

Document: 516493

8 October 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 16 October 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 16 October 2008 commencing at 10.30am.



Councillors		N W Walker	(Chairperson)
		M J Cloke M A Irving M P Joyce	
		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	R A Phillips	(Director-Operations)
		A D McLay	(Director-Resource Management)
		M J Nield	(Director-Corporate Services)
		G K Bedford	(Director-Environmental Quality)
		G C Severinsen	(Policy Manager)
	P Ledingham	(Information Officer)	
Mrs	K van Gameren	(Committee Administrator)	
	Mr	J Clough	(Wrightson Consulting)
Apologies	Councillor	M G Davey	
	Councillor	P D Horton	
	Councillor	D L Lean	

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 4
September 2008 at 10.30 am.**

ITEM ONE

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Present	Councillors	N W Walker M J Cloke M G Davey P D Horton M A Irving M P Joyce	(Chairperson)
		D N MacLeod	(ex officio)
Representatives	Councillor Councillor Mr	A Hickey M Betts G Hight	(South Taranaki District Council) (New Plymouth District Council) (Federated Farmers of New Zealand)
In attendance	Councillor Messrs Mrs Ms Mr	R F H Maxwell B G Chamberlain M J Nield A D McLay G C Severinsen R Ritchie P Ledingham B E Pope K van Gameren R Miller J Clough	(Chief Executive) (Director-Corporate Services) (Director-Resource Management) (Policy Manager) (Senior Information Officer) (Information Officer) (Compliance Manager) (Committee Administrator) (Policy Analyst) (Wrightson Consulting)
		One member of the media	

Apologies The apologies from Councillor D L Lean and Councillor J Rowe (Stratford District Council) were received and sustained.

**Notification of
Late Item** There were no late items of business.

**1. Confirmed Minutes: Policy and Planning Committee Meeting
- 24 July 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.

08/191

Horton/MacLeod

Matters Arising

Hearing of submissions on the Proposed Regional Policy Statement for Taranaki

Members noted that 35 submissions have been received on the Council's Proposed Regional Policy Statement for Taranaki with the pre-hearing process resulting in very few submitters wishing to be heard. The Hearing will be held at the conclusion of the Council's Policy & Planning Committee meeting on Thursday 16 October 2008.

2. Annual activity reports for 2007/2008

- 2.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum introducing reports on the Council's activities in the 2007/2008 year for pest plant management, pest animal management, public information, resource investigations and monitoring (including waste minimisation), biodiversity, navigation, safety and harbour management and land management, and highlighted aspects of each report.

Recommended

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.

08/192

Cloke/Irving

3. Approval of Marine Oil Spill Contingency Plan for Taranaki

- 3.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum providing 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.
- 3.2 Mr B E Pope, Compliance Manager, provided a powerpoint presentation to the Committee on the October 2007 Okato Oil spill (oil spill from the Umaroa which processes and stores oil from the Tui Field for off-load to tankers) showing the main phases of the oil spill response, how the Plan was used and the lessons learned.

Recommended

THAT the Taranaki Regional Council

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

08/193

Joyce/Davey

4. Proposed National Environmental Standard on Ecological Flows and Water Levels

- 4.1 The memorandum presenting for endorsement, a submission on the discussion document entitled Proposed National Environmental Standard on Ecological Flows and Water Levels (2008) submitted to the Ministry for the Environment was received and discussed by the Committee. The submission was sent by the due date of 29 August 2008.

Recommended

THAT the Taranaki Regional Council

1. receives the 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
3. endorses the submission on the discussion document on the National Environmental Standard on Ecological Flows and Water Levels.

08/194

Joyce/Irving

5. Primary Sector Water Partnership: Plan of Action

- 5.1 The memorandum introducing the Primary Sector Water Partnership Leadership Document: Plan of Action – Summary of the Plan for action (2008) was received and discussed. The Primary Sector Water Partnership is a grouping of major primary sector organisations and has been formed to anticipate and engage proactively on water management issues.

Recommended

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.

08/195

Horton/Irving

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

- 6.1 Mr G C Severinsen, Policy Manager, spoke to the memorandum presenting for endorsement, a submission made to the Stratford District Council on their Proposed Stratford District Plan 2008. The submission was sent by the due date of 6 June 2008.

Recommended

THAT the Taranaki Regional Council

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

08/196

Cloke/Joyce

7. Energy-save light bulbs and their environmental implications

- 7.1 The memorandum providing the Committee with information concerning the environmental significance of the introduction of energy-saver light bulbs was received and discussed.

Recommended

THAT the Taranaki Regional Council

1. receives the 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.

08/194

Hickey/Cloke

8. The future of pest management in new Zealand

- 8.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum introducing a report

to be endorsed by the Council as a basis for advocacy in common with other councils and Local Government New Zealand going forward entitled 'The Future of Pest Management in New Zealand: A think piece'. It was noted that the report was received and endorsed by the Regional Affairs Committee of Local Government New Zealand.

Recommended

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.

08/197

MacLeod/Cloke

9. Afforestation Grant Scheme

- 9.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum introducing a report on the Council's role in implementing the Government Afforestation Grant Scheme.

Recommended

THAT the Taranaki Regional Council

1. receives the report on the Afforestation Grant Scheme

08/198

Joyce/Davey

10. General Business

There were no items of general business.

There being no further business, the Committee Chairman Councillor N W Walker, declared the Policy and Planning Committee meeting closed at 12.10 pm.

Confirmed

Chairman: _____
D N MacLeod

Date: 23 September 2008

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16 October 2008

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

Annual Report on the Dairying & Clean Streams Accord 2007/2008

Purpose

1. The purpose of this memorandum is to introduce the Taranaki Regional Council's Annual Report on the Dairying and Clean Streams Accord [the Accord] 2007/2008, for the consideration of Members.
2. The Taranaki Regional Council [the Council] is required to report to the Fonterra Co-operative Group [Fonterra] on an annual basis on a number of set criteria as outlined in the Regional Action Plan for Taranaki. The Council also collects Accord related information under a financial agreement with Fonterra which avoids duplication and improves efficiencies for all parties.
3. This report is the fourth in a series of annual reports to be prepared by the Council and presented to the community, and the report is provided separately to this agenda.

Key points for Members' consideration in the item are:





- The Regional Action Plan, developed by each Council under the Accord, was developed with dairy farming representatives who continue to be involved in monitoring progress and developing implementation strategies to assist in achieving Accord targets;
- Overall, the Accord partners and the dairy farming community should be well satisfied with the progress made to date on the Accord targets. However, if the current rate of riparian fencing and planting implementation continues the 2015 target will not be met; and
- The riparian project is mammoth in size, where by at its completion it will involve a total length of waterways (both banks) greater than the New Zealand coast being fenced and planted. At present, of the property plans prepared, 61% of stream bank is protected by fencing and 56% of stream bank is protected by planting and vegetation. This protection is largely as a result of pre-Accord fencing and vegetation establishment, but nonetheless it is a considerable effort by the Taranaki dairy farming community.






Background

4. The Accord is a May 2003 agreement between Fonterra, regional councils, unitary authorities, the Ministry for the Environment, and the Ministry of Agriculture and Forestry to work together to achieve clean healthy water in dairy areas. The goal is to have water that is suitable, where appropriate, for fish, stock water and swimming (in areas defined by regional councils).
5. The Regional Action Plan for Taranaki adapts the national targets to Taranaki conditions. The Regional Action Plan has been prepared by local representatives of Fonterra, Federated Farmers, and the Taranaki Regional Council.

Accord Report

6. The report reviews Taranaki's performance and achievements in meeting the targets of the Dairying & Clean Streams Accord set out in the Regional Action Plan for Taranaki in the 2007/2008 year.
7. The information for the report was collected by the Taranaki Regional Council through the development and monitoring of property plans (that include data on riparian fencing and planting), the monitoring of resource consents and the monitoring of regionally significant wetlands.
8. Progress on the Accord targets is summarised below:

	2004/2005	2005/2006	2006/2007	2007/2008	Target	Are we on track?
% of dairy farms that have a property plan	34%	49%	62%	72%	90% of dairy farms to have a property plan by 2010	
% of streambank protected by fencing on all property plans prepared	56%	49%	52%	61%	50% of property plans to be implemented by 2010	
- % of streambank protected by existing fencing	54%	46%	49%	56%	90% by 2015	
- % of streambank protected by new fencing	2%	3%	3%	5%		
% of streambank protected by planting & vegetation on all property plans prepared	39%	42%	46%	56%	50% of property plans to be implemented by 2010	

- % of streambank protected by existing vegetation	37%	39%	43%	52%	90% by 2015	
- % of streambank protected by new planting	2%	3%	3%	4%		
% of regular crossings with bridges or culverts	96% ¹	97%	93%	97% ²	50% of regular crossing points are to have bridges or culverts by 2007, 90% by 2015	
% of dairy farms that have a effluent discharge consent that complies with the Fresh Water Plan*	99.90%	99.95%	100%	100%	100% of dairy farms to have a consent that complies with regional plans by 2004	
% of regionally significant wetlands fenced	64%	74%	79%	76%	60% of regionally significant wetlands are to be fenced by 2005, 90% by 2010	
% of farms with nutrient budgets in place (Fonterra data)	22%	39%	65%	99.1%	Fonterra to have 100% of dairy farms with systems in place by 2007	

* The Council annually inspects all farm dairy effluent systems for compliance with resource consent conditions. Appropriate enforcement action occurs where compliance is deficient. The rate of compliance with consent conditions after first inspection in 2007/2008 was 96%, down from 97.3% recorded in 2006/2007.

9. Overall, the Accord partners and the dairy farming community should be well satisfied with the progress made to date towards the targets set out in the Regional Action Plan for Taranaki. The green highlight in the table above for 2007/08 show the targets that have already been meet and the right hand column shows whether Accord partners are on track to meet the long term Accord targets.

¹ Of the 750 farms specifically monitored for bridge and culvert status 96% of regular crossings points are adequately bridged and/or culverted.

² Of the 1,347 riparian farm plans prepared 97% of regular crossing points are adequately bridged and/or culverted.

10. However, an issue that continues to exist is the slow pace of property plan implementation. Whilst the target for 2010 has been met, this is largely due to existing fencing and planting carried out pre-Accord. If the 2015 target is to be met the rate of plan implementation will need to increase significantly. The Council has continued to make adjustments to its approach to promote wider and faster implementation, however, a key factor to increasing implementation, is industry and farmer ownership.
11. The riparian project is mammoth in size, where by at its completion it will involve a total length of waterways (both banks) greater than the New Zealand coast being fenced and planted. At present, of the property plans prepared, 61% of streambank is protected by fencing and 56% of streambank is protected by planting and vegetation. This protection is largely as a result of pre-Accord fencing and vegetation establishment, but nonetheless it is a considerable effort by the Taranaki dairy farming community.

Regional Action Plan Meeting

12. On 10 September 2008, a meeting was held with members of the working party who prepared the Regional Action Plan, being representatives of Fonterra, Federated Farmers, the Shareholders' Council and the Taranaki Regional Council, to receive and discuss the report and establish future actions.
13. The Council noted it has committed considerable resources to the voluntary riparian management programme. The Group agreed that there needs to be increased farmer ownership of the programme, the Council had virtually done all it could to encourage farmers. It was noted that a non-regulatory approach is still desirable at this stage. However, the Regional Fresh Water Plan for Taranaki is to be reviewed in 2011 and as part of the review process the Council may wish to consider a regulatory approach to compliment such methods as riparian fencing and planting.

Fish & Game and Forest & Bird Report (Dairying and Declining Water Quality)

14. In October the Fish and Game Council and Royal Forest and Bird Society released a report 'Dairying and Declining Water Quality-why has the Dairying and Clean Streams Accord not delivered cleaner streams'. A copy of the Executive Summary is attached to this memorandum and a copy of the full report (33 pages) is available upon Members request. The report draws heavily on environmental data contained in the Environment Waikato July 2008 report 'The condition of rural water and soil in the Waikato region-risks and opportunities'.
15. The former report contains incorrect information about this Councils performance under the Accord and, in the first instance, a letter has been sent to the authors requesting the authors provide references for the documents made reference to in the report before further action is considered.
16. Upon initial assessment Council officers would not agree with the authors that the Accord has failed in reducing the impacts of dairying on the quality of Taranaki's streams, rivers, lakes, ground water and wetlands as shown by the Council's State of the environment monitoring programme data.

Recommendations

THAT the Taranaki Regional Council:

1. receives this memorandum;
2. notes most targets in the Regional Action Plan have been met or are on track to be met;
3. notes the current rate of riparian fencing and planting will be insufficient to meet the 2015 target; and
4. adopts the Taranaki Regional Council's Dairying and Clean Streams Accord Annual Report 2007/2008.

AD McLay
Director- Resource Management

Approved:

B G Chamberlain
Chief Executive

Executive Summary

The 2003 Dairy and Cleans Streams Accord was an implicit challenge to the dairy industry to deliver on its aspirations to provide an excellent standard of product integrity. Such integrity must be demonstrated throughout the supply chain. A producer must meet not just end-product quality tests, but also take responsibility for its by-products and their effect on the environment. The results presented in this paper are one measure of the extent to which the dairy industry is not meeting its environmental responsibilities.

The Accord was an attempt to bring about a partial solution to the widespread and steep decline in the quality of lowland waterways. Although a voluntary agreement, it was to address a very significant and readily treatable source of degradation – dairy effluent and nutrients entering rivers and streams.

The Accord has failed to achieve its major goal: to

“reduce the impacts of dairying on the quality of New Zealand’s streams, rivers, lakes, ground water and wetlands”.

Where it has been monitored, water quality in dairying areas has generally continued to fall during the five years of the Accord’s operation.

The key reason that the Accord has failed is that it has not been focused on measurable improvements in water quality. Instead it has focused on increasing the number of dairy farmers operating at so-called ‘best’ practice levels. The Accord partners: Fonterra, the Ministers for the Environment, Agriculture & Forestry, and Local Government New Zealand, have assumed that the voluntary ‘best’ practice measures promoted by the Accord will deliver improved water quality, but this has not been the case. Even in the five closely monitored “best practice” catchments that have been managed above Accord standards, water quality has not improved or has declined prior to and during the period of the Accord.

Concern was expressed by some regional councils that they have been unable to verify the statistics gathered for Accord reporting because most are self-reported by farmers and there is no independent audit of their accuracy.

The Accord has consistently failed to meet a number of its principal targets. The most disturbing is the failure to meet the target that all farm dairy effluent discharges will comply with their resource consents and regional plans. In some major dairying regions 18 to 24% of all dairy farms are in “serious non-compliance” with their legal obligations. This is five years after of the establishment of the Accord.

Reporting of progress or lack of progress, against the Accord’s targets has often been inconsistent between regions and often incorrect. Regional councils have used different measures to gauge whether dairy farms meet the conditions of their dairy effluent discharge consents. In some cases the level of compliance reported in the Accord’s reports differs markedly from the regional councils’ internal reporting. The national average of serious non-compliance is more than 14% of dairy farms - twice the 7% reported in this year’s Snapshot Report by the Accord partners.

A further problem has been that the reporting has in some cases not been against the targets set in the Accord. For example the Accord sets a target that 100% of dairy farms will have

systems in place to manage nutrient inputs and outputs by 2007. However, the Accord partners have instead reported against how many farms simply have a written nutrient budget. There is no assessment as to what proportion of these farms have nutrient management systems that are actually operational, which is the intent of the Accord.

Most regional councils have failed to identify regionally important wetlands. In all but rare circumstances Councils have also failed to prosecute dairy farmers who are in repeated non-compliance with the conditions of their effluent discharge consents.

While supporters of the Accord have argued that it has been instrumental in changing attitudes and actions among the majority of dairy farmers, it is clear that as a voluntary measure the Accord has failed to deal with serious non-compliance and poor operating practice on dairy farms. An Accord may have a place for improving practice beyond RMA environmental standards, but it is no substitute for enforcement of rigorous compliance by farmers and sound monitoring by regional councils.

The other key reason that that Accord has failed to meet its goals is that, in line with Fonterra's stated production growth goal of 4% compound per annum (or a doubling of dairy production in 17 years), dairy farming has continued to intensify and to expand. The effects of intensification are cumulative and pervasive even when coupled with the improved use of simple technologies such as fencing streams from stock, riparian planting and the use of nutrient management systems. The obvious solution to water quality problems from over-intensification is less intensive management.

The failure of the Accord to meet its major goal after five years of implementation, plus the continued failure of a significant minority of dairy farmers to comply with the legal obligations set in their effluent discharge resource consents, indicates that it is time to move beyond the Accord.

If the impacts of dairying on the quality of New Zealand's freshwater resources are to be reduced much stronger and enforceable requirements must be put in place by the industry and regional and central government.

16 October 2008

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

Review of the Regional Air Quality Plan for Taranaki

Purpose

1. The purpose of this memorandum is to present for Members' consideration the *Proposed Air Quality Plan for Taranaki*. Members should note officers will provide a presentation on the Air Quality Plan at the meeting, focusing on the proposed changes.
2. Copies of the draft *Regional Air Quality Plan for Taranaki* (RAQP) and stakeholder feedback on an earlier draft Plan, are attached separate to the Agenda.
3. The draft Plan is in essence an enhancement and refinement of an existing framework, rather than a wholesale change.

Background

4. The purpose of the RAQP is to assist the Council to carry out its functions under the Resource Management Act 1991 ['the Act'] - to promote the sustainable management of the air resource of the Taranaki region.
5. The RAQP contains policies, methods and rules for addressing air quality management, with the objective of maintaining and enhancing air quality in the region. The plan also contains policies and methods that recognise the air as a taonga and which seek to protect wāhi tapu from the effects of air discharges.
6. The RAQP contains rules setting out environmental standards and conditions for all industrial and trade premises, production and intensive farming operations, agrichemical spraying on farmland and public amenity areas, and burning. The RAQP also contains codes of practice for piggeries and poultry farming, agrichemical spraying, vegetation burn-off and industrial process chimney heights.
7. In 1997, the Taranaki Regional Council adopted the current RAQP for Taranaki - the first of four regional plans to be adopted by the Council and the first fully operative air plan in New Zealand. The Council must, under Section 79 of the Act, commence a full review of the Plan not later than 10 years after it becomes operative.

Preliminary review of the RAQP

8. As noted in the previous Agenda items to the Committee, the RAQP review process has already involved considerable work. To date the review process has involved scientific, policy and consents staff, amongst other actions, examining previous research, policy developments and reviews, and state of the environment monitoring information, and drafting a revised RAQP. The Council has also consulted with key stakeholders through discussion documents and at workshops held with Council staff and staff of the district councils to outline the Council's proposed approach and to seek feedback on the on-going relevance of the RAQP and the effectiveness of the objectives, policies and methods.
9. Of particular note has been the preparation and findings of the following reports and discussion documents:
 - *Technologies to assess visibility (1997-98);*
 - *Implementation Strategy for the Regional Air Quality Plan for Taranaki (1999);*
 - *An air emissions inventory for the region (2000);*
 - *The potential effects of emissions from spray painting facilities (1999-2000);*
 - *Trends in odour: interim review report on the Regional Air Quality Plan for Taranaki (2002);*
 - *Efficiency and effectiveness of the Regional Air Quality Plan for Taranaki(2002); and*
 - *State of the environment monitoring reports (1996 and 2003).*
10. In summary, the current RAQP has stood the test of time reasonably well with 413 consents issued under the Plan (242 consents for discretionary activities, 171 consents for controlled activities, and 12 certificates of compliance). Compliance monitoring of the consents has been undertaken and enforcement action initiated, where appropriate. State of the environment monitoring has shown that the Council's policy approach has been generally effective in achieving the desired environmental outcomes. The policy directions, which are very clearly stated, are well understood and widely accepted throughout the community. The Draft Proposed RAQP is in essence an enhancement and refinement of an existing framework, rather than wholesale change.
11. The draft Proposed RAQP was introduced to Members at the Policy and Planning Committee meeting of 1 May 2008 and it was agreed to forward that document for legal audit and key stakeholder comment.

Legal audit and stakeholder comment on the draft Plan

12. As noted, at the Policy and Planning Committee meeting of 1 May 2008, Members agreed to forward a draft Proposed RAQP for technical and legal peer review, and to key stakeholders to get their early input and comment on the draft. Key stakeholders invited to comment on the draft included district councils, Iwi authorities and industries/organisations that hold a number of air discharge consents in the region.
13. At the meeting on 1 May 2008, Members raised some concern around Rule 30, the banning of backyard burning in residential areas. The concerns were centred on the size criteria listed in the rule (i.e. the size listed would capture lifestyle blocks), the definition of residential areas (i.e. the definition was confusing), and where the rule would actually be applied to (i.e. what is a residential area and how do we identify it?). In response, the size of the allotment covered by the rule has been reduced from 2 hectares to 0.5 hectares (to capture properties that are residential in nature and not lifestyle

blocks), the definition of a residential area has been amended and planning maps have now been included in the Plan that identify residential/urban areas in the region.

14. In response to issues raised by the legal audit, some changes (mostly minor) have been made to the RAQP, with the most significant changes being:
 - The activity descriptions have been amended to include a brief summary of each rule in the “rule” column, to make it easier to follow and to determine which rule applies to a particular activity;
 - For consistency, each activity description now clearly states the relevant contaminant(s), in addition to stating the activity to which it relates;
 - The addition of some added policies to ensure that the RAQP achieves its objectives; and
 - Guidance is provided on determining “*noxious, dangerous, hazardous, offensive and objectionable*” clearly setting out what the terms mean.
15. Attached separate to the Agenda are copies of stakeholder feedback on the draft RAQP. In total 9 submission were received from a variety of industries and groups, these being:
 - Federated Farmers New Zealand
 - Harrison Grierson
 - Horticulture New Zealand
 - New Zealand Pork Industry Board
 - Petroleum Exploration & Production Association
 - South Taranaki District Council
 - Todd Energy Limited
 - Tonkin & Taylor
 - Vector.
16. In terms of responses from stakeholder, most comments were generally positive and supportive. However, stakeholder also identified or highlighted provisions of the draft RAQP where they were seeking change. Where appropriate, officers have made changes to the RAQP to either address the issues or to clarify the intent of the wording of particular provisions in the draft RAQP.

Proposed RAQP

17. Attached separate to this memorandum is the draft Proposed RAQP, which is presented for consideration by this Committee. It includes some significant changes in structure from the current operative RAQP. A brief overview of the issues for the region is provided, with the objectives for air quality in the Taranaki region, the policies to implement the objectives and the methods to be used to achieve the objectives.
18. Major changes in the Proposed RAQP for Taranaki include:
 - the introduction of a prohibited activity rule for the burning of domestic waste products and green waste outdoors on any allotment less than 0.5 hectares in size, within a residential area, that is serviced by a weekly municipal collection service;
 - the introduction of a permitted activity rule for emissions to air from cleanfills;

- the introduction of a permitted activity rule that allows for the use of fertiliser and soil conditioners as a legitimate activity, especially in rural areas where issues of reverse sensitivity might arise;
 - the introduction of a prohibited activity rule for the use of mobile asphalt paving burners;
 - the introduction of a permitted activity rule for discharges to air from earthworks that exposes a contiguous area of area of soil of 4 hectares or less, any one time; and
 - the introduction of a controlled activity rule for the discharges to air from earthworks that exposes a contiguous area of soil of 4 hectares or more, at anyone time (excluding land used for production purposes).
19. A number of amendments have also been made to the Plan to incorporate the changes made to the Resource Management Act since 1997 and to provide greater clarity for the end users of the Plan. The changes are marked as track changes throughout the Plan.
20. Members should note that the Proposed RAQP is currently being reformatted, and the version that is to go out for public consultation will differ in appearance to that which is presented to the meeting. The formatting and style will be consistent with the *Proposed Regional Policy Statement for Taranaki*, giving the Proposed RAQP a fresh new look that is both up-to-date and user friendly.

Plan review process hereon

21. The First Schedule of the Act sets out a formal statutory process that the Council must follow for the review of the Air Quality Plan.
22. The RAQP preparation process is a deliberately comprehensive one. The advantages of early stakeholder engagement and working through issues constructively have been shown by previous plan development processes which have not resulted in any appeals.
23. Once the Proposed RAQP has been publicly notified, submission will be called for. Assessment of those submissions will be undertaken immediately following the last date for their receipt. A summary of submission will be notified and any cross-submission (or 'further' submission) called for. The Council will provide an opportunity for every person who makes a submission and who request to present their views in person to a Hearings Committee, to be so heard. Decisions and recommendations on the matters raised (in the submissions) will be publicly notified after the Hearings Committee has considered all matters.
24. It is suggested that the Proposed RAQP be notified on **8 November 2008** following the Ordinary meeting. The deadline for the submission is approximately four weeks at which time Council can begin to analyse submissions and report back to the Council.
25. Members should note that a report prepared pursuant to section 32 of the Act will accompany the Proposed Regional Air Quality Plan. The section 32 report will contain an evaluation of the benefits and costs of the objectives, policies and methods in the Proposed RAQP and the appropriateness of the objectives and policies and methods having regard to alternatives. This report will be available for public inspection at the time the Proposed RAQP is notified.

Decision-making obligations

26. 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

27. 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

28. 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

29. 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 and draft *Proposed Regional Air Quality Plan for Taranaki* and stakeholder feedback on an earlier draft Plan;
2. notes that over the last 10 years the policy approach adopted in the Air Plan has been generally effective in achieving the desired environmental outcomes and promoting the integrated and sustainable management of air resources in Taranaki;
3. confirms that it is satisfied that the rules and methods set out in the Air Plan are the most appropriate way to achieve the objectives of the Plan; and
4. agrees to publicly notify the *Proposed Regional Air Quality Plan for Taranaki* for public submission on or around 8 November 2008.

Approved:

AD McLay
Director-Resource Management

B G Chamberlain
Chief Executive

ITEM FOUR

16 October 2008

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Memorandum to Chairperson and Members Policy and Planning Committee

Submission: Proposed NES for On-site Wastewater Systems

Purpose

1. To introduce a submission made to the Ministry for the Environment [MfE] on their *Proposed National Environmental Standard for On-site Wastewater Systems - Discussion Document*. The submission was jointly prepared by the four local authorities in Taranaki. The discussion document can be viewed online at www.mfe.govt.nz/publications/rma/.
2. A copy of the submission is attached to this memorandum for Members' information. Submissions closed on 26 September 2008.

Key points for Members' consideration in the item are:

- Proposed NES developed by MfE to address effects from wastewater systems that are not providing adequate levels of treatment and are having an adverse impact on human health and the environment.
- The proposed NES outlines the process that will be carried out to undertake inspections of on-site wastewater systems in at risk environments.
- The mechanics of the proposed NES are not too dissimilar to the provisions of the Memorandum of Understanding (MOU) that is in place between the four local authorities with regard to the management of on-site wastewater systems. Therefore, with regard to the roles and responsibilities of various stakeholders under the proposed NES, the four local authorities will continue to undertake the agreed process as outlined in the MOU.

Background

3. On-site wastewater systems provide treatment of domestic wastewater and return it to the environment within the boundaries of the property of origin. It has been estimated that in some regions at least 20% of homes rely on this form of wastewater treatment. Ageing septic tanks represent the majority of on-site wastewater systems installed in New Zealand. In many areas wastewater systems are not providing adequate levels of treatment and are having an adverse impact on human health and the environment.

4. In 2005/2006 a number of local authorities approached MfE and requested the development of tools to help them manage on-site wastewater systems and their effects. In response to these requests, MfE commissioned an investigation into on-site wastewater management, with the following objectives:
 - to define the environmental effects and other issues associated with on-site wastewater systems;
 - to identify and assess options to best manage on-site wastewater systems for the purpose of reducing their adverse environmental and health impacts; and
 - to scope options for the management of on-site wastewater systems that could be addressed by a national environmental standard.
5. The investigation involved a survey of all regional councils (including unitary authorities) and a selection of territorial authorities to identify problems and relevant issues. A workshop was then held in 2005 to discuss the problems, issues and options for managing on-site wastewater systems, including the use of a national instrument such as a national environmental standard.
6. In November 2006, the MfE convened a working group made up of local government officials, who provided background information and advice that has contributed to the development of the proposed standard.

Proposed NES

7. The proposed NES outlines the process that will be carried out to undertake inspections of on-site wastewater treatment systems. Owners of properties with on-site wastewater systems in specific locations identified by this Council will be required to hold a current warrant of fitness that confirms their on-site systems is functioning properly and is being maintained to an appropriate standard. To obtain a warrant of fitness, an on-site wastewater system would need to pass an inspection by an authorised person. Owners would need to have their systems inspected every three years and meet the reasonable cost of this exercise. The identification of areas would be based on a set of environmental criteria, including the following parameters: climate, land slope, soil type, drainage, groundwater levels, and the sensitivity of the local environment.

Taranaki context

8. A workshop was held at the Council on 18 August 2008, hosted by the Ministry for the Environment, to discuss the proposed NES. Representatives from the local authorities, a local plumber representative, and members of the public attended the meeting. An action from the NES workshop was to prepare a joint submission by the four local authorities on the proposed NES.
9. A MOU for on-site domestic wastewater systems is in place between the four local authorities in Taranaki. The MOU was agreed in 2006 and sets out a common understanding and an agreed process to be adopted by the Councils regarding:
 - receiving and providing advice on on-site domestic wastewater system design suitable for Taranaki conditions;
 - receiving a request to investigate;
 - responding to complaints; and

- developing rules, regulations and bylaws.
10. In addition, the councils agreed to focus resources on settlements and townships, as opposed to rural areas, where the greatest potential for adverse effect(s) exist due to the potential cumulative effects of on-site domestic wastewater systems discharges.
 11. The mechanics of the proposed NES are not too dissimilar to those of the MOU that is in place except that there is not a need for the warrant of fitness inspection. Therefore, with regard to the roles and responsibilities of various stakeholders under the proposed NES, the four local authorities will continue to undertake the agreed process as outlined in the MOU.

Incidents recorded on the Council database

12. On average 3-4 complaints are received by the Council annually with regard to adverse environmental effects from septic tanks. The Council generally forwards the complaints onto the district councils, except when there is a direct discharge to water. If there is a direct discharge to water the Council deals with the incident and may carry out enforcement action (i.e. issues an infringement or abatement notice).
13. Monitoring by the Council has at times identified alert levels of bacteria in waters draining Ohawe, Kaupokonui and Rahotu settlements that may be due to septic tank discharges.

On-site wastewater meeting

14. On 22 September 2008, a meeting was held with representatives from the four local councils to discuss the proposed NES and the joint submission, and to review the operation of the MOU that is in place between the four local councils.
15. The representatives all agreed that the MOU is working well, with no operational/cross boundary issues identified.
16. 'Hotspot' areas (i.e. areas where non-compliance has been recorded in the past by the district or regional council) were discussed and include: Rahotu, Ohawe, Waitotara township, Tongaporutu (close to the river), Inglewood, Egmont Village, and upper Mangorei and Korito roads.
17. The three district councils agreed to do a random audit and to check individual areas to monitor septic tank compliance.

Submission

18. The Councils generally support the work being undertaken by MfE with regard to the development of the NES. However, the councils requested that there is flexibility incorporated into the standard that allows for: areas once gazetted to be removed from the NES when circumstances change; the timing of inspections to vary for specific types of wastewater systems; and the discretion to implement the NES residing with the regional council.

NES Impact

19. Given the long established positive relationships between the four local authorities in the region, as shown through the development and implementation of the MOU, the impact of the proposed NES is unlikely to be significant. Tools exist now, under the Building Act and Resource Management Act, to address the adverse environmental

effects of on-site wastewater systems. The proposed NES makes this easier for at risk areas through the warrant of fitness requirement, but this must be optional for Councils. If the flexibility requested in the submission is provided in the final NES then there will be minimal impact on the region of the NES.

Process for the development of the NES

20. At the end of the submission process the Ministry for the Environment will prepare for the Minister for the Environment a report and recommendations on the comments and proposed subject matter of the standard and a formal evaluation of the alternatives, costs and benefits under section 32 of the RMA. The report and recommendations will then be publicly notified. The Minister will consider the report and recommendations and the section 32 evaluation before deciding whether to recommend to the Governor-General that the national environmental standard be made by order in council.

Recommendations

THAT the Taranaki Regional Council:

1. receives the memorandum on the Ministry for the Environment's *Proposed National Environmental Standard for On-site Wastewater Systems – Discussion Document*;
2. notes the submission is a joint Taranaki local authority submission; and
3. endorses the submission.

AD McLay
Director-Resource Management

Approved:

B G Chamberlain
Chief Executive

Document: 505279

26 September 2008

Ministry for the Environment
PO Box 10362
Wellington

Submission: On-site wastewater systems

Introduction

1. This is a submission on the Discussion Document for the Proposed National Environmental Standard for On-site Wastewater Systems [the 'NES'].
2. A workshop was held at the Council on 18 August 2008, hosted by the Ministry for the Environment, to discuss the proposed NES. Representatives from the local councils in Taranaki, a local plumber representative, and members of the public attended the meeting. An action from the NES workshop was to prepare a joint submission by the four local authorities in Taranaki on the proposed NES.
3. This submission is prepared by the four local authorities in Taranaki, the Taranaki Regional Council, the South Taranaki District Council, the Stratford District Council and the New Plymouth District Council.
4. A memorandum of understanding for on-site domestic wastewater systems [MOU] is in place between the four local authorities in Taranaki. The MOU was agreed in 2006 and sets out a common understanding and an agreed process to be adopted by the Councils regarding:
 - receiving and providing advice on on-site domestic wastewater system design suitable for Taranaki conditions;
 - receiving a request to investigate;
 - responding to complaints; and
 - developing rules, regulations and bylaws.
5. In addition, the Taranaki Regional Council and the three district councils agreed to focus resources on settlements and townships, as opposed to rural areas, where the greatest potential for adverse effect(s) exists due to the cumulative effects of on-site domestic wastewater system discharges.

6. Over the last 20 or more years major townships in the region have constructed and operated wastewater treatment systems and significantly reduced the number of on-site domestic wastewater discharges in the region. The systems have been expanded and upgraded over the years to include other townships, and a degree of centralisation occurred in both North Taranaki, around the New Plymouth Carrousel Plant and in South Taranaki, around the Hawera Wastewater Treatment Plant. On-site domestic wastewater system discharges therefore generally do not pose an environmental problem in this region, although from time to time in specific locations some problems do arise from the lack of system maintenance. However, the councils have tools under the Resource Management Act and Building Act (i.e. infringement notices, abatement notices and notices to fix) to require individuals to improve/maintain their systems.
7. The Councils generally have a positive cooperative approach to the management of the environment in the region and work together on projects with joint interest wherever possible, and the management of on-site domestic wastewater system discharges is an example of this.

General support

8. The Councils thank the Ministry for the Environment for the opportunity to comment on the discussion document: Proposed National Environmental Standard for on-site wastewater systems.
9. The Councils make this submission in view of their various functions and responsibilities under the Resource Management Act 1991, the Local Government Act 2002, the Health Act 1956 and the Building Act 2004.
10. The Councils generally support the work being undertaken by the Ministry for the Environment with regard to the development of national environmental standard for on-site wastewater systems. However, the councils request that there is flexibility incorporated into the standard that allows for an area once gazetted to be removed from the NES when circumstances change, timing of inspections to vary for specific systems and sites and discretion to sit with the regional councils with regard to implementing the NES.
11. The submission focuses on the key points raised at the NES workshop, discussions between the four local authorities and a number of the questions asked throughout the discussion document.

Key points

Application area

12. The Councils note that the application of a proposed standard to every property in New Zealand is not warranted or reasonable, and agree that resources should be focused on settlements and townships where the greatest potential for individual and cumulative adverse effects exist, areas referred to as 'hotspots' in the discussion document. For sites that are not located in the 'hotspot' areas, an education programme outlining good practice with regard to on-site wastewater systems should be applied.

13. In addition, the ability for regional councils to identify where the standard may apply is strongly supported. The key environmental issue for systems is effects on water quality and it is appropriate that regional councils take a lead. It may well be that in Taranaki the regional council, in consultation with district councils, would decide not to apply the NES and rely on the existing Resource Management Act tools and arrangements with district councils in the MOU. The NES should allow for this flexibility and not assume the NES will be universally applied.

Inspections – inspector capacity and inspection timing

14. A key issue arising from the workshop was the skills and experience required to do the inspections and when these are best carried out. A plumbing sector representative, while acknowledging a vested interest, noted that experienced plumbing practitioners and/or tank-emptiers have the necessary skills and systems are best inspected when they have been emptied as pipe work is exposed. Plumbers given their practical experience over the years in dealing with new and old systems are considered to have the skills and together with tank-emptiers could be trained within a relatively short period to undertake the task. A simple checklist could be drawn up to codify the inspection.
15. With regard to the timing of inspections, it is difficult to fix a time (i.e. 3 yearly) as all systems are different. A risks analysis of the systems and their location should be carried out to determine the timing of inspections. Inspections should not be carried out at intervals less than every three years; as experience illustrates that systems tend to operate effectively for a longer period of time than the three years selected in the proposed NES (i.e. 5, 10 years).
16. That noted, based on an assessment by the New Plymouth District Council, septic tank sludge can have high levels of heavy metals if left for long periods of time (i.e. longer than recommend for the specific tank/system design). This factor therefore needs to be taken into account when undertaking the risk analysis.

Roles and responsibilities

17. With regard to the roles and responsibilities of various stakeholders under the NES, the four local authorities will continue to undertake the agreed process as outlined in the MOU [refer to attached document].
18. If an area is prescribed as requiring the NES provisions then it is appropriate that the property owner be responsible for holding a current warrant of fitness for their on-site wastewater system and pay for the inspections. However, there must be a provision for removing an area, once gazetted, from the NES to allow for a change in circumstances whereby other regulatory or non-regulatory regimes could be successfully used.
19. The NES requirements could act as a financial instrument to change behaviour around system maintenance and operation. But an NES should not be required indefinitely, at an increased cost to the property owner, and should be able to be lifted if the desired behaviours are shown and environmental outcomes achieved.
20. Inspectors of the systems will be suitably qualified [i.e. hold unit standards], issue the warrant of fitness [WOF] and notify the regional council of the inspections and the location of the systems. As discussed at the workshop, the logical option for recruiting

inspectors would be from the pool of qualified system installers in the region. Auditing of the inspections will need to be carried out to ensure compliance with inspection criteria.

21. In addition, the certified inspectors should be approved by the regional councils to ensure quality control of inspectors/inspections.
22. In addition, it is suggested that MfE develop a unit standard for inspecting the systems, and guidance for the implementation of the NES. This could be developed with those with first hand experience in installing such systems and in dealing with old and new system problems (i.e. plumbers). First hand practical experience must form a key part of the development of any unit standard.

Monitoring of systems/Inspections

23. The standards for the design of the systems will need to be amended to allow for thorough inspections to be carried out as part of the NES. Inspection points will need to be installed along the effluent fields or beds to enable inspectors to check the systems for decay or blocking. The tanks will also need to be installed in a manner that allows for ease of monitoring.
24. In addition, plans of the systems will need to be in a suitable form and publicly available so inspectors can easily find the systems.

Information provision

25. It was also suggested at the meeting that the information about systems be better managed and be available in a suitable database and available to the public via the internet. In Taranaki two of the three district councils and the regional councils share a GIS data base (Taradise) that includes information on district, regional and land parcel boundaries, resource consents, key native ecosystems and watercourses and would be a useful database tool. The database would outline compliance and expiry dates of the WOF (keeping the community well informed).

In summary

26. The Councils once again thank MfE for the opportunity to comment on the discussion document.
27. The Councils generally support the work being undertaken by the Ministry for the Environment with regard to the development of national environmental standard for on-site wastewater systems.
28. The submission focuses on the key points raised at the MfE workshop, including the application areas, roles and responsibilities of various sectors under the NES and information provision.
29. If you have any questions or queries with regard to this submission please do not hesitate to contact the undersigned.

Yours faithfully
B G Chamberlain
Chief Executive

A handwritten signature in black ink, appearing to read 'AD McLay', is written over a solid horizontal line. Below this line is a dashed horizontal line.

per: AD McLay
Director-Resource Management

ITEM FIVE

16 October 2008

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

**Draft submission on National Policy Statement for Renewable
Electricity Generation**

Purpose

1. To introduce a draft submission on the Proposed National Policy Statement for Renewable Electricity Generation and to recommend that the draft submission be adopted by the Council.
2. A copy of the draft submission is attached to this memorandum for Members' consideration. Submissions close on 31 October 2008.
3. Also attached to this memorandum is a copy of the Proposed National Policy Statement for Renewable Electricity Generation. A full copy of the Section 32 report 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

Background

4. The Government has a strong desire to see a greater proportion of New Zealand's increasing electricity demands met through renewable electricity generation. This has been manifested through amendments to the Resource Management Act (which now requires decision makers to have particular regard to the benefits to be derived from the use and development of renewable energy). Furthermore, the New Zealand Energy Strategy, released in October 2007, sets out the government's vision for a reliable and resilient system delivering New Zealand sustainable, low emissions energy services.
5. Renewable electricity generation projects are often very complex in that they tend to introduce potentially significant adverse environmental effects at the same time as significant benefits. The key problem that has been identified is that it is felt that the RMA does not clearly establish the significance of the benefits of renewable electricity generation projects, and this lack of statutory guidance complicates the decision making process, making applications for renewable electricity generation lengthy and costly. Council officers and decision makers are repeatedly called upon to make balancing judgements against the purpose and principles of the RMA and to consider competing section 6 and section 7 (of the RMA) values through the resource consent process. Section 6 requires the Council to recognise and provide for seven matters of national importance, while section 7 requires the Council to have regard particular regard to 11 other matters.

6. A draft National Policy Statement for Renewable Electricity Generation has been proposed to assist decision-makers when considering whether proposals to use and develop New Zealand's renewable energy sources in a way that achieves sustainable management by:
 - recognising the national significance of the benefits of renewable electricity generation;
 - promoting the development, upgrading, maintenance and operation of renewable electricity generation activities to meet a target of 90% of NZ's electricity to be generated by renewable sources by 2025;
 - requiring decision makers to consider the difficulties generators have in trying to avoid, remedy or mitigate their environmental effects;
 - requiring decision makers to consider the degree of reversibility of the adverse environmental effects; and
 - requiring regional policy statements and plans to enable identification and investigation of potential sites and the development and operation of small and community-scale renewable electricity generation.

Submission

7. The Council has most experience in renewable electricity generation in the field of renewing consents for hydrogeneration operations, although minor consents for a wind farm at Waverley have recently been processed.
8. The Council has generally supported the development of national policy statements where they are able to provide clear, meaningful, useful and constructive guidance to local authorities on matters of national significance to assist the decision making process.
9. However, it is important that sufficient flexibility is retained to enable local decision making. The key concern raised in this submission is that there is the risk that by elevating renewable electricity generation applications, of any size, to being nationally significant, there is the risk that local decision makers will be forced to make decisions that override matters of local environmental, economic or social importance.
10. Furthermore, the submission raises the concern that this National Policy Statement and other Statements, plus National Environmental Standards all combine to add additional costs onto local government.
11. This Council recently submitted on the draft National Environmental Standard for Ecological Flows. There is a potential conflict between that document and this one, which requires councils to facilitate small scale schemes, whereas the NES for ecological flows requires good assessment of environmental effects for water abstraction or diversion projects (such as might be required for a small hydroscheme). The draft submission points this out.
12. The National Policy Statement would require plan and policy changes to 'enable' the investigations for new renewable electricity generation operations and small scale operations. It is uncertain exactly what 'enable' means. The Proposed Policy Statement for Taranaki includes a number of objectives and policies relating to renewable energy, and none of our plans specifically prohibit such activities, so it could be argued that our

plans and policies already achieve the intent of the policies in the NPS. However, it is unclear, and this lack of certainty could require the Council to undertake plan changes at considerable cost.

13. The draft submission asks that plan changes only be required where they do not already enable activities associated with investigation and research for renewable energy projects.

Decision-making obligations

14. 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

15. 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

16. 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

17. 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 memorandum; and
2. adopts the draft submission on the Proposed National Policy Statement for Renewable Electricity Generation incorporating amendments agreed to by the Policy and Planning Committee.

Approved:

AD McLay
Director-Resource Management

B G Chamberlain
Chief Executive

Document: 511613

22 September 2008

The Chairperson
The Board of Inquiry National Policy Statement Renewable Electricity Generation
c/o PO Box 10362
Wellington 6143

Dear Sir

Submission on Proposed National Policy Statement for Renewable Electricity Generation

Introduction

1. This is a submission on the Proposed National Policy Statement for Renewable Electricity Generation that was publicly notified on 5 September 2008.
2. The Taranaki Regional Council (the Council) thanks the Board of Inquiry for the opportunity to make a submission on the Proposed National Policy Statement.
3. The Council makes this submission in recognition of its:
 - Statutory responsibilities under the Resource Management Act 1991; and
 - Regional advocacy responsibilities whereby the Council represents over 100,000 people with the Taranaki region on matters of regional interest and concern.

The Submission

4. The Council's submission relates to the Proposed National Policy Statement in its entirety.
5. The Council supports in principle the development of national policy statements where they are able to provide clear, meaningful, useful and constructive guidance to local authorities on matters of national significance. The preparation of a national policy statement to recognise the importance of renewable energy is generally supported.
6. The Council has recognised the importance of renewable energy through the *Proposed Regional Policy Statement for Taranaki (as amended following pre-hearing consultation)*. For example, the PRPS contains the following objective, policy and methods:

- OBJ 2: To promote the use and development of renewable sources of energy in a manner that avoids, remedies or mitigates adverse effects on the environment;
 - POLICY 3: The use and development of renewable energy resources will be promoted whilst avoiding, remedying or mitigating adverse effect on the environment as far as practicable;
 - METH 3: Support the development of industry code of practices for renewable energy production;
 - METH 4: Have regard to opportunities and provide appropriate encouragement for the use and development of renewable energy in the preparation and review of regional plans;
 - METH 11: Territorial authorities may wish to consider the inclusion of provisions in district plans that encourage the development of renewable energy resources.
7. The Council agrees that there are national benefits of renewable electricity generation activities but firmly believes that decision making on applications must weigh up national benefits against the effects (environmental, economic, social) at a regional or local level.
 8. The Council is concerned that the National Policy Statement may be used to override local decision making. For example, the *Proposed Regional Policy Statement for Taranaki (as amended following pre-hearing consultation)*, includes a policy to assist the Council in decision making where there is competition for water resources. Policy 1 of the NPS could mean for example, that consent could be granted for a hydropower use of water, overriding the community water requirements (recognised as the top priority in the PRPS). Is this really the desired policy outcome? If not then the Policy needs to be qualified.
 9. Policy 2 could be used by generators to argue that they don't need to avoid, remedy or mitigate adverse environmental effects. This is a potential unintended implication of this policy that is not supported. It would be of concern if for example a hydropower scheme argued that they logistically couldn't install and operate an adequate fish pass structure. Clarifying that the policy is subject to Part II of the Act may help. Equally, the NPS could be balanced by including a policy that looks at the opportunities (compared with the constraints) such as financial donations for off-set mitigation. Creatively designed mitigation packages for hydrogenation schemes for example can consist of a package of off-set mitigation, residual flow, fish passage, flushing flows and monitoring to ensure that environmental effects are adequately avoided, remedied or mitigated.
 10. In relation to policy 4 and 5, the Council is concerned that there is no clear definition of 'enabled'. The section 32 report correctly notes that the word 'enable' is not clearly defined and litigation to define its meaning could complicate and increase the costs (and uncertainty) associated with implementation of this policy. The Act is generally permissive, and so unless plans 'prohibit' such activities (which is highly unlikely, unless in highly sensitive environments in which case it may be appropriate), activities described in these policies are already 'enabled' – applicants just need to apply for consents, where the activities are not already permitted.
 11. Policy 4 has been taken to mean that the Council would need to introduce objectives, policies and methods to simplify the process for the exploration or

research associated with renewable energy. If such activities are small scale with no more than minor effects then it is entirely appropriate for them to be permitted. The Section 32 report does not provide any information on the type of activities or barriers that this policy seeks to remove. It will therefore be difficult to implement.

12. There is potential for Policy 4 and 5 to conflict with the recently proposed National Environmental Standard for Ecological Flows. Policy 5 of this NPS seeks that small scale electricity generation projects, such as small hydroschemes, be facilitated. Meanwhile, the NES for ecological flows proposes that more in depth assessments be made for water abstractions above a certain volume in certain rivers and streams. Hydropower generation in small rivers or streams has the potential for a significant impact on environmental flows, which needs to be adequately assessed and mitigated (in accordance with the NES for ecological flows), however this may be in conflict with the directive in this NPS of enabling such activities.
13. It is also submitted that Policies 4 and 5 should be qualified to apply only to plans and policy statements that do not already enable such activities to save Councils the high cost of notifying plan changes unnecessarily. The Council supports the inclusion of a common date in these policies with the Electricity Transmission NPS to reduce process costs. However, the combined work arising from all the central government policy initiatives is potentially a considerable burden on local government. The NPSs and NESs being promulgated by the Ministry for the Environment, and the NZCPS review by the Department of Conservation, all add to existing Council workloads and add costs to the Taranaki community.
14. Councils will require support to assist with the interpretation and implementation of the National Policy Statement. This may require that the Ministry for the Environment fund guidance notes and dissemination of best practice examples.
15. The Taranaki Regional Council again thanks the Board of Inquiry for the opportunity to make a submissions on the Proposed National Policy Statement for renewable electricity generation.
16. The Council does not wish to be heard in support of it's submission.

Yours faithfully
B G Chamberlain
Chief Executive

per: AD McLay
Director-Resource Management

Address for service:
Chief Executive
Taranaki Regional Council
Private Bag 713
Stratford
Telephone: 06 765 7127 Fax: 06 765 5097

Contact person: Mr Fred McLay, Director – Resource Management, Email: Fred.McLay@trc.govt.nz

Proposed National Policy Statement for Renewable Electricity Generation

Preamble

This national policy statement sets out an objective and policies to enable the sustainable management of renewable electricity generation under the Resource Management Act 1991 ('the Act').

New Zealand's energy demand has been growing steadily and is forecast to continue to grow. In October 2007 the government adopted the New Zealand Energy Strategy, which states that New Zealand must confront two major energy challenges as it meets growing energy demand. The first is to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy. The second is to deliver clean, secure, affordable energy while treating the environment responsibly.

The contribution of renewable electricity generation, regardless of scale, towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment. In considering the risks and opportunities associated with various electricity futures, the government has determined that 90 per cent of electricity generated in New Zealand should be derived from renewable energy sources by 2025 (based on delivered electricity in an average hydrological year).

Development that increases renewable electricity generation capacity can, however, have environmental effects that span local, regional and national scales, often with adverse effects manifesting locally and positive effects manifesting nationally. In some instances the benefits of renewable electricity generation can compete with matters of national importance as set out in section 6 of the Act, and with matters to which decision-makers are required to have particular regard under section 7 of the Act. In particular, the natural resources from which electricity is generated can coincide with areas of significant natural character, significant amenity values, historic heritage, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna. Adopting a nationally consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources will provide greater certainty to decision-makers, applicants, and the wider community.

Title

This national policy statement may be cited as the National Policy Statement for Renewable Electricity Generation.

Commencement

This national policy statement comes into force on the day after which it is notified in the Gazette.

Matter of national significance

The matter of national significance to which this national policy statement applies is the need to develop, upgrade, maintain and operate renewable electricity generation activities throughout New Zealand.

Objective

To recognise the national significance of renewable electricity generation by promoting the development, upgrading, maintenance and operation of new and existing renewable electricity generation activities, such that 90 per cent of New Zealand's electricity will be generated from renewable sources by 2025 (based on delivered electricity in an average hydrological year).

Recognising the national significance of the benefits of renewable electricity generation activities

Policy 1

The benefits of renewable electricity generation activities, at any scale, are of national significance. Decision-makers must have particular regard to the national, regional and local benefits relevant to renewable electricity generation activities. These benefits may include, but are not limited to:

- i. maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions
- ii. maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation.

Acknowledging the practical constraints associated with the development, upgrading, maintenance and operation of new and existing renewable electricity generation activities

Policy 2

When considering measures to avoid, remedy or mitigate the adverse environmental effects of renewable electricity generation activities, consent authorities must have particular regard to the constraints imposed on achieving those measures by:

- i. the nature and location of the renewable energy source
- ii. logistical or technical practicalities associated with developing, operating or maintaining the proposed renewable electricity generation activity
- iii. the nature and location of existing renewable electricity generation activities
- iv. the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the local electricity distribution network, and the national grid.

Having regard to the relative reversibility of adverse effects associated with particular generation types

Policy 3

When considering proposals to develop new renewable electricity generation activities, decision-makers must have particular regard to the relative degree of reversibility of the adverse environmental effects associated with proposed generation technologies.

Enabling identification of renewable electricity generation possibilities

Policy 4

By 13 March 2012, local authorities are to notify, in accordance with Schedule 1 of the Act, a plan change, proposed plan or variation to introduce objectives, policies and, where appropriate, methods, into policy statements and plans to enable activities associated with:

- i. the identification and assessment by generators of potential sites and energy sources for renewable electricity generation
- ii. research-scale investigation into emerging renewable electricity generation technologies and methods.

Supporting small and community-scale renewable electricity generation

Policy 5

By 13 March 2012, local authorities are to notify, in accordance with Schedule 1 of the Act, a plan change, proposed plan or variation to introduce objectives, policies and, where appropriate, methods, into policy statements and plans to enable activities associated with the development and operation of small and community-scale distributed renewable electricity generation.

Interpretation

In this national policy statement, unless the context otherwise requires:

“**Act**” means the Resource Management Act 1991.

“**Application**” means any application for resource consent or consents or application under section 127 of the Act. Applicant has the corresponding meaning.

“**Decision-makers**” means all persons exercising functions and powers under the Act.

“**Local electricity distribution network**” means the system of electricity conveyance that connects individual electricity users with the national grid and electricity generation facilities.

“National grid” means the assets used or owned by Transpower NZ Limited.

“Renewable electricity generation” means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean currents resources.

“Renewable electricity generation activities” means the construction, operation and maintenance of structures associated with the generation of renewable electricity. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the local electricity distribution network and/or the national grid.

“Small and community-scale distributed renewable electricity generation” means renewable electricity generation projects with an installed electricity generation capacity of less than four megawatts and excludes offshore wind, tidal and wave generation.

Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect.

This national policy statement comes into force on the day after which it is notified in the Gazette. It provides that renewable electricity generation is a matter of national significance under the Resource Management Act 1991.

This national policy statement is to be applied by all persons exercising powers and functions under the Act. The objective and policies are intended to guide applicants and decision-makers when making applications for resource consent, in making decisions on the notification and determination of resource consent applications, in drafting policy statements and plans that relate to renewable electricity generation activities, and when exercising other powers under the Act.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change, proposed plan or variation by 13 March 2012.

16 October 2008

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

e-Day 2008 – Taranaki results

Purpose

1. To update Members on the results of the e-Day collection held on Saturday 4 October 2008.

Background

2. e-Day is a community initiative designed to raise awareness of the hazardous nature of electronic waste, while offering households, community groups and schools an easy way to dispose of old computer equipment and mobile phones in an environmentally sustainable manner.
3. The event was launched in Wellington in 2006 and was extremely successful with fifty-four tonnes of unused computer hardware being collected in one day. In 2007, eDay was extended to 12 locations throughout New Zealand where a total of 6,900 cars dropped off 415 tonnes of e-waste, including more than 26,000 computer items. Council officers contacted the organisers to express disappointment that Taranaki had not been given the opportunity to participate, and consequently the region was offered involvement in eDay 2008.

e-Day Collection in 2008

4. The Council's Regional Waste Officer was heavily involved for some months in the organisation of the day within Taranaki, while the Council supported publicity and provided some logistical support. Several Council staff were also involved as 'volunteers on the day itself in various roles.
5. e-Day was held in over 30 centres across New Zealand on Saturday 4 October 2008. In Taranaki, there were collection points in New Plymouth, Hawera and Stratford which were organised by the three district councils with assistance from the Taranaki Regional Council. A number of industries (eg computer/office supplies and transportation) provided sponsorship or support
6. The collection was a great success with New Plymouth collecting 28 tonnes of unwanted computers (4.5 container loads) from 618 vehicles, Stratford 4 tonnes from 84 vehicles and Hawera 7 tonnes from 154 vehicles. The community response was above predicted levels.

What happens to e-waste after eDay?

7. All equipment was sorted at the drop-off sites on eDay before being transported to recycling plants within New Zealand and overseas. All equipment dropped off at a collection point will be recycled by accredited recyclers using accepted international practices to ensure the safety of workers and maximise the recovery of materials. Recyclers have advised that over 95% of the materials in a computer can be recovered and re-used.
8. Advice from other centres where eDay collections have now been held for several years is that the volume increases rather than tapering off. It seems that word spreads and participation rates rise.

Regional Waste Strategy

9. The Council's Regional Waste Strategy for Taranaki discusses electronic wastes as both a special waste and as a hazardous waste type. Within the targets for special wastes, the Strategy specifies:- *By December 2007, local authorities in Taranaki will publicly promote businesses and organisations in the region (excluding disposal points such as transfer stations, scrap metal dealers, and landfills) that take back waste electrical and electronic equipment.*
10. As targets for hazardous wastes, the Strategy specifies:- *Local authorities in Taranaki will, in a manner consistent with their statutory functions, be consistent with the national hazardous waste management policy and assist the government in meeting its targets in relation to hazardous waste.*

District councils in Taranaki will continue to enforce the policy of non-acceptance of hazardous waste at landfills. They will continue to provide and maintain a dedicated hazardous waste collection area for drop-off of hazardous waste at major transfer stations and ensure that this waste is treated and disposed of appropriately.

11. The Waste Minimisation Bill that has just been enacted by Parliament specifies that 'producer responsibility programmes' can be established at the direction of the national Waste Control Board. These programmes can require producers to provide 'take back' programmes for their products. How these will work in the case of end-of-life products already in the marketplace before the passage of the Act, and in the case of products where manufacturers or importers no longer exist, is unclear. However, it is apparent that it will be several years at least before any alternative to eDay collections is provided at Government level.
12. In this instance, the eDay programme, and the participation of councils in it, indicates that the community and local authorities are ahead of national waste policy implementation.

Recommendations

THAT the Taranaki Regional Council:

1. receives this memorandum on the results of the e-Day collection held in Taranaki on Saturday 4 October 2008;
2. notes the excellent public response to this waste management initiative;

3. notes that a further eDay programme in Taranaki is likely.

GK Bedford
Director-Environment Quality

Approved:

B G Chamberlain
Chief Executive



Stacking of large monitors for shipping



Briefing for first shift of volunteers



Unloading vehicles and sorting e-waste types



Part of the queue waiting at New Plymouth