AGENDA AND SUPPORTING PAPERS
FOR COUNCIL'S SEPTEMBER MEETINGS

TO BE HELD IN THE OFFICES OF THE WEST COAST REGIONAL COUNCIL
388 MAIN SOUTH ROAD, GREYMOUTH

TUESDAY, 14 SEPTEMBER 2010

The programme for the day is:

09.30 a.m:	**Final Workshop on the Proposed Regional Plan Merge Process**
10.30 a.m:	**Resource Management Committee Meeting**
On completion of RMC Meeting:	**Council Meeting**

RESOURCE MANAGEMENT COMMITTEE

THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that a meeting of the **RESOURCE MANAGEMENT COMMITTEE** will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Paroa, Greymouth on **Tuesday, 14th September 2010**

P.EWEN
CHAIRPERSON

S. MORAN
Planning and Environmental Manager
C. DALL
Consents and Compliance Manager

AGENDA NUMBERS	PAGE NUMBERS	BUSINESS
1.		**APOLOGIES**
2.	1 - 5	**MINUTES** 2.1 Confirmation of Minutes of Resource Management Committee Meeting – 10 August 2010
3.		**PRESENTATION** Ministry of Agriculture and Forestry – Forestry Aspects of the Emissions Trading Scheme
4.		**CHAIRMAN'S REPORT**
5.		**REPORTS** **5.1 Planning and Environmental Group**
	6 – 8	5.1.1 Planning & Environmental Manager's Monthly Report
	9 - 48	5.1.2 Proposed Regional Land and Water Plan
	49	5.1.3 Proposed Water Measuring and Reporting Regulations
	50 - 74	5.1.4 Joint Agreement with Westland Milk Products Ltd
		5.2 Consents and Compliance Group
	75 - 77	5.2.1 Consents Monthly Report
	78 - 81	5.2.2 Compliance & Enforcement Monthly Report
		6.0 GENERAL BUSINESS

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 10 AUGUST 2010 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.44 A.M.

PRESENT:

P. Ewen (Chairman), R. Scarlett, D. Davidson, B. Chinn, A. Robb, A. Birchfield, T. Archer, T. Scott

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), S. Moran (Planning & Environmental Manager), R. Mallinson (Corporate Services Manager), C. Dall (Consents & Compliance Manager), T. Jellyman (Minutes Clerk), The Media

1. APOLOGIES

There were no apologies.

2. MINUTES

Moved (Davidson / Archer) *that the minutes of the previous Resource Management Committee meeting dated 13 July 2010, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

3. CHAIRMAN'S REPORT

Cr Ewen reported that it has been a busy month. He has dealt with the written responses to ratepayers that he spoke of at last month's meeting with one relating to a mining / access road and the other regarding 1080. Cr Ewen has dealt with staff regarding a floodwall matter and noted the pleasing outcome of the Coastal Plan Change. Cr Ewen responded to various media enquiries regarding council policy on a number of issues. Cr Ewen advised that he accepted two invitations during the month, one from the Gloriavale Christian Community to attend their concert. The second invitation was from Solid Energy NZ Ltd to attend the Bledisloe Cup rugby match in Christchurch. He stated that he travelled privately and stayed privately in Christchurch for this event.
Cr Ewen reported that he has had discussions with staff prior to the hearing next week on Spotters Creek, near Ross.

Moved (Ewen / Davidson) *that the Council receive this report.*

Carried

5. REPORTS

5.1 PLANNING AND ENVIRONMENTAL GROUP

5.1.1 PLANNING AND ENVIRONMENTAL MANAGER'S MONTHLY REPORT

S. Moran spoke to his report. He advised that the two most interesting matters in the Government's Statement of Intent that was recently released are the progress on the second phase of RMA reforms and work on a National Policy Statement on Biodiversity. S. Moran reported that the new Waterways Centre in Christchurch has been opened by the Minister for the Environment. He advised that this would be watched to see if they are looking for regional council involvement or whether they will carry out their own research.

S. Moran advised that the first lot of Waste Minimisation funding has now been approved. He advised that this is the money that has been taken from every tonne of waste at the landfill and is part of the campaign to encourage farms to recycle or reuse plastic items such as farm wraps and plastic agrichemical containers that are in use on farms. He advised that the collection point on the West Coast is based in Hokitika.
S. Moran reported that there was just under $3000 available for distribution from the Honda Tree Fund this year.
S. Moran reported that there were no floods in any of the main rivers that council monitors during the reporting period. S. Moran advised that there have been 21 exceedences of the National Environmental Standard for PM^{10} in Reefton during the reporting period.
S. Moran reported that Jonny Horrox made a presentation to representatives of the Karamea Community Business Ltd on water quality in this area during the reporting period.
S. Moran drew attention to the information pamphlet called "How well is your Well" in his report. He stated that this pamphlet was put together with permission from Environment Southland using information from them and provides information on how to maintain water quality in your well.
Cr Davidson asked S. Moran if this council is going to be involved with the ETS. S. Moran responded that we would not be involved to any great degree. C. Ingle advised that a presentation on the forestry side of the ETS is coming to the September Council meeting so questions can be asked at this meeting. C. Ingle advised the meeting that the weed control presentation by DoC scheduled for today's meeting has been postponed.
Cr Archer stated that the whole issue of air quality is still under scrutiny from the Government; he asked S. Moran if there have been any developments with this. S. Moran responded a reports on both the review of the air quality standard and the submission on the biodiversity plan of action are still awaited.

Moved (Archer / Chinn) *that this report be received.*

Carried

5.1.2 ADOPTION OF PROPOSED PLAN CHANGE 2 – REGIONAL COASTAL PLAN

S. Moran spoke to his report. He advised that there were no appeals received on the Proposed Coastal Plan Change 2. S. Moran stated that once Council adopts the Plan Change it will then be sent to the Minister for Conservation to sign off on and then it will be in the Plan as a permitted activity. Cr Ewen stated that this is a good result with now around 50 rivers or creeks now being able to have their outlet cleared as a permitted activity. Cr Ewen stated that with no appeals being received this is good as it could otherwise have been a lengthy and arduous process to go through. He stated that a lot of communities would benefit from the Plan Change.

Moved (Davidson / Archer)

That the Council adopt the attached Plan Change 2 to the Regional Coastal Plan in accordance with Clause 18 of the First Schedule of the Resource Management Act 1991, and affix its seal.

Carried

5.1.3 END OF YEAR REPORT FOR THE TOTAL MOBILITY PROGRAMME

S. Moran spoke to this report advising that this passenger survey is required on an annual basis. He stated that a very good response to the survey was received with most users rating the service as good, very good or excellent. Cr Archer stated that this service is considered to be of very high value with two very small exceptions. Cr Ewen stated this transport service is beneficial to ratepayers as there is no public transport on the West Coast.

Moved (Archer / Robb) *that this report be received.*

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

C. Dall spoke to this report advising that there were a relatively high number of non-notified resource consent applications granted during the reporting period. C. Dall reported that there was a

prehearing conference in Christchurch for appeals in relation to the consents granted to TrustPower for its proposed Arnold Valley Hydro Scheme. C. Dall advised that a further court hearing has been set for the 13th of September and is likely to last a few days. He advised that the Environment Court stated in its interim decision that it is likely to uphold the granting of consent and this court hearing is just a matter of refining the consent conditions. C. Dall reported that the joint decision made by the West Coast Regional Council and Buller District Council to decline the consents lodged by Solid Energy NZ Ltd for its proposed Stockton Hydro Scheme has received an appeal from Solid Energy NZ Ltd. He advised that a number of other parties have joined as Section 274 parties including Hydro Development Ltd in opposition to the appeal and notice has been received from Meridian Energy Ltd to join proceedings in support of the Solid Energy appeal.

Cr Ewen asked C. Dall if the consent applied for by Seafield Resources Ltd for the removal of sand and shingle for mining from Karamea to Jackson Head would be compromised by the proposed marine reserves. C. Dall advised that Seafields Resources Ltd were required to complete the sampling that they intended to do under the original consent and this consent is a replacement of the original consent. C. Dall advised that he made the company aware of the marine reserve matter but how it is affected by the proposal is dependant on the outcome of the sampling which is unknown at this stage. Cr Ewen is concerned that is this area is included in the marine reserves then the company could be excluded from any prospecting by any party in the future once it is signed off. Cr Ewen stated that there is already 87% locked up on land and they could be a further percentage locked up on the foreshore. C. Dall stated this is still speculation and depends on whether the company locates any viable deposits in those areas that are subject to the marine reserve. Cr Archer advised that should consents be granted before the actual declaration of the marine reserve areas then these areas would take precedent. C. Dall advised that there could be some issue of compensation for this. Cr Birchfield stated that he feels it would be very unlikely that any mining would be allowed in these reserves and that this is just another lock up. Cr Ewen stated that this matter would be watched carefully.

Cr Ewen drew attention to Westland Milk Products proposed ocean outfall pipeline from the Hokitika River out to sea. Cr Ewen stated this would avoid previous problems with discharges into the Hokitika River. C. Dall advised that the proposed pipeline would be around 200 metres in length.

C. Dall confirmed to Cr Davidson that there has been a change to Westland's main effluent discharge consent several years ago, which required the company to look at different options for the discharge, which is what they have been doing. C. Dall stated that this would be a similar system to the sewage discharge system at New Brighton but not on the same scale as this one is an extension to existing infrastructure.

Moved (Archer / Birchfield) *that the August 2010 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Dall spoke to this report advising that July has been a relatively quiet month. C. Dall reported that there were some problems with the Westport Wastewater Treatment Plant during the month, which this council and Buller District Council have been working through. C. Dall reported that a formal warning letter was issued to ensure the management of the plant and systems are operating properly to ensure there is backup in the event of a system failure.

C. Dall reported Compliance staff have been monitoring the aerial 1080 operations in South Westland, responding to complaints and information requests relating to these aerial operations.

C. Dall reported that 24 complaints or incidents were received during the reporting period. He advised that most of these complaints related to dairy grazing and unauthorised black sand mining operations that will be required to obtain consents. C. Dall reported that one infringement notice was issued during the reporting period which was related to the contravention of an earlier abatement notice. Cr Ewen asked if the complaints picked up from the aerial inspection in the Cronadun area were all different enterprises. Cr Scarlett asked if it is considered that the heavy dairy grazing is likely to have a run off affect into streams. C. Dall responded that the main concerns with heavy grazing are the proximity of water courses and the potential to pug or compact the soil which increases the chance of run off of sediment laden stormwater and effluent into waterways. Cr Scarlett requested that a description of reason for the complaint be added into the report as heavy dairy grazing per se is not a problem provided it is not near a waterway. Cr Davidson asked how long has council been using aerial monitoring and is this going to be done more frequently. C. Dall responded that aerial inspections have been used for many years with two main aerial inspections being carried out each year. C. Dall stated that these inspections cover a wide

area and a range of activities are looked at. He stated this is a very cost effective way of keeping an eye on what is going on in the region and in this instance quite a few matters needing follow up were brought to council's attention. Cr Ewen stated that Stockton Mine covers 2000 hectares and is an obvious area where aerial inspection is very practical. C. Dall stated that aerial inspection gives a very good appreciation of this mine site and allows for aerial photographs of inspection areas to be taken.

Cr Ewen asked if the gravel extraction operation in the Taramakau River is north, east or west of the bridge as there have been concerns in the past about excessive gravel take west of the bridge. C. Dall confirmed that this is downstream of the bridge. Cr Ewen asked that this area be monitored carefully due to these past concerns. Cr Birchfield stated that prior to the RMA gravel was extracted from all of our rivers and the control for this was common sense and this worked well. Cr Birchfield is concerned that council is turning gravel extraction into a major bureaucratic exercise administering this. Cr Birchfield feels we should be encouraging people to make as much gravel from our rivers as they can. Cr Ewen agreed that there is plenty of gravel for all and advised that prior to 1958 the local authority received a royalty on gravel but this was taken away in the 1958 budget. Cr Ewen would like to see a royalty reinstated so that some of the monitoring costs that ratepayers are paying could be supplemented. Cr Ewen is mindful of the consenting issues in this area in the past with different parties. Cr Scarlett spoke of some rivers in the Karamea area where people can take up to 100 cubic metres without a resource consent. Cr Archer concurred with Cr Scarlett and stated that permitted activity gravel takes are well defined in the regional plans. He stated that council has a responsibility to ensure that there are compliance elements to the Plans.

Moved (Archer / Robb) *that the August 2010 report of the Compliance Group be received.*

Carried

6.0 GENERAL BUSINESS

Cr Birchfield stated that he wishes to bring up the matter of Saltwater Creek / New River outlet and wishes that it be discussed in the public forum due to the public interest in this matter. Cr Birchfield feels that there is a potential flooding risk from the build up of New River and Saltwater Creek because the outlet to the sea is moving north and not letting the creek and river get out. Cr Birchfield drew attention to the letter from Mel Sutherland of Grey District Council. Cr Birchfield feels that the clearance of the mouth should be done under RMA emergency works provisions in view of spring coming and heavy rain likely before the end of this year. Cr Birchfield stated that he would like to move a motion that the consent is approved under emergency work.

Cr Ewen requested that discussion takes place prior to any motion and he asked C. Ingle to explain the legal situation with emergency works. C. Ingle responded that Mr Sutherland has made the suggestion in his letter that this council may well be able to justify rivermouth opening works under Section 330 sub section 1D, E or F. C. Ingle advised he has since had a look at Section 330 and it clearly needs to be an emergency and there also needs to be infrastructure under threat therefore normally a network utility operator such as Transit or Telecom or a District Council who the runs the road in this area. C. Ingle advised that the District Council might be able to use emergency works if it was a genuine emergency but Regional Council cannot use this as they do not have any infrastructure in this area would use section S330. C. Dall advised that the Act talks about local authority, consent authority or network utility operator or someone that maintains the state highway. He stated that the regional council does not have any public work in this area. C. Dall advised that before the work is done there needs to be some immediacy or urgency in doing the works and with regard to this area it has been known for sometime that the river mouth has been migrating northwards. C. Dall stated that this does not fall into the category of emergency works as it is well established and is foreseeable and if work is to be done then the appropriate way is to obtain consents to do the work beforehand rather than relying on emergency works during a storm event. Cr Scarlett asked what would happen if Grey District Council re-sited the mouth under emergency works. C. Dall responded that they would potentially be liable for enforcement action by this council and also third parties as to whether or not the work was done legally. C. Dall asked that if this work was undertaken during a period of calm weather then what is the emergency? Cr Ewen advised that there is already a process in place as part of the Coastal Plan Change 2 on this specific river which has a trigger on a culvert. He stated that with the passing of the permitted rule with no objections, once the Minister signs it off then we have an emergency re-opening process covered with the culvert trigger. Cr Ewen stated that with this in place the mouth can be released at any time without going through the consenting process therefore there is no cost. Cr Chinn stated there is community concern out there and he is prepared to second Cr Birchfield's motion as he feels this

council needs to lead the way here and put the cut through before there is an emergency and before people get flooded out. Cr Ewen reiterated that we enter into negotiation with the Minister of Conservation to get 47 or 48 rivers in to the permitted rule and this river is one of them. Cr Ewen stated that if Councillors circumvent what is not yet signed off by the Minister none of the other 47 will be signed off, as council would be bypassing the process we have gone through. Cr Ewen stated that those councillors who attended the Coastal Plan Change 2 workshops and were part of the process know what the story is. Cr Ewen advised that he would be very cautious of going down this track when the permitted rivermouth opening rule has not been signed off by the Minister. Cr Birchfield asked how long it would take to be signed off. S. Moran replied that given the DoC was very closely involved with the whole process he feels this would not take long at all but te process does not have a statutory timeframe. Cr Ewen stated that he would hate to see this jeopardised for all the other locations and localities throughout the West Coast. Cr Archer stated that in its current form the motion is ultra vires and in his view there is no emergency at the present moment. He stated that nobody has mentioned what infrastructure is being protected therefore Cr Archer wishes to stress in the legislation, this section of the Act for emergency works cannot be used and Cr Archer will be voting against the motion. Cr Davidson asked how long is it likely to get the consents for a new opening put through. C. Dall advised that this would depend on whether it needed to be limited notified and if the council was satisfied that the effects of the activity were no more than minor it would still need to ensure that the applicant had obtained written approval from all the potentially affected parties. C. Dall stated if that didn't happen if would take longer than 20 working days and then a limited notification process would need to be arranged. S. Moran advised that all this would depend on the proposed works and where the cut was proposed and what the effects are. C. Ingle advised that Mr Sutherland's proposal is to use a small amount of the money that the district council has for this type of situation which is a few hours of digger work to open the mouth at another location around Gladstone. C. Ingle advised that Mr Sutherland does not address what he is going to do with the existing river channel and how he is going to stop the water just carrying on where it is going now. C. Ingle stated that our staff need to meet with Mr Sutherland to discuss what he is proposing as he has the bare bones of it but not the detail. C. Ingle advised Cr Birchfield that we do have some precedent here in terms of emergency work as when there was a major storm event a few years ago at Punakaiki the Buller District Council invoked emergency works then. He stated that in this situation there was property damage and buildings were practically falling into the sea. Cr Scarlett spoke of a similar situation when the Karamea River blocked. C. Ingle stated that in both situations it was the Buller District Council who used the emergency powers and not the Regional Council. Cr Archer stated that in both these occasions it was road reserve that was the infrastructure that was under threat and therefore the emergency works provision is available. C. Dall advised that one of the issues of concern is access to the land and those who own the land or administer the land would need to be consulted with. Cr Birchfield stated that DoC has given permission for access to this area. Cr Birchfield stated he feels there is risk to infrastructure and life and he feels this is covered by the legislation and we have to have the courage to step up and do it. Cr Ewen reiterated once again that as it stands at the moment there is no emergency at the moment and therefore this does not meet the criteria to proceed. Further discussion ensued. C. Ingle advised that Mr Sutherland's letter and W. Moen's report are very different from each other with Mr Sutherland's letter really just talking about a few hours of digger work that might only be done oncer a year; whereas W. Moen's report offers long term solutions with rock work that would be permanent. C. Ingle suggested that Cr Davidson is talking about longer term permanent options and Cr Birchfield is more about the emergency works side of things.

Cr Ewen stated that there is a motion on the table with a mover and seconder.

Moved (Birchfield / Chinn) *that the West Coast Regional Council approve the resource consent under emergency works for Grey District Council to move the mouth of New River to the 1960 previous outlet.*
The motion was lost.

The meeting closed at 11.28 a.m.

.....
Chairman

.....
Date

5.1.1

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
Prepared by: S. Moran – Planning & Environmental Manager
Date: 2 September 2010

Subject: **PLANNING & ENVIRONMENTAL MANAGER'S MONTHLY REPORT**

PLANNING

Proposed Regional Pest Plant Management Strategy (RPPMS) for the West Coast
Submissions on the proposed RPPMS closed on 20 August. There were six submissions received on the proposed Strategy. A Summary of Submissions has been publicly notified. The Hearing on the proposed Strategy will be held on Wednesday 22 September commencing at 1.00pm.

Update on Ministry for the Environment work
The Ministry is working on the following National Environmental Standards (NES's):

- Scoping is underway on the potential for a possible National Environmental Standard (NES) for plantation forestry. We understand that in the next few weeks Cabinet will consider whether to approve releasing a discussion document for a proposed NES that may include planning rules for the forestry sector.

- Submissions on the Proposed NES for Assessing and Managing Contaminants in Soil are being analysed.

- A draft discussion document has been prepared on a possible NES for future sea-level rise, and further information is being identified to support the need for a NES. The option being scoped is to develop an NES that prescribes a base amount of future sea-level rise to plan for, along with requiring consideration of the consequences of higher sea-level rise values.

- The proposed NES for on-site wastewater systems is currently on hold. While the objective was generally supported, a number of concerns were raised in submissions. A revised cost-benefit analysis is being prepared, and MFE are considering options to amend the NES, as well as alternatives to the NES both within and outside the Resource Management Act.

In addition to NES's, a Bill may be notified this month on the Government's approach to the Foreshore and Seabed, and a Bill to regulate activities on the continental shelf appears to be evolving and is expected by the end of the year.

Cabinet has agreed that the previously proposed NES for Measurement of Water Takes will now be drafted as regulations under section 360(1)(d) of the RMA.

TRANSPORT

Procurement Strategy
Council was required to develop a Procurement Strategy by 1 October 2010 in order to continue to access funding from the NZ Transport Agency. Due to the level of procurement and transport funding the Council receives, the Agency advised that a letter detailing the level of funding sought and how services are procured would be suitable. This letter has been reviewed by the NZ Transport Agency and they are happy to endorse the Council's Procurement Strategy.

Community Road Safety Programme
Tai Poutini Polytechnic have signed on to continue to provide coordination of the Community Road Safety Programme for the 2010/11 and 2011/12 years.

The NZ Transport Agency has advised that funding for road safety has been approved for the initial allocations sought for the 2010/11 and 2011/12 years. The Ministry of Transport is

currently reviewing the Demand Management and Community Programmes activity class in the Government Policy Statement to reflect the Safer Journeys First Actions Package however this will not affect the approved level of funding. Funding for road safety will be linked into the 3-year cycle in future.

The Road Safety Committee met on 29 July. One of the primary tasks was to develop the Summer Action Plan for activities to be undertaken throughout the West Coast to improve road safety.

CIVIL DEFENCE

Civil Defence Emergency Management Group Plan
The Minister of Civil Defence has advised that there are no further comments to be made on the draft West Coast Civil Defence Emergency Management (CDEM) Group Plan. The draft Plan will be presented to the CDEM Group (Mayors and Chair of the Regional Council) at their next meeting on 13 September for adoption.

Exercise Tangaroa
Exercise Tangaroa, a national exercise which simulates a tsunami as a result of an earthquake located off South America, is programmed for 20 October. All 16 CDEM Groups in New Zealand are participating to various degrees. The West Coast CDEM Group is planning a low level involvement due to the anticipated effect a tsunami from this source would have here. The Exercise will provide a test of the National Warning System and a chance to review the newly drafted Group Tsunami Response Plan.

Emergency Management Information System
MCDEM and Intergen are progressing with the roll out of the Emergency Management Information System (EMIS). EMIS is designed to assist with the management of information within the Emergency Operations Centre and improve the flow of information between levels (i.e. Local to Group to National Crisis Management Centre). Allan Wilson (Grey District Emergency Management Officer) and Nichola Costley will attend a 'train the trainers' session on the system in September with further training to follow in November. The intent is for these CDEM staff to train others on the West Coast. It is anticipated that a complete EMIS with full functionality will be ready for use by the end of November/early December.

RESOURCE SCIENCE

Hydrology/Flood Warning
There has been one flood event for the rivers that we monitor during the reporting period. This event triggered alarms on the Buller and Grey Rivers on the 13th of August 2010. This event was caused by a warm frontal system that moved in from the Tasman producing between 60-100mm of rainfall in a 24 hour period in the Buller and Grey Catchments.

Site	Time of peak	Peak level	Warning Issued
Buller Rv @ Te Kuha	13/08/2010 22:30	8115	13/08/2010 17:00
Grey Rv @ Dobson	13/08/2010 23:30	3694	13/08/2010 1930

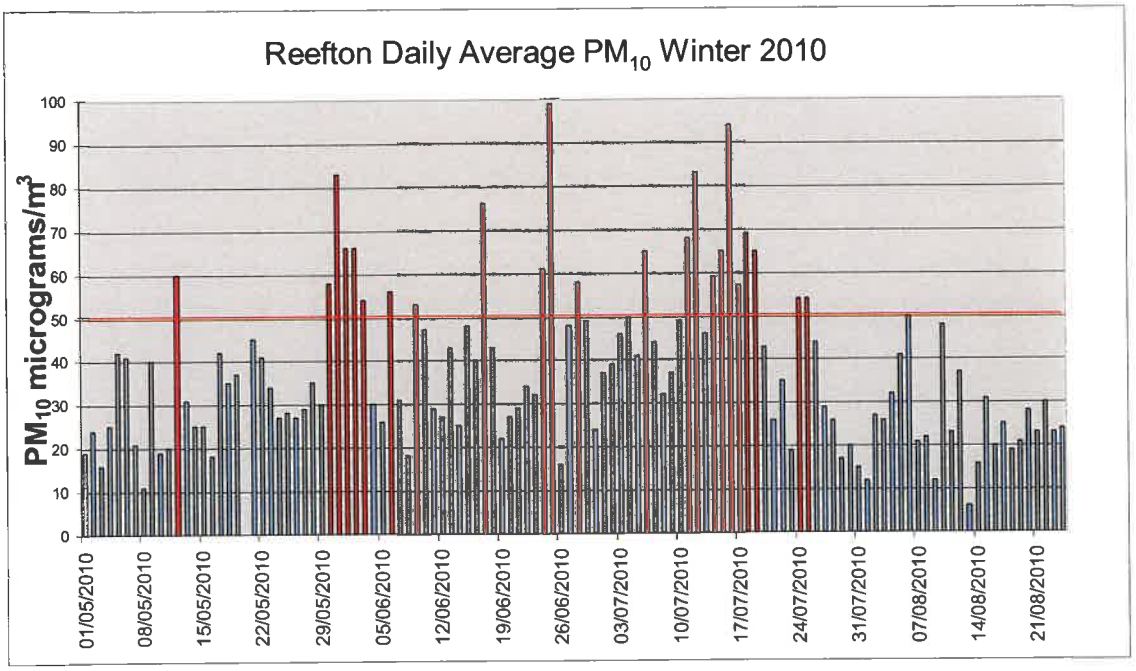
Water Quality
Winter sampling of a wider selection of groundwater wells has been completed. A twenty well subset of a larger group sampled in 2007 was selected and sampled this winter. They will be repeated in summer as well. The sites that have not been repeated are mostly located on alluvial plains in Westland and typically have low levels of dissolved solids, including nitrate. This aquifer type is well represented by the Council's groundwater State of the Environment programme, which has four wells in the Hokitika Valley.

Envirolink grants of $5000 have been approved for two projects. One is a project aimed at assisting the Council with assessing sediment impacts. Another one looks at the role and cycling of Coloured Dissolved Organic Matter (CDOM) in the Lake Brunner catchment. CDOM (dissolved

brown substance in many West Coast waters) occurs naturally and accounts for much of the reduced clarity in West Coast lakes and streams.

Air Quality

There have been 23 exceedences of the National Environmental Standard for PM_{10} (average of 50 micrograms/m^3 in 24 hours) in the Reefton airshed during winter 2010 as a result of cold, stable winter conditions. The highest 24hr average PM_{10} during this period (May – August) was 99 micrograms/m^3 on the 25th June.



RECOMMENDATION

That this report is received.

Simon Moran
Planning and Environmental Manger

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
Prepared by: Nichola Costley and Lillie Sadler
Date: 24 August 2010

Subject: **PROPOSED REGIONAL LAND AND WATER PLAN**

Purpose
This report recommends notifying the Proposed Regional Land and Water Plan.

Background
The Proposed Regional Land and Water plan combines three of the Council's Resource Management Plans:

- Proposed Land and Riverbed Plan;
- Proposed Water Management Plan;
- Regional Plan for Discharges to Land; and the,
- Policy on the Management of Whitebait Stands.

While the merge is primarily to reformat the three plans into one for greater efficiency and ease of use, it has provided an opportunity to fine tune the plans and make some minor improvements. A considerable amount of background information and some appendicis have been removed, mostly from the Discharges to Land Plan as this is the oldest of the three plans. Major changes proposed are to the Poutini Ngai Tahu Chapter, management of the Lake Brunner catchment, and certain introductions and explanations. There have also been amendments to several rules in the Plan including those relating to the Lake Brunner catchment, and changes to the permitted on-site sewage effluent discharge to land rule, and the permitted stormwater discharge rule. There are several other minor changes to policies and rules to improve their implementation. Most of the merged Plan has been a direct transfer of text and combining text where required.

Notifying the Proposed Regional Land and Water Plan
The Council can now publicly notify the Proposed Regional Land and Water Plan, in accordance with Clause 5 of the RMA First Schedule. Several Section 32 Reports have been prepared to evaluate the proposed changes to various objectives, policies, rules, and methods in the Proposed Regional Land and Water Plan. The Reports are attached and include:

- Proposed change to the Lake Brunner catchment objectives, policies and rules;
- Proposed change to the permitted on-site sewage effluent discharge to land rule;
- Proposed change to the permitted stormwater discharge rules; and
- Proposed changes to other objectives, policies, rules and methods

With Council approval, a public notice inviting submissions will be placed in the three main West Coast newspapers and the Christchurch Press on 17 September 2010. A copy of the public notice, the Proposed Regional Land and Water Plan, and copies of the original Plans showing deletions will be made available at the main public libraries of the region. A letter will inform others interested in this issue. Copies of the documents will also be available on the Council website.

The submission period will close on 15 October 2010.

RECOMMENDATION

That the Council approve the Proposed Regional Land and water Plan for public notification, in accordance with Clause 5 of the First Schedule of the Resource Management Act.

Simon Moran
Planning and Environmental Manager

RMA Section 32 Report on the Proposed Lake Brunner Catchment Objectives, Policies, and Rules – September 2010

Section 32 of the Resource Management Act 1991 (RMA) requires an evaluation of the objectives, policies, rules and other methods in a proposed regional plan before it is publicly notified for submissions. This report is the Section 32 evaluation of the Proposed Lake Brunner Catchment Objectives, Policies, Methods, and Rules.

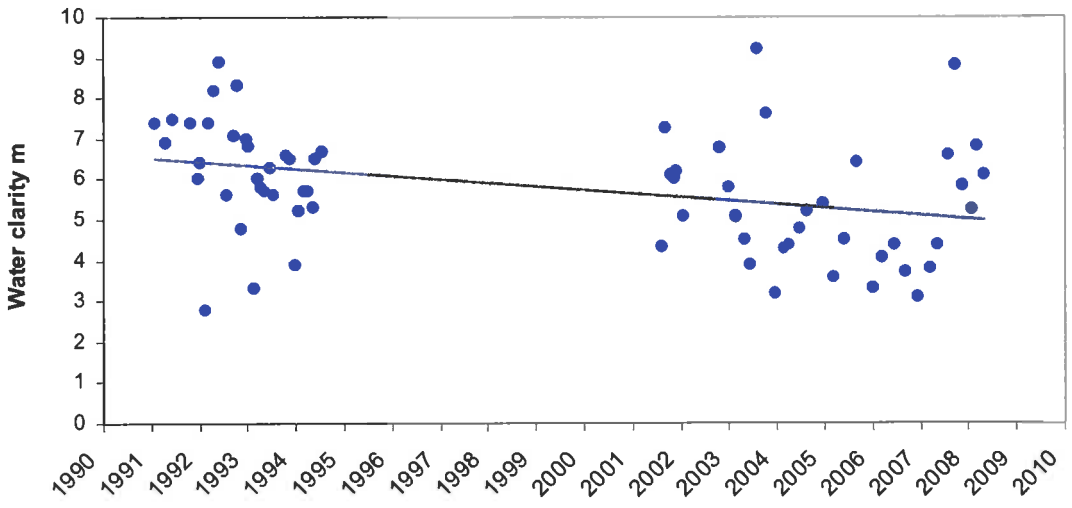
Background to Plan Change

The Proposed Water Management Plan for the West Coast was notified in 2004. The Plan identified Lake Brunner as a special management area due to its high fishery and tourism values, it being highly prized by Tangata Whenua, and its importance ecologically. However, there were no rules associated with the Lakes' management in the Water Plan as it was notified. A general fertiliser discharge rule in the Regional Plan for Discharges to Land authorises the discharge of fertiliser as a permitted activity.

The Proposed Land and Riverbed Management Plan currently permits grazing on riparian margins provided it does not cause or induce conspicuous pugging. The Council introduced a Stock Crossing Policy in February 2007 which required all crossings of permanently flowing water to be bridged or culverted.

The importance of the Lake has been recognised in the Proposed Water Management Plan through Objective 8.3.1 which states "To maintain, and where practicable enhance, the quality of water in the Lake Brunner catchment". Farm plans were developed with most farmers in the catchment in 2005 and many positive changes have been made. However, State of the Environment Monitoring of the Lake has shown lake nutrients are increasing, and the resulting algal growth is steadily reducing water clarity. Objective 8.3.1 is therefore not being met.

Lake Brunner water clarity 1992 - 2009



The Lake is classified as phosphate limited[1], which means that if the levels of phosphate into the Lake can be reduced, the water clarity should start to improve.

The Council is undergoing a merge of three of its Regional Plans: Proposed Water Management Plan, Proposed Land and Riverbed Management Plan, and the Regional

[1] Currently the nitrogen:phosphorus ratio in Lake Brunner is over 20:1. The optimum ratio for plant growth is 14:1. Phosphorus therefore, is the limiting nutrient in the Lake and any further increases in P will result in decreased water quality.

Discharge to Land Plan. Consequently this is considered an opportune time to initiate a Plan change to strengthen the management of activities in the Lake Brunner catchment within this new planning framework.

These amendments to the objective, policies, methods and rules for the Lake Brunner catchment is not an isolated management approach. Similar methodologies have been employed in the North Island to manage the overloading of nitrates in Lakes and the consequent environmental issues. While the effects on Lake Brunner are not as bad as those being experienced in the North Island, it is more appropriate to act now to prevent additional phosphorus loading, and loss of water quality.

A copy of the proposed changes are appended to this Report.

Section 32 Tests
The following is an assessment of the RMA Section 32 requirements. The proposed Objective, Policies, Methods, and Rules are considered the most appropriate in halting the decline in lake water quality. Alternatives considered by the Council included a do nothing approach and allow lake quality to continue to decline, or a 'belts and braces' approach with a much higher level of regulation. Doing nothing and allowing further water quality decline will not achieve Objective 8.3.1 Given that there is still a relatively high level of water quality, the 'belts and braces' approach with a high level of regulation is also considered to be inappropriate. Instead the Council has taken an approach which represents a balance of environmental, economic, social, and cultural values.

Section 32(3)(a): Are the objectives the most appropriate way to achieve the purpose of the Act?

The existing Objective for managing the Lake is not being met, water quality is declining, and it provides no measurable target. The proposed Objective is more appropriate in order to sustainably manage the Lake Brunner Catchment for the following reasons:

- The Objective is consistent with the Act in that it aims to protect the natural character of the Lake and its margins, and safe guard the life supporting capacity of the lake through enhancing and maintaining its values.
- The proposed Objective states a benchmark figure as per the Lake Brunner water clarity testing that has been undertaken in order to monitor effects on the lake. This benchmark clarity figure is representative of where the lake quality was at the time of the Proposed Water Management Plan's adoption in 2004 and is therefore consistent with the original Objective to maintain water quality. The Objective also sets up regulatory measures to manage the effects of activities within the catchment.

Section 32(3)(b): Are the policies, rules, or other methods the most appropriate (with respect to efficiency and effectiveness) for achieving the objectives?

Policies
Several new Policies have been drafted for the proposed plan change. There is an overarching Policy to reduce phosphorus discharged in the catchment, along with several new Policies for managing stock access to water, intensifying land, reviewing consents, and encouraging the adoption of farm plans. These Policies are considered the most appropriate in meeting the proposed Objective as they seek to reduce the loss of phosphorus to the lake to halt the decline in water quality.

Policy 9.3.3
Policy 9.3.3 recognises that the quantities of phosphorus leaching into the lake are adversely affecting water quality and therefore seeks to reduce this impact. Phosphorus finds its way into Lake Brunner in several ways, including:

- Direct runoff when rain falls after the application of phosphorus based fertiliser;
- Leaching from soils when Olsen P levels are too high for the soil to retain;
- Direct discharge of manure from animals when crossing water bodies or standing in water bodies to drink; and
- Indirect discharge of animal waste e.g. runoff from stock races, stand off pads, paddocks, plus the discharge of treated effluent from effluent ponds.

Policy 9.3.3 enables consent staff to review the proposed activity to determine the effect it is likely to have in regards to the potential loss of phosphorus to the Lake. This is a balancing of the section 5 principles of the Act, enabling the economic wellbeing of the community, with safeguarding the life-supporting capacity of the lake and its ecosystems. The protection of the lake and its margins, and protection of its values from inappropriate development as per section 6(a) also need to be taken into consideration.

Policy 9.3.4

Currently 18 of the 22 farms in the catchment have consents to discharge to water following treatment through their effluent pond systems. Policy 9.3.4 recognises that there is a shift required in the disposal of dairy effluent from water to land application, and sets out a clear management approach to move in this direction. This Policy sets out how Council intends to achieve the change through a review of discharge to water, or discharge to land where it may enter water consents (including consents for stand off pads). Due to the relatively small number of consents requiring review, this is the most efficient and effective means of assessing the impacts of each farm.

While there may be a cost incurred in implementing this Policy, this will be partially offset by the reduction in the quantity of fertiliser applied due to the uptake of the nutrients in the effluent irrigated to land, along with environmental benefits from treated dairy effluent not being discharged directly to water.

Policy 9.3.4 is supported by Method 9.4.5 and sets out the direction the Council wishes to take: discharges to land as opposed to water. Timeframes for the implementation of this policy are set at July 2013 to allow landowners time to consider alternative options for effluent management.

Policy 9.3.5

Stock effluent is rich in nitrogen and phosphorous. This Policy recognises that keeping stock out of waterways reduces direct discharges of phosphorus to water, as cows in particular tend to defecate when in water. The main concern is where herds are moved through creeks and streams and there has already been work undertaken on a number of properties to bridge and culvert waterways where stock cross.

This Policy is supported with a discretionary activity rule to keep stock out of waterways through bridging and culverting, and a permitted activity rule for grazing and livestock access to riparian margins.

The Council has provided options for landowners where numerous crossings are required, or where the number of stock and the frequency of crossing is such that expensive infrastructure is unwarranted. For these individual cases, landowners can apply for consent where the effects of their activities can be assessed and managed in the most appropriate manner.

Policy 9.3.6

Having regard to Part II of the RMA, Policy 9.3.6 has been developed to undertake two key functions:

1. To control the further intensification of land within the Lake Brunner catchment thereby reducing future potential phosphorus loss to the Lake; while
2. Acknowledging the rights of landowners already farming in the catchment.

The intensification of land generally results in the increased application of phosphorus to raise soil fertility. This Policy is intended to manage development which may erode gains made from other policy approaches proposed, and is appropriate to the overall management approach taken in the proposed Objective, Policy, and Rule amendments.

Policy 9.3.6 uses a discretionary rule to protect the values of the Lake from the effects of humping and hollowing, flipping, v-blading and contouring within the catchment, and also permitted and controlled rules for the application of phosphorus fertiliser.

Policy 9.3.7
Policy 9.3.7 promotes alternative options for the wintering of stock and methods of effluent management to further reduce the potential runoff and leaching of phosphorus. This Policy signals possible options for the future should lake quality not improve with the measures proposed.

Methods

Method 9.4.5
Method 9.4.5 sets out how Policy 9.3.4 is to be implemented and is appropriate to achieving the intent of the overall Plan amendments for the catchment. A change is required from discharging to water to application to land to have environmental benefits and a reduction in the amount of phosphorus discharging directly to the lake. The review of discharge consents in the catchment allows for this changeover to be implemented.

Method 9.4.6
Farm Plans had been developed with farmers in the catchment in 2005. These were a non-regulatory approach to improving systems of which some farmers implemented the recommended best practice. Good work was undertaken by landowners through the installation of fencing and bridging, but unfortunately not everyone participated in this project. With new landowners in the catchment and changes in policy proposed, a review of these Plans would provide new opportunities for reducing adverse effects on the environment through current farming practices.

This method is seen as a positive approach towards identifying and working with landowners to come up with solutions and timeframes for putting in place best practice systems which not only benefits the landowner, but also has a positive environmental benefit. It is also another opportunity for farmers to demonstrate the value of non-regulatory tools in achieving positive change.

Rules

The primary benefit of the proposed rule amendments will be environmental benefits to the Lake over time and achievement of the amended Objective. These benefits will be able to be measured through the improvement in water clarity. Given the relatively high water quality of the lake, it was considered that a 'belts and braces' approach was not necessary. Therefore whilst other Rules could be in keeping with the Policies, the Rules in this proposed Plan change have been considered the most appropriate to meet the Objective.

Rules 1, 12, and 14
The amendments to the conditions of Rule 1 and Rule 12 to exclude the Lake Brunner catchment from the permitted and discretionary activity rules for humping and hollowing, flipping or v-blading is the most effective way to ensure that there is control over the activities taking place in the catchment. These Rules are supported by Rule 14 which is a new discretionary rule to manage these activities in the catchment without affecting farming practices throughout the wider region. This catchment based management approach is considered the most efficient and effective method to manage adverse effects. The discretionary activity rule requires a more detailed assessment of potentially higher-impact humping and hollowing, v-blading, or flipping activities for land intensification on a case-by-

case basis where for example, there may be an increased amount of phosphorus fertiliser required to improve soil fertility. This rule is not intended to prohibit further development, but require the applicant to consider methods of reducing potential future phosphorus loss.

Rules 9 and 10
Rule 9 has been amended to exclude grazing and livestock access to riparian margins for the Lake Brunner catchment. However new Rule 10 still allows for grazing and livestock access to riparian margins in the catchment as long as stock animals are prevented from accessing waterways, with fencing to be placed a minimum of 1m from the bank of the waterway. A note is also included clearly defining what a 'waterway' is for the purposes of the rule to remove any confusion on what stock can, and cannot, access within the catchment.

Rule 17
The intention of the new proposed Rule 17 is to keep stock out of waterways within the catchment. Again this a catchment based management approach recognising that the most significant issues are in the Lake Brunner area and therefore regulating activity but allowing the remainder of the region to continue to operate under the Stock Crossing Policy.

Recognising that there may be a financial cost in relation to this amendment, the Council has timeframed the Rule to take effect from 1 July 2011. Where these requirements cannot be met, landowners can apply for consent where the effects of the activity can be assessed on a case-by-case basis. This is considered the most appropriate means of ensuring that stock are kept from crossing waterways and causing adverse effects.

Rules 72 and 73
Phosphorus fertiliser has been recognised as a contributor to the effects on Lake Brunner. The application of phosphorus fertiliser associated with land development under Rule 14 is a permitted activity if the fertiliser has a water solubility of less than 10%, or a controlled activity if the discharge can meet the standards i – iii of Rule 73 (regardless of solubility/type of phosphorus fertiliser).

Condition (c) of Rule 72 links to Rule 14 (development of land) and sets out a water solubility level of fertiliser able to be applied. This allows for development of land to occur as long as fertiliser used for improving soil fertility is one which is less likely to be lost to waterways through frequent rainfall in the area.

Condition ii) of Rule 73 limits the amount of phosphorus fertiliser being applied per property per year to be no more than the annual average applied between 2005 and 2010. This limit has been set per property and not on a per hectare basis to allow farmers the discretion as to where they may wish to apply larger quantities of phosphorus to stimulate growth where required or to bring fertility levels up.

The purpose of Rules 72 and 73, and the manner in which they have been structured is to ensure that any gains that are made in reducing phosphorus loss to the Lake through the entire suite of policies and rules is not lost through continued land development and continually increasing quantities of phosphorus being applied, and lost, in frequently occurring rainfall, in the catchment. Landowners need to consider alternative ways to offset phosphorus loss.

Reference to the discharge of whey has been removed from Rule 72. Whey is now included in the agricultural effluent definition in the Glossary of the proposed Plan and therefore the conditions of Rule 73 apply. This is considered to be an appropriate amendment given that the conditions are the same for the application of agricultural effluent as those that were previously set in its prior inclusion in the application of fertiliser rule.

Rule 75
Rule 75 is the most appropriate means of supporting the new Policy through making the discharge of effluent a controlled activity within the catchment. Case by case assessment of

discharge of effluent is the only way to ensure that this is done in a manner, and with infrastructure, that will reduce the loss of phosphorus. Under this Rule the Council specifies the range of matters it controls through conditions on the resource consent but the consent must be granted. The purpose of the Rule is to reduce the discharge of treated effluent to water, or to land where it may enter water. The Rule will also support the review of consents in the catchment under Method 9.4.5 and guide landowners towards more appropriate effluent management.

Given the rainfall challenges in the catchment, consideration of the type of system to manage effluent is required. It is likely that low application rate systems will be necessary with adequate storage for poor weather periods, as well as robust contingency procedures.

The application of effluent to land also has an economic benefit to landowners through the nutrients, including phosphorus, it contains, reducing the amount of additional fertiliser required.

Currently 18 of the 22 farms in the catchment are discharging treated effluent to water, or to land where it may enter water, as per their current consents. Initiating the change to irrigate, or apply, effluent to land will further reduce the quantity of phosphorus being lost to the Lake, consistent with the proposed Objective, and is considered to be beneficial environmentally and to the landowner, although there may be some initial cost in changing to the new systems.

Glossary
Minor amendments have been made to definitions for 'ephemeral water body' and 'riparian margins' to provide clarification with respect to the Rules for the Lake Brunner catchment. New definitions have been added for 'low application rate systems' and 'stormwater flowpath' because they are relevant to the new Rules that have been added.

Section 32(4)(a): The benefits and costs of policies, rules, or other methods.

The primary benefit sought through the proposed Plan change is a reduction in the loss of phosphorus to the Lake Brunner catchment to improve lake water clarity. The suite of Policies, Methods, and Rules developed to achieve the Objective cover all aspects of activity within the catchment which may have an effect on lake water clarity. As explained previously in this Report, the Council is not intending to prohibit development, but has set in place controls to ensure that activities in the catchment are undertaken in a way to limit phosphorus loss.

For some landowners, there may be costs associated with the implementation of the proposed Rules. However, many of the Farm Plans undertaken in the catchment in previous years identified much of the work that should have been undertaken in regards to fencing and bridging of waterways, of which, a large proportion has already been completed. The change that will be required once the review of consents has been undertaken from discharging to water, or land where it may enter water, to discharging to land through irrigation is likely to have a financial impact on landowners. However, this will be partially offset with potential reductions in the amount of fertiliser required to be applied due to the nutrient component of effluent.

Section 32(4)(b): What is the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods?

Monitoring of water clarity has been ongoing since 1991, with an interval that was not monitored between 1996 and 2001. There has been a declining trend in water quality over this time period. The sampling that the Council undertakes indicates that farming is the main

contributor to phosphorus loss within the catchment. Sampling of the tributaries in the intensive areas of the catchment (Crooked and Orangipuku Rivers) is much higher than from the Hohonu River which has a much lower proportion of farmed land running off into it. Farming activities contribute more to the decline of water quality in the catchment than other suggested contributors (water fowl, urban sewerage, historic timber milling waste/sawdust, and erosion of riverbanks).

The risk of not acting is that the water quality will continue to decline. This is likely to result in further regulation of activities that is currently unwarranted. The Council considers that given the information gathered to date, it is more appropriate to act now to prevent additional phosphorus loading, and loss of water quality, than when water quality has decreased further.

Lake Brunner Catchment Proposed Objective, Policies, and Rules

9.2 Objectives

9.2.1 ~~To maintain, and where practicable enhance, the quality of water in the Lake Brunner catchment.~~ ***To improve the water quality of Lake Brunner by managing the adverse effects of activities in the catchment to reach an average water clarity of 5.3m by 2020, and then maintain or enhance this clarity***

Explanation
The Lake Brunner catchment water bodies support a range of natural and human use values. Water quality in the lake and its tributaries ~~appears to be~~ has been declining. The Council wishes to reverse this decline and achieve water quality enhancement to 2004 levels, and where possible higher.

9.3 Policies

9.3.3 To reduce the amount of phosphorus discharged in the Lake Brunner catchment.

Explanation
Phosphorus is the limiting nutrient in Lake Brunner. Reducing discharges of phosphorus to the lake, or its catchment, will result in improved water quality in the lake over time. Discharges of phosphorus can result from discharges of dairy effluent, the use of phosphorus based fertiliser, and stock access to waterways.

9.3.4 To require discharges of dairy effluent in the Lake Brunner catchment to be to land, rather than directly to water.

The direct discharge of dairy effluent to water is not considered appropriate in the Lake Brunner catchment. Existing consents for discharge to water, or discharge to land where it may enter water (including consents for stand off pads), will be reviewed by 1 July 2013 with strong preference given to discharges to land as opposed to water, taking into account the need to reduce the level of phosphorus entering the lake. Low application rate systems with appropriate effluent storage, are likely to be required.

9.3.5 To prevent stock access to waterways.

Explanation
Preference will be given to preventing stock access to waterways to ensure that stock are not defecating directly into water. Preventing stock access is likely to require the fencing of waterway margins and the bridging or culverting of stock crossings. There may be some instances where the number of stock and frequency of crossing is such that expensive infrastructure is unwarranted. For these individual cases, landowners can apply for consent where the effects of their activities can be assessed and managed in the most appropriate way.

9.3.6 To reduce the loss of phosphorus to Lake Brunner associated with the intensification of land, by managing phosphate fertiliser use in the catchment so that no net increase in annual use occurs per property .

Explanation
The development of new land in the catchment usually requires high application rates of phosphorus fertiliser to raise soil fertility. This increases the potential phosphorus loss from

this land to the Lake. In order to maintain, or reduce, potential losses of phosphorus to the Lake, future phosphorus use should not exceed past phosphorus use per property.

9.3.7 To encourage methods of wintering stock that will reduce the risk of phosphorus loss in the Lake Brunner catchment, including the management of effluent that results from wintering methods.

Explanation
Wintering stock outside the lake catchment avoids potential discharges of phosphorus from excreta deposited onto standoff pads or paddocks during winter. Alternatively, using collection and containment methods associated with herd homes allows for better management of effluent compared to more traditional management practices.

New Methods

9.4.5 To review all existing farm dairy effluent discharge consents in the Lake Brunner catchment by July 2013, to ensure the best practicable option is adopted to reduce or remove any adverse effects on the lake environment, by minimising phosphates discharged.

Section 128 of the RMA sets out the process for the review of resource consents. Policy 9.3.3 requires a reduction in the amount of phosphorus discharged in the Lake Brunner catchment, in order to improve water quality in the lake over time. Direct discharges of phosphorus occur through discharges of dairy effluent. Policy 9.3.4 requires discharges of dairy effluent in the Lake Brunner catchment be to land, rather than directly to water. Existing discharge to water consents will be reviewed by 1 July 2013 with strong preference given to discharges to land as opposed to water, given the need to reduce the level of phosphorus entering the lake. Low application rate systems and appropriate effluent storage will be required.

9.4.6 Encourage the implementation of Farm Plans to address best practice on individual farms to reduce effects on Lake Brunner.

In 2005 Landcare Trust funded the development of individual Farm Plans with land owners in the Lake Brunner catchment. The Farm Plans identified areas that farming practices could be improved with both environmental and financial benefits. Consequently many farms in the catchment improved their management practices which included the fencing and bridging of waterways, and nutrient management. There are now new land owners in the catchment and changes in policy for the area, therefore a review of these Plans would provide new opportunities for adoption of best practice.

Rules

Rule 1.	**Humping and hollowing, flipping, or v-blading outside riparian margins**

Humping and Hollowing, Flipping, or V Blading in the Non-Erosion Prone Area (less than 12^0 slope) outside of riparian margins are ***permitted activities*** if **all** of the following conditions are met:

(a) (1) For Humping & Hollowing and Flipping, the area of the activity does not exceed 5 Hectares per landholding in any continuous 12 month period; and
(2) For V-blading **either**:
(i) The land area for new works does not exceed 10 Hectares per landholding in any 12 month period; **or**
(ii) The activity is undertaken on land that has previously been V-bladed; and

(b) The activity must not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and
(c) No soil or debris is placed directly in any river or lake bed; and
(d) There is no conspicuous deposition of sediment on the bed of any water body, *or on land beyond the boundary of the subject property*; and
(e) The activity does not affect any surface water take; and
(f) The activity is not within:
    (1) 50 metres of the Coastal Marine Area on the open coast line; or
    (2) 20 metres of the Coastal Marine Area elsewhere; or
    (3) Any wetland identified in Schedule 1; and
    (4) The Lake Brunner catchment
(g) When operating alongside a riverbed and there is an iron pan or hard pan layer below the surface of the land then the iron pan or hard pan is not to be disturbed or broken within a distance of 20 metres from the edge of the riverbank; and
(h) Any culverts or cut and fill batters are designed, and constructed or installed to prevent their failure and avoid causing erosion; and
(i) The Council is notified in writing of the location and extent of the activity, at least seven working days prior to the works commencing; and
(j) All areas disturbed by humping and hollowing and flipping are re-vegetated as soon as practicable; and
(k) All drainage from land subject to the activity is directed through sediment control devices or traps prior to entry to any waterway; and
(l) Where the humping and hollowing, flipping or v-blading is undertaken to create pasture for grazing by stock, rivers and streams shall be fenced to exclude stock access.

Rule 9. Grazing and livestock access to riparian margins

Except for within the Lake Brunner catchment, grazing and livestock access to riparian margins are a ***permitted activity*** provided that:

(a) The activity does not cause or induce conspicuous slumping, or pugging, or erosion.

Rule 10. Grazing and livestock access to riparian margins in the Lake Brunner Catchment

Within the Lake Brunner catchment, grazing and livestock access to riparian margins is a ***permitted activity*** *provided that:*

(a) All farmed stock animals shall be prevented from entering any waterway, with any fences to be placed a minimum distance of 1 metre from the bank of the waterway.

Note: For the purpose of Rule 10, 'waterway' includes any creek, stream, or major farm drains that contain water, but excludes the hollows of humped and hollowed pasture that do not have permanently flowing water.

Rule 12. Humping and hollowing, flipping, or v-blading

Humping & Hollowing, Flipping, and V-Blading that cannot meet any one of the conditions of a permitted activity in Rule 1, or that occurs within a riparian margin is a ***restricted discretionary activity*** *provided that*.

(a) It is outside of a wetland identified in Schedule 1; and

(b) It is outside the Lake Brunner catchment.

In considering any resource consent under this rule, the council will restrict the exercise of its discretion to the following:

(a) The effects of erosion, sedimentation of waterways, changes in surface runoff, and measures to avoid, remedy, or mitigate adverse effects on affected persons and infrastructure located downstream;
(b) Effects on the stability of beds and banks of rivers and streams;
(c) Adherence to a certified engineering plan;
(d) Setback distances from wetlands, lakes, rivers, and the coastal marine area;
(e) Timing of the activity;
(f) Damage to riparian vegetation, soil, natural habitats and features, and significant sites;
(g) Effects on surface and sub surface water levels, flows, and quality;
(h) Erosion and sediment control methods;
(i) Measures to avoid, remedy, or mitigate adverse effects on stream morphology and substrate composition;
(j) Cumulative effects;
(k) Potential damage to any cultural or heritage site/area;
(l) The relationship of Ngai Tahu and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga;
(m) Monitoring provisions;
(n) The duration of the resource consent;
(o) Bonds and financial contributions;
(p) Review conditions of the resource consent.

Rule 14. Humping and hollowing, flipping, v-blading, or contouring in the Lake Brunner Catchment

*Any humping and hollowing, flipping, v-blading, or contouring in the Lake Brunner catchment is a **discretionary activity**.*

Rule 17. Stock crossings in the Lake Brunner Catchment

*As of 1 July 2011, stock crossings through waterways in the Lake Brunner catchment are a **discretionary activity**.*

Explanation:
The Council is concerned about phosphorus from effluent due to continued stock crossings through waterways in the Lake Brunner catchment. This Rule requires a resource consent for any stock crossing that has not been bridged or culverted by 1 July 2011.

Note: For the purpose of Rule 17 'waterway' includes any creek, stream, or major farm drains that contain water, but excludes the hollows of humped and hollowed pasture that do not have permanently flowing water.

Rule 72. Application of fertiliser

The discharge of fertiliser[1] into or onto land is a ***permitted activity*** provided that *all of* the following conditions are met:

a) there is no *discernible* contamination of water; and

[1] The definition of 'fertiliser' is contained in the Glossary

b) any drift derived from the discharge is not noxious, dangerous, offensive or objectionable beyond the target area to such an extent that it has or is likely to have an adverse effect on the environment;

~~c) any discharges of whey as a fertiliser meets the additional conditions:~~
~~(i) there is no runoff into water bodies, drains, groundwater or coastal water;~~
~~(ii) there is no ponding or pasture burning;~~
~~(iii) the application rate of any combination of whey, agricultural effluent, sludge, and wastewater does not exceed the equivalent of 275kgN/ha/year.~~

And
In the Lake Brunner Catchment:

d) Phosphorus fertiliser shall not be discharged to land that is developed under Rule 14 after 1 January 2011 unless it has a water solubility of less than 10%.

~~e) Any discharge of whey as a fertiliser meets the following additional conditions:~~
~~(i) there is no runoff into water bodies, drains, groundwater or coastal water;~~
~~(ii) there is no ponding or pasture burning;~~
(iii) ~~the application rate of any combination of whey, agricultural effluent, sludge, and wastewater does not exceed the equivalent of 275kgN/ha/year.~~

~~If an activity is unable to meet the conditions of this Rule, then it is a discretionary activity (See Rule 28).~~

Explanation
In making the application of fertilisers a permitted activity, the ~~Regional~~ Council recognises that the adverse effects associated with the activity are *generally* minor and can be controlled through the conditions imposed. ~~Condition (a) is intended to avoid discharges to land which may result in contaminants entering water under Section 15(1)(b) of the Resource Management Act. Direct discharges to water are not covered by this Plan.~~

~~Condition (b) is included to ensure that fertiliser does not drift beyond the targeted area and cause adverse effects. The terms "noxious, dangerous, offensive or objectionable" are from Section 17 of the Resource Management Act 1991, and provide criteria to assess whether a fertiliser discharge is having a more than minor adverse environmental effect.~~

~~Condition (c) is intended to avoid potentially greater impacts from the application of whey, which differs from manufactured fertilisers in that it has a higher Biological Oxygen Demand (BOD).~~

~~The maximum nitrogen application rate in condition (c) is set to be consistent with the maximum rate referred to under Rule 13, condition (d) for agricultural effluent discharges. Whey, agricultural effluent, sludge and wastewater are slow release nitrogen fertilisers (compared with manufactured quick release nitrogen fertilisers), and greater care is needed with their application to avoid nitrate contamination from over application. Nitrate contamination of water bodies can cause algae blooms, which reduces the amount of oxygen in the water and adversely affects fish habitat.~~

Rule 73. Application of phosphorus fertiliser associated with Rule 14 land development in the Lake Brunner Catchment

*The discharge of phosphorus fertiliser into or onto land in the Lake Brunner Catchment associated with land development under Rule 14 after July 2010 is a **controlled activity** provided that all of the following standards are met:*

i. *Soil testing for Olsen P shall be undertaken at least annually after 1 January 2011 in accordance with the soil testing protocol in Schedule X, and the results supplied to the Regional Council by March of every year; and*
ii. *The amount of phosphorus fertiliser applied per property per year is to be no more than the annual average applied between 2005-2010; and*
iii. *Any drift derived from the fertiliser discharge is not noxious, dangerous, offensive, or objectionable beyond the target area to such an extent that it has or is likely to have an adverse effect on the environment.*

A resource consent is required and must be granted, however the council reserves control over:
a) *the extent to which the proposed fertiliser application methods prevents the loss of phosphorus to Lake Brunner;*
b) *the area of land that phosphorus fertiliser will be applied to;*
c) *monitoring requirements;*
d) *the duration of the consent; and*
e) *review conditions of the consent.*

Rule 74. Land application of agricultural effluent

The discharge of agricultural effluent into or onto land, *except in the Lake Brunner catchment*, is a **permitted activity** provided that *all of* the following conditions are met:

(a) no ~~dairy farm, piggery, or poultry farm~~ agricultural effluent is discharged within:
  (i) ~~100~~ *50* metres of any well or bore used for potable water supply ~~or stock water supply~~;
  (ii) 20m of any *surface* water body;
  (iii) 20m of any drain *with flowing water*;
  (iv) 20m of any adjoining property;
(b) there is no runoff of agricultural effluent into *surface* water bodies, drains, ~~groundwater~~ or coastal water;
(c) there is no ponding *or* ~~flooding~~ *visible surface flow of effluent*, ~~and~~ or pasture burning;
(d) the application rate from any combination of ~~sludge accumulated from treatment facilities, storage facilities,~~ agricultural effluent~~, wastewater and whey~~ is at a rate not exceeding the equivalent of 275kgN/ha/year, *and shall not exceed 20mm in depth per day*;
(e) ~~sludge accumulated from storage facilities is not applied to land at a depth greater than 20 millimetres (200m^3/ha/yr);~~
(f) there are contingency measures in place to ensure that there is no contravention of these conditions in the event of pump or other system failure, or unsuitable soil conditions.

Note: This Rule applies to agricultural effluent which is collected and discharged from a point source into or onto land.

The maximum nitrogen application rate in condition (d) is set *at 275kgN/ha/year as* agricultural effluents are slow-release nitrogen fertilisers.

The requirement for contingency measures is for situations *where any discharge would not be able to meet conditions (b), (c), (d) of the Rule. If any of the conditions cannot be met a resource consent is required.*

For the purpose of this Rule, drains do not include the hollows of humped and hollowed land unless they contain water at the time of discharge. If hollows contain water at the time of discharge, then this may require a consent if it cannot meet the conditions of Rule 61 .

Good practice guidelines such as how to calculate whether the maximum nitrogen application rate is being met, maximum depth of effluent to be applied, and adequate storage for herd size can be obtained from the Regional Council.

This Rule applies only to discharges to land. There are additional requirements to control odour effects from agricultural effluent discharges to air in the Regional Air Quality Plan, and that Plan should be consulted.

Rule 75. Land application of agricultural effluent in the Lake Brunner catchment

The discharge of agricultural effluent into or onto land, in the Lake Brunner catchment, is a ***controlled activity*** *provided that:*

(i) *there is no discernible runoff of agricultural effluent into surface water bodies, drains, or coastal water;*

(ii) *no agricultural effluent is discharged within:*
a) 50 metres of any well or bore used for potable water supply;
b) 20m of any surface water body;
c) 20m of any drain with flowing water;
d) 20m of any adjoining property;

A resource consent is required and must be granted, however the Council reserves control over:

(a) the extent to which the proposed treatment system prevents the loss of phosphorus to Lake Brunner;
(b) the rate of effluent application;
(c) the area of land effluent will be discharged into or onto;
(d) the return period for application of the effluent;
(e) design and operation of the effluent system;
(f) storage capacity of ponds for wet periods;
(g) equipment maintenance requirements;
(h) effluent management and spill contingency plans;
(i) monitoring requirements;
(j) the duration of the consent;
(k) review conditions of the consent.

Explanation
The discharge of agricultural effluent to land is the preferred effluent management treatment system in the Lake Brunner catchment to meet the objective of reducing the amount of phosphorus entering the lake. Application of effluent to land is sustainable in the long term and also allows effluent to be utilised as both a fertiliser and a soil conditioner.

Glossary

Agricultural effluent:
Means effluent from livestock which is collected or otherwise managed and disposed of as a point source discharge to land, and includes sludge *and whey*. The term does not include effluent discharges for individual animals to land.

Ephemeral Water Body:
A water body, *which has the physical characteristics of the bed of a river,* that dries periodically, typically holding water for only a few days to months. ~~or stormwater flowpaths which only carry water during storm events or for short periods thereafter.~~

Low application rate system:
Is a system which is capable of applying a depth of less than 5mm/hour when necessary.

Stormwater Flowpath:
Is a channel that does not have the physical characteristics of the bed of a river, and carries water only during storm events or for short periods thereafter.

Riparian Margins:
The land area within a certain distance (see table below) of any:
1. lake or river; or,
2. *major farm drain in the Lake Brunner catchment*

but does not include:
(iv) an ephemeral water body *outside of the Lake Brunner catchment*;
(v) a stormwater flowpath;
(vi) any artificial watercourse (including race, electricity canal, or farm drain *identified in 2,* artificial pond or water hole).

...

Noting that a riparian margin may remain grassed and unfenced except where Rule 6.1.1.1(l) *or Rule 10* applies.

RMA Section 32 Report on Proposed Change to the permitted on-site sewage effluent discharge to land rule – September 2010

Section 32 of the Resource Management Act 1991 (RMA) requires an evaluation of the objectives, policies, rules and other methods in a proposed regional plan before it is publicly notified for submissions. This report is the Section 32 evaluation of the Proposed Change to the permitted on-site sewage effluent discharge to land rule.

Background

A review of the permitted on-site sewage effluent discharge to land rule (Rule 6) has come about as a result of Council's decision to merge the Discharge to Land, Land and Riverbed, and Water Management Plans into one plan. The Discharge to Land Plan was made operative seven years ago, so in terms of RMA plan timeframes the 10 year review is due in 2012. On-site sewage effluent discharges to land are one of the most common discharges to land, and standards, technology and knowledge have changed somewhat since the rule became operative.

As a result of reviewing Rule 6 (proposed to be renumbered Rule 77), minor consequential changes are also proposed to the permitted rules for pit toilets and groundwater takes from bores and wells. A copy of the proposed changes with new rule numbers are attached at the end of this report.

Section 32 Tests

The following is an assessment of the RMA Section 32 requirements.

Section 32(3)(a): Are the objectives the most appropriate way to achieve the purpose of the Act?

This is not applicable as no new objectives are considered necessary as part of this plan change. The existing objective is sufficient, and the proposed changes to the rule are in keeping with Objective 13.2.1 of the Proposed Regional Land and Water Plan.

S32(3)(b): Are the policies, rules, or other methods the most appropriate (with respect to efficiency and effectiveness) for achieving the objectives?

The proposed changes to Rule 77 will make it more efficient and effective. The new requirement is for all existing and new systems to meet the one set of conditions rather than having a separate set of conditions for existing or older systems. There are likely to be a number of older systems installed before 1998 which won't meet the setback distances from water bodies and technically need consent, but are not contaminating water. To avoid unnecessarily requiring these systems to get consent, pre-1998 systems are excluded from meeting condition b).

Other changes clarify conditions that have been confusing or unclear to implement, make setback distances consistent with other relevant rules, are more specific for soil and climate conditions on the West Coast, and reflect good practice approaches taken to deal with current issues, as well as changes to the NZ Standard. The setback distances from groundwater and drains fill previous gaps where there were no setbacks in the rule. Condition c) is no longer relevant as this is now built into septic tank design, and greywater shouldn't be retained for 24 hours. Specific conditions for greywater discharges also fill a gap that was previously not addressed in the Plan.

The reduced setback distance for treated sewage effluent discharges from bores or wells used for potable water supplies takes into account the groundwater table, generally more permeable aquifers on the West Coast, and the high rainfall which results in faster water

movement and less opportunity for adverse effects on water quality. 50 metres appears to be a sufficient distance to avoid contamination, and is the same setback distance used by Taranaki and Southland Regional Councils, which have similar rainfall and climate to the West Coast. The same reduced setback distance is made for pit toilets from potable wells for consistency, with a qualifier which recognises the new National Environmental Standard for drinking water which requires no adverse effects on potable supplies. (The qualifier is consistent with new conditions added to herbicide discharges to water, for no adverse effects on potable water supplies.)

The Note added to Rules 41 and 42 explains the different setback distances between sewage effluent discharges and wells in Rules 41 and 42, and Rule 77. The 20m setback in Rules 41 and 42 applies unless the well is for potable use, then the greater separation distance is required under Rule 77. This makes the setback distances for sewage discharges and water takes from bores consistent while still achieving the Plan objectives.

The proposed changes will make the rules more effective for meeting Objective 13.2.1 and ensuring adverse effects of discharges are avoided, remedied, or mitigated.

S32(4)(a): What are the benefits and costs of the policies, rules or other methods?

The main benefits of the changes to the rules will be more standardised assessment of effects of discharges, and better environmental outcomes. The changes will make it clearer to people building a new dwelling and installing a sewage effluent system what the requirements are for meeting the permitted rules. For example, the hydraulic loading rates in the NZ Standard involve a complicated ranking of factors to assess if a site has suitable soakage for a proposed system, however inconsistencies can occur with this assessment. It would be more consistent and straightforward to explicitly include a condition permitting loading rates for the three soil categories that are known to have good soakage. A consent will be required for a new discharge proposed in a Category 4-6 soil with a clay component and poorer soakage. This will give more certainty that systems in Category 1-3 soils will have no more than minor effects.

There should not be any substantial additional costs of having to comply with the changed conditions of Rule 77. Having one set of conditions for new and existing systems should not require a lot of upgrades or retrospective consents, as the current conditions for pre-1998 systems require "no contamination of water", which is the same outcome as what the new conditions are aiming for. If existing discharges aren't causing contamination of water, then they comply with section 15(2) of the RMA, which permits discharge of contaminants into or onto land unless controlled by a rule in a plan. Any existing systems that are causing contamination of water will need to be upgraded as this is not permitted by the rule as per section 15(1), so they are no more adversely affected by the new rule.

There are a number of existing discharges into clay soils in the Buller and Grey Districts which have been approved as meeting the current permitted rule because they are required by Councils to use an advanced or engineer-designed treatment and disposal system. Under the new condition c), they technically need retrospective consent, however it is likely that the risk of effects is low, and so a retrospective consent would not be warranted. If there is no contamination of water then there is no issue as they would be permitted as of right under section 15(2) of the RMA, and they have met the current permitted rule. There is not a big difference in the current and new conditions, as most of them are in the NZ Standard and systems installed since the standards came into effect in 2000 have been required to meet them.

S32(4)(b): What is the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods?

Council staff have kept records of assessments of proposed sewage effluent discharges to check they comply with the current discharge rule. Based on this information, there appears to be no significant adverse environmental effects occurring on a regional scale from the current rule, to signal serious problems with it. Localised problems have occurred in several small settlements (Rapahoe, Inangahua, Orowaiti, Hector, Taylorville) due to multiple failure of old systems installed before the rule came into effect. Additionally, the Regional Council has received only a small number of complaints about odour and discharges from sewage effluent systems over the last seven years, and these have been addressed by maintenance or upgrading.

If the proposed changes are not adopted, the status quo would continue under the current rule. While this may not be significantly problematic, it creates some uncertainty about the potential future effects of discharges in soils with less suitable soakage, or on sites that may have a hazard risk. In some areas the good soils have been built on and development is spreading into areas with poorer soils. Since sea level rise is a confirmed phenomena, and climate change predictions are for more intense rainfall and storm events, the proposed changes will enable potential adverse effects to be better managed in the future.

Proposed Change to the permitted on-site sewage effluent discharge to land rule

Rule 7 On-site discharge of sewage effluent 7.

The discharge of any sewage effluent into or onto land, other than septage, from on-site sewage treatment and disposal systems is a ***permitted activity***, provided that ***all of*** the following conditions are met:

a) the discharge does not exceed:
   i) *a maximum of 2000L per day for secondary treatment systems;*
   ii) *a maximum of 14,000L per week for other systems;*
   iii) *a maximum of 1.3 cubic metres of greywater per day;*
   ~~2000 litres per day (calculated as a weekly average);~~
b) the discharge is not within:
   - 50m of any *surface* water body;
   - 50m of any coastal water;
   - ~~100m~~ *50m* of any bore or well used for potable water supply;
   - *20m of any drain;*
   - *1 metre of the groundwater table; and*

   unless the system was installed before 1998 and is not contaminating water;
c) *For systems other than soak pits, the hydraulic design loading rates for a disposal field shall not exceed those recommended for Category 1-3 soils in AS/NZS1547:2000 'On-site Domestic Waste Water Management', unless the system was installed before 1998 and is not contaminating water;*
d) the greywater discharge is not within:
   - *20m of any surface water body;*
   - *20m of any coastal water;*
   - *20m of any bore or well used for potable water supply;*
   - *0.6m of the groundwater table;*

~~c) the system is designed with a minimum of 24 hours retention time;~~
d) there is no ponding, ~~flooding,~~ runoff, or surface breakout;
e) no stormwater enters the system;
f) the discharge does not pose a risk to human health, and is not noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have an adverse effect on the environment;
g) for systems which ~~discharge *into* land~~ *use a disposal field,* the system is designed to provide for even distribution of effluent to the entire filtration surface ~~of the disposal field~~;
h) for systems which discharge *onto* land:
   - The discharge is not by way of spray irrigation, or otherwise produces any aerosol discharge to air;
   - The effluent is evenly distributed over the entire area of the disposal field;
   - The effluent conforms to the following standard:
     - BOD5 not greater than ~~70~~ 20mg/litre;
     - Suspended solids not greater than 30 mg/litre;
     - Faecal coliforms not more than 1000/100 mls.

Notes:
~~1. Discharges from pit privies are covered under Rule 7.~~
1) *The volumes stated in condition a) are equivalent to the amount of effluent produced by approximately 10 people.*
2) *For condition b), the setback distance from the groundwater table should be based on the maximum water table level of the groundwater.*
3) ~~2.~~ The Regional Council will accept as compliance with condition (f) an on-site sewage treatment and disposal system designed, constructed, operated and maintained in accordance with The

New Zealand Manual of Alternative Wastewater Treatment and Disposal Systems, Volume II, Part A: On-Site Wastewater Disposal From Households and Institutions Technical Publication No 58, ~~Second~~ *Third* Edition (Gunn, ~~1994~~ *2004), AS/NZS1546 2008, Parts 1, 2 and 3 'On-site Domestic Waste Water Treatment Units', or AS/NZS1547:2000 'On-site Domestic Waste Water Management'.*

4) ~~3.~~ Condition (g) refers to both gravity-fed and dosed loading systems.

5) When selecting a discharge site, it should be considered whether the site for the system is subject to slippage, subsidence, erosion or inundation from any source.

6) For systems which discharge onto land, the standards required in condition g) apply to the discharge at the outlet of the treatment plant, prior to discharging onto land.

Proposed Change to Rule 78, condition b) ii)

Rule 7 Discharge from pit toilets 8.

The discharge of any sewage into or onto land, other than septage, from pit toilets or long-drop toilets is a ***permitted activity***, provided that *all of* the following conditions are met:

a) The discharge does not exceed 400 litres per day (calculated as a weekly average);
b) The toilet is not sited within:
   i) 50m of any surface water body or coastal water;
   ii) 50m ~~100m~~ horizontally of any bore or well used for potable water supply*, and there are no adverse effects on any take of water for human consumption;*
c) No stormwater or runoff enters the system;
d) Effluent from the toilet does not enter any surface water body or coastal water;
e) Waste in the toilet does not accumulate to closer than 30cm to the ground surface;
f) The discharge does not pose a risk to human health, and is not noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

Proposed Change to add a Note to Rules 41 and 42

Rule 41. Take and use of groundwater

The taking and use of groundwater is a ***permitted activity*** if all the following conditions are met:

(a) The total take does not exceed 2 litres per second, up to a maximum volume of 50,000 litres per day;
(b) Any well shall be located not less than 20 metres from any adjacent well or the Coastal Marine Area and from any septic tank disposal field or effluent treatment ponds or silage storage areas;
(c) Any bore shall be located not less than 200 metres from any adjacent bore;
(d) No existing lawful take of water is adversely affected as a result of the taking; and
(e) The council is informed in writing of the location, expected rate and frequency of the take prior to the take occurring and contact details of the person taking; and
(f) The bore or well casing and headworks prevent:
   (i) The infiltration of contaminants;
   (ii) The uncontrolled discharge or leakage of water to the surface and between aquifers.

Notes: For the purposes of Rule 41 a well is defined as being less than 20 metres deep as measured from ground level, while a bore is defined as being greater then 20 metres deep as measured from ground level.

The Council has best practice information available on the materials and construction of wells and bores to prevent contamination. The Council will from time to time monitor and verify the location, frequency and rate of take as appropriate.

Note: The 20m setback from septic tank disposal fields applies unless the bore or well is for potable use, then a greater separation distance is required under Rule 77 for permitted on-site sewage effluent discharges to land.

Rule 42. Bore development and pumping tests

The taking and use of groundwater for bore development and pumping tests is a ***permitted activity*** if all the following conditions are met:

(a) Any well shall be located not less than 20 metres from any adjacent well or the Coastal Marine Area or from any septic tank disposal field or effluent treatment ponds or silage storage areas;
(b) Any bore shall be located not less than 200 metres from any adjacent bore;
(c) No existing lawful take of water is adversely affected as a result of the taking.

Note: The 20m setback from septic tank disposal fields applies unless the bore or well is for potable use, then a greater separation distance is required under Rule 77 for permitted on-site sewage effluent discharges to land.

RMA Section 32 Report on Proposed Change to the permitted stormwater discharge rules – September 2010

Section 32 of the Resource Management Act 1991 (RMA) requires an evaluation of the objectives, policies, rules and other methods in a proposed regional plan before it is publicly notified for submissions. This report is the Section 32 evaluation of the Proposed Change to the permitted on-site sewage effluent discharge to land rule.

Background

A review of the permitted stormwater discharge to land rule has come about as a result of Council's decision to merge the Discharge to Land, Land and Riverbed, and Water Management Plans into one plan. The Discharge to Land Plan was made operative seven years ago, so in terms of RMA plan timeframes the 10 year review is due in 2012. Stormwater discharges to land are one of the most common discharges to land.

The main problem has been with understanding which rules apply to which situations, as there is some overlap with rules for stormwater discharges from earthworks, and discharges into and from drains, to land and water. The wording of the current rules is mostly sound; some minor changes are suggested to fill in gaps and improve the links between the rules.

As a result of reviewing permitted Rule 5 (renumbered Rule 80), some minor consequential changes are also proposed to permitted earthworks and discharge to water rules, and the controlled rule for stormwater discharges to land. A copy of the proposed changes with new rule numbers are attached at the end of this report.

Section 32 Tests

The following is an assessment of the RMA Section 32 requirements.

S32(3)(a): Are the objectives the most appropriate way to achieve the purpose of the Act?

This is not applicable as no new objectives are considered necessary as part of this plan change. The existing objectives relevant to stormwater discharges are sufficient, and the proposed changes to the rules are in keeping with Objectives 3.2.1, 6.2.4, 8.2.1, and 13.2.1 of the Merged Plan.

S32(3)(b): Are the policies, rules, or other methods the most appropriate (with respect to efficiency and effectiveness) for achieving the objectives?

The proposed changes to the rules will make them more efficient and effective by addressing potential adverse effects that have not previously been covered, clarifying what the rules cover, and removing unnecessary parts.

The titles of Rules 79 and 86 are changed to clarify that the rule applies to stormwater runoff. Runoff on or from a site where earthworks, vegetation disturbance or development occurs can have adverse effects the same as a discharge because of the regional rainfall levels. A minor change is made to the beginning of Rule 48 to refer to "stormwater runoff" for consistency with using these terms, and a definition of stormwater runoff is added to the Glossary.

With respect to Rule 79, there has been some confusion around the exclusion of roads and footpaths from the rule. The beginning of the rule is reworded to address this. Changes to condition a) cover potential effects which weren't previously covered, and make the condition consistent with conditions for stormwater discharges into water. The current condition b) is unnecessary as stormwater discharges and runoff/flowpaths to water are now covered by the permitted rule for discharges from drains into water, and the earthworks rules.

Changes to the controlled Rule 86 for stormwater discharges are consistent with changes to the permitted rule.

The proposed new condition in Rules 61, 79 and 86 addresses a potential adverse effect which is occurring more often with rural-residential, unreticulated subdivisions, whereby extra drains are added to existing pilot drains. This increases volumes or velocity of water being channelled and discharged into main drains, which can affect downstream properties cumulatively. The new condition restricts any increase in flow in the receiving water body so it doesn't exceed the carrying capacity of existing infrastructure. This is the same as condition j)(2) of Rule 3 for new drain formation associated with permitted earthworks. The new condition should help to target potential flooding effects from new discharges or new drains, as dischargers may need to check capacity specifications for their drain, and so source discharges can be more easily traced.

The change to the beginning of Rule 61 clarifies that the rule applies to stormwater discharges into drains containing water, as well as discharges from drains to water bodies. Adverse effects can occur from discharges into drains.

An amendment is proposed to the condition in the permitted earthworks rules for "no conspicuous deposition of sediment on the bed of any waterbody", so that the condition also restricts sedimentation or other effects on adjoining land. The amendment fills a gap in the plans, and should give more certainty about dealing with sediment-laden runoff.

Cross-references clarify the links between rules relating to stormwater discharges.

S32(4)(a): What are the benefits and costs of the policies, rules or other methods?

The main benefit of the changes to the rules will be better environmental outcomes. Better management of individual stormwater discharges will help to reduce the flood hazard risk. Not exceeding the infrastructure capacity will avoid cumulative adverse effects of multiple stormwater discharges overflowing downstream. The proposed changes to the rules make it clear to contractors and landowners what the standards are for managing sediment and stormwater and meeting the permitted rules.

The cross-references will enable Plan users to more easily find which rules apply to various stormwater activities.

The changes to the rules may require more care being taken by contractors, builders, and developers to control sediment, and extra cost and time to check the capacity specifications of existing drains before discharging stormwater into them from a new subdivision or dwelling. If the new provisions can't be met, there will be consent costs for contractors and landowners. Any additional time and costs are not unreasonable, compared to the potential for adverse effects.

The proposed changes are in effect no different to current obligations under section 17 of the RMA to avoid, remedy, or mitigate adverse effects. Compliance with the new provisions will avoid more costly enforcement and mitigation action or damage remediation if good practice sediment and stormwater discharge control is carried out. The changes reflect a user pays approach rather than other ratepayers bearing the cost to mitigate adverse effects of these activities. This approach is consistent with the principles of the Local Government Act.

S32(4)(b): What is the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods?

Information available indicates the proposed changes are warranted. Sedimentation on land or in water is one of the main types of complaint received by Council. Fewer complaints are received about stormwater discharges, but there has been enough confusion in the past over how the stormwater rules apply, and how overflowing rural drains are managed, to prompt the changes.

If the proposed changes are not adopted, the status quo will continue under the current rules. This continues the uncertainty about the potential future effects of stormwater discharges into rural drains and sediment loss, and whether these will become an increasing hazard risk. In the last 5-7 years there has been increased rural-residential development around the outskirts of existing towns and settlements. Residential growth has spread into foothills, which means there is a higher risk of sediment runoff down slopes, and increased velocity of stormwater entering drains. Some issues with stormwater overflow in drains can be dealt with under the Drainage Act 1908, but this legislation has limited scope. If the changes to the rules aren't made, complaints will continue to be received and investigated at increasing cost to Council and ratepayers.

Since climate change predictions are for more intense rainfall and storm events, the proposed changes will enable potential adverse effects to be better managed in the future.

Proposed Changes to Rules for Stormwater Discharges

Rule 1. Humping and hollowing, flipping, or v-blading outside riparian margins

Humping and Hollowing, Flipping, or V Blading in the Non-Erosion Prone Area (less than 12^0 slope) outside of riparian margins are ***permitted activities*** if **all** of the following conditions are met:

(a) (1) For Humping & Hollowing and Flipping, the area of the activity does not exceed 5 Hectares per landholding in any continuous 12 month period; and
(2) For V-blading **either**:
(i) The land area for new works does not exceed 10 Hectares per landholding in any 12 month period; **or**
(ii) The activity is undertaken on land that has previously been V-bladed; and
(b) The activity must not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and
(c) No soil or debris is placed directly in any river or lake bed; and
(d) There is no conspicuous deposition of sediment on the bed of any water body, *or on land beyond the boundary of the subject property*; and

Make the above same change to:

- Rule 3 Earthworks in the Non Erosion Prone Area, outside riparian margins
- Rule 4 Earthworks in Erosion Prone Area One, outside riparian margins
- Rule 5 Earthworks in Erosion Prone Area Two, and the Greymouth Earthworks Control Area, outside riparian margins
- Rule 6 Earthworks for the purpose of maintenance or repair
- Rule 8 Vegetation Disturbance in Erosion Prone Area One, Two, or the Greymouth Earthworks Control Area and outside any riparian margins

Rule 48. Diversion of contaminated and uncontaminated runoff

The diversion (whether in pipes, constructed channels or otherwise) of ~~natural~~ ***stormwater*** runoff that is not contaminated, or of runoff that is contaminated to a water treatment system, is a ***permitted activity*** provided:

(a) For the non-contaminated water:
(i) The diversion does not cause or exacerbate: flooding or ponding of water on another person's property, erosion, land instability, sedimentation or property damage; and
(ii) The diversion does not affect any natural wetland;
(i) The diversion is incidental to permitted or consented earthworks; and
(ii) The diversion does not relate to the diversion of runoff from an area greater than 20ha.
(b) For contaminated water:
(i) The water is diverted to a water treatment system or plant; and
(ii) The diversion is incidental to permitted or consented earthworks.

Explanation

Rules 44, 45, 46, and 47 provide for activities that will result in no more than minor effects and avoid the need for a resource consent. Rule 48 reflects the requirements of the Grey River Water Conservation Order.

Rule 61. Discharge from any drain to a water body

The discharge from any drain to a water body, *or another drain beyond the property boundary,* is a ***permitted activity*** if all the following conditions are met:

(a) The discharge does not cause or exacerbate flooding of another person's property, erosion, land instability, sedimentation or property damage; and
(b) Beyond a mixing zone of 12 times the width of the receiving water body, or 200 metres, whichever is the lesser, the discharge does not give rise to the following effects:
  (i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  (ii) Any conspicuous change in the colour or visual clarity;
  (iii) Any emission of objectionable odour;
  (iv) The rendering of fresh water unsuitable for consumption by farm animals; ~~or~~
  (v) Any significant adverse effects on aquatic life; or
  (vi) Adverse effects on any take of water for human consumption.
(c) Any discharge to the Rahu River, Station Creek, Wooley River or Buller River upstream of Te Kuha must meet the requirements of Clause 11 of the Buller River Conservation Order (see Schedule 4).
(d) The discharge does not increase the flow in the receiving water body to the extent that it exceeds the carrying capacity of existing infrastructure.

Note: ~~Permitted activity~~ Rule 1 ~~in the Land and Riverbed Plan~~ must also be met for humping and hollowing.

Cross reference: Stormwater discharge or runoff containing sediment from earthworks that enters a waterbody is dealt with under the permitted earthworks rules (Rule 3).

Rule 79. Discharge of stormwater runoff

The discharge of collected stormwater runoff into or onto land is a ***permitted activity*** *provided that all of the following conditions are met:*

a) The discharge does not cause *or exacerbate erosion, scouring, land instability,* sedimentation or ponding beyond the boundary of the subject property;
b) The discharge does not contain any hazardous substances or wastes;
c) Where the discharge into or onto land enters water, it does not increase the flow to the extent that it exceeds the carrying capacity of existing drainage infrastructure.

Cross-references: Point-source stormwater or runoff containing sediment from earthworks that flows or is discharged to land or enters a waterbody is dealt with under the permitted earthworks rules (Rule 3). Stormwater discharges directly into water are dealt with under Rule 61.

Rule 86. Discharge of stormwater runoff not permitted by Rule 80

The discharge of any contaminant into or onto land in connection with the discharge of stormwater *runoff* is a ***controlled activity*** unless permitted by Rule 80, and shall comply with the following standards and terms:

~~a) there is no direct runoff into, or contamination of, water bodies, groundwater or coastal water;~~
b) the discharge does not cause ~~siltation,~~ sedimentation, erosion, scouring, *land instability,* ponding, or flooding;
c) stormwater runoff from the facility or site containing hazardous substances is collected and discharged via a containment and treatment device or system.

d) *Where the discharge into or onto land enters water, it does not increase the flow in the receiving water body to the extent that it exceeds the carrying capacity of existing drainage infrastructure;*

The Regional Council has reserved control over the following matters:
a) the location, method, rate, and quality of the stormwater discharge;
b) design and operation of the treatment system;
c) effects of the discharge on the receiving environment;
d) stormwater management and spill contingency plans;
e) monitoring requirements;
f) the duration of the resource consent;
g) review conditions of the resource consent.

Glossary

Stormwater runoff refers to the overland flow of rainwater not contained within or forming part of a water body.

RMA Section 32 Report on Proposed Changes to Other Objectives, Policies, Rules, and Methods – September 2010

Section 32 of the Resource Management Act 1991 (RMA) requires an evaluation of certain provisions in a proposed regional plan before it is publicly notified for submissions. This report is the Section 32 evaluation of proposed changes to various objectives, policies, rules and methods in the Proposed Regional Land and Water Plan. A copy of these proposed changes are attached at the end of this report.

Background

Council has decided to merge the Discharge to Land, Land and Riverbed Management, and Water Management Plans into one plan. While the merge is primarily to reformat the three plans into one for greater efficiency and ease of use, it has provided an opportunity to fine tune the plans and make some minor improvements.

A considerable amount of background information and some appendices have been removed, mostly from the Discharge to Land Plan as this is the oldest of the three plans. Other main changes proposed are to the Poutini Ngai Tahu chapter, and certain introductions and explanations. Section 32 of the RMA does not require that these parts of the Plan be evaluated, so they are not addressed in this report. Additionally, Section 67 of the Resource Management Amendment Act 2005 no longer requires plans to include issues, principal reasons for adopting provisions, anticipated environmental results, or cross-boundary processes, so these are not included in the merged Plan.

More substantial changes are proposed to the Lake Brunner provisions, on-site sewage effluent, and stormwater rules. These are discussed in separate Section 32 reports.

Note that for the purposes of this Section 32 Report, text proposed to be added to the merged Plan is shown by italicised and underlined text. Text to be removed from the merged Plan is shown with a line through it. (The Proposed merged Plan will only show new text to be added, and separate, supplementary copies of the existing Plans will show all deletions.)

The provisions in the Proposed Plan have different numbers to the existing Plans. The new numbering is referred to in this report unless stated otherwise.

Section 32 Tests

The following is an assessment of the RMA Section 32 requirements.

Section 32(3)(a): Are the objectives the most appropriate way to achieve the purpose of the Act?

Objectives

No new objectives are proposed as part of the plan change, and two minor changes are made to water quality and contaminated land objectives:

Objective 8.2.1 To maintain or enhance the quality of *the* West Coast's water.

The change to Objective 8.2.1 is a minor grammatical one and the objective still meets the purposes of the Act.

Objective 16.2.1 To avoid, remedy, or mitigate risks to the environment presented by discharges from contaminated ~~sites~~ *land*, including risks to human health, social, cultural and amenity values, and soil and water quality.

The term "contaminated land" replaces "contaminated sites" in Objective 16.2.1 to be consistent with new Ministry for the Environment guidelines "Contaminated Land Management Guidelines No. 4: Classification and Information Management Protocols".

Section 32(3)(b): Are the policies, rules, or other methods the most appropriate (with respect to efficiency and effectiveness) for achieving the objectives?

Policies
Changes to several policies are proposed. Most are minor changes to specific words to make the policies clearer, and do not change the intent of the policies. Two policies have more substantial changes, and three policies for discharges of hazardous substances to land, and one policy for the management of solid contaminants are proposed to be deleted. The changes are considered to be appropriate for achieving the objectives for the following reasons:

Policy ~~5.4.6~~ 4.3.6 Council will ~~promote~~ *require* the use of bridges, culverts, and other methods ~~to avoid regular stock crossing of river beds in intensively farmed areas.~~ *where a farmer causes a herd of cattle to cross any river or permanently flowing creek, at any farm raceway crossing, more than ten times in any month for herds larger than 500 cattle, or more than 20 times in any month for herds less than 500 cattle. A crossing is one-way only*.

This Policy also applies for dry stock where more than 50 animals cross any river or permanently flowing creek more than 20 times per month.

Explanation
In situations where the construction of a bridge would be unreasonably expensive compared to the effects of the discharge, Council may consider granting a resource consent to a farmer to continue using a ford crossing, based on a detailed assessment of its effects on the environment including:

- *Frequency of use and size of herd;*
- *Measures of contaminant loadings and effects on water colour and clarity;*
- *Likely effects on downstream instream values and other river users;*
- *Any cumulative effects and precedent effects, if applicable; and*
- *Proposed mitigation measures, including farm race re-design.*

Council will monitor the extent to which bridges, culverts and other mechanisms are being used to avoid regular stock crossings of river beds. ~~Before March 2012 Council will review the effectiveness of these mechanisms and existing plan provisions and introduce regulatory or other methods if landholders are not adopting such mechanisms on a voluntary basis.~~

~~A regular stock crossing is where a farmer causes a herd of cattle to cross any river or permanently flowing creek, at any farm raceway crossing, more than ten times in any month for hers larger than 500 cattle, or more than 20 times in any month for herds less than 500 cattle. A crossing is one way only.~~

Council considers that the circumstances outlined in Policy 4.3.6 will, or will likely, contravene section 15(1) of the RMA. In those circumstances a resource consent would be required to authorise the resulting discharge of contaminants to water.

Since the current Policy (old numbering 5.4.6 in the Land and Riverbed Plan) was first negotiated the Council has introduced a Stock Crossings Policy which now needs to be added to the merged Plan. The new wording of Policy 4.3.6 mostly repeats the Stock Crossing Policy, except for compliance timeframes which are now obsolete. The timeframe in the Explanation for reviewing the effectiveness of the existing policy by March 2012 is also obsolete. The new Policy will routinely undergo a section 35 assessment of the Plan's efficiency and effectiveness five years from when the merged Plan becomes operative.

The amended Policy is appropriate for achieving Objectives 4.2.1 and 8.2.1 to maintain or enhance water quality, and avoid, remedy, or mitigate adverse effects on river bank stability, riparian margins, and water quality. Frequent stock crossings en route to milking sheds or other paddocks can pug and erode river and creek banks, and exacerbate sediment and stock effluent

volumes in waterways. This in turn can adversely affect river channels and flows, and aquatic habitat.

Policy 8.3.2. Rivers which have acid drainage issues, ~~particularly those identified in Figure 3~~, will be managed as follows:....

Figure 3 showing the location of rivers with acid drainage issues is removed from the Proposed Plan as it has or may become out of date, and is unnecessary. Removing the reference to Figure 3 makes no material change to the Policy, and therefore it still meets Objective 8.2.1.

Policy 15.3.1 To avoid inappropriate ~~or uncontrolled~~ *discharges or* disposal of hazardous ~~wastes~~ *substances* to land.

Explanation
~~The disposal of hazardous wastes in the region is an issue of concern.~~ *If not properly managed the discharge of hazardous substances may result in harmful environmental effects such as the contamination of the site where the activity is carried out, or contamination of water. This Policy reflects the need to ensure that any adverse effects can be avoided, remedied, or mitigated.*
Avoiding ~~uncontrolled or~~ inappropriate discharges of hazardous ~~wastes~~ *substances* to land involves the provision of alternatives for safe collection, storage, treatment and disposal. ~~This policy reflects the direction taken in the Regional Policy Statement, which discusses the establishment of a regional storage and disposal system for hazardous wastes.~~

The proposed amendment is appropriate for meeting Objective 15.2.1 as the current Policy appears to have been aimed at landfills, and needs to be broadened to include discharges of hazardous substances at any site. Objective 15.2.1 uses the terms "discharges" and "substances" which are more inclusive than "waste" and "disposal". Removing the term "uncontrolled" will not detract from achieving the Objective, as this type of discharge can be dealt with under Section 17 of the RMA.

Policy 16.3.1 To locate and ~~investigate contaminated sites~~ *maintain information on sites fitting the Hazardous Activities and Industries List (HAIL) criteria* in the West Coast region.

The change clarifies the Council's role to collate available information on sites fitting the Ministry for the Environment's hazardous substance classification. This is the first important step towards achieving Objective 16.2.1. The amended Policy reflects the actions of the Council in establishing and updating a regionally comprehensive database of information about sites so people understand the circumstances around any individual classification. It is primarily the landowner, occupier, or developer's role to undertake investigations as and when needed to assess the risk of adverse effects from contaminants at a site.

Policy 16.3.2. To contain and remediate, or require containment and remediation of, contaminated ~~sites~~ *land* that ~~are~~ *is* causing adverse effects on the environment.

This change is consistent with the change to Objective 16.2.1, for the same reasons as given above.

The following three Policies for discharges of hazardous substances to land are proposed to be deleted (Discharge to Land Plan numbering used):

~~8.4.1 To promote good practice for storing, transporting and using hazardous substances, including promoting adherence to relevant codes of practice and guidelines, where appropriate.~~

~~8.4.3 To provide for the mitigation of adverse effects associated with the accidental discharge of hazardous substances, by requiring the preparation of contingency plans where appropriate.~~

~~**8.4.4 To adopt an inter-agency coordinated approach to the management of hazardous substances.**~~

It is inefficient to retain Policies 8.4.1 and 8.4.4. Objective 15.2.1 is implemented mainly through the consent process, and Policy 8.4.1 would be undertaken as a matter of course when processing consents. Policy 8.4.4 is a good practice approach which is undertaken as and when needed. Neither of these Policies provide additional, specific direction for achieving the Objective through consent processing beyond what already occurs.

Policy 8.4.3 cannot achieve Objective 15.2.1 and is ambiguous in that a contingency plan can only be required as a condition of a consent, and retrospective consents are not practical for retrospective consents for 'one-off' accidental spills.

The following policy for the discharge of solid contaminants is proposed to be deleted:

~~**5.4.1 To encourage waste minimisation practices in the West Coast region.**~~

Policy 5.4.1 is more suited to inclusion in the Regional Policy Statement and is a reflection of its current Policies. Therefore it is inefficient to include it in the Proposed Plan as it does not contribute any more than the current Objective and Policy for managing the discharge of solid contaminants.

Rules

Proposed changes to the Rules which are not covered in other Section 32 reports are listed in Appendix 1 of this Report. These minor amendments are made to improve the efficiency and effectiveness of the Proposed Plan, and are considered appropriate for the following reasons:

Rule 16 Vegetation disturbance or earthworks not complying with Rules 2, 5, 7, 8, or 9: Adding "grazing" to Rule 16 clarifies that grazing and livestock access to riparian margins is a discretionary activity if it does not comply with the permitted Rule 9.

Rule 18 Excavation of any new drain, or deepening of existing drains: Specifying the actual date of notification of the Wetlands Variation 1 will make it clearer for staff and Plan users if the rule applies to drainage activities.

Rule 47 Damming of water in catchments up to 50 hectares: Reducing the timeframe for notifying Council of the damming from two weeks to seven days makes it consistent with the timeframe in Rule 25 for erecting the dam. There is no need to have different timeframes as constructing the dam, and damming the water, are likely to occur concurrently.

Rules 65 and 66 Discharge of herbicide to water: The new condition reflects requirements to protect drinking water supplies in the Drinking Water National Environmental Standard, and will help to achieve Objective 13.2.1.

Rules 65 and 76 Discharges of herbicide and agrichemicals: Adding the term "comparable qualification" recognises that there is now more than one relevant qualification that is able to satisfy the requirements of the rule.

Rules 70-80 and 82 Discharge to land rules: The proposed change to the start of the rule: "....provided that *all of* the following conditions are met:...." clarifies that all of the conditions must be complied with to undertake the activity without obtaining a consent, and makes these rules consistent with the Land and Riverbed and Water Plan rules.

Rule 71 Solid waste and offal pits on farmland: Rule 71 combines these two previously separate activities under one rule for efficiency, as they have similar effects and conditions. Conditions a) and f) are deleted as it is impractical to prevent stormwater runoff soaking into sub-surface water, and water contamination is covered by condition b).

Rule 73 Land application of agricultural effluent: Minor changes are made to some conditions to make them clearer for effluent dischargers to implement, and to help minimise effluent entering

waterways. The conditions for maximum effluent and stored sludge application rates are combined into one condition for efficiency.

The reduced setback distance from 100m to 50m from a potable bore or well used for human or stock drinking is consistent with the same change in setback distance to Rules 74, 77 and 78. The reduction takes into account the groundwater table, generally more permeable aquifers on the West Coast, and the high rainfall which results in faster water movement and less opportunity for adverse effects on water quality. The additional text also reflects requirements to protect drinking water supplies in the Drinking Water National Environmental Standard.

The condition requiring an annual financial contribution for routine monitoring of compliance with the rule is no longer needed in the rule, and so retaining it would be inefficient. The annual inspection fee has been more appropriately included in Council's Schedule of Fees and Charges in the Annual Plan for several years. Annual inspections are ongoing, and the fee can be adjusted as needed through the Annual Plan process.

Rule 74 Feed lots and wintering pads: The reduced setback distance from 100m to 50m from a potable bore or well used for human or stock drinking is consistent with the same change in setback distance to Rules 77 and 78. The reduction takes into account the groundwater table, generally more permeable aquifers on the West Coast, and the high rainfall which results in faster water movement and less opportunity for adverse effects on water quality. The additional text also reflects requirements to protect drinking water supplies in the Drinking Water National Environmental Standard.

Rules 76 and 85 Agrichemical and 1080 discharges to land: The change to the New Zealand Standard updates the reference to the latest Standard.

Rule 80 Stockpiling: The cross reference to the Air Quality Plan will make the links between the land and air discharge rules clearer for stockpiling.

Rule 85 Aerial discharge of vertebrate pest control agrichemicals: Condition f) of the matters which Council has reserved control over is amended to include timing of signage for aerial operations. This updates the Rule to reflect current practice of requiring timeframes for warning signs, to ensure that the public has plenty of warning of the discharge.

Rule 87 Discharge to land discretionary activity rule: This rule combines the separate Rules 17-25, 27, and 28 from the Discharge to Land Plan into one discretionary rule, for efficiency. It eliminates a lot of unnecessary repetition with having separate Rules for each of these activities. The assessment matters have now been added into the information requirements of the merged Plan. These deletions are shown in the supplementary copy of the Discharge to Land Plan showing all deletions.

Methods

Many of the Methods in the three Plans are proposed to be deleted, especially from the Discharge to Land Plan. These are listed by their existing numbers in Appendix 2 of this report. It is considered unnecessary to include most of them in the Proposed Plan as many of the Methods are general tools which are readily available for Council to use as and when needed on a case by case basis.

Reasons for deleting them are:

- The matter has been progressed, changed, or resolved, so the Method is no longer relevant or is out of date, e.g. the global consent for gravel extraction.
- Some Methods are implemented routinely on an ongoing basis and do not need to be a Method e.g. taking into account Treaty of Waitangi principles, establishing monitoring procedures.
- The Method is unclear, or not the Regional Council's role e.g. promoting adherence to the NZ Environmental Care Code for outdoor pursuits where there are no toilets.
- Information provision and education are widely recognised tools that can be applied to any resource use issue and do not need particular mention in the Plan.

- Guidelines are produced by central government or other regional councils and have been adapted for the West Coast, so they do not need to be duplicated by this Council e.g. guidelines for disposal of agricultural wastes.
- Some Methods are provided for in the RMA and do not need to be included as a Method e.g. using enforcement provisions in the RMA for unauthorised activities.
- Some Methods occur as a matter of course e.g. ensuring regional plans are consistent, keeping up to date with technology advances.
- Some of the Methods are implemented by rules or through consents and compliance processes, e.g. promoting good siting and management of silage stacks, encouraging commercial agrichemical discharges to gain certification.

The Methods that are retained relate to the most current, pressing, common or larger issues, including Lake Brunner water quality, stormwater and sewage effluent management, flood hazard risk management, managing cumulative effects of water takes, and codes of practice for sustainable land use.

Section 32(4)(a): The benefits and costs of policies, rules, or other methods.

The main benefits of the changes will be to resource users and Council staff. The proposed changes improve the usability of the Plan, make terms consistent and up to date with central government regulations and guidelines, and reduce unnecessary repetition with permitted rules and methods.

Making some of the rules more concise makes the Plan clearer. This should reduce staff time spent on clarifying how the conditions are applied.

The public will benefit from protection of potable water supplies.

The new conditions should also result in better environmental outcomes, and ongoing good resource management practice. Changes to the hazardous substance policies, for example, will ensure continued protection of land and water from inappropriate discharges, and direct continued provision of hazardous waste collection and storage sheds at the three main landfills. Removal of the three hazardous substance policies will not result in any loss of effectiveness with consent processing.

With respect to the amended Policy 3.4.6 requiring passage for regular stock crossings, this has and will entail significant costs to landowners to provide bridges and culverts for stock to cross waterways. The original Stock Crossing Policy was developed in 2006, and provided a reasonable timeframe over two years for farmers to comply with it. There is flexibility in the Policy for a resource consent where the costs of providing passage may not be justified by the effects of the discharge, subject to a case by case assessment. The costs to landowners of implementing Policy 3.4.6 are considered appropriate in terms of section 101(3)(a)(iv) of the Local Government Act 2002. This clause requires Council to consider how management of adverse effects of stock crossings on waterways will be funded. It is considered appropriate that the costs are borne by the individuals whose actions contribute to the need to have stock passage over waterways.

Some of the new conditions may require more care being taken by dischargers. For example, extra time may be needed to check the location of nearby wells or bores, or check that the carrying capacity of existing drains is sufficient for a new stormwater discharge. This is considered to be reasonable as the proposed changes are in effect no different to current obligations under section 17 of the RMA to avoid, remedy, or mitigate adverse effects. Compliance with the new provisions will avoid more costly enforcement and mitigation action if good practice is carried out. The change reflects a user pays approach rather than other ratepayers bearing the cost to mitigate adverse effects of substandard activities.

Section 32(4)(b): What is the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods?

This test is not so relevant to the proposed changes as information and uncertainty are not underlying issues. There is little or no risk of adverse effects from making, or not making, the proposed changes.

There is sufficient scientific evidence that stock crossing through waterways has more than minor adverse environmental effects. Council's Stock Crossing Policy will still have effect if it is not incorporated into the Proposed Plan, although it is appropriate for it to be included as it deals with a relevant resource management issue.

The new condition in Rules 65 and 66 is a national requirement which stands regardless of its inclusion in the Proposed Plan.

If the proposed changes are not adopted, there is not likely to be significant negative environmental outcomes. However, implementation of the Plan would continue to be less than efficient. Some of the changes are proposed as good practice. As for the reference to the latest NZ Standard for agrichemical spraying in the discharge rules, other relevant qualifications would be considered on merit. The Methods would take up space in the Plan but would not necessarily be implemented for their inclusion. It is therefore prudent to make the proposed changes, as they will improve efficient use of the Proposed Plan.

APPENDIX 1 – PROPOSED CHANGES TO RULES

Rule 18. Excavation of any new drain, or deepening of existing drains

The excavation of any new drain, or the deepening of any existing drain excavated prior to *15 October 2005* ~~the notification of this Plan Variation~~, within any wetland identified in Schedule 1 of this Plan is a ***non-complying activity.***

Rule 47. Damming of water

The damming of water is a ***permitted activity*** if all the following conditions are met:

(a) The size of the catchment upstream of the dam does not exceed 50 hectares;
(b) The water depth is no more than 3 metres at the dam face and the total water volume stored by the dam does not exceed 20,000 cubic metres;
(c) The damming does not cause or exacerbate flooding of another person's property, erosion, land instability, sedimentation or property damage;
(d) The dam is not located less than 20 metres above mean sea level;
(e) If constructed in permanently flowing streams, the dam allows a residual flow of 75% of MALF or the instantaneous flow whichever is the lesser;
(f) Council is informed in writing of the location of the dam and the method of construction proposed, at least ~~two weeks~~ *seven days* prior to commencing the erection or placement of the dam;
(g) A spillway is constructed, designed to pass the probable maximum flood;
(h) For sites where fish are present, effective fish passage is provided for;
(i) No lawful take of water is affected by the damming;
(j) There shall be no inundation of a natural wetland.

Note: Council will check the sites where a dam is to be constructed and undertake fish surveys to ensure that the person undertaking this activity has complied with condition (b). Council staff may also be available to assist with fish surveys prior to the dam's construction, if requested.

The Council will review Rule 47 when Variation 1 has been fully resolved.

Rule 65. Discharge of aquatic herbicide in gel form

The discharge of aquatic herbicide in gel form to water for the purpose of controlling aquatic plants is a ***permitted activity*** if all the following conditions are met:

(a) The herbicide and any additive are authorised for aquatic use in New Zealand, and is applied in accordance with that authorisation and any directions issued by the herbicide manufacturer;
(b) The applicator holds a Growsafe© Registered Chemical Applicator Certificate of Qualification, *or comparable qualification*, or is working under the direct supervision of someone who does and a copy of that certificate is produced to an officer of the Council, on request;
(c) No lawful take of water is adversely affected as a result of the discharge; and
(d) The applicator notifies all persons taking water within 1 km downstream of the discharge, at least one week prior to the discharge occurring, advising of the time the discharge is to occur.
(e) The discharge does not have any adverse effects on any take of water for human consumption.

Rule 66. Discharge of herbicide to water

The discharge of herbicide to water incidental to its application to emergent aquatic plants or plants adjacent to a water body is a ***permitted activity*** if all the following conditions are met:

(a) The herbicide and any additive are authorised for use in or over water, in New Zealand, and is applied in accordance with that authorisation and any directions issued by the herbicide manufacturer;
(b) All reasonable measures are taken to minimise the quantity of incidental discharge into water;
(c) No lawful take of water is adversely affected as a result of the discharge; and
(d) The applicator notifies all persons taking water within 1 km downstream of the discharge, at least one week prior to the discharge occurring, advising of the time the discharge is to occur.
(e) *The discharge does not have any adverse effects on any take of water for human consumption.*

Rule 70. Silage and silage wrap

The discharge of any contaminants into or onto land in connection with the storage of silage is a ***permitted activity***, provided that *all of* the following conditions are met:

a) There is no contamination of water, including groundwater and coastal water;
b) Silage wrap is disposed of by either high temperature (greater than 1000 degrees Farenheit) incineration, by burial on the subject property, or at a landfill.

Rules 70-81 and 83: Add "....*all of*...." to the start of the rule.

Rule 71. Solid waste and offal pits

The discharge of any contaminants into or onto land in connection with the disposal of solid waste, including offal, on production land is a ***permitted activity***, provided that *all of* the following conditions are met:

~~(a) No stormwater enters the pit;~~
(b) There is no contamination of water, including groundwater and coastal water;
(c) The discharge consists only of solid waste, or offal, generated on the subject property;
(d) The discharge area is not within 50 metres of the subject property boundary;
(e) The discharge does not contain:
- Any hazardous substance or container used to store hazardous substances;
- Any septage or sludge;

~~(f) The pit is securely covered or fenced;~~
(g) There is no windblown litter from the subject property; and
(h) Within twelve months of the activity ceasing, the discharge area is rehabilitated to a condition compatible with the surrounding land.

Rule 73. Land application of agricultural effluent

The discharge of agricultural effluent into or onto land, *except in the Lake Brunner catchment,* is a **permitted activity** provided that *all of* the following conditions are met:

(a) no agricultural effluent is discharged within:

(i) *50* metres of any well or bore used for potable water supply *and there are no adverse effects on any take of water for human consumption;*;
(ii) 20m of any *surface* water body;
(iii) 20m of any drain *with flowing water*;
(iv) 20m of any adjoining property;

(b) there is no runoff of agricultural effluent into *surface* water bodies, drains, or coastal water;
(c) there is no ponding *or visible surface flow of effluent*, or pasture burning;
(d) the application rate from any combination of agricultural effluent is at a rate not exceeding the equivalent of 275kgN/ha/year, *and shall not exceed 20mm in depth per application*;
(e) there are contingency measures in place to ensure that there is no contravention of these conditions in the event of pump or other system failure, or unsuitable soil conditions;
(f) ~~a financial contribution is paid to the West Coast Regional Council before 30 June each year. This amount shall be determined in accordance with the West Coast Regional Council's Schedule of Charges. For the year 2000/2001 it shall not exceed $50. Any future increase in this fee shall not exceed the rate of the Consumer Price Index. The charges relate to the following purposes:~~
~~(a) the cost of monitoring and inspecting agricultural effluent disposal systems;~~
~~(b) cost of administering and managing the Regional Council's database;~~
~~(c) cost of the Regional Council's response to minor non-compliance issues by means of correspondence and educational material;~~
~~(d) cost of specific scientific investigations undertaken by or on behalf of the Regional Council into the effects of application of agricultural effluent to land.~~

Note: This Rule applies to agricultural effluent which is collected and discharged from a point source into or onto land.

The maximum nitrogen application rate in condition (d) is set *at 275kgN/ha/year as* agricultural effluents are slow-release nitrogen fertilisers.

The requirement for contingency measures is for situations *where any discharge would not be able to meet conditions (b), (c), (d) of the Rule. If any of the conditions cannot be met a resource consent is required.*

For the purpose of this Rule, drains do not include the hollows of humped and hollowed land unless they contain water at the time of discharge. If hollows contain water at the time of discharge, then this may require a consent if it cannot meet the conditions of Rule 61 .

Good practice guidelines such as how to calculate whether the maximum nitrogen application rate is being met, maximum depth of effluent to be applied, and adequate storage for herd size can be obtained from the Regional Council.

Rule 77. Application of agrichemicals on areas other than domestic properties

The ground-based or aerial discharge of any agrichemical, other than those specified in Rule 84 (Aerial Application of Vertebrate Pest Control Agrichemicals), is a ***permitted activity*** provided that *all of* the following conditions are met:

a) The mixing and application of the agrichemical is undertaken in accordance with the manufacturer's instructions, at concentrations not exceeding manufacturers label recommendations;
b) If the agrichemical is applied by a ground-based commercial spray applicator (excluding commercial spray applicators applying vertebrate pest control chemicals), then the applicator holds or is supervised by a person who holds a current Growsafe™ Registered Chemical Applicators Certificate issued by the New Zealand Agrichemical Education Trust, and a copy of that current ~~Growsafe~~ certificate is produced to an enforcement officer of the Council on request;
c) If the agrichemical is applied aerially by a commercial spray applicator (excluding commercial spray applicators applying vertebrate pest control chemicals), then the applicator holds a current Growsafe™ Agrichemical Pilots Rating Certificate issued by the New Zealand Agrichemical Education Trust, *or comparable qualification,* and a copy of that

current ~~Growsafe~~ certificate is produced to an enforcement officer of the Council on request;

d) The application is undertaken in accordance with Part 5 of the ~~"Agrichemical Users' Code of Practice"~~ *"Management of Agrichemicals"* (New Zealand Standard 8409:*2004,* New Zealand Agrichemical Education Trust*, 2004*);

Rule 85. Aerial application of vertebrate pest control agrichemicals

The aerial discharge onto land of any vertebrate pest control agrichemical specified in Schedule 13 of this Plan is a ***controlled activity***, and shall comply with the following standards and terms:

a) All residents and occupiers of school buildings within the application area or immediately adjoining the application area are notified at least 48 hours prior to the commencement of the aerial operation;
b) The discharger immediately notifies the West Coast Regional Council in the event of any accidental discharge of any agrichemical;
c) A 100 metre buffer is maintained between the area of application and the boundary of the subject property and between the area of application and any house site;
d) Notification of the aerial operation in the local paper occurs at least 14 days prior to the work commencing;
e) Signs are posted notifying the public of the application of agrichemicals in public access areas including roads, walking tracks and access along creeks and rivers;
f) The applicator holds a current Growsafe™ Agrichemical Pilots Rating Certificate issued by the New Zealand Agrichemical Education Trust, and a copy of that current ~~Growsafe~~ certificate is produced to an enforcement officer of the Council on request;
g) The application is undertaken in accordance with Part 5 of the ~~"Agrichemical Users' Code of Practice"~~ *"Management of Agrichemicals"* (New Zealand Standard 8409:*2004*, New Zealand Agrichemical Education Trust, *2004*).
h) Any agrichemical spray drift derived from the discharge is not noxious, dangerous, offensive or objectionable beyond the target area to such an extent that it has or is likely to have an adverse effect on the environment.

The Council has reserved control over the following matters:
a) The nature of the chemical to be applied;
b) Method, rate and concentration of application;
c) Buffer zones;
d) Form and content of notification;
e) Timing of operations in relation to weather conditions;
f) Location *and timing* of signs;
g) Monitoring requirements;
h) The duration of the resource consent;
i) Review conditions of the resource consent.

Rule 86. Discharge to land discretionary activity Rule

Unless permitted by Rules 70 to 83, or controlled by Rules 84 and 85, any discharge of contaminants into or onto land is a ***discretionary activity***.

APPENDIX 2 – METHODS PROPOSED TO BE DELETED

Note: Current Method numbers in existing plans are referred to.

Land and Riverbed Plan	Water Management Plan	Discharge to Land Plan
Land Management **4.5.1**	*Liaison* **13.2.3**	*Solid Contaminants* **All Methods 5.5.1 – 5.5.18**
4.5.2	**13.3.1**	*Liquid Contaminants* **All Methods 6.5.1-6.5.21**
4.5.5	*Information* **13.3.3**	*Agricultural Contaminants* **All Methods 7.5.1-7.5.20**
4.5.6	*Promotion & Education* **13.4.1**	*Hazardous Substances* **All Methods 8.5.1-8.5.26**
Lake and Riverbed Management **5.5.1**	*Monitoring* **13.5.1**	*Contaminated Sites* **All Methods 9.5.1-9.5.18**
5.5.2	*COP & Env Mgment Systems* **13.6.1**	
5.5.3		
5.5.4		
5.5.5		
5.5.6		

Prepared for: Resource Management Committee
Prepared by: Lillie Sadler – Policy Analyst
Date: 30 August 2010

Subject: **WATER MEASURING AND REPORTING REGULATIONS**

Purpose
To update the Resource Management Committee on the new Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

Background
The Council submitted in February 2007 on the then proposed National Environmental Standard (NES) for Water Measuring Devices, opposing compulsory water metering on all consented takes. Council sought that the proposed NES be revised so that it focussed on the technical requirements for metering, leaving the decision of whether metering is necessary to Regional Councils' discretion.

The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 were gazetted on 26 August 2010, and take effect on 10 November 2010. The Proposed NES has been amended to address some of the matters raised in our submission.

New Regulations
The Regulations require holders of resource consents for takes of five litres per/second or more to measure, record, and report their take annually to the regional council. The Regulations do not apply to permitted takes, consented takes of less than five litres/second, non-consumptive takes where the same volume of water is returned to the waterbody within a relatively short time, or consented coastal or geothermal takes.

The Regulations automatically apply to consents granted before and after 10 November 2010, so regional councils do not need to review conditions of existing consents. Any existing consents with water take measuring conditions that are less stringent than the Regulations must still meet the requirements of the Regulations. The Regulations do not override more stringent measuring conditions where these are required by councils.

Transitional provisions provide a lead-in time for consents granted before 10 November 2010 as follows:

- For takes of more than 20L/second, the Regulations apply from 10 November 2012
- For takes of 10-20L/second, the Regulations apply from 10 November 2014
- For takes of 5-10L/second, the Regulations apply from 10 November 2016.

Because of the way the Regulations are structured i.e. in litres per second, all water take consent holders need to understand their rate of take in that measure.

The Regulations also specify:

- How measurements shall be collated into 'records', and how those records shall be kept;
- Requirements for the water measuring device or system;
- Who can carry out a verification of the records, and how often verifications must be carried out (at least every five years, and the first time within the first year of take).

Permit holders must provide annual records to the regional council by 31 July each year for the year ended 30 June. The Ministry for the Environment are preparing standard templates for reporting, but regional councils can prepare their own.

Regional councils can also apply discretion as to whether daily or weekly records are kept, and the location where the measuring device is installed.

It is unclear at this stage how many existing takes the Regulations will apply to on the West Coast.

RECOMMENDATION

That this report be received.

Simon Moran
Planning and Environment Manager

5.1.4

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting – 14 September 2010
Prepared by: Chris Ingle – Chief Executive
Date: 1 September 2010

Subject: **Joint Agreement with Westland Milk Products Ltd**

Background
This report summarises progress made during the past four years as a result of the Joint Agreement between the West Coast Regional Council and Westland Milk Products Ltd agreement: "**Working Together – Environmental and Economic Sustainability**".

The West Coast Regional Council and Westland Milk Products signed the joint agreement on 30 March 2006. This year the two organisations decided a report on progress would be useful, and the attached report was prepared jointly by both organisations.

The Summary Report
The attached report notes the following:

1. A positive growth in dairy farming has occurred in the region, with increasing benefits to the local economy.

2. Water quality in West Coast rivers and streams has improved in recent years overall, with significantly reduced bacterial levels, ammoniacal nitrogen levels and improved water clarity.

3. Farm planning projects carried out in 2004 – 2007 in the Lake Brunner, Orowaiti and Harris Creek catchments are current undergoing a review. These projects had over 70% participation among local farmers.

4. There has been substantial work done on fencing our waterways, bridging streams at stock-crossing points, and generally promoting best practice among West Coast farming communities.

5. Extensive scientific work has been completed in the Lake Brunner catchment over recent years, culminating in the plan merge process, which includes more regulatory tools for this special management area.

6. There has been considerable effort put into managing farm dairy effluent over recent years, with increased compliance of on-farm effluent management systems.

7. The Council and Westland Milk Ltd have also worked together on bovine TB eradication, waste minimisation initiatives (eg recycling plastics) and on improving transport infrastructure (eg Arahura Bridge upgrade).

RECOMMENDATION

That the attached report be received.

Chris Ingle
Chief Executive

THE WEST COAST REGIONAL COUNCIL

Westland Milk Products

Summary: Joint Agreement between the West Coast Regional Council and Westland Milk Products "Working Together – Environmental and Economic Sustainability" August 2010

Introduction

It has been over four years since this agreement was first signed on 30 March 2006 between the two organisations. The purpose, rationale and goals remain as relevant today as they were in 2006.

This summary highlights some of the activities and progress to date in achieving the goals following a recent review of the agreement. Several of the goals have been grouped because of overlap in the actions.

Shared Strategic Goals of the West Coast Regional Council and Westland Milk Products to be achieved by 2015.

i. **The West Coast dairy industry remains economically successful.**

Progress to date:

- In 2008, dairying generated 17% of the region's added value (an increase from 13% in 2004), 16% of household income (an increase from 11% in 2004) and 10% of the region's employment which is the same as in 2004 (Butcher & Partners Report 2008: Regional and District Wide Economic Impacts of Westland Milk Products).

- The recession and volatility in the market place have impacted on farmers in the past 15th months, and while the weather, setting of dairy prices and the exchange rate are external factors which influence success of a season, the long term future of dairying remains bright as global demands continue to grow. The Dairy Industry remains critically important to economic growth in the region.

ii. **The impact of dairying on the environment is minimised.**

iii. **Water quality in dairy catchment areas is maintained and enhanced.**

iv. **Best management practices are adopted by dairy farmers, taking into account the variation between farming systems and geographical location.**

v. **All farms have managed water margins and any issues arising from such run off and the management of stock and waterways are addressed.**

Progress to date:

- Water quality is reviewed in the WCRC State of Environment report, which found in 2008 that water quality had improved with significantly reduced faecal coliform levels, ammoniacal nitrogen levels, and improved water clarity. However, while ammoniacal nitrogen has decreased, other forms of nitrogen – total nitrogen and nitrate - have

increased in the lower Grey and Buller Rivers (but are still less than typical levels in other New Zealand rivers).

- While many dairy farm catchment streams and rivers are of better quality than previously, the water quality is still not always ideal and more work can be done to improve these streams. The Council monitors a range of waterways on a quarterly basis and publishes a state of the environment report on water quality every third year. Lake Brunner water quality update reports are published annually.

- Three Dairy Farm catchments were involved in the voluntary Farm Planning Projects to address water quality issues or maintain and enhance water quality. 70-77% of dairy farmers in these catchments participated in the farm plan process. These were the Lake Brunner (2004), Orowaiti (2006) and Harris Creek (2007) catchments. It is too early to say whether water quality in these catchments has improved significantly, but Council's next state of the environment report will address that question.

- Approximately 82% of farms have more than 80% of waterways fenced with 57% of farms having 100% fully fenced (WMP 2009/2010 farm survey figures). This is a significant improvement from 2004 when only 10% of farms surveyed had all waterways fenced.

- There have been a large number of stock crossings that have been bridged or had culverts installed. A lot of activity occurred in 2007/2008 when there was a higher payout and farmers could afford to carry out this work. In 2008, the WCRC introduced the Stock Crossing Enforcement Policy. Compliance with the stock crossing policy has been very good with no formal enforcement action necessary in this regard. A number of lower use crossings have also been bridged or had culverts installed as part of general farm improvements and development and this can be expected to continue.

- There is a range of information that is available to farmers with best management practice tools developed and promoted by DairyNZ, the Fertiliser Industry in conjunction with the dairy companies e.g. enviro farm walk, effluent tool kits, nutrient management plans. These are being progressively adopted by farmers, for example in 2009/2010 - 89% of dairy farmers have nutrient budgets compared to 61% in 2007 and the majority use nutrient budgets as part of wider nutrient management (WMP farm survey).

- Development of a WMP supplier portal and increased use of the internet has increased the opportunities for providing and obtaining information. The WMP supplier newsletter articles cover a range of topics and is used for ongoing promotion of best management practices, case studies, where to access information etc. and aims to reflect current issues.

- There has been significant work undertaken in the Lake Brunner Catchment since 2004. The main purpose of the project work was to get a better understanding of the impact of dairy farming on water quality. This work has relied on the support of the farmers in the region and a desire to protect the quality of the lake and to minimise environmental impacts to ensure a sustainable dairy industry. While it is important to manage all nutrients the project work has highlighted the concern about phosphorus runoff contributing to decreasing water quality in the lake. Subsequently best management guidelines for addressing this have been developed.

vi. Dairy effluent treatment and disposal is managed in line with the Resource Management Act

viii. The West Coast Dairy Industry meets the requirements of the West Coast Regional and District Plans and the Resource Management Act.

Progress to date:

- Effluent management has seen a major focus on awareness, with WCRC, WMP and DairyNZ working to ensure farmers have relevant information (e.g. Guide to Managing Dairy Farm Effluent on West Coast Farms; DairyNZ Effluent Pack) and are aware of their responsibilities. Farmers understand responsibilities around compliance as compared to several years ago. In 2004, 29% of farmers were unsure about their compliance status, while in over the past 2 season none were unsure (WMP farm survey).

- Various field days have been held demonstrating different effluent systems. There is an Increase in the types of systems available to farmers e.g. new and constantly improving low application rate systems and improvement in advice from suppliers of systems. The development of the "Farm Dairy Effluent Design Code of Practice" is an important step in ensuring systems are designed to prevent potential contamination of waterways and maximise nutrients available for plant growth. Four field days outlining effluent systems have been held in the 2009/2010 season.

- There has been improvement in effluent systems on farm with the installation of new systems or upgrades of existing systems. Effluent ponds are the most common system (49%) followed by irrigation (32%).There is an increasing number of farms who have both ponds and irrigation (12%). The current focus on effluent management is ensuring sufficient storage when conditions are not conducive to irrigating.

- Both WMP and WCRC supported the development and promote the delivery of AgITO and DairyNZ Effluent Management Courses for both farm managers and staff which were introduced in 2009.

- WMP is introducing a company wide Code of Practice to ensure compliance and improve standards across a range of areas including environmental management, farm presentation and animal welfare.

- WCRC has undertaken more enforcement action in recent years as it has moved out of it's "education" approach of previous years. Formal enforcement action was less common prior to 2007. Prior to 06/07 farmers were allowed reasonably generous time periods to install compliant systems and gain the necessary resource consents and monitoring was less regular.

Dairy Farm Enforcement action taken

Season	Abatement Notices	Infringement Notices	Prosecutions
Prior to June 2007	11	2	0
2007/2008	14	2	1
2008/2009	27	12	7
2009/2010	7	10	1

ix. Animal Tuberculosis will be eradicated from the Coast by 2013 in line with the National Animal Health Board target.

Progress to date:

- There is steady progress being made in the reduction of TB infection in West Coast dairy herds and working towards meeting the national target to reduce incidence to 0.2% to meet "TB free" status.

Note: Goal should more correctly have read ' Incidence of Animal Tb will be reduced from the Coast by 2013 in line with the National Animal Health Board Target"

- This is as a result of increased funding and tighter more efficient pest management operations with the most recent level of incidence at 34 dairy herds. The West Coast Target is currently 19 herds.

- Currently the Minister of Biosecurity is deciding as to whether to adopt the proposed new AHB strategy, which if accepted raises the acceptable TB incidence level to 0.4% and provides for trials to eradicate Tb to be conducted in specified areas (not West Coast).

ix. Security of transportation infrastructure and the ability of the network to cope with future industry demand is guaranteed.

Progress to date:

- Replacement of the Arahura rail/road bridge has strengthened the security of the transport network. Arahura Bridge Coalition (representing Westland Milk Products and other local stakeholders) was integral in getting this project underway with strong support from the Council and its Regional Land Transport Committee and Land Transport Strategy which identified the bridge replacement as its number one priority.

- Transport planning opportunities are discussed at the liaison meetings on the Council's Regional Land Transport Strategy including roading infrastructure upgrade priorities relevant to the dairy industry (eg Taramakau Bridge).

x. West Coast Regional Council and Westland Milk Products have established a system of collaborative information sharing, monitoring, reporting and proactive forward planning.

Progress to date:

- WCRC sends WMP the monthly Council Meeting agenda papers and consults with WMP on all RMA plan changes relevant to the dairy industry. WMP provides WCRC with the monthly WMP newsletter.

- WCRC state of the environment monitoring is available to WMP and the next report will specifically address Harris Creek and Orowaiti water quality improvement.

- WCRC advises WMP of compliance investigations underway in respect of dairy farm suppliers. More formal biannual sharing of dairy compliance data will be put in place from 2010 onwards.

- Good liaison at a working level around planning field events, need for providing specific information through newsletters or if issues arise or for clarification. e.g. article in supplier newsletter outlining roles of various agencies and the purpose of their farm visits with respect AsureQuality, WCRC and WMP.

xi. The dairy industry has proactive input into the formulation of regional policy development and planning.

xii. Nationally adopted industry strategies, in particular environmental, animal welfare and biosecurity, are supported.

Progress to date:

- The dairy company and farming community are provided with opportunities to discuss proposed policies and to make formal submissions of policy and plans.

- The Company and the Council worked closely together in finalising the stock crossing policy in 2008.

- The Company is supportive of the Council's proposal to merge its three land and water plans to make plan and rule understanding easier for landowners and other resource users.

- The Company and Lake Brunner farmers have been participating in the Council's review of the regulatory requirements for Lake Brunner farms and understands that the environmental imperatives in that sensitive lake catchment are different to other West Coast locations.

- WMP supports national industry strategies and contributes to discussions and consultation on these. Supports and assists with dissemination of information and works with relevant agencies on these e.g. DairyNZ, NZ Vets Association, DCANZ (Dairy Companies of NZ), Fertiliser Companies. For example: National Dairy Industry Environmental Strategy, Code of Animal Welfare for Dairy Cattle.

- WCRC are submitters on a range of national initiatives, predominantly National Standards and National Policy Statement proposed by the Environment Ministry which will influence regional plan rules and ultimately affect the dairy industry.

xiii. The West Coast dairy industry is highly regarded publicly for its contribution to economic well being and environmental sustainability.

Progress to date:

- The contribution to the economy is reasonably well understood. The updated Butcher Report on Regional and Economic Impacts of Westland Milk Products in 2008 indicates a significant increase in the contribution to the economic wellbeing to the West Coast region over the previous 4 years.

- On the environmental front, dairying nationally is often regarded negatively with predominance of news stories focussing on negative aspects of dairying. This is an area which needs continual improvement and there is the need to ensure that positive news stories are shared with the wider community.

Collaborative Actions

In addition to the above actions WCRC and WMP have been involved in working together on various projects.

Summary of Projects since March 2006:

a. Farm Environment Planning Project in Harris Creek catchment – Kowhitirangi (2007). Farmers would like to see some follow up and regular updates on water quality in the creek.

b. Inchbonnie (Lake Brunner) Catchment Project – National Best Practice Dairy Catchment Project – commenced 2004, continuing
   - Ongoing monitoring water quality, farm monitoring of soils and farm survey
   - New 3 year strand commencing 2010 – development of sustainable management systems – action plans, trial in the 5 Best Practice Dairy catchments.

c. Accumulation and Losses of Nutrients in Dairy Pastures – extension to Solutions to Nutrient Runoff - completed Oct 2009

d. On Farm Dairy Discharge Resource Consent Monitoring Strategy – 2006/07

e. Promotion of AgPAC – baleage wrap recycling – ongoing.

f. Dairy Action Team formerly Regional Action Team – liaison group consisting of representatives from WMP and farmers, WCRC, Department of Conservation, Fish and Game, DairyNZ. Ongoing dissemination and sharing of information, introduction of new tools e.g. enviro walk, effluent tool kit, support and promotion of biodiversity fund (grants to several west coast dairy farms).

g. Improved Biological Control of Ragwort on the West Coast – commenced 2001. West Coast Ragwort Control Trust has ongoing support from WCRC, WMP, and other organisations

h. Joint review of Sustainable Management Funded Farm Plans project in Lake Brunner – April 2010. WCRC and WMP have recently completed a review of the SMF Lake Brunner Farm Plan Project undertaken in 2004 as to effectiveness of the farm plans. Originally this was done under the auspices of the Landcare Trust, who are no longer funded to do this work. The latest results from those who participated in the Lake Brunner project showed 82% completion of planned works. The majority of farmers involved in the review felt that farm plans were a useful management tool.

i. Harris Creek and Orowaiti projects will also be reviewed in the 2010/2011 season (subject to farmer support) using the same approach as the Lake Brunner project review.

The outcomes of the various projects can be found on appropriate websites such as the MAF Sustainable Farming Fund, DairyNZ or dairy company website. Project updates are also provided in the WMP supplier newsletter. The WCRC reports back

on its activities via the "Regional Council News" newsletters and website, monthly public council reports which go to media and others, and 3 yearly state of environment science reports available on council's website.

Summary

The joint agreement remains relevant, and as highlighted there has been considerable progress and improvements made over the 4 years of the agreement. Working together, sharing and utilising expertise, experience and resources is integral in achieving positive and enduring results.

Recommendations

1. Receive this report as an update of information and the activities being undertaken in working towards meeting the goals of the joint agreement.

2. Note that from 2010 a joint brief annual report to the Council and Board will be provided, mid year, which will report on the indicators under each goal or group of goals, to measure progress to achieving targets by 2015.

Chris Ingle

CEO
West Coast Regional Council

Rod Quin

CEO
Westland Milk Products

Working Together

Environmental and Economic Sustainability

March 2006

An Agreement Between

The West Coast Regional Council

and

Westland Milk Products

THE WEST COAST
REGIONAL COUNCIL

Westland Milk Products
NEW ZEALAND

Shared Vision:

"A growing economic and environmentally sustainable dairy industry on the West Coast."

This will be achieved through working together, sharing of resources, the provision of information and the promotion of best management practices.

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Westland Milk Products
NEW ZEALAND

The Agreement

It is agreed as follows:

That the West Coast Regional Council and Westland Milk Products will work together to achieve an economic and environmentally sustainable dairy industry on the West Coast.

1. Purpose:

The purpose is to:

i. Establish an agreement between the West Coast Regional Council and Westland Milk Products to work together on areas where shared strategic goals exist.

ii. Identify those areas where shared goals exist.

iii. Provide a framework for working collectively on the shared goals.

2. The Rationale:

2.1. West Coast Regional Council

The role of the West Coast Regional Council is to promote the sustainable management of our natural and physical resources for the benefit of present and future generations. As caretakers of the land, air, water and coastal environment, the West Coast Regional Council will monitor the environment and where appropriate, limit or control the use of resources. The West Coast Regional Council will plan and liaise with the community to create sustainable resource management policies and priorities, to administer programmes to control declared pests where appropriate, to construct and maintain catchment protection works where appropriate, and to carry out environmental information programmes.

The West Coast Regional Council Mission Statement is:

To work with the people of the West Coast to sustainably manage the environment for the social, cultural and economic well being of present and future generations.

The outcomes within the 2004 West Coast Regional Council Long Term Community Council Plan are:

1. **Economic** Maintenance and growth of population and jobs within the West Coast region.

THE WEST COAST REGIONAL COUNCIL

Westland Milk Products NEW ZEALAND

2.	**Environmental**	Maintenance of the natural character and environment of the West Coast region.
3.	**Social and Cultural**	Maintenance of the distinctive culture and lifestyle contained within the West Coast region.
4.	**Safer Environment**	Protection from flood and other hazards and a safe transport network.

A number of functions and responsibilities within the Plan relate directly to the dairy industry. These include resource management, water quality, pollution control, pest management, air quality, land management and land transport.

2.2 Westland Milk Products

Westland Milk Products is an independently owned co-operative dairy company. The decision to be a stand alone dairy company has ensured the economic and social benefits of the industry are fed back into the local and regional communities.

Westland Milk Products has a 10 year plan for plant development on the Hokitika site with the emphasis on managing milk streams by having available on site a range of plant that can provide greater flexibility as to the products that can be made. This allows the company to respond to customer's requirements and to market influences.

Milk growth is essential to the implementation of this strategy and it is anticipated that milk production will double over this 10 year period. Westland Milk Products recognises that to be an economically sustainable industry over this period of growth and into the future it needs to manage its environmental performance through minimising the impacts of dairying on the environment.

The manufacturing site at Hokitika is registered with ISO 14001: 1996 Environmental Management System which provides a template for managing environmental performance with the key focus being on improvement.

The Westland Milk Products On Farm Environmental Strategy is to promote sustainable dairying on the West Coast and amongst its suppliers. In 2002 the Westland Milk Products Board endorsed the industry wide Environmental and Animal Welfare Guidelines. The company seeks voluntary compliance by the suppliers to the guidelines except where there is a regulatory requirement in which case compliance is mandatory.

The main focus has been on raising awareness, providing information and working towards bridging the gaps between actual and expected management practices. There has also been a focus on supporting locally based research and environmental initiatives and obtaining funding from the various funding agencies.

2.3 Importance of the Dairy Industry to the West Coast Economy

Alongside mining and tourism, the dairy industry is one of the driver industries of the West Coast economy. In recent years dairying has undergone unprecedented growth.

The industry currently comprises 390 farms spread between Karamea in the north to Franz Josef in the south and inland to Springs Junction.

In 2004 dairying generated 13% of the region's added value, 11% of household income and 10 % of the region's employment.

The industry is a catalyst and major contributor to the highest levels of growth the West Coast has experienced since the late 1940's. With strong global demand for milk products and West Coast milk production expected to reach approximately 4 million litres per day in the next 10 years, growth in dairying looks set to continue.

Since deregulation of the industry in 2002 when Westland Milk Products voted to remain independent from the Fonterra merger, the company has moved from being a small manufacturing company within the New Zealand Dairy Board to become one of the 100 largest companies in New Zealand with an annual turnover in 2005 of $229.52m. Westland Milk Products is now a niche market primary industry producer and manufacturer producing premium quality products which are predominantly exported into markets established within 42 countries including South East Asia, North Asia, the Middle East, Europe, Russia, Central and South America and Africa.

With West Coast milk production at record highs, Westland Milk Products has undergone a $70m expansion in 2002 with the addition of new spray drier, energy centre, protein extraction plant, sophisticated packaging facilities, laboratory, research and development facilities, blending facility and administration block extension. In 2003 a $10m AMF (anhydrous milk fat) facility was installed. A further $73m expansion of the factory's protein plant facilities is currently being planned to cater for future growth from the current 70,000 tonnes to the ability to cater for 100,000 tonnes per year.

The company has achieved record historical payouts to shareholders peaking in 2002 at 543.10c/kg milk solids. These payouts have been instrumental in stimulating unprecedented growth in farm conversions, expansions and land development. In the last three years seventeen new dairy farms have been developed, the number of dairy cows has increased by 28% to 125,500, almost 15,000 additional hectares of dairy farmland has been developed and annual milk production has risen by 17% to 412 million litres.

Improved pasture and soil management, feeding systems and improvements in animal management systems are also contributing to increased milk solid production.

2.4 Need for the Agreement

With this growth in the dairy industry has come increased pressure on the environmental performance both at the manufacturing site in Hokitika and in on-farm activities.

Increased herd sizes require adjusting on-farm management practices, with respect to effluent treatment, fertiliser use and stock access to waterways.

The industry recognises that for its future viability it must take responsibility to achieve and maintain acceptable standards of environmental performance in relation to land use and development, water and air quality.

Management of the impact on the environment, particularly water quality, is one of the major issues confronting the industry if it is to achieve further sustainable growth.

Westland Milk Products is undertaking a leadership role in promoting better environmental performance. At the Hokitika manufacturing site the company is continually looking at how it can improve its environmental performance and for example, has taken steps to reduce chemical use, improve water waste discharges, noise and air emissions.

Coupled with being accountable for its own environmental performance, Westland Milk Products must also work to safeguard the "clean green" image on which the dairy industry is marketed. This means taking the lead in ensuring suppliers are meeting both the regulatory requirements and acceptable environmental performance criteria and customer and community expectations.

Environment monitoring is undertaken through the Council's State of the Environment Monitoring process, which assesses trends in environmental quality, detects emerging issues and indicates effectiveness and appropriateness of resource consent conditions.

Working together, the West Coast Regional Council and Westland Milk Products along with other agencies that share common goals can achieve positive and enduring results.

Given the small population base, limited resources available and the geography of the West Coast it makes sense to work together to share resources and expertise.

3. Shared Strategic Goals of the West Coast Regional Council and Westland Milk Products to be achieved by 2015

i. The West Coast dairy industry remains economically successful.

ii. The impact of dairying on the environment is minimised.

iii. Water quality in dairy catchment areas is maintained and enhanced.

iv. Best management practices are adopted by dairy farmers, taking into account the variation between farming systems and geographical location.

v. All farms have managed water margins and any issues arising from run-off and the management of stock and waterways are addressed.

vi. Dairy effluent treatment disposal is managed in line with the Resource Management Act.

vii. Animal Tuberculosis will be eradicated from the Coast by 2013 in line with the National Animal Health Board target.

viii. The West Coast dairy industry meets the requirements of the West Coast Regional and District Plans and the Resource Management Act.

ix. Security of transportation infrastructure and the ability of the network to cope with future industry demand is guaranteed.

x. West Coast Regional Council and Westland Milk Products have established a system of collaborative information sharing, monitoring, reporting and proactive forward planning.

xi. The dairy industry has proactive input into the formulation of regional policy development and planning.

xii. Nationally adopted industry strategies, in particular environmental, animal welfare and biosecurity, are supported.

xiii. The West Coast dairy industry is highly regarded publicly for its contribution to economic well being and environmental sustainability.

4. Collaborative Actions

The West Coast Regional Council and Westland Milk Products will work together to achieve these goals in the following ways:

4.1 Collaborative Projects

The West Coast Regional Council and Westland Milk Products will continue to work together and with other stakeholders on existing projects and new initiatives that promote and enhance the management and sustainability of dairying on the West Coast.

There are a number of projects or initiatives that have been undertaken or are currently underway on the West Coast which involve both Westland Milk Products (company and suppliers) and the West Coast Regional Council plus other stakeholders. These include:

- State of the Environment Lake Brunner Open Water Quality Monitoring
- Lake Brunner Lake Input – Output River Monitoring Project
- Sustainable Dairy Farming in the Lake Brunner Catchment – Farm Stream Monitoring
- Sustainable Dairy Farming in the Lake Brunner Catchment
- Farm Environment Planning in the Orowaiti Catchment
- Inchbonnie (Lake Brunner) Catchment Project
- Solutions to Nutrient Runoff from West Coast Land Conversions
- West Coast Regional Action Team (RAT) Projects including Compliance Field Days and the publications *Clean Streams – A guide to managing waterways on West Coast Farms; A guide to managing Dairy Farm Effluent and Stand-Off Best Management*
- Improved Biological Control of Ragwort on the West Coast
- National Pest Management-Vector Control Management Programme
- Waste Minimisation Project
- West Coast Regional Land Transport Programmes and Strategy

A summary of these projects, their aims and stakeholder partners is listed in Appendix One.

4.2 Co-ordinated Planning

Liaison meetings will be held on a six monthly basis where:

- Current activities/ projects are reviewed and evaluated
- Issues (actual and potential) are discussed
- Priorities for action are established
- Proactive planning is considered and undertaken
- Funding requirements are reviewed and applications for internal/external funding are determined
- Projects are overseen and monitored

Each organisation will provide financial and technical support for projects where appropriate and as able with leverage from other sources being sought.

Key stakeholders will be invited as appropriate.

4.3 Collaboration in Raising Awareness and Dissemination of Information

Both organisations have established communication mechanisms for the dissemination of information to the industry. Where appropriate, shared utilisation of these newsletters, publications and events coupled with joint endorsement of information and projects reinforcing the collective approach will be undertaken. Where required additional joint communications and publication will be prepared and disseminated.

4.4 Board and Council Reporting

An annual report summarising the outcomes from this agreement will be prepared for the West Coast Regional Council and Board of Westland Milk Products. The synergies of the two organisations working together and the benefits of this agreement can be measured and evaluated on a yearly basis through these reports.

5. Signatures to the Agreement

Signed: _____ Date: 30-3-06

Denis Shannahan
Chair, Resource Management Committee
West Coast Regional Council

Signed: _____ Date: 30/3/06

Chris Ingle
Chief Executive Officer
West Coast Regional Council

Signed: _____ Date: 30th March 2006

Ross Scarlett
Chairman
Westland Milk Products

Signed: _____ Date: 30/3/06

Hugh Little
Acting Chief Executive Officer
Westland Milk Products

THE WEST COAST REGIONAL COUNCIL

Westland Milk Products NEW ZEALAND

Appendix One

Open Water Lake Monitoring

Full name: State of the Environment Lake Brunner Open Water Quality Monitoring

Funding sources: West Coast Regional Council with other funding from National Institute of Water and Atmosphere (NIWA), Trustpower

Who is involved: West Coast Regional Council, National Institute of Water and Atmospheric Research

What the project will do: Ongoing project to determine the water quality and trophic status of Lake Brunner and trends over time.

Main contacts: West Coast Regional Council, David Kelly (NIWA)

Status: Data from early and mid 1990s. Project re-started Sept 2003 and ongoing.

Lake Input-Output Monitoring

Full name: Lake Brunner Input-Output river monitoring project

Funding sources: West Coast Regional Council with other funding from National Institute of Water and Atmospheric Research, Ministry for the Environment & Westland Milk Products

Who is involved: West Coast Regional Council, National Institute of Water and Atmospheric Research

What the project will do: One year one-off project to identify the contribution of various major lake tributaries to lake nutrient condition and faecal bacteria concentration. To determine nutrient and faecal bacteria loadings from various land uses to the lake in Orangipuku and Crooked River.

Main contacts: West Coast Regional Council, David Kelly (NIWA).

Status: Project started Sept 2003 and ongoing.

Farm Stream Monitoring

Full name: Sustainable Dairy Farming in Lake Brunner Catchment

Funding sources: Dairy Insight. Part of larger SMF funded project.

Who is involved: Lake Brunner farmers, West Coast Regional Council, NZ Landcare Trust.

What the project will do: Water quality monitoring in farm streams in Lake Brunner Catchment.

Main contacts: Chris Ingle (West Coast Regional Council).

Status: Complete.

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Sustainable Dairy Farming in the Lake Brunner Catchment

Full name:	Sustainable Dairy Farming in the Lake Brunner Catchment
Funding sources:	Sustainable Management Fund (Ministry for the Environment), Dairy Insight, and in-kind from West Coast Regional Council, NZ Landcare Trust, farmers, Westland Milk Products and other organisations. Implementation of works and priorities in farm plans are farmer's expense.
Who is involved:	Lake Brunner dairy farmers, NZ Landcare Trust and West Coast Regional Council.
What the project will do:	The NZ Landcare Trust employed Jan Derks to work with farmers in the catchment to identify and rank nutrient sources likely to reach the lake and then prioritise work needed to prevent that nutrient escape. To monitor the effectiveness of this technique once work has been done. Jan Derks visited all participating farms (mostly dairy but also cattle) and developed Sustainable Farm Plans with the farmers that farmers will implement over time. The management group (Chaired by Katie Milne and also including Dave Marley, Paul Berry, Shelley Washington and Chris Ingle) oversaw the project, and there was also a technical advisory group (includes WMP farm liaison officer).
Background:	Lake Brunner is identified in the West Coast Regional Council's proposed Water Management Plan as a special management area, and the Plan proposes to work with farmers in the catchment through non-regulatory methods.
Main contacts:	Chris Ingle (WCRC), Shelley Washington (NZ Landcare Trust) and farmers Katie Milne, Paul Berry, Dave Marley (who form the management group). Katie Milne is the Chairperson of the management group.
Status:	One year project started 1 July 2004. Completed June 2005. Will be follow-up.

Farm Environment Planning in the Orowaiti Catchment

Full name:	Farm Environment Planning in the Orowaiti Catchment
Funding sources:	Sustainable Management Fund (Ministry for the Environment), The West Coast Development Trust, and in-kind from Orowaiti farmers, West Coast Regional Council, Buller District Council, NZ Landcare Trust, Westland Milk Products and other organisations and individuals.
Who is involved:	Orowaiti dairy farmers, West Coast Regional Council, Buller District Council, NZ Landcare Trust, Management Group, Technical Advisory Group (including Westland Milk Products farm liaison officer).
What the project will do:	Establish a management group; complete sampling of waterways in the catchment to establish the relative contribution of contaminants in each part of the catchment; establish a technical advisory group; gather information and obtain new aerial photographs and geo-reference and ortho-correct these; complete farm environment plans with each farm in the Orowaiti Lagoon catchment which involves identifying sources of nutrient escape and prioritising actions, specifically designed for each property and its requirements; publicise project to farmers and other interested parties. Jonny

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Horrox is doing the waterway sampling. Jan Derks is doing the field work and farm plans with the farmers. The management group (made up of farmers – Gerald Hateley, Johnny Reedy, Michael Durkin, John Milne, Jonny Horrox of WCRC, Terry Archer of Buller District Council, and Shelley Washington of NZ Landcare Trust) will oversee the project, and there is also a technical advisory group.

Background: Orowaiti Lagoon is the second priority catchment after Lake Brunner for the West Coast Regional Council and the first priority for Buller District Council. WCRC's proposed Water Management Plan proposes to work with farmers in the catchment through non-regulatory methods.

Main contacts: Jonny Horrox (WCRC), Shelley Washington (NZ Landcare Trust).

Status: One year project started 1 July 2005.

Inchbonnie Catchment Project

Full name: The Inchbonnie (Lake Brunner) Catchment Project

Main funding source: Dairy Insight, Sustainable Farming Fund

Who is involved: Inchbonnie farmers (Spokesperson Mrs Rosalie Shaffrey), Westland Milk Products, West Coast Regional Council, NIWA, AgResearch, Dexcel, Ballance and Dairy InSight.

What the project will do: This project will contribute to greater understanding of the environmental impact of dairying on the West Coast. It looks at the relationships between land management practices and water quality with the aim of clarifying the current at the current situation and looking at realistic and practical means of mitigating or reducing impacts where they exist. What is learnt here will be applicable to other farms in the region.
Year 2 has funding from SFF and Ballance which will go into looking more closely at nutrient management systems for high rainfall areas. This includes quantitative evaluation of economic and environmental costs and benefits of a range of standoff feeding pad systems, measurement of effectiveness of nitrification inhibitor and identifying the sources of key nutrients (N and P).

Background: The Best Practice Dairying Catchments for Sustainable Growth Project was an initiative set up by the dairy industry to integrate environmentally sound practices into dairy farming. This was done in response to the increasing intensification of dairying and is jointly funded by the Dairy Industry and Sustainable Farming Fund and supported by Regional Councils, Dexcel, and research providers. The four pilot catchments involved were located in the Waikato, Taranaki, Canterbury and Southland. This project is about ensuring the future of the dairy industry by applying sustainable economic, social and environmental principles and management practices.

Main contact: Sue Cotton (Westland Milk Products)

Status: Project started in June 2004. It is a three year project.

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Solutions to Nutrient Runoff

Full name: Solutions to Nutrient Runoff from West Coast Land Conversions

Main funding source: Sustainable Farming Fund

Who is involved: A working/applicant group: farmers in the Lake Brunner catchment (Katie Milne, Joe Keeney, Dave Marley, Gary Graham, Paul Berry, Jason & Rachel Marley, Frank Brenmuhl), NZ Landcare Trust staff, NIWA staff, Westland Milk Products, Department of Conservation, West Coast Regional Council, Dexcel. Most of these individuals and organisations are making either in-kind and/or funding contributions.

What the project will do: (1) Determine the effects of Humping & Hollowing land management on nutrient runoff; (2) Provide practical solutions for mitigating nutrient runoff; (3) Interact with farmers to assess the social and economic costs and benefits of H&H land conversions (interviews).

Main contacts: Shelley Washington (NZ Landcare Trust), Catherine Chague-Goff (NIWA)

Status: Project started 1 Nov 2003, completion date: 30 June 2006.

West Coast Regional Action Team Projects

Includes dairy farmers and representatives from Westland Milk Products, West Coast Regional Council Dexcel, Federated Farmers, Fish & Game, and Landcare Trust. Regional Action Teams exist to help and support dairy farmers to achieve their personal and industry environmental and animal welfare goals, focusing on supporting dairy farmers to meet environmental guidelines. This is co-ordinated by the Dexcel Farm4 Tomorrow team. The following four projects have been initiated as Regional Action Team Projects.

1. Compliance Field Days

Full name: West Coast Regional Council and West Coast Regional Action Team Compliance Field Days

Funding sources: West Coast Regional Council

Who is involved: West Coast Regional Council, West Coast Regional Action Team.

What field days involve: WCRC lets farmers know what will be assessed during compliance visits. There is discussion and information sharing about effluent systems, standoff pads, waterways etc. Fish and Game provide electric fishing demonstrations to show what is living in the stream,

Status: Began in 2002, ongoing.

2. Clean Streams Booklet

Funding sources: Dexcel, Ministry for the Environment, Westland Milk Products

Who is involved: West Coast Regional Action Team

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What the booklet contains: Based on Environment Waikato's "Clean Streams" booklet and adapted for the West Coast. This is a guide to managing waterways on the West Coast.

Status: Completed and available.

3. A Guide to Managing Dairy Farm Effluent

Funding sources: Dexcel and Ministry for the Environment, Westland Milk Products

Who is involved: West Coast Regional Action Team

What the booklet contains: Management guidelines on all aspects of effluent management.

Status: Completed and available.

4. Stand-off Best Management Project

Funding source: Sustainable Farming Fund

Who is involved: Dexcel Farm4 Tomorrow, Environment Waikato, Auckland Regional Council, Fonterra Research and AgResearch.

What the project will do: Develop a best management practice guide about effluent and the animals ' welfare while standing off. Information delivered to farmers through a series of field days.

Main contact: Anna Lambourne (Dexcel)

Status: This is a 3 year nationwide project, started in January 2004. Field days were held on 4 West Coast farms in November 2005, involved local dairy farmers and presentations from Regional Council.

Ragwort Control Project

Full name: Improved Biological Control of Ragwort on the West Coast

Funding sources: Sustainable Farming Fund, The West Coast Development Trust, West Coast Regional Council, farmer donations, Westland Milk Products, Department of Conservation, Transpower Landcare Trust Grants Programme, Forest & Bird (West Coast branch), FITT (Meat & Wool New Zealand Ltd). Brian Mason Scientific & Technical Trust will be providing funding post current project.

Who is involved: West Coast Ragwort Control Trust, Landcare Research Ltd, NZ Landcare Trust, IWM Consultancy.

What the project will do: Find out where ragwort flea beetles are present and absent (complete); study the biology and densities of ragwort plants and the ragwort flea beetle (completely); apply to bring two new biological control agents (2 moths) into containment from Tasmania (complete); import these new agents and do host

testing (complete); apply to ERMA for release (complete); mass rear at least one agent and make as many releases to farms on West Coast properties as possible; and share information and training on how to manage biological control agents and manage pasture to reduce ragwort. West Coast Ragwort Control Trust is also investigating compatible chemicals and has added this as an extension to the overall project with funding from FITT and SFF (complete). This work was done by IWM Consultancy.

Main contacts: Johno O'Connor, Hugh Gourlay, Shelley Washington.

Status: Project started 1 May 2003, completion date 30 June 2006.

National Pest Management – Vector Control Management Programme

Funding Source: The Animal Health Board and West Coast Regional Council

Who is involved: The West Coast Regional Council and the West Coast Animal Health Committee.
The Animal Health Board is the Management Agency under the Biosecurity (National Bovine Tuberculosis Pest Management) Order 1998. Under the Order it is the agency responsible for the implementation of the National Bovine Tuberculosis Pest Management Strategy (NPM Strategy).
Westland Milk Products also supports this project and the national industry strategy framework target to achieve Tb free status by 2013. The dairy industry is well represented on the West Coast Animal Health Committee which is the local representative on the Animal Health Board.

What the project will do: The Animal Health Board and the West Coast Regional Council have entered into a contract for the Council to provide Vector Control Management Services and implement Vector Control activities within the Region.

Westland Milk Products promotes the programme via the supplier newsletter and through the submissions process.

Main contact: Andrew McAllister, West Coast Regional Council

Status: This is an ongoing project under the 10 year Animal Health Board Pest Strategy

Waste Minimisation Project

Funding sources: The four West Coast Councils and the Ministry for the Environment (MfE)

Who is involved: Westland Milk Products and West Coast Regional Council

What the project will do: Westland Milk Products is starting to work closely with the West Coast Regional Council's Waste Minimisation Co-ordinator both at the manufacturing site to investigate options for the reduction of waste and recycling of packaging materials and to manage waste generated on farms.

Main Contacts: Gill Pontin, West Coast Regional Council West Coast Waste Minimisation Officer

Status: A year by year project based on MfE funding granted.

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NEW ZEALAND

West Coast Regional Land Transport Programmes and Strategy

Funding Sources: Transfund, West Coast Regional Council, Territorial Authorities, Industry Stakeholders

Who is involved: West Coast Regional Land Transport Strategy comprising:
Bert Waghorn (Buller District Council), Wayne Moen (Grey District Council), Kerry Eggeling (Westland District Council), John Clayton (West Coast Regional Council), David Stapleton (Port of Greymouth), Neil Campbell (NZ Railways Corp), Dennis Roberston (Land Transport NZ), Peter Goodwin (New Zealand RTA), Malcolm White (Regional Road Safety Co-ordinator), Colin Knaggs (Transit New Zealand), Warren Gilbertson (West Coast Development Trust), Neil Bennett (Land Transport NZ), Francis Small (Toll Rail), Rick Barber (Te Runanga o Ngati Waewae), Paul Wilson (Te Runanga o Makaawhio)

What the project will do: The West Coast Regional Council is responsible for preparing the West Coast Regional Land Transport Strategy for purposes of achieving an integrated, safe, responsive and sustainable land transport system. It also has responsibility for preparing the Annual Regional Land Transport Programme to secure Transfund funding into the development of regional transport infrastructure.

The needs of the dairy industry are supported in this planning. A new road bridge across the Arahura River is one of the highest priorities within the plan. Road upgrades, passing bay, bridge and stock effluent projects and ensuring rail capacity for dairy products are also amongst work that is being funded through the plan.

Main Contact: Nichola Costley, West Coast Regional Council.

Status: Under the Land Transport Act 1998 and the Land Transport Management Act 2003 the Regional Land Transport Committee must prepare a Regional Land Transport Strategy and prepare and Annual Report on the Strategy. It must also prepare and submit an Annual Regional Land Transport Programme to Transfund.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
Prepared by: Colin Dall - Consents & Compliance Manager
Date: 2 September 2010

Subject: CONSENTS MONTHLY REPORT

CONSENTS

Consents Site Visits from 28 July – 31 August 2010

DATE	ACTIVITY, NAME & LOCATION	PURPOSE
27/7/10	PA10037 – J Boyes, Onsite wastewater discharge, Welshmans Road	To inspect the proposed discharge site.
18/08/10	Whitebait stand marking, Taramakau River	To mark locations of whitebait stands on the river.
19/08/10	Whitebait stand marking, Hokitika River	To mark locations of whitebait stands on the river.
20/08/10	RC10183 – Ridgeback Enterprises Ltd, Alluvial gold mining, Taramakau	To view the site, help determine any impacts and affected parties.
25/08/10 & 26/08/10	Whitebait stand marking, Wanganui & Haast Rivers	To mark locations of whitebait stands on the rivers.
30/8/10	PA10035 – G Wilson, Onsite wastewater discharge, Shellback Road, Atarau	To talk with the applicant regarding the requirements for an onsite sewage discharge consent application.
31/08/10	Whitebait stand marking, Wanganui River	To mark locations of whitebait stands on the river.

Non-Notified Resource Consents Granted from 28 July – 31 August 2010

CONSENT NO. & HOLDER	PURPOSE OF CONSENT
RCN98104 R & A Knight	To disturb the bed of Orwell Creek associated with the removal of vegetation and gravel ("creek channel improvements").
RC09001 G & J Powell trading as Coastal Constructors	To disturb the dry bed of the Grey River near the Cobden Rail Bridge for the purpose of extracting gravel.
RC10070 Ray Thomas	To undertake earthworks associated with alluvial gold mining activities at Ross. To take and use surface water from the "Ross Pit lake" for alluvial gold mining activities. To discharge sediment-laden water to land in circumstances where it may enter water in the "Ross Pit lake".
RC10088 LK Harvey	To discharge dairy effluent to land and water (an unnamed tributary of Giles Creek) near DS789, Sergeants Hill.
RC10100 M & R Syron	To discharge dairy effluent to land and water (Kiwi Creek) near DS806, Waimangaroa.
RC10101 M & R Syron	To disturb the bed of Kiwi Creek for the purpose of placing (installing) a culvert.
RC10112 McKay Mining Ltd	To undertake earthworks associated with alluvial gold mining and associated activities at Maruia Valley.

	To undertake vegetation disturbance associated with alluvial gold mining and associated activities at Maruia Valley.
	To take and use surface water within the area covered by MP52480 for alluvial gold mining activities at Maruia Valley.
	To discharge sediment-laden water to land in circumstances where it may enter the Maruia River and its tributaries.
	To discharge water containing contaminants (sediments from an alluvial gold mining operation) to the Maruia River via treatment ponds.
RC10128 Hokitika Gorge Holdings Ltd	To disturb the bed of Doctor Creek for the purpose of erecting a bridge.
RC10146 Graham Smith	To disturb the dry bed of the Taramakau River downstream of the State Highway 6 Bridge for the purpose of extracting gravel.
RC10147 Westland Excavation Ltd	To disturb the dry bed of the Taramakau River near Inchbonnie for the purpose of extracting gravel.
RC10148 New Zealand Railways Corporation trading as KiwiRail	To disturb the bed of West Creek for the purpose of replacing Rail Bridge 108, Te Kuha.
	To disturb the riparian margins of West Creek for the purpose of replacing Rail Bridge 108, Te Kuha.
	The incidental discharge of sediment to West Creek associated with replacing Rail Bridge 108, Te Kuha.
	To undertake the temporary diversion of West Creek for the purpose of replacing Rail Bridge 108, Te Kuha.
RC10160 Transpower New Zealand Ltd	To construct rock protection works (spurs and rip-rap) on the bed and banks of the Inangahua River and Landing Creek.
	To divert water off rock spurs in the Inangahua River and Landing Creek.
RC10161 G Shearer	To discharge dairy effluent to land and water (Harold Creek) near DS111, Harihari.
RC10162 Blue Spur Trustee Company Ltd	To undertake earthworks (bulk sampling) associated with alluvial gold exploration at Waimea.
	To take and use surface water from an old mining pond associated with alluvial gold exploration at Waimea.
	To discharge sediment-laden water to land and water (an old mining pond) at Waimea.
RC10163 Franz Josef Glacier Guides Ltd	To relocate gravel to block off a flood channel and bund and raise a section of walking track, Waiho River.
RC10164 Meadowflower Holdings Ltd	To take and use surface water from the Blue Grey River for hydro electricity generation, Springs Junction.
	To divert water from the Blue Grey River for hydro electricity generation, Springs Junction.
RC10167 Mattridge Ltd	To discharge dairy effluent to land where it may enter groundwater near DS144, Harihari.
RC10173 Pike River Coal Ltd	To undertake earthworks for the purpose of constructing a wastewater polishing pond, Pike River Coal Mine.
RC10177 KJ & FL Eggeling	To undertake earthworks (digging trenches) to bury water logged top soil and vegetation to improve drainage, Okuru.
RC10180 Westland Contractors Ltd	To disturb the dry bed of the Waiho River for the purpose of removing gravel.
RC10185 Pike River Coal Ltd	To discharge contaminants to land where they may enter water via seepage from a wastewater polishing pond, Pike River Coal Mine.

Changes to Consent Conditions Granted from 28 July – 31 August 2010

CONSENT NO. & HOLDER	CHANGE TO CONSENT
RC94073 Holcim (New Zealand) Ltd Westport	To change discharge limits for discharges to air from cement kiln stacks at Cape Foulwind Cement Works.
RC02260 Phoenix Mining Ltd & Phoenix Gold Ltd Notown Road	To change restricted mining areas and buffer areas near gold mining activities.
RC04047 Holcim (New Zealand) Ltd Westport	To change monitoring conditions to bring them into line with the main air discharge consent for the Cape Foulwind Cement Works (Resource Consent RC94073).
RC08088 Amethyst Hydro Ltd Wanganui River	To changes conditions allowing relocation of settling ponds and staging area for the Amethyst Hydro Power Scheme.
RC09031 Henry Adams Contracting Ltd Hou Hou Creek	To amend conditions allowing relocation of settling ponds for the gold mining operation.
RC10060 West Coast (Dairy) Ltd Maruia River	To changes locations of water intakes associated for a micro hydro electricity generation system.

Limited Notified or Notified Resource Consents Granted from 28 July – 31 August 2010

CONSENT NO. & HOLDER	PURPOSE OF CONSENT
RC10064 West Coast West Coast NZ Ltd	To disturb the Coastal Marine Area for the purpose of removing selected schist and quartz stones. (Between Waitaha and Mikonui Rivers)

Notified Consents Update

Evidence was exchanged for the upcoming Environment Court hearing for the outstanding matters relating to the appeals on the consents granted to TrustPower for its proposed Arnold Valley Hydro Power Scheme. J Groome has agreed to abide by the Court's decision and withdrawn from the remaining proceedings.

Public Enquiries

54 written public enquiries were responded to during the reporting period. 43 (79.6%) were answered within a day, 7 (13.0%) within two days, and the remaining 4 (7.4%) no more than 10 working days later.

RECOMMENDATION

That the September 2010 report of the Consents Group be received.

Colin Dall
Consents & Compliance Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
Prepared by: Colin Dall – Consents & Compliance Manager and Michael Meehan – Compliance Team Leader
Date: 6 September 2010
Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

Site Visits

A total of 69 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits	Fully Compliant (%)
Resource consent monitoring	24	92
Dairy shed inspections	18	78
Complaint response*	11	35
Mining compliance & bond release	10	60

*Note that some of the complaint response visits were to mining sites.

Specific Issues

Dairy Effluent Discharges: Compliance staff undertook inspections of remedial works required to improve effluent discharges, and at the request of farm owners who required advice regarding effluent management. Staff will continue with this work and respond to any issues as they arise.

Westport Wastewater Treatment Plant (WWTP) – Buller District Council: As required, Buller District Council supplied a report detailing the steps taken to prevent any further discharges of partially treated effluent to the Buller River.

Mitigation measures include using a more efficient polymer, reduction of sludge via a higher RAS (Return Activated Sludge) pump rate, extended aeration periods, and additional testing to allow better monitoring of trends.

Pike River Coal Mine - Pike River Coal Limited (PRCL): The Council was notified of a discharge of coal fines to a drain which discharges to Big River. A Compliance Officer inspected the site and the Council is waiting for a report on the discharge from PRCL environmental staff. The discharge did not appear to have had any noticeable effects on the Big River at the time of inspection.

Stockton Opencast Mine: Stockton Alliance staff notified the Council of two non compliant discharges affecting the Mangatini and St Patrick Streams. A combination of heavy rainfall and dirty water seeps below water management infrastructure were thought to be the cause of these non compliances. Compliance staff undertook a visit to Stockton to view the areas identified as causing the non compliant discharges to Mangatini Stream.

The Stockton Alliance had commenced work on repairing a drain that carries contaminated stormwater from the Coal Handling and Processing Plant (CHPP) to water management infrastructure downstream. This drain had breached and was contributing to the seep into Ford Creek below the sediment retention dam.

Stage Two of the repair works involves directing the drain into Ford Creek Dam to remove any sediment before it is discharged to the Mangatini Stream.

Complaints/Incidents between 30 July and 1 September 2010

The following 32 complaints/incidents were received during the reporting period:

Activity	Description	Location	Action/Outcome
Earthworks	Sediment discharge from neighbouring property	Awatuna	Warning issued and remediation work required
Dairying	Cows stood off near waterway in contravention of relevant rules	Waimangaroa	Remediation work and resource consent required
Dairying	Cows stood off near waterway in contravention of relevant rules	Te Kuha	Farmer required to cease using area
Mining	Sediment discharge from mining operation	Fox Creek	Water discoloured, but within consent limits
Dairying	Cows stood off near waterway in contravention of relevant rules	Karamea	Remediation work and resource consent required
Dairying	Cows stood off near waterway in contravention of relevant rules	Karamea	Remediation work and resource consent required
Riverworks	Complaint regarding illegal riverworks	Granite Creek, Karamea	No consent non-compliance established
Dumping	Sheep dumped in drain	Birchfield	Dumper required to remove sheep and dispose of in a compliant manner
Mining	Sediment discharge from mining operation	Ross	Water discoloured, but within consent limits
Vegetation clearance	Complaint regarding vegetation clearance	Taylorville	Issue resolved without Council involvement
Mining	Sediment discharge from mining operation	Reefton	Water discoloured, but within consent limits
Dairying	Cows stood off near waterway in contravention of relevant rules	Little Wanganui	Remediation work and resource consent required
Gravel extraction	Gravel taken leaving large holes	Taramakau River	Contractor required to remediate site
Dairy effluent	Stock underpass causing effluent run off to creek	Harihari	Working with farmer to best practice guidelines
Offal dumping	Offal and rubbish dumped at parking area on Coast Road	17 Mile	Offender found and required to remove material
Unknown discharge	White substance discharged to storm water system likely to be paint	Hokitika	Unable to trace back to source
Coal mining	Non compliance at St Patrick Stream	Stockton	Heavy rainfall and dirty water seeps caused problem
Coal mining	Non compliance at Mangatini Stream	Stockton	Heavy rainfall and dirty water seeps caused problem
Burning rubbish	Neighbour complains regarding burning plastic and household rubbish	Cobden	Required to cease activity
Dumping hard fill	Contractor disposing hard fill	Grey River	Consented activity
Concrete dumping	Small amount of concrete disposed of near riverbed	Canoe Creek	Unable to trace back to offender
Mining	Boundary issues regarding mining operation	Rimu	Civil matter works covered by the resource consent

Composting	Complaint regarding composting operation	Hokitika	Not substantiated
Humping & hollowing	Run off of water causing flooding concerns	Stafford	Will work through with neighbouring parties
Works in CMA	Small amount of concrete placed in CMA	Orowaiti Lagoon	Minor works, resolved with landowner
Odour	Bobby calves stored on property causing offensive odour beyond boundary	Karamea	Required to cease operation
Sand extraction	Complaint regarding sand extraction on beach	Fairdown	Council keeping close watch on area
Septic tank	Complaint regarding potential effects of proposed new site	Jacksons Bay	Assessing matter with Westland District Council
Coal mining	Coal fine discharge to drain where it may enter waterway	Pike River	Council inspected site and awaits report from Pike River staff
Milk tanker	Milk tanker crashed	Nelson Creek	Milk spill to land sloping away from waterway
Black sand mining	Concern over disturbance of penguin habitat	9 Mile	Activity complies however miner made aware of concerns
Dumping	Concrete dumped in riverbed	Haast	Contractor required to remove material

Formal Enforcement Action

The following 3 infringement notices were issued during the reporting period:

Activity	Location
Contravention of an abatement notice (dairy effluent discharge)	Cronadun
Discharge of sediment to water (mining)	Hou Hou Creek
Discharge of effluent to water (dairy effluent)	Kokatahi

MINING

Work Programmes

The Council received the following 2 work programmes during the reporting period, both of which were processed within the 20-day target by the end of the reporting period:

Date	Mining Authorisation	Holder	Location
12-Aug-10	RC10061	Iron River Company Ltd	*New River*
10-Aug-10	RC10112	McKay Mining Ltd	Maruia Valley

Bonds Received & Bond Releases

Bonds received:

Mining Authorisation	Holder	Amount
RC10061	Iron River Company Ltd	$6,000
RC10112	McKay Mining Ltd	$10,000

Bonds recommended for release:

Mining Authorisation	Holder	Amount
RC94094	Wayne Hassan	$15,000

The bond holder has obtained a new consent to mine the site. The bond will effectively be 'transferred' from the old consent to the new consent.

OIL SPILL RESPONSE

Council staff attended a Regional Council workshop in Whangarei.

RECOMMENDATION

1. *That the September 2010 report of the Compliance Group be received.*
2. *That the bond held against RC94094 under the name Wayne Hassan be released.*

Colin Dall
Consents & Compliance Manager

COUNCIL MEETING

THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that an **ORDINARY MEETING** of the West Coast Regional Council will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Greymouth on **Tuesday, 14 September 2010** commencing on completion of the Resource Management Committee Meeting.

A.R. SCARLETT
CHAIRPERSON

C. INGLE
CHIEF EXECUTIVE OFFICER

AGENDA NUMBERS	PAGE NUMBERS		BUSINESS
1.			**APOLOGIES**
2.			**PUBLIC FORUM**
3.			**MINUTES**
	1 - 4	3.1	Minutes of Council Meeting 10 August 2010
4.			**REPORTS**
	5	4.1	Planning and Environmental Manager's Report on Engineering Operations
	6	4.2	Corporate Services Manager's Report
	7	4.2.1	Annual Report for the Year to 30 June 2010 (Unaudited)
5.			**CHAIRMAN'S REPORT (VERBAL)**
6.0	8		**CHIEF EXECUTIVE'S REPORT**
7.			**GENERAL BUSINESS**

3.1

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL HELD ON 10 AUGUST 2010, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.28 A.M.

PRESENT:

R. Scarlett (Chairman), P. Ewen, A. Robb, T. Archer, D. Davidson, B. Chinn, A. Birchfield

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), S. Moran (Planning and Environmental Manager), C. Dall (Consents and Compliance Manager), T. Jellyman (Minutes Clerk), The Media

1. APOLOGIES:

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3. CONFIRMATION OF MINUTES

Moved (Archer / Robb) *that the minutes of the Council Meeting dated 13 July 2010, be confirmed as correct.*

Carried

Matters arising

There were no matters arising.

REPORTS:

4.1 PLANNING AND ENVIRONMENTAL MANAGER'S REPORT ON ENGINEERING OPERATIONS

S. Moran spoke to his report and took it as read. He advised that substantial amounts of rock from the Inchbonnie quarry have been used recently for contracts in the Inchbonnie Rating District.
S. Moran drew attention to the finalised dates for the annual rating district meetings. Cr Chinn asked that the options for rock supply in the Harihari area for the Wanganui Rating District could be worked through before the rating district meeting in this area.

Moved (Ewen / Davidson) *that the report be received.*

Carried

5.1 CORPORATE SERVICES MANAGER'S REPORT

R. Mallinson spoke to his report advising that this is the provisional full 12 month financial results for the year. He advised that the total operating expenditure excluding the Greymouth Floodwall Upgrade is just over $9M and total operating revenue was just under $10M. The operating surplus before the Greymouth Floodwall Upgrade cost is $962,000 with the total completed costs for the upgrade being $3.296M. R. Mallinson reported that the Investment Portfolio showed a return of $873,850 for the 12 months which more than recovers the losses in the 2008 / 2009 years. R. Mallinson advised that he is

now focusing on completing the 2010 Annual report for Audit NZ. Their audit is scheduled to start in early September. R. Mallinson reported on the use of the Council Seal during the reporting period.

Moved (Archer / Chinn) *that this report be received.*

Carried

5.1.1 12 MONTH REVIEW – 1 JULY 2009 – 30 JUNE 2010

R. Mallinson spoke to this report and offered to answer any questions from Council. Cr Archer asked if there is any intention to include some sort of additional performance measure to comply with the discount regulation provisions. Cr Scarlett stated that it is not in this report yet as the discount regulations are a new initiative. Cr Archer asked if there is a performance mechanism being considered for future reporting. C. Dall stated that these are Annual Plan targets and there will be an opportunity to review these in the next round of the Annual Plan review. C. Ingle suggested a financial reporting system could be implemented that compliments the current "percentage completed" reporting system to show if there has had to be any discounts paid out. R. Mallinson confirmed that this sort of reporting system could be put in place. Cr Ewen feels that Council has been a little tough on its self describing the performance target of holding two public meetings for the Regional Transport Committee as not achieved, as the outside agencies involved did not provide the necessary information to progress these meetings. Cr Scarlett agreed with this as the meeting would have been held if the information had of been to hand. Cr Archer suggested adjusting the performance target for next year to cover this. Cr Archer congratulated staff on their efforts in a good report. Cr Scarlett was in agreement.

Moved (Archer / Robb) *that this report be received.*

Carried

6.0 CHIEF EXECUTIVES REPORT

C. Ingle spoke to his report advising that he attended the Environmental Court in Christchurch for the second Land and Riverbed Plan Wetlands hearing on the 9th and 10th of June. He also attended an IT workshop for Shared Services in June and the Mayors and Chairs Forum in June.
C. Ingle reported that he attended an Envirolink Governance meeting in Wellington on the 29th of July. He advised that this group directs funding we get from government for science funding, this group also ran a science road show, which visited us on the 4th of August. Staff members discussed priorities for science research for the West Coast region with NIWA and Landcare Research, GNS and ESR scientists. C. Ingle advised that the priorities that were noted were Lake Brunner science, natural hazards (with flooding and coastal erosion) mine site rehabilitation and subdivision developments. C. Ingle stated that this was a very good day.
Cr Chinn asked C. Ingle how he felt the wetlands hearing went. C. Ingle responded that it went well but he has not heard anything back apart from an email from our lawyer. C. Ingle stated that we are now waiting for the court to come back with a decision on what is ecologically significant in the region. He stated that the court has now had a good discussion with the Ecologists after the second hearing and now seem to have a much more balanced view. Cr Birchfield asked who the ratepayers were that C. Ingle met with earlier in the month and what were their concerns. C. Ingle stated that he would not name the people but their concerns were the affects of mining on the Waimea Creek and surrounding catchment. C. Ingle stated that this was a useful meeting.

Moved (Davidson / Chinn) *that this report be received.*

Carried

7.0 CHAIRMANS REPORT (VERBAL)

The Chairman reported that he has fielded quite a few telephone calls regarding the 1080 debate. Cr Scarlett attended the LGNZ AGM and conference in Auckland. He stated that there was a huge amount of discussion on the Auckland Super City issue. He advised that the Lord Mayor of Brisbane was in attendance and he spoke of the impact that coal and mining has had on this city. Cr Scarlett commented that it has been the energy sector that has built up this city. Cr Scarlett attended the Regional Affairs Committee meeting during the reporting period. He advised that there has been a lot of concern with the future of regional councils and the prospect of being merged with the EPA. Cr

Scarlett stated that it was noted that regional councils have a lot to offer in terms of freshwater and environmental knowledge and experience in their regions. He stated this needs to be put out there for the benefit of New Zealand and it is important that the profile of regional councils is lifted. Cr Scarlett reported that a draft strategic position discussion paper on freshwater management was put forward. Cr Scarlett stated that it is important that regional councils assist with the molding of policy for this as we have a lot to offer in this area. Cr Ewen drew attention to the high number of community boards in Auckland and stated that this will be problematic. Cr Ewen stated that he would be most concerned if regional councils were merged with EPA's. C. Ingle stated that Mr Guy Salmond who was one of the speakers at the Freshwater Conference that he attended in February, visited this council recently. C. Ingle advised that Mr Salmond had been a strong supporter of merging regional councils with the EPA but is now making an effort to become better informed of issues relating to regional councils.

Moved (Scarlett / Archer) *that this report be received.*

Carried

GENERAL BUSINESS

Cr Birchfield stated that he wishes to make further comments relating to council resolving not to process the consent for New River / Saltwater Creek under emergency works. Cr Birchfield feels that council's refusal to act on a matter of potential flooding may come back on council if there is a flood and lives and or property is lost. Cr Birchfield feels this problem has been around for sometime and nothing has been done. Cr Davidson stated that if an emergency is obvious then the works could be implemented. Cr Archer is unsure whether Cr Birchfield is aggrieved with the outcome or if Cr Birchfield would rather discuss this further in an open forum. Cr Archer stated he would be happy to discuss this and the report relating to this in an open forum. Cr Birchfield feels that council should have made provision to let this water go in case there is a flood in the coming months rather than waiting to get the rain. Cr Robb stated that he takes issue with Cr Birchfield's comments that nothing as been done, as council has instigated public consultation, council has arranged for a report to be done on this area and has taken the necessary steps needed to begin to address this problem. Cr Robb stated that there are a considerable number of other areas on the West Coast that have had similar issues to New River / Saltwater Creek and they have been dealt with in the correct way. Cr Robb noted that there have been rating districts set up in the past to address local issues. Cr Archer stated that he would prefer that the report concerning this area is discussed in the open forum as there is nothing is the report indicating that it needs to be held in the confidential part of the meeting.
(Note: This matter was on the agenda as a workshop item).

Moved (Archer / Ewen) *that the report regarding the options for New River / Saltwater Creek be moved to the open forum of this meeting.*

Carried

Cr Scarlett stated that currently we are hamstrung legally, as the opening of the mouth is not an emergency. Cr Scarlett advised that if we did this without consent council would be in breach of its own statute. Cr Scarlett stated that this would not be a good look as we ping other people for breaking the rules. Cr Birchfield stated that this is an exaggeration and council should not sit back and wait for a flood. Cr Scarlett advised Cr Birchfield not to put a guilt trip on him. Cr Scarlett stated that council would be acting illegally if they did what Cr Birchfield suggests when there is no emergency. Cr Scarlett reminded Cr Birchfield that council couldn't break the rules, that we need to set an example and cannot be cavalier about statues as we are a statutory body. Cr Archer advised that there is some case law on this matter called immediacy and urgency. Cr Archer read to the meeting from the Act; "the law requires both immediacy and urgency for remedial works before the emergency powers provision is available. The disposal of sewage sludge on a golf course did not constitute emergency works when the council had known of the pending disposal problem for some considerable time". Cr Archer stated that this is exactly the same basis right now, we know there is an issue, everybody agrees that there is an issue that needs to be addressed but by proceeding down the pathway of some emergency, one of the things that Cr Birchfield is doing is depriving the community from having input and a say in the matter. Cr Archer drew attention to the Council engineer's report with three options, the previous report from Graeme Smart and council has already agreed to embark on a process of engaging the community into this. Cr Archer stated that W. Moen's report has a number of options and one of them is to do nothing. Cr Archer stated that to have meaningful outcome to this discussion then you would need to proceed down one of the paths mentioned in the report. Cr Archer stated he would be very reluctant to deprive the community of input into this as there is no immediacy or urgency or any infrastructure that the council or any utility operator has. Cr Archer noted that this has been put to the

vote in the previous meeting and it was voted down in the previous meeting. Cr Scarlett agrees that it is important that the community is consulted. S. Moran advised clarified to the meeting some of the points in W. Moen's report and noted that this report was put together as a follow up to Graeme Smart's report. S. Moran read out the various options to the meeting. S. Moran stated that W. Moen's report is very much a preliminary report, there are no costings in the report and it requires greater detail. S. Moran advised that there have been discussions with the local community over the past two years; there has not been any interest from the community to form a rating district. He stated that if a rating district is formed then the rating district pays for any works done. S. Moran stated that Mr Sutherland's (GDC) approach is more temporary approach and far less costly. He stated that it is unclear if the more permanent options would prevent the river from coming further north. S. Moran clarified that if the river blocked up tomorrow and Grey District Council felt that some of their infrastructure was at risk then they would be entitled to look at the emergency provisions and open up the mouth. S. Moran stated that there is nothing stopping anyone from applying for a resource consent to cut a channel through this area. Cr Scarlett asked why doesn't Grey District Council apply for the consent. S. Moran advised that Mr Sutherland's letter eludes to the fact that Grey District Council see this as a rural waterway and they take responsibility for urban creeks and drains. Cr Birchfield stated that it would cost Grey District Council for the consent and then they would have no money left to do the job. S. Moran advised that whoever undertakes emergency works then has to apply for a retrospective consent anyway so the costs will be similar. Cr Ewen stated he believes we have a good provision already in place by going through the coastal plan change 2 process as there is a trigger there at the culvert and the mouth can be opened any time without consent once the Plan appeal is signed off by the Minister. Cr Scarlett stated that we could request that the Minister signs off on the Coastal Plan Change 2 as a matter of urgency. Cr Archer stated that if someone in the community applied for a consent then the council would most likely bend over backwards to fast track the consent and at minimal costs so that a long term solution is found. Cr Ewen noted that there was no appeal from DoC during the Coastal Plan Change 2 process and he feels this will be dealt with fairly quickly.
Cr Archer stated that he is not adverse to the regional council applying for the consent to spend the process up. Cr Davidson stated that he would like community consultation to take place and then assess the best option and get on with it. Cr Scarlett stated that it is looking like option 2 is the preferred option and costings are now needed so that the community can decide whether or not they wish to form a rating district. C. Ingle advised that the next step is to approach the landowner, which is DoC, and confirm that we have their permission to go ahead. The next step is to clarify with Grey District Council what they are prepared to spend. Costings would then be obtained and once all of this is in place the community would then be consulted. Cr Robb asked if this council would be an affected party and would council be involved as part of this. C. Ingle stated that if he were to draw a map of who is affected it would be from the Pony Club all the way back to the Paroa Hotel with everyone on this side of the highway affected. C. Ingle stated that those on the eastern side of the highway would not be affected as they are up a hill and not at risk. S. Moran explained how the percentages of a rating district are worked out.

Moved (Davidson / Archer) *that Management approach Paul Pretorius and Mel Sutherland from Grey District Council, get the costings for the options, seek approval from DoC then meet with the community to discuss options for New River / Saltwater Creek.*

Carried

Cr Scarlett stated that at the same time a letter would be written to the Minister for Conservation requesting that the Coastal Plan Change 2 is signed off as soon as possible. Cr Scarlett stated he would like this matter to be given some urgency as spring is approaching and high rainfall can be expected around this time.

The meeting closed at 12.25 p.m.

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 14 September 2010
Prepared by: S. Moran – Planning & Environmental Manager
Date: 25 August 2010
Subject: **PLANNING & ENVIRONMENTAL MANAGER'S MONTHLY REPORT ON ENGINEERING OPERATIONS**

1. WORKS

Inchbonnie Rating District – Maintenance
This work involving the placing of 150 tonnes of rock was completed by MBD Contracting Ltd at a cost of $ 2,700.00 (G.S.T. Exclusive).

2. FUTURE POTENTIAL WORKS

a) Redjacks Creek Rating District – Flood Damage
b) Nelson Creek Rating District – Flood Damage
c) Vine Creek Rating District – Channel Cleanout
d) Matainui Creek Rating District – Flood Damage
e) Lower Waiho Rating District – Flood Damage
f) Raft Creek Rating District – Channel Cleanout
g) Karamea Rating District – Flood Damage
h) Mokihinui Rating District – Flood Damage
i) Wanganui Rating District – Flood Damage

3. QUARRIES

Quarry Rock Movements For The Period 1 July 2010 To 31 July 2010

Quarry	Rock In Quarry 01/07/10	Rock Used	Rock Quarried	Rock In Quarry 30/07/10
Blackball	6,436	0	0	6,436
Camelback	0	111	6,000	5,889
Inchbonnie	16,972	6,050	0	10,922
Kiwi	600	0	0	600
Miedema	0	0	0	0
Okuru	2,570	0	0	2,570
Taramakau	0	0	0	0
Wanganui	0	0	0	0
Whataroa	1,030	0	0	1,030
Totals	**27,608**	**6,161**	**6,000**	**27,447**

Quarry Work Permitted Since 31 July 2010

Quarry	Contractor	Tonnage Requested	Permit Start	Permit Finish
Kiwi	G.H. Foster Contracting	600	2/8/10	14/8/10
Kiwi	G.H. Foster Contracting	60	14/8/10	21/8/10
Whataroa	J. Arnold Contracting Ltd	2,000	10/8/10	30/8/10

RECOMMENDATION

That this report is received.

Simon Moran
Planning and Environmental Manger

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 1 September 2010

1. Financial Report

As discussed in my report to the August meeting, no financial report has been prepared for the one month to 31 July 2010.

My efforts were focused on finalising the Annual Report for the year to 30 June 2010.

A financial report for the two months to 31 August will be presented to the first ordinary meeting after the triennial meeting. (The triennial meeting is the special meeting held after the election results are declared where the new Council is formally sworn in and a Chairperson elected etc.)

The Investment Portfolio performed well during July, yielding a return of $157,095.
However I would expect this to come back substantially to 31 August given the continuing uncertainty prevailing in international equity markets during August.

2.Investment Portfolio

PORTFOLIO @ 31 July 2010 Summary & Reconciliation		Cash	Bonds	Australasian Equities	International Equities	Property Equities	Alternative Asset Classes	Total		
Portfolio Value @ Start	01 July 2010	$ 2,547,549	$ 3,016,744	$1,841,113	$ 1,958,120	$ 529,331	$ 673,961	$ 10,566,819		
								$ -		
Contributions	)	$ 22,116						$ 22,116	} $	0
Withdrawls	)	$ -			-$ 20,643		-$ 1,473	-$ 22,116	}	
								$ -		
Realised Gains/(Losses)				$ 27,221	$ 20,635	$ 1,995		$ 49,852	} $	157,095
								$ -	}	
Unrealised Gains/(Losses)		$ 1,051	$ 4,287	$ 32,348	-$ 3,801	$ 4,442	$ 24,226	$ 62,553	}	
								$ -	}	
Mgmt Fee					$ 168			$ 168	}	
								$ -	}	
Income		$ 7,128	$ 6,435	$ 7,312	$ 8,851	$ 864	$ 1,473	$ 32,063	}	
Changes Accrued Interest		$ 111	$ 12,347					$ 12,459	}	
								$ -		
Portfolio Value @ End Period	31 July 2010	$ 2,577,955	$ 3,039,814	$1,907,995	$ 1,963,330	$ 536,632	$ 698,187	$ 10,723,913		
ytd return for	1 months	0.32%	0.76%	3.63%	1.38%	1.38%	3.82%	1.50%		

Asset Allocation %'s @ 31 July 2010		Benchmarks	Tactical asset allocation range
Cash	24%	25%	10% - 50%
Bonds	28%	25%	10% - 50%
Australasian Equities	18%	15%	0% - 20%
International Equities	18%	15%	0% - 20%
Property Equities	5%	5%	0% - 10%
Alternative Asset Classes	7%	15%	0% - 20%
	100%	100%	

3. General Comment

The first rates installment for 2010/11 will be mailed out during the week ending 10 September.

The due date for payment will be 20 October.

The newsletter that will accompany the rates assessments and installment invoices will highlight the possibility of saving GST where rates are paid in full on and before 30 September.

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 31 August 2010
Subject: Annual report for the Year to 30 June 2010 (Unaudited)

I enclose a copy of the Annual Report for the Year to 30 June 2010 which is now 100% complete and is now subject to audit.

The audit will commence on 6 September 2009 and is expected to be completed within two weeks.

In my report to the 10 August Council meeting I reported an operating surplus of $962,325 before the Greymouth Floodwalls upgrade costs of $3,296,221.

There is an adjustment to the previously reported operating surplus of $962,325.

I identified capital expenditure (capex) of $244,552 with regard to Inchbonnie Rating District that had originally been classified as operating expenditure (opex).
This had the effect of increasing the reported operating surplus to $1,206,877

This is set out in table form as follows:

	Reported to August Meeting	Annual Report 2010
Operating Surplus	$962,325	$1,206,877
Add back capex included in opex.	$244,552	
Adjusted Operating Surplus before Greymouth Floodwalls upgrade	$1,206,877	$1,206,877
Greymouth Floodwalls Upgrade	($3,296,221)	($3,296,221)

The audited Annual Report for the year to 30 June 2010 will be adopted by Council at a meeting in October.

RECOMMENDATION

That the unaudited Annual Report for the year to 30 June 2010 be received.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting 14 September 2010
Prepared by: Chris Ingle – Chief Executive
Date: 31 August 2010
Subject: **CHIEF EXECUTIVES REPORT**

Meetings Attended
The meetings I have attended since my last report include:

- Met with Paroa Guardians, Department of Conservation and GDC on 13th August regarding New River/Saltwater Creek mouth opening.
- Attended the Regional Chief Executives meeting in Wellington on 18th August, followed by the Chief Executives Environmental Forum on 19th August.
- Attended a meeting in Christchurch with regional council biosecurity managers and LGNZ on 20th August to discuss options for continuing our regional share contributions toward the National TB Strategy.
- Met with the Chairman and CEO of the Animal Health Board on 25th August in Wellington, with the Chairman.
- Hosting a meeting with EECA on home insulation options on 1st of September.
- Met with Ross Pickworth, General Manager of Holcim NZ Ltd on 2nd of September.
- Attending the Mayors and Chairs Forum on 13th September.

Annual Leave
I took a day's annual leave on Friday 27th August, and will also take a day's annual leave on the 10th September.

Rating District Meetings
I will attend the usual rating district meetings: Greymouth Floodwall; Kongahu; Karamea; Mokihinui, Kaniere, Southside Hokitika, Kowhitirangi, Raft Creek; and Vine Creek.

Pest Plant Strategy Hearing
This hearing will be held at 1pm on September 22nd. All Resource Management Committee members, as available, are appointed onto the committee, which will firstly hear the submitters, and then undertake deliberations.

Oil Spill Response
Our Team Leader Compliance, Mike Meehan, recently qualified as an On-Scene Commander passing his Maritime New Zealand examinations.

RECOMMENDATION

That this report be received.

Chris Ingle
Chief Executive

THE WEST COAST REGIONAL COUNCIL

To: Chairperson
West Coast Regional Council

I move that the public be excluded from the following parts of the proceedings of this meeting, namely, -

Agenda Item No. 8.

9 – 11	8.1	Confirmation of Confidential Minutes 10 August 2010
12	8.2	Overdue Debtors Report (to be tabled)

Item No.	**General Subject of each matter to be considered**	**Reason for passing this resolution in relation to each matter**	**Ground(s) under section 48(1) for the passing of this resolution.**
8.			
8.1	Confirmation of Confidential Minutes 10 August 2010		Section 48(1)(a) and in particular Section 9 of 2nd Schedule Local Government Official Information and Meetings Act 1987.
8.2	Overdue Debtors Report		

I also move that:

- Chris Ingle
- Robert Mallinson
- Simon Moran
- Colin Dall

be permitted to remain at this meeting after the public has been excluded, because of their knowledge on the subject. This knowledge, which will be of assistance in relation to the matter to be discussed.

The Minutes Clerk also be permitted to remain at the meeting.