that a recycling scheme would not adversely impact on the energy efficiency (and mercury reduction) gains during lamp use. Given the current high cost of recycling lamps, providing a national collection and recycling scheme may not be the best way to achieve the desired environmental benefits.'*

Following enactment of the Waste Minimisation Bill, the Ministry will be producing a discussion document and running a series of consultation workshops in relation to the priority products. We will welcome submissions from all sectors of New Zealand society on the priority products for product stewardship as part of this process'.

17. A response on behalf of the Minister for the Environment to an email sent by this Council's Regional Waste Minimisation Officer is as follows: *'We acknowledge that more research is required, particularly with regard to the environmental lifecycle impacts of recycling and landfilling mercury-containing lamps. Research carried out in the United States raises questions about the environmental benefits of collecting and recycling CFLs and recommends reducing the amount of mercury contained in the lamps (source reduction) as a way to achieve greater environmental benefits. The Minimum Energy Performance Standards (MEPS) that are currently being developed by the Energy Efficiency and Conservation Authority (EECA) can be used to set a mercury content standard. Industry has responded by producing CFLs with much smaller amounts of mercury than previously. The average mercury content has already dropped from 5mg to 3mg and some lamps on the market have less than 2mg...*
18. *'Any product stewardship scheme that is developed would be expected to achieve environmental benefits throughout the lifecycle of the product. A key aspect of this is not to solve an environmental problem at one point of the lifecycle just to move the environmental impact to another part of the lifecycle. Therefore, a lifecycle impact analysis of recycling mercury-containing lamps versus disposal to landfill would be needed to ensure that a recycling scheme would not adversely impact on the energy efficiency (and mercury reduction) gained during lamp use....'*
19. *'Following enactment of the Waste Minimisation Bill, the Ministry will be producing a discussion document and running a series of consultation workshops in relation to identifying priority products. We will welcome submissions from all sectors of New Zealand society on the priority products for product stewardship as part of this process and I encourage you to submit on this discussion document'.*
20. Given that a recent amendment to the Hazardous Substances and New Organisms Act means that wastes of a hazardous nature can now also be controlled by ERMA, alongside hazardous substances, then it would appear to Council officers that this is the appropriate channel through which the evaluation of current guidance and controls upon end-of-life and damaged CFLs can be immediately pursued, if the Council is of a mind to do so. Alternatively or in addition, the Council can note the signals in the various comments recorded above, that there is opportunity to pursue controls (if deemed necessary) through the 'priority products' provisions of the Waste Minimisation Bill, once passed.

Recommendations

THAT the Taranaki Regional Council:

1. receives this memorandum on CFL light bulbs and their environmental implications;
2. notes that the Ministry of Health and ERMA would appear, on a provisional consideration, to be the agencies with responsibilities for addressing the matters raised in a recent magazine article;

3. notes the advice of Council officers, that the disposal of end-of-life and damaged CFLs would not appear to pose an environmental risk in Taranaki.

GK Bedford
Director-Environment Quality

Approved:

B G Chamberlain
Chief Executive

Prepared statement by Jeanette Fitzsimmons, Greens Party, in response to enquiries on energy saver lightbulbs and the Minimum Energy Performance Standard proposed by the Government.

Thank you for your email regarding the Minimum Energy Performance Standard (MEPS) for lighting in New Zealand. I have had more than 50 letters and emails from people who are concerned, so please excuse this standard reply. It may address issues you have not raised yourself, but I hope you will also find answers to the issues that concern you. If not, there is more information available in the attachment I have included.

This issue was widely reported as a ban on incandescent light bulbs in the media and used as a 'soapbox' by some politicians. Unfortunately these commentators have failed to verify their facts and I subsequently received a large amount of correspondence by people understandably concerned or confused about this issue.

What is being proposed?

For the last seven years the Energy Efficiency and Conservation Authority has been setting Minimum Energy Performance Standards for a range of appliances, under the power created by my first Member's Bill, the Energy Efficiency and Conservation Act 2000. These standards have been set for most household appliances such as fridges, washing machines and air conditioners, meaning that products that use a lot more power to run than they need are not allowed to be sold in New Zealand. So far it is calculated that New Zealanders have saved \$148 million on their power bills as a result of these standards, mostly without being aware of it. A modern fridge sold in NZ uses about half as much power as a fridge of the same size sold ten years ago.

From October next year a similar standard will be set for light bulbs. It will not affect any bulbs in use at that time, or already on the shop shelves, but from that date no-one will be able to import and sell bulbs that are hugely inefficient. For example, common incandescent bulbs waste 95% of the electricity they use - only 5% is turned into useful light.

Will compact fluorescent lamps be compulsory?

No, CFLs (sometimes called "eco-bulbs") are one energy efficient option, using only about one fifth of the power for the same amount of light, but there are others, such as halogens which are about 30% more efficient than the standard incandescent. There are also more efficient types of incandescent which we expect will meet the standard. We do expect that CFLs will be used for most domestic lighting but they are not the only option. Eventually LED lamps, currently available for low wattage uses such as lighting paths may be available at affordable prices for normal domestic purposes. They are by far the most efficient of all.

Dimmers, chandeliers, oven lights, light colour and quality

Today's CFLs can mostly not be used with dimmers, but a new generation of CFLs which can be dimmed will be available by the date the measure is introduced. Halogens can also be used with dimmers.

The standard will also control light quality and some of the CFLs on the market at present will not meet that standard. We will end up with higher quality lighting.

There are some specialty uses for which there is no replacement type of lamp - ovens, fridges, possibly chandeliers, and theatre lighting. Until suitable efficient alternatives exist these will all be exempt.

Mercury

CFLs contain a tiny quantity of mercury. There is no way you can be exposed to it unless the lamp is broken. Even then, the mercury is in the form of a solid unless the lamp is very hot, and cannot be ingested in that form. If a lamp is broken hot, there is a tiny quantity of mercury gas, but to put this in perspective, it is six hundred times less than the mercury in a thermometer, which is always in liquid form. Most households contain a thermometer and people have not worried unduly about that. If cleaning up a broken lamp, do not vacuum it, as that will tend to vaporise the mercury. Just sweep it into a bag or newspaper and put in the rubbish.

The new standard will also set maximum mercury levels for lamps.

The power saved by one CFL reduces the amount of coal burned at the Huntly power station. Burning coal releases mercury into the surrounding atmosphere, so the use of CFLs actually reduces the total quantity of mercury released into the environment. Reducing the coal burned of course also helps our efforts on climate change.

Disposal

As large quantities of lamps reach the end of their useful life - about eight to ten years away - we need to ensure the mercury doesn't enter the environment. Ministry for the Environment is working with the lighting industry to establish a nation wide recycling system so the mercury and other materials in the lamps can be recovered.

LIGHTING: FREQUENTLY ASKED QUESTIONS – June 08

What is a Minimum Energy Performance Standard?

Minimum Energy Performance Standards (MEPS) are designed to remove the least energy efficient products from the market. Products that do not meet the set standard cannot be sold in New Zealand. MEPS have been used for some time on products such as fridges, heat pumps and hot water cylinders.

MEPS are planned for a range of lighting types, starting with traditional incandescent bulbs (also known as general lighting service lamps), Compact Fluorescent Lamps (CFLs) and extra-low voltage halogen non-reflector lamps in October next year. There will be a process of consultation on the standard that will include identifying the scope of any potential exemptions.

Removing the least efficient products from the market is expected to create cumulative energy and environmental savings to New Zealand of nearly \$500 million by 2020.

Will I still be able to buy traditional light bulbs from October 2009?

Not for long. Once a standard is introduced, no new stocks of traditional inefficient light bulbs would be able to be put on shelves for sale. You would only be able to buy them until existing stocks are sold out.

Will it be illegal to import lamps that do not meet the MEPS?

The introduction of a Minimum Energy Performance Standard would mean that inefficient light bulbs can be brought into the country but can no longer be sold. However, any stock brought into the country prior to the MEPS introduction date can still be sold after the MEPS is introduced.

Will it apply to all traditional light bulbs? Will there be any exemptions?

The MEPS on traditional incandescent bulbs is mainly intended to target the types of bulbs used for common household lighting - where efficient, affordable alternatives already exist. Less common types of incandescent bulb would not fall under the scope of a MEPS until viable alternatives become readily available.

For the common light bulbs that are affected by the MEPS, exemptions will be considered where these are used for special applications. The consultation process on the standard will include identifying the scope of any exemptions.

How can I keep informed about the proposed MEPS and have my say?

(for interested stakeholder groups and members of industry)

A document outlining the costs and benefits of the proposed MEPS will be available for comment and stakeholder meetings will be held to discuss the proposal. If you are interested to join the contact list to be kept informed, you can contact the Energy Efficiency and Conservation Authority's Products team on 0800 358 676 or email regs@eeca.govt.nz.

Why are traditional light bulbs so inefficient?

Ordinary light bulbs actually produce far more heat than light. Only about 5% of the electricity you're paying goes into creating light – the other 95% just becomes heat.

Will I have to replace all my light bulbs once the MEPS come into effect?

No. The MEPS is intended to stop the product being sold, but does not affect those already in use.

Will I have to use CFLs in place of traditional light bulbs?

Only if you want to – but there are other efficient lighting alternatives you can also choose from if you don't want to use CFLs.

What efficient lighting options are there?

There are already a range of efficient lighting choices available that can be used instead of traditional light bulbs including energy saver halogens, Compact Fluorescent Lamps (CFLs), fluorescent tubes and LEDs.

A new range of energy saver halogen bulbs look just like traditional light bulbs but use 30% less energy and last twice as long. They can be used as a direct replacement for traditional light bulbs.

CFLs are more cost-effective over the life of the bulb because they use 80% less energy and last eight to 10 times as long as standard bulbs. CFLs have come a long way over the last couple of years and are now available in a range of shapes, sizes, colours and fittings and can be used in a wider range of applications. Some of the newer ones can be used with dimmers and in down lights.

Light Emitting Diode (LED) Lamps are relatively expensive to buy but have an extremely long life and are even more efficient than CFLs. They are good for guidance and effects – like hallway strip-lighting or outdoors – and for bedside or desktop reading lights, but they are not yet generally suitable for overall room lighting.

What sort of light bulbs will I be able to use in dimmable lights?

New energy saver halogen bulbs – which look just like traditional light bulbs but are 30% more efficient and last twice as long – can be used as a direct replacement for traditional light bulbs in dimmable circuits.

Most Compact Fluorescent Lamps (CFLs) currently available don't work well with dimmers, though there is a new generation of CFLs coming onto the market that are compatible with dimmers – so if you want to use CFLs with your dimmers, check the box before you buy to make sure you're getting the right sort.

Do efficient light bulbs cost more to buy than traditional ones?

Yes, but they work out cheaper in the long run. For example, good CFLs use only a fifth of the energy that traditional bulbs use to create the same amount of light, and 8-10 times longer. Each CFL can save around \$17.50 in energy costs per year (based on average energy prices and 3 hours' use per day).

The Electricity Commission is also subsidising a range of efficient light bulbs – see below.

What types of efficient lighting are being subsidised?

The Electricity Commission has expanded their successful lighting subsidies programme to include a range of efficient lighting options. Details are available at www.energywise.govt.nz.

Is the mercury in CFLs a risk?

It is only a risk if the bulb is broken – and even then the amount of mercury is so small that it's not hazardous to users. For recommended disposal procedures visit the [Ministry for the Environment's website](#) – below.

The amount of mercury in a CFL is around the size of the ball in the head of a ball point pen, and it continues to decrease as technology changes. The proposed Minimum Energy Performance Standard for CFLs will also include a limit on mercury levels.

From an environmental point of view, widespread use of CFLs is actually likely to decrease the overall release of mercury into the environment rather than increase it. Flue gases resulting from coal-fired and geothermal electricity generation contain mercury – widespread use of CFLs would reduce electricity demand and result in lower overall mercury emissions.

See *Ministry for the Environment's website for information about disposal:*
<http://www.mfe.govt.nz/publications/waste/disposal-household-lamps-mar07/disposal-household-lamps-mar07.html>

The Ministry for the Environment is working with the lighting industry to develop further initiatives around safe disposal and recycling.

What is the Efficient Lighting Strategy?

Essentially, the Efficient Lighting Strategy sets out the areas Government will focus on so New Zealand has lighting that uses less energy, costs consumers less to run, and is better for the environment.

Who developed the Efficient Lighting Strategy?

Government and industry joined forces to develop the Efficient Lighting Strategy. It was developed by the Electricity Commission, the Energy Efficiency and Conservation Authority, Lighting Council New Zealand, and a range of lighting industry experts and representatives.

Why do we need an Efficient Lighting Strategy?

There is a wide range of efficient, affordable new lighting coming onto the market, but there are also some really inefficient and energy-hungry lighting technologies still in use. The Efficient Lighting Strategy will save Kiwis energy and money help by helping them embrace energy-saving technologies and removing the least efficient products from the market. It aims to reduce lighting energy consumption by 20% over business as usual by 2015.

From Ministry for the Environment website

How can you dispose of household lamps safely?

- Incandescent lamps can be disposed of with the usual household rubbish. Wrap any broken glass in newspaper to prevent injury during handling of the rubbish bags.
- Energy saving and other mercury-containing lamps, such as the fluorescent tubes, should be recycled to ensure that the mercury is collected and recycled in an environmentally safe manner. Some councils provide an annual or periodic hazardous waste collection, the HazMobile. If you are uncertain as to what you should be doing, approach your local council and ask them how you can recycle your fluorescent tubes and energy saving lamps. There is also a company that offers a collection and recycling service for which there is a charge (for further information see: www.interwaste.co.nz). This could be a good option for a larger building or facility that is carrying out a bulk upgrade of its lighting, such as a school, community centre or hospital.
- If your fluorescent lamp breaks, your greatest risk is being cut by broken glass. As a precaution, we advise you to wear gloves when handling the broken lamp and open doors and windows to ventilate the room. Put the broken pieces in a plastic bag then wrap with paper to prevent cuts. Wipe the area with a damp paper towel to pick up any smaller shards of glass, powder or liquid. Dispose of the paper towels, gloves and any cloths used to clean the area by placing in a plastic bag with your household rubbish. Do not vacuum the site as this can disperse the particles. For larger spills of mercury (not from lamps) please contact The National Poison Centre, University of Otago, Dunedin, who provide further advice if required. www.poisons.co.nz/ 0800 POISON/0800 764 766.

The Ministry for the Environment is working with the Lighting Council New Zealand and other key stakeholders to develop a product stewardship scheme for lighting systems and lamps. The aim is for a national collection and recycling scheme for household lamps. Information updates will be posted on the Ministry's website: www.mfe.govt.nz.

ITEM EIGHT

4 September 2008

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**Memorandum to
Chairperson and Members
Policy and Planning Committee**

The future of pest management in New Zealand

Purpose

1. To introduce a report '*The Future of Pest Management in New Zealand: A think piece*' and to recommend its adoption by the Council as a basis for advocacy in common with other councils and Local Government New Zealand going forward.
2. A copy of the report is attached separate to the Agenda for Members' information.

Project background

3. Approximately twenty years ago, the Government commenced major structural reforms to its departments with profound ongoing impacts for pest management in New Zealand. The establishment of new departments such as the Department of Conservation, 'quasi-Government' bodies such as Transit New Zealand, state-owned enterprises and the privatisation of Crown assets greatly impacted the way Crown land was managed. This was often to the detriment of progressing comprehensive multi-objective pest management as would be increasingly promoted through the next two decades. Structural reforms have continued in the Central Government sector through to the present day with an ongoing variety of consequences for pest management as a subset of biosecurity, noting biosecurity's important and increasingly appreciated role as a means towards achieving a range of economic, social, cultural and environmental aspirations.
4. In 1989, local government was significantly rationalised with a multitude of former special-purpose animal pest destruction boards and noxious plants authorities disestablished with functions transferred to regional councils. The focus of these former authorities had been almost exclusively on managing pests to protect agricultural production on private land. This has continued with, in particular, Animal Health Board-driven possum control programmes, but in more recent times biodiversity objectives have influenced pest management strategy activities, especially perhaps for plant pests. Biodiversity-driven activities have raised new and substantial challenges associated with defining cost benefits, appropriate approaches and performance measures. Councils have also progressively moved to performance-based contracted services and in some cases a greater emphasis on regulation and enforcement. Greater diversity and inconsistency in approach has also increasingly emerged between

Councils. This is likely to continue for some readily apparent reasons but also for less obviously justifiable causes.

5. Concurrent with the structural reforms, which most dramatically occurred in the 1980s, major reforms commenced to New Zealand's environmental laws with the eventual enactment of the Resource Management Act 1991, the Biosecurity Act 1993 and the Hazardous Substances and New Organisms Act 1996. Although described as 'the trilogy' of complementary statutes there were fundamental ideological differences in the approach taken to the conceptual design of these statutes and especially in respect of the Biosecurity Act.
6. Throughout the 1990s a range of fora and committees were established to progress matters of 'common interest' and points of issue and tension. These included several well-organised 'Pest Summits' and a ministerial advisory committee on pest management. Despite goodwill and effort the issues in general have persisted through to the present day. They include Animal Health Board/Bovine TB Strategy issues, the Crown as a 'good neighbour'/Crown contribution issues, possums as a 'national pest', fundamental problems with the Biosecurity Act and other relevant statutes, roles and responsibilities boundaries, gaps, duplications and opportunities in regard to surveillance, incursion responses and pest management, pest plant national pest management strategies and others.
7. In 2003, the Biosecurity Strategy for New Zealand was adopted by the Government. This is a non-statutory strategy which nonetheless was widely consulted on and broadly supported, including by regional councils. Notably, this support was also universally qualified to the extent that delivery, especially by a 'reinvented MAF', would be critical to success, noting that the strategy spelled out for the first time, the need for biosecurity to address all elements of what would later become known as the 'four wellbeings'. Biosecurity New Zealand (BNZ, recently MAFBNZ with the merger of MAF Quarantine and BNZ) was created and resourced to lead in progressing the Strategy's objectives.
8. The strategy described four expectations/recommendations specifically associated with pest management:
 1. that there is clear and effective national leadership and co-ordination of pest management activities within central government, local government and the private sector
 2. that there are transparent and effective performance measures to monitor and forecast the establishment of pest and weed impacts and pathways
 3. that the Crown meets its obligations as a landowner
 4. that there is a routine programme of national and regional communication and co-ordination including ongoing assessment and review of both individual programmes and the overall system.
9. These were in response to the various issues that were identified during the strategy process, summarised in the strategy and adopted as Appendix I attached to this memorandum).
10. Arising from the Biosecurity Strategy for New Zealand was the establishment of the Central Regional Biosecurity Forum (BCR) essentially for relevant central and regional chief executives to meet with the aim of agreeing on and engaging necessary actions to

take pest management forward. Work has progressed on a range of agreed strategic and operational projects strongly supported by BNZ officials and also by the Regional Councils' Biosecurity Managers Group (BMG).

11. Relationship frustrations are increasingly emerging however, emphasised by a number of events and responses, for example, didymo, varoa incursion responses, Crown contributions to regional pest management strategies funding decisions, and the considerations of protecting the pest control asset created by the Bovine TB Strategy.
12. There is a view increasingly emerging that planning/policy activity is not leading to actions, consistent with the expectations presented in the Biosecurity Strategy. The problem of MoU/short-term sticking plaster type solutions in the absence serious progress on long-term framework issues is causing concern. It is clear that parties are beginning to talk past each other somewhat and from MAF's point of view there seem to be some genuine difficulties in being clear about the nature of the problems that regional councils have and whether councils' positions are supported by sound analysis.
13. Unless there is clear overview explanation and broad acceptance of what the future challenges are for pest management in New Zealand and how New Zealand needs to arrange itself to best address them, it is suggested that these problems will exacerbate as biosecurity pressures across the board mount, be it in the form of more incursions or whatever. These increased biosecurity demands are also occurring within a central and local government context of increasing demand for all public services which drives the need for more clarity, precision and quality in determining public value and spending priorities, including distinguishing between discretionary and mandatory activities.
14. To enable constructive discussion to take matters forward it is important that regional councils articulate the future and appropriate responses, both short- and long-term, in a reasonably agreed, clear and concise manner with appropriate justification. The 'think piece' project was engaged for this purpose.

Project process

15. Enfocus Ltd and specifically Mr Gerard Willis, was commissioned to undertake a 'think piece'. In essence, the task was in a high level overview form to:
 - provide a description of the pest management challenges facing New Zealand over the next two decades within the context of New Zealand's sustainable development
 - describe the present framework, structures and arrangements including for addressing pest management challenges
 - critique the above within a public policy framework
 - present key solutions, both short- and long-term with appropriate discussions/justification.
16. It was noted that the scope of the project was to be constrained to the pest management component of biosecurity, including:
 - land, freshwater and marine environments
 - private and publicly-owned land, and

- pre-border, border, surveillance and incursion response activities to the extent that they may impact on pest management activities.
17. Regional Council Chief Executives set up a Steering Group to oversee the work, convened by Basil Chamberlain. The Group comprised: Peter Winder, Harry Wilson, Bill Bayfield, Michael McCartney, Graeme Martin and from the Biosecurity Managers Group, Rob Phillips and Wayne O'Donnell. This Group met twice during the development of the report and otherwise communicated by phone and email.
 18. Of relevance to the timing of the project is that MAFBNZ has also recently commissioned a similar 'thinkpiece' leading possibly to the development of a strategy for pest management in New Zealand. The consulting group, LECG, has been commissioned to undertake this work. Basil Chamberlain is assisting as part of a steering group and other regional staff have been involved in this project.
 19. The report was sent to all chief executives as a final draft in early July. In the meantime, noting the timeframe associated with MAF/BNZ related work being undertaken by LECG and also the timing of a meeting of the Biosecurity Ministerial Advisory Committee where pest management was on the agenda, the report was distributed to those parties to aid their discussions qualified as draft. The Central/Regional Chief Executives' forum (BCR) also recently received the draft Enfocus report and an update of progress on the LECG work. The timing for release of the LECG report is presently uncertain.
 20. The draft report was considered at the most recent Chief Executives meeting. Some minor changes were advised, especially to clarify and bring slightly more emphasis to the regional council position in respect of pest management in the coastal marine area.
 21. If developed in time, these relatively minor changes will be tabled at the RAC meeting.

The Report

21. The report is attached separate to the agenda. It is a reasonably substantial document which simply reflects the complexity of pest management. From a public policy perspective, pest management is a multi-layered, multi faceted subject, in many respects as complex as public policy issues get.
22. It is important to note that whilst the report identifies a range of significant challenges that will concern pest management into the future as part of scene-setting, the focus of the report has not been on identifying the specific solutions to these challenges. Rather the focus of the 'think piece' is to address how well New Zealand is organised to face those challenges, and whether changes are needed to present arrangements to provide a more optimal set-up to more successfully address the future challenges.
23. The changes identified are important and significant. However, they are not major surgery. New Zealand does not need more or new organisations or more regulatory instruments to take pest management forward. This should be welcome news. The report essentially identifies that by clarifying organisational mandates, tuning existing instruments and addressing from first principles, issues such as tenure neutrality and roles and responsibilities, New Zealand will be better placed to address pest challenges in a more co-ordinated, proactive, organised and successful way.

24. It is considered that the report provides a sound and well-presented rationale to support a relatively concise list of actionable recommendations. That noted, a number of recommendations require legislative amendment and if history is a guide we might expect some resistance to the Crown being bound to act as a good neighbour and responsible landowner in our communities, regardless of how well that proposition stacks from the first principles analysis.

Decision-making obligations

25. Part 6 (Planning, decision-making and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendation(s) made in this item comply with the decision-making obligations of the Act.

Policy considerations

26. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Biosecurity Act 1993.

Financial considerations

27. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Council Community Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Legal considerations

28. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Recommendations

THAT the Taranaki Regional Council:

1. receives the report *The Future of Pest Management in New Zealand: A think piece*
2. adopts the report as a basis for ongoing advocacy on pest management issues.

Approved:

AD McLay
Director - Resource Management

B G Chamberlain
Chief Executive

Appendix I

Pest management

Controlling established pests and weeds represents over half biosecurity's total expenditure.

DOC spends \$53million on managing pests and weeds (mostly under Vote Conservation), and regional councils \$26million. Pest management is now showing examples of sound strategic thinking, particularly by DOC and some regional councils which are focusing on eradicating or containing potential pests, and on controlling pests at priority sites to protect particular values.

DOC is developing decision tools and supporting databases for pest management, including 'Pestlink' to monitor pest management operations, and identify trends and best practice approaches. As a major landowner, it is imperative the Crown, through DOC, meets its obligations in managing pests and weeds on its property.

Pest management also includes 'internal biosecurity' strategies for long-term containment of species already here, either in captivity or in the wild. Examples of internal biosecurity undertaken under a range of legislation includes:

- movement restrictions on bees and hives to manage varroa bee mite
- movement restrictions on marine farming equipment and spat to prevent spread of undaria seaweed
- restricting the farming of deer and other wild animals to specified areas
- controls on transferring freshwater fish to new areas
- prohibition on the movement and sale of live koi carp
- restrictions on introduction of new species into the coastal marine environment
- designating some garden plants as 'unwanted organisms' which prohibits their sale and distribution; *and*
- bans on releasing caged birds and domestic animals into the wild.

Despite these advances, many decisions are being made in isolation – or not at all. The pest management roles of central and local government are at times muddled, with a lack of communication and co-ordination. This means pest management lacks strong national leadership and overview:

- roles and responsibilities remain unclear with overlaps and gaps

- inconsistency in managing pests at national level
- pest problems remaining unmanaged, or falling to individual agencies such as
- DOC and regional councils
- lack of proactive and strategic pest management
- specific pest management tools such as National Pest Management strategies are not being used
- little monitoring of the system or of the toolkit for managing pests; *and*
- regional councils remain concerned the Biosecurity Act is preventing effective pest management, including surveillance within the context of pest management.

MAF, as the agency in charge of managing the biosecurity system, will have to be more active in ensuring agencies have specific areas of responsibility, with clear communications between central and regional government and appropriate legislative tools.

The Biosecurity Council is not suggesting MAF should take on the pest management responsibilities of agencies such as DOC, or the responsibilities of industry or individual landowners. MAF should, however, have an overview of the whole biosecurity system.

The Council expects a review and rationalisation of legislative tools for pest management over time, eventually bringing powers for long-term containment of pests under the Biosecurity Act where appropriate. This is consistent with the overall expectation that New Zealand's biosecurity system will be integrated and continuously improved.

*Taikina Aotearoa. Protect New Zealand.
The Biosecurity Strategy for New Zealand.
August 2003. p.52. Pest Management*

ITEM NINE

4 September 2008

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**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Afforestation Grant Scheme

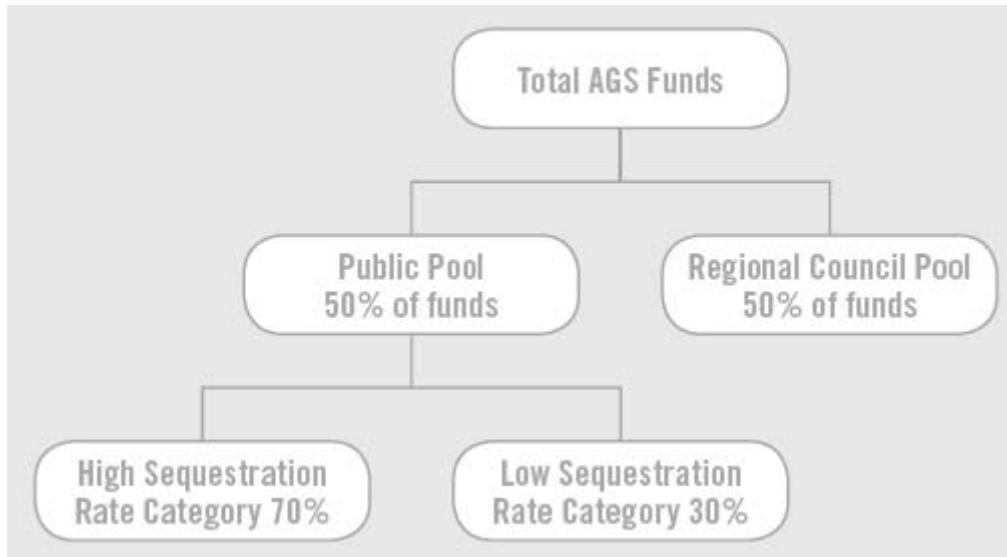
Purpose

1. To report to the Committee on the Council's role in implementing the Government Afforestation Grant Scheme.

Background

2. Forests contribute to the mitigation of climate change by converting carbon dioxide from the atmosphere into carbon stored in wood. They also provide additional benefits, including reducing the risk of erosion, improving water quality and improving biodiversity. From a Kyoto Protocol perspective, forests planted on Kyoto-compliant land generate carbon credits that can be used to offset greenhouse gas emissions.
3. The Afforestation Grants Scheme (AGS) is a contestable fund designed to encourage more planting of trees on previously unforested land (Kyoto compliant). Participants in the Scheme will own the new forests and any income generated from the sale of timber, while the Crown will retain the carbon credits generated and take responsibility for meeting harvesting and deforestation liability. It was announced last year by the Government as part of its package of climate change initiatives as a way to encourage greater levels of greenhouse gas absorption by increasing the area of Kyoto-compliant new forest in New Zealand. Fifty million dollars (\$50m) over five years has been allocated to the Scheme.
4. The goal of the AGS is to encourage the establishment of new forests in New Zealand in order to stabilise the greenhouse gas in the atmosphere. Priority will be given to afforestation proposals that will also reduce the risk of erosion, improve water quality and improve biodiversity.
5. There are two funding components under the AGS. Half of the funding will be available to regional councils to promote afforestation and to help them meet their sustainable land management objectives. The other half is available to the general public via a public tender pool.

6. The majority of this Public Funding Pool (70 percent) will be allocated to species that have high sequestration rates. These will be the usual exotic plantation species such as *pinus radiata* and Douglas fir. The remaining 30 percent of these public funds will be reserved for species with low carbon sequestration rates. This is as a result of public interest in planting indigenous species, which have low carbon sequestration rates.



Land eligibility

7. The following criteria are used to determine the eligibility of land for a grant. It must be land that:
- was not forest land on 31 December 1989; or
 - was forest land on 31 December 1989 but;
 - was deforested between 1 January 1990 and 31 December 2007; or
 - was deforested on or after 1 January 2008; and in respect of which any liability to surrender units arising to the Crown under the Kyoto Protocol have been satisfied.
8. The assessment of the eligibility of an applicant's land is based upon the information provided in their tender or grant applications. MAF or Regional Councils will, as required, carry out inspections to confirm that the land is eligible to receive funding under the scheme.
9. Significant Natural Areas (SNAs), Sites of Special Wildlife Interest (SSWIs) and Recommended Areas for Protection (RAPs) are not eligible for an afforestation grant, except for indigenous afforestation applications that will enhance the protected area.
10. Applicants may need to approach their local councils and/or DOC conservancies/area offices for advice about the location of SNAs, SSWIs or RAPs.
11. An afforestation grant cannot be used on sites registered with the Historic Places Trust; and/or recorded on District Council Plans. If there are recorded sites in the application area, the applicant will be required to employ an approved archaeologist to survey the

proposed grant area and mark out any archaeological sites present. These sites will then be excluded from the grant area. An approved tender will remain provisional until the archaeological survey is completed.

Public Pool Process and Allocation

12. While both the Public Funding Pool and Regional Council Pool have the same objective, that is to encourage more planting of trees, their operation is different. The Public Pool will be eligible to any landowner, provided that certain land eligibility criteria are met, and will be allocated through a competitive tendering process administered by the Ministry of Agriculture and Forestry (MAF). Tenders will be set for high and low sequestration rate categories, with a maximum expenditure in each category capped at 70% and 30% respectively.

Regional Council Pool Process and Allocation

13. The Hawkes Bay Regional Council has taken the lead role in responding to this initiative and is currently working with the Ministry of Agriculture and Forestry on approval processes and how funding would be allocated amongst participating councils. It is proposed that the Regional Council Pool operates a grant rather than a competitive tender process, with predetermined grants for revegetation and afforestation programmes.
14. It is understood that applications will be sought from all regional councils who have committed to the AGS in December of each year. The regional councils will act as an assessment and clearing house for applications received from landowners, and they will be required to establish and assess the regional co-benefits of the applications under the broad categories of soil erosion, water quality and biodiversity.
15. Regional councils may consider individual or collective proposals (for example – coordinated catchment based proposals), for afforestation within their regions that meets the scheme eligibility criteria, and is consistent with their sustainable land use objectives. The Councils would be required to work directly with landowners to arrange, administer and fund planting projects.

Opportunities and benefits

16. Involvement in the AGS means there are additional incentives for this Council's Sustainable Land Management programme, particularly on erosion prone eastern Taranaki hill country. Opportunities to support the Riparian Programme are more limited as riparian strips less than 30 metres wide are not eligible.
17. However, because any carbon credits will be retained by the Crown, the scheme is not considered to be one which will be particularly attractive to land occupiers. Council's role in the scheme will essentially be one of an 'information broker', making available information on the scheme, as well as any other relevant information on climate change initiatives available to land occupiers, rather than actively promoting the merits of the scheme over and above other options.

Council obligations under the Scheme

18. The Council has entered into a legal agreement with the Crown on funding the implementation of the scheme.
19. The Crown agrees to provide funding to regional councils for eligible plantings up to agreed maximum levels and the Council has agreed to :
 - a) provide staff and resources to implement the scheme in a competent manner;
 - b) publicise the programme to owners of landholdings; and
 - c) provide other information services on the Government's Climate Change Plan of Action , forestry provisions of the Emission Trading Scheme and the Permanent Forest Sink Initiative.
20. These requirements can be delivered within the Council's existing programme of work in the sustainable land management area.
21. The Council will also be subject to MAF audit.

Administrative issues

22. Administration fees for the operation of the grant have been set at 7.5% of the total grants allocated. These will be reviewed after one year of operation so that actual evidence will be able to inform the on-going reimbursement of councils involved in the allocation of the Regional Council Pool.
23. Maximum grant levels have been set at \$3,000 per hectare of forest for grants made in the high sequestration category, and \$1,000 per hectare of forest for grants made in the low sequestration category.
24. Whilst the high level principles of operation of the Regional Council Pool have been established, much of the operating protocols, eligibility criteria and the method of allocating of funding amongst participating councils is yet to be finalised.

Decision-making obligations

25. Part 6 (Planning, decision-making and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendation(s) made in this item comply with the decision-making obligations of the Act.

Policy considerations

26. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Biosecurity Act 1993.

Financial considerations

27. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Council Community Plan and estimates. Any financial

information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Legal considerations

28. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Recommendation

THAT the Taranaki Regional Council:

1. receives the report on the Afforestation Grant Scheme.

RA Phillips
Director - Operations

Approved:

B G Chamberlain
Chief Executive