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File Ref: C135-E01

Ask For: Mr Porter

10 October 2008

Notice of Committee Meeting - Thursday 16 October 2008

A meeting of the Environment Committee will be held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on **Thursday 16 October 2008 commencing at 1.30 pm.**

BUSINESS

As per Agenda attached.

ANDREW BESLEY
CHIEF EXECUTIVE

Marlborough District Council

Meeting of the ENVIRONMENT COMMITTEE
to be held in the Council Chambers, District Administration Building, Seymour Street,
on THURSDAY 16 OCTOBER 2008 commencing at 1.30 pm

Committee

Clr G Taylor (Chairman)
Clr J L Andrews (Deputy)
Clr A D Barker
Clr G S Barsanti
Clr C R Bowers
Clr E I Davidson
Clr T Harrison
Ms T Williams
Mr C Bowron

Departmental Head

Mr H Versteegh (Manager, Regulatory Department)

Staff

Kathy Payne (Committee Secretary)

IN PUBLIC

- | | | |
|-----|---|-------------|
| 1. | Confirmation of Sub-Committee Business | Page 1 |
| 2. | Significant Natural Areas Project | Page 2 |
| 3. | Riverlands Aquifer Resource Review Report & Boundary Definition | Pages 3-4 |
| 4. | Appointment of Hearings Commissioner | Page 5 |
| 5. | Hammond Estate Limited - Road Name | Pages 6-8 |
| 6. | New Food Legislation - Voluntary Implementation | Pages 9-12 |
| 7. | Appointment of Enforcement Officers | Page 13 |
| 8. | Revision of Building Control Fees | Pages 14-18 |
| 9. | Swimming Areas - Picton and Waikawa Bay | Pages 19-22 |
| 10. | Information Package | Page 23 |
| 11. | Decision to Conduct Business with Public Excluded | Page 24 |

PUBLIC EXCLUDED

- | | | |
|-----|--|-------------|
| 12. | Nassella Tussock Non Compliance | Pages 25-28 |
| 13. | Unauthorised Works in a Floodway | Pages 29-41 |
| 14. | Determination of Items able to be Released to the Public | Page 42 |

1. Confirmation of Sub-Committee Business

RECOMMENDED

That the following approvals granted by the Swimming Pools Sub-Committee under delegated authority (Environment Committee Minute R.07/08.263) be confirmed:

- **J P & V Swennen-Gielen, Marlborough Ridge Drive, Fairhall, Blenheim - exemption to install a Save T Cover II automatic pool cover in lieu of a fence (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**

2. Significant Natural Areas Project (E225-W02)

(Report prepared by Nicky Eade)

Purpose

1. The purpose of this report is to provide a summary of the results of the five years of protection work carried out through the Significant Natural Areas Project and the associated Landowner Assistance Programme from July 2003 to June 2008. A full report has been prepared and is **attached**. A brief presentation will be given.
2. **A 15 minute presentation will be given.**

Background

3. Through the Resource Management Act 1991 and its subsequent amendments, the Council has a role in maintaining and protecting indigenous biodiversity and significant natural areas in the Marlborough region.
4. Since 2001, through the Significant Natural Areas project, extensive field based ecological surveys have been carried out on private land, throughout large parts of the Marlborough District. A large amount of ecological information has been recorded through this survey work.
5. A pilot programme to assist landowners to implement protection of areas identified as ecologically significant was established in 2003 and extended into a full programme in 2005. This programme includes on the ground work in individual sites and a range of other initiatives supporting the programme, for instance native seed collection work, the Tui to Town project promoting habitat restoration on the Wairau Plain and publicity and promotional work.

Summary

1. Since 2003, 41 new projects on private land have been funded through the programme, with 25 of these being south Marlborough and 16 in north Marlborough. Projects have included fencing, wetland restoration work, restoration planting and pest plant and animal control. Fifteen of these sites have been covenanted as part of the project.
2. A total of \$485,221.00 has been invested into the projects with funding being obtained from various sources including the Council, the central government Biodiversity Fund, the QEII National Trust and landowners.
3. The programme has gained strong momentum with many landowners approaching the Council for assistance voluntarily. It is a vital part of the non-regulatory partnership approach that the Council has adopted to meet its Resource Management Act 1991 responsibilities in relation to Significant Natural Areas in Marlborough.

Recommendations

That the report be received

3. Riverlands Aquifer Resource Review Report & Boundary Definition (G045-01)

(Report prepared by Peter Davidson)

Purpose

1. The purpose of this report is to:
 - (a) Summarise community knowledge of Riverlands groundwater resources in a single document for the use of the Council, the general public, local water users and resource consultants. The report is intended for general information on an area with a number of water management issues and which represents a strategically important aquifer for the Marlborough region.
 - (b) Define the boundary of the Riverlands Aquifer which is shown in plan view in Figure 1. A definition is necessary to guide the assessment of water permit applications as part of the resource consent process.

Background

2. At its 1 May 2008 meeting the Environment Committee of Marlborough District Council accepted the reported entitled “Riverlands Groundwater Model and Aquifer Sustainability Assessment” along with adopting the following recommendations:
 1. That the Riverlands Groundwater Model and Aquifer Sustainability Assessment report be received.
 2. That Marlborough District Council Hearings Committees or Commissioners consider the findings of this report when deciding on resource consent applications relating to the Riverlands Aquifer.
3. The follow-up report entitled “Riverlands Aquifer Resource Review” was authored by Scott Wilson, a consulting hydrologist at Water Matters Limited, Wellington, for the Marlborough District Council and documents the science on which the earlier water management report was based.
4. The information on which the report is based is a mixture of historic material collected by the Council or its predecessors, and more recent data sourced from newly established monitoring sites or surveys by Mr Wilson.
5. The report comprehensively covers all facets of groundwater hydrology at Riverlands including: types and rates of water use, aquifer hydraulic properties, geology, isotope and water chemistry, interaction with Opawa and Taylor Rivers, groundwater circulation and recharge.

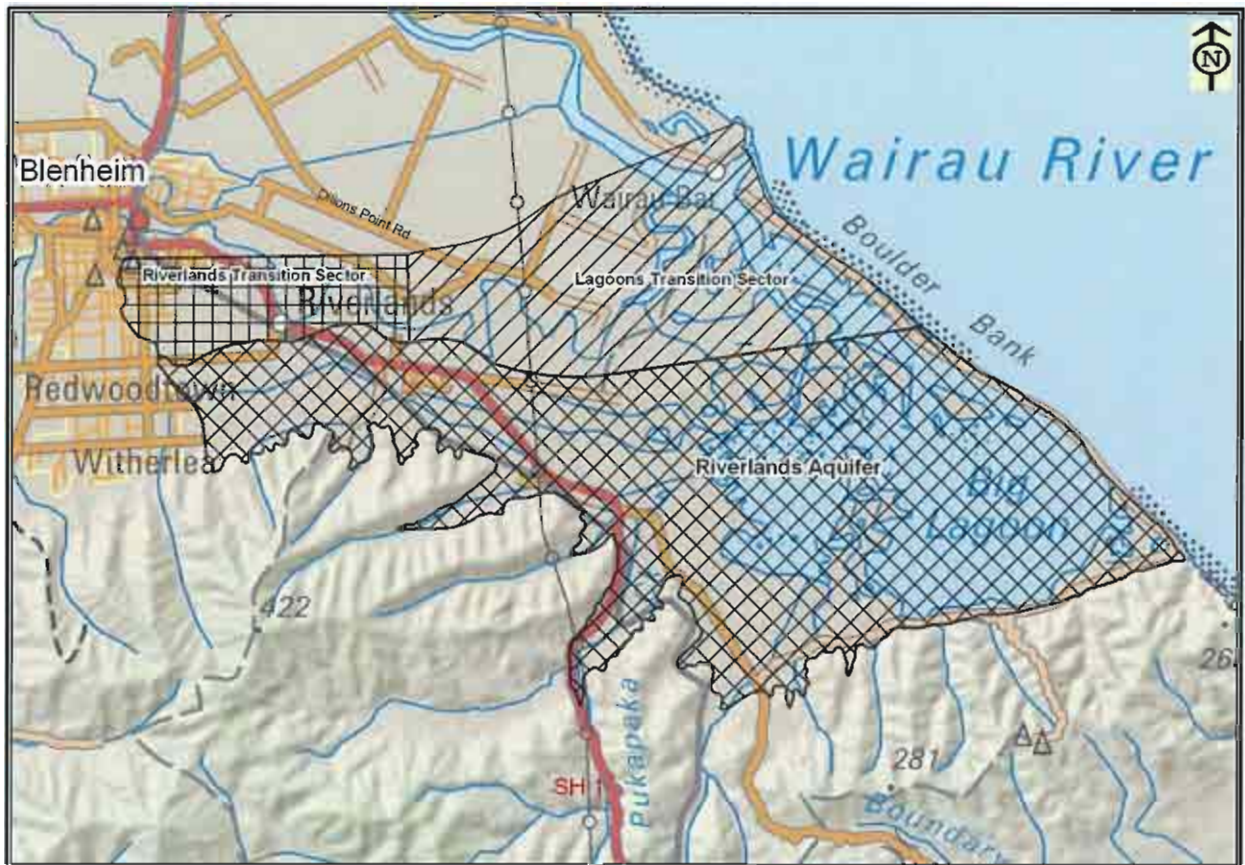


Figure 1: Riverlands Aquifer Boundary

The Riverlands Aquifer consists of three parts. The core Riverlands Aquifer denoted by the diagonal hatching in Figure 1 is low yielding and defined as having:

1. aquifer transmissivity of less than 500 m²/day
 2. groundwater electrical conductance greater than 20 mS/m
6. Because there is no sharp boundary separating the Wairau Aquifer from the Riverlands Aquifer, abstraction to the north has the potential to generate drawdown effects at Riverlands. To protect the Riverlands Aquifer, a buffer area extending 1 kilometre north is proposed. The eastern component is referred to as the Riverlands Transition Sector, while the coastal part is called the Lagoons Transition Sector.
 7. Together the three components make up the Riverlands Aquifer and include existing water permits the earlier model study identified as contributing effects, both directly and cumulatively to the full allocation of the Riverlands Aquifer.

Summary

8. The Council has commissioned a technical report as separately **attached** ("Riverlands Aquifer Resource Review") documenting the science used to assess the sustainable yield of the Riverlands Aquifer and define its proposed boundary.

Recommendations

1. **That the report entitled "Riverlands Aquifer Resource Review" be adopted.**
2. **That the Riverlands Aquifer boundary definition be adopted.**

4. Appointment of Hearings Commissioner (C270-11)

(Report prepared by Louise Walker)

Purpose

1. The Marlborough District Council, in accordance with the Resource Management Act 1991 Instrument of Delegation, requires that a list of suitably qualified and independent persons be appointed from which Hearings Commissioners shall be engaged.

Background

2. To date Council has approved a pool of 28 Hearings Commissioners who can be called on to hear and determine applications for resource consents pursuant to section 34A(1) of the Resource Management Act 1991.
3. All expressions of interest to be included in Council's pool of Hearings Commissioners are forwarded directly to the Environment Committee for a determination to be made as to the suitability of the candidate.
4. Mr John Hassan and Ms Rachel Dunningham have applied to be part of this pool of Hearings Commissioners. Below is a brief of their employment and relevant experience.

Comments

5. Mr John Hassan is a partner at Chapman Tripp, Barrister and Solicitors and advises clients on infrastructure, subdivision and property developments, major projects and a wide range of other environmental and resource management issues.
6. John regularly represents clients before the Environment Court and in High Court, and he holds the appropriate making good decisions course qualification, required to undertake a role as a Commissioner.
7. Ms Rachel Dunningham is a partner at law firm Buddle Findlay. Rachel's expertise lies within the areas of civil litigation, resource management and local government law.
8. Rachel has had experience in all areas of resource management work and she holds the appropriate making good decisions course qualification, required to undertake a role as a Commissioner.
9. Council is not bound to employ the services of a Commissioner once they are appointed before Full Council.

Summary

10. Mr John Hassan and Ms Rachel Dunningham have applied to be included in Council's pool of Hearings Commissioners.

Recommendation

That John Hassan and Rachel Dunningham be appointed to Council's pool of Hearings Commissioners and be notified accordingly.

5. Hammond Estate Limited - Road Name (U080332)

(Report prepared by Ian Sutherland)

Purpose

1. The purpose of this report is to consider a road name for a new cul-de-sac to be created in Renwick as part of a new subdivision off Boyce Street in Renwick. A copy of the subdivision scheme plan is appended.
2. Hammond Estate Limited, directed by Dennis Hammond, is creating the 24 new residential lots of which all will gain access through this new cul-de-sac, and thus it requires a road name.

Proposal

3. The applicant has presented two preferred options for naming the cul-de-sac. These are
 - Upper Terrace Drive
 - River Terrace Drive
4. The background for the words 'Upper' and 'Terrace' is because the site sits on top of an old river terrace, and has an elevated view over the lower flats to the north, including Foxes Island, Wairau River, and Kaituna Hills.

Evaluation against Road Naming Policy

5. The following are relevant matters from the policy to consider in this instance:
6. **Duplication:** - There is a 'Terrace Road' on the lower terrace below the subject site just north of Mahi Wines. The applicant considers that the prefix 'Upper' or 'River' will be sufficient to distinguish it from the existing 'Terrace Road', and thus avoid confusion between the two.
7. **Length of Names:** - The policy requires names to be short (as a guide - 15 characters or less), single words, and proportional to the length of the road. Neither option meets the policy as they contain several words, and 17 characters.
8. **Road Type:** - The policy gives a guide to the road type best suited to the physical circumstances. The applicant comments that the cul-de-sac has been designed to allow for future development to the west, and could become a major link road, and has therefore suggested the road type 'Drive'. The difficulty here is that the land to the west has not been zoned for further residential development, however if Drive was accepted it would not necessarily indicate Council approval of future development. That approval would be required through the Resource Management Act process.
9. The policy indicates that Heights, Place, Rise, Street, Terrace, or View would be acceptable types, although Drive is still a possibility. The most fitting would be Terrace' which is defined as *a street along the face or top of a slope*.

Summary

10. There are some minor conflicts with the policy which indicate that the options Upper Terrace Drive and River Terrace Drive may not be fully suitable due to the longer length of these names. I have discussed this matter with the applicant who is more than happy for the name to be shortened to simply 'River Terrace'. He actually even prefers this name to those originally sought. This name would be in full accordance with the policy, and is not replicated elsewhere in the district.

Recommendation

That the new road to be vested in the Hammond Estate Limited subdivision (U080332) be named "River Terrace".

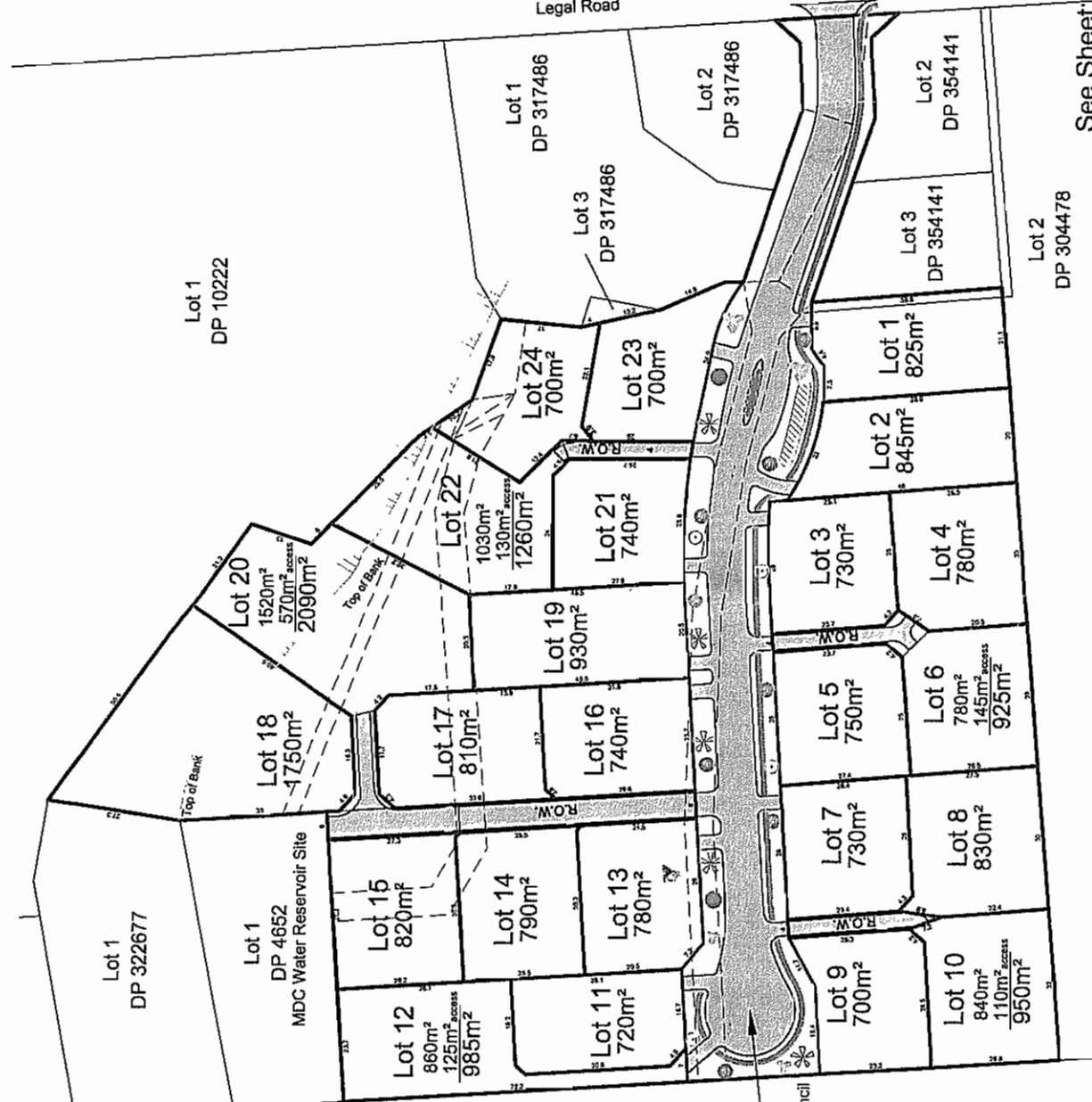


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 - 8 APR 2008
 MARLBOROUGH
 DISTRICT COUNCIL

SCHEMES PLAN ONLY		SCALE	JOB NUMBER
Areas and Dimensions are subject to final survey		1:1000	11908
DATE	SHEET	ISSUE	
LB	AR	CHECK	F
APR 2008	1	1	

Boyce Street
 Legal Road

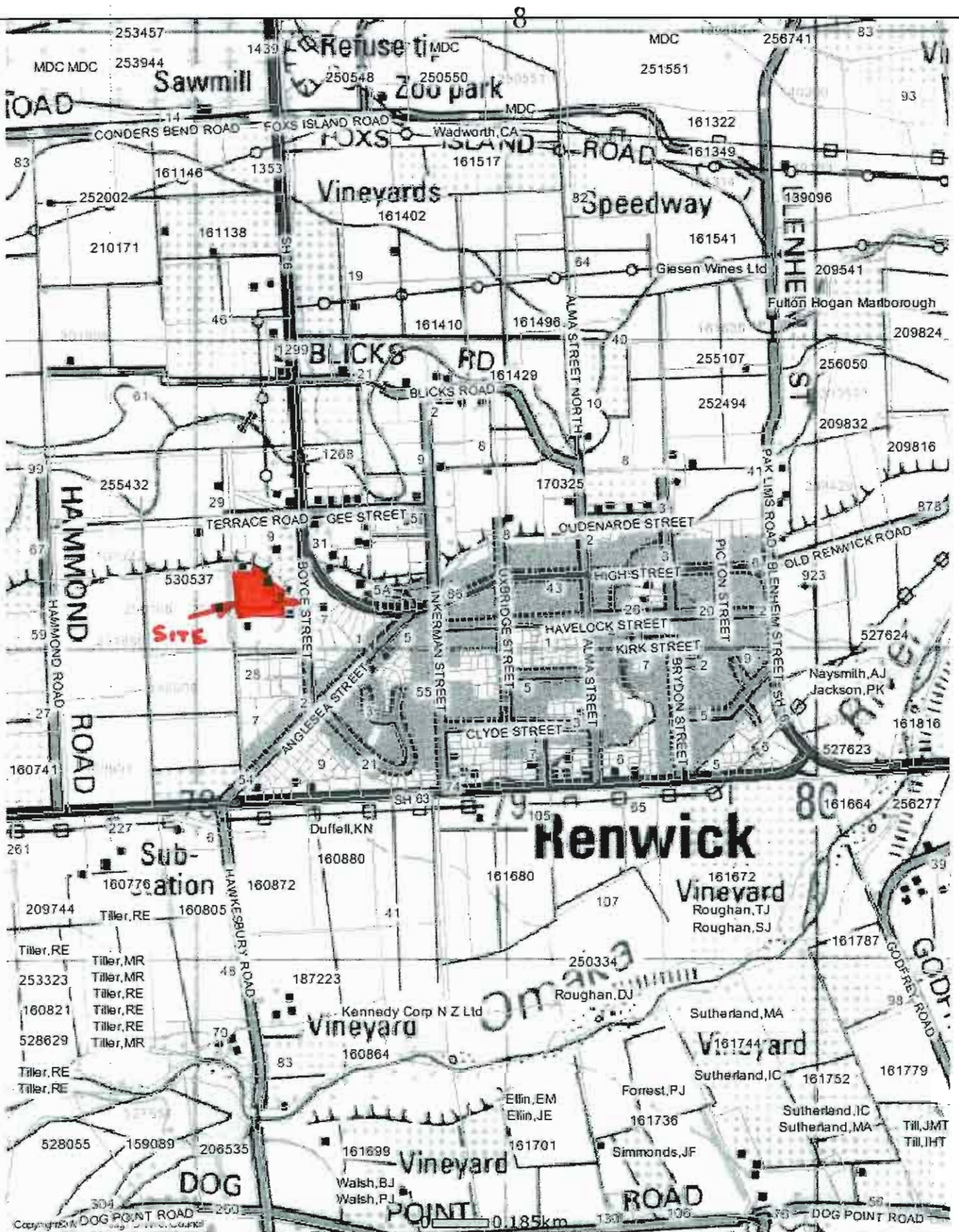
See Sheet: 2/D



Lots 1 to 25 Being Proposed Subdivision of Lot 1 DP 354630
Boyce Street, Renwick
 COMPRISED IN : CT 222945
 APPLICANTS : Hammond Estate Limited

Ayson and Partners Ltd
 REGISTERED PROFESSIONAL SURVEYORS
 Consultants in Surveying, Resource Management, Subdivision and Land Development

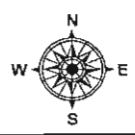
Davidson Ayson House
 4 Nelson Street, P.O. Box 256
 Blenheim, New Zealand
 Ph 03 578 2059, Fax 03 578 7028
 Email: office@aysonpartners.co.nz



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Locality Map Print

Approximate Scale only.
A4 Portrait template.
Date: 30-9-2008 9:38:8



6. New Food Legislation - Voluntary Implementation (P360-01)

(Report prepared by Alice Boyce)

Purpose

1. Council has recently opted to take part in the proposed new food legislation trial by implementing Food Control Plans on a voluntary basis.
2. The purpose of the report is to provide an update to the Committee on the voluntary implementation of the new food legislation.

Background

3. Since May 2003 the New Zealand Food Safety Authority (NZFSA) has been reviewing the Government's role in the New Zealand food sector.
4. The purpose of the new legislation is to ensure New Zealand has a food programme that applies across the board and will deliver on and promote safe and suitable food.
5. Alice Boyce attended a two day course provided by the NZFSA in early September to become qualified as a verifier and a Food Act Officer.
6. The voluntary implementation of the new food control plans has begun. Fifty eight councils throughout New Zealand have signed up to participate in the voluntary trial.
7. Food premises that are food service operations such as restaurants, cafes, pubs, clubs and caterers that prepare and serve ready-to-eat meals and snacks for immediate consumption by customers both on and off the premises qualify to take part in the trial.

Voluntary Stage

8. The voluntary stage will consist of the following:
 - Start up kits, which include a generic food control plan, a diary, posters, magnets, a digital thermometer, are provided to participants by the NZFSA through Council.
 - An annual registration fee (covered by current registration fee).
 - One verification by a Council verifier.
9. During the voluntary stage it is expected there will be some cost to Council; mainly in the area of staff resources and time to successfully implement new systems. The initial verification will not be additionally charged.
10. It is proposed that the fees remain the same during the voluntary stage (\$305.00 annual registration fee) and verification is undertaken. All time will be captured so when legislation is passed an accurate costing can be calculated.
11. Additional verifications (i.e. if corrective actions are noted during an annual audit) will be charged as an additional inspection (\$105.00). This is current practice for compliance with the Food Hygiene Regulations 1974.

Legislative Change in the Future

12. When legislation is passed (i.e. when the new Food Act is implemented and food control plans become compulsory)
 - Premises will purchase their start up kits from NZFSA (generic food control plan and diary) at a cost of approximately \$120.00

- Premises will purchase their own digital thermometer
 - An annual registration fee will be paid to Council.
 - Each food control plan has to be annually verified at a minimum.
13. When the new legislation is passed, it is proposed that the annual registration fee is maintained, although it may need to be increased to cover administration costs. The customers will then have to have their plan verified; they can opt to have this done by Council or a third party verifier. If they chose Council this would be charged out on an hourly basis, so then more detailed operations that take longer to verify will be reflected in the cost of time taken by Council to undertake this.
14. Non compliance (when a Food Act Officer needs to get involved) would not be charged, but investigation work could lead to infringement notices including fines.

Summary

15. Council is to undertake the implementation of voluntary food control plans for food premises.
16. An advertising campaign will be run alongside the NZFSA posters which include the Council logo. Sessions will be arranged with interested food premises and food control plans will be registered, providing exemption from the Food Hygiene Regulations 1974.

Recommendation

That the information be received.



Food Control Plans coming soon!



The New Zealand Food Safety Authority (NZFSA) is updating food laws to improve foodborne illness statistics and to ensure that food operators take responsibility for providing safe and suitable food.

Before the new law comes in, NZFSA and local councils are providing operators of takeaways, cafés, restaurants and catering establishments an opportunity to get ready for changes coming by taking part in the new system voluntarily. This involves using a new Food Control Plan that's designed to show operators how to produce safe food and meet the law by controlling the risk areas in preparing and selling food.

A Food Control Plan gives operators:

- step-by-step guidance on food safety procedures with tips for managing food safety
- supporting materials such as a fridge magnet and posters to remind your staff about the key points of food safety
- a digital thermometer
- checklists and forms for recording regular activities
- a diary for recording unusual events and follow-up actions
- an excellent staff training tool
- a certificate of participation (demonstrating your commitment to food safety).



Marlborough District Council
 15-21 Seymour Street, Blenheim
 Phone: 03 520 7400 Email: alice.boyce@marlborough.govt.nz

How does this system differ from what happens now?

Under the existing Food Act, most food operators register their premises with their local council. An Environmental Health Officer inspects these registered premises each year to assess compliance with the Food Hygiene Regulations, 1974.

With a Food Control Plan in place (registered as a Food Safety Programme) an operator will be exempt from the Food Hygiene Regulations. A council Environmental Health Officer (or representative) will verify (check) that the business is following its Food Control Plan and that it's appropriate for that business. The verifier does this by reviewing records, talking to management and staff, and visually assessing business activities.

What will happen when the new Food Act comes in?

The new Food Act will require nearly all commercial food businesses to have Food Control Plans; food sectors will be brought into the new system over a five year period. Those operators who opt in now will have the chance to keep their Food Control Plan in place until the end of that five year period.

How do I find out more information?

- contact your local council for more information about Food Control Plans
- updates can be found at: nzfsa.govt.nz
- NZFSA produces a free newsletter for food retail businesses, 4degreesC.
Email: 4dCEditor@nzfsa.govt.nz or call 0800 693 721 to subscribe.

7. Appointment of Enforcement Officers (C270-00)

(Report prepared by Graham Roberts)

Purpose

1. The purpose of this report is to appoint new staff in the Building Control Group as Enforcement Officers.

Background

2. Pursuant to Part 3 of the Building Act 2004 Council may authorise any of its officers to be enforcement officers to undertake a variety of duties.

Comments

3. All Building Control Officers need to be appointed as Enforcement Officers to carry out functions under the Building Act 2004.

Summary

4. Three recently appointed Officers now need to be appointed as Enforcement Officers.

RECOMMENDED

That Nicholas John Stainforth Brabant, Christiaan Cornelius De Wet and Gavin David Harding be appointed as Enforcement Officers pursuant to Part 3 of the Building Act 2004.

8. Revision of Building Control Fees (C270-01)

(Report prepared by Graham Roberts)

Purpose

1. The purpose of this report is to consider the revision of fees for the Building Control activity and to commence the special consultation procedures pursuant to the Local Government Act 2002.

Background

2. Under the Local Government Act 2002 (the Act) Council has the authority to give effect to the decisions it makes under the Act, subject to sufficient consideration of all options and the special consultative process.
3. The Act clearly leaves it for the Council to exercise a discretion about compliance with the decision making process. In making any judgement there are various aspects to be assessed, one of which is the principles in section 14 of the Act. One such principle is the need for Council to undertake commercial transactions in accordance with sound business practices.
4. The Building Act 2004 (S219 and S240) empowers the Council and its Building Consent Authority to charge for the performance of any function or service under that Act. A Building Consent Authority can refuse to perform a function or service under the building Act if it has not received payment.
5. Changes to the Building Act made in 2004 brought many new statutory obligations on Council and its Building Consent Authority. These changes have impacted heavily on the workload of the Building Group. This report is intended to set out the situation to date and to include revisions to our fee schedules and include the new matters and changes ahead.
6. The changes created by the building law are known to a large extent but some regulations that will affect our procedures have yet to be fully implemented. However the major impacts on the group include the need for more staffing to undertake all regulatory functions in a much more detailed manner. The proposed fee changes are intended to recover some of the additional costs to enable Council to discharge its responsibilities.

Comments

Building Act 2004

7. There are many effects on the Council coming out of the Building Act 2004.
8. There is a specific requirement on territorial authorities (Building Consent Authorities) to:
 - Take more time and be more thorough in processing building consent applications.
 - Undertake more inspections than are currently done on site.
 - Take more time to view more and be more thorough during inspections.
 - Make better records of inspections.
 - Undertake quality checks on all of our own work.
 - Undertake several new procedures we are not currently undertaking.
 - Undertake more training to upskill all staff.
 - Become registered as a Building Consent Authority.
 - Develop quality systems which include quality assurance and auditing components.
 - Develop new policies.

These requirements have had a significant impact on workloads and staffing levels and a consequential impact on our fees and charges.

Present Situation

9. At present the Marlborough District Council Building Control Group is close to accreditation as a Building Consent Authority.
10. The second stage of accreditation is about to commence with the development and implementation of quality systems which in turn has a huge impact on how we process our work and ensure that the work is undertaken competently.
11. External audits and assessments on the Group will continue into the future.
12. To maintain our statutory obligations to issue building consents within specified timeframes and attend inspections when needed we have had to increase staff resources.

Impact of changes on the Building Control Group

13. The impact on Council is significant in terms of its staff levels in the Building Control Group, but especially in respect of the cost of the new measures. An estimate of some of the costs directly related to accreditation is:

Application for accreditation	\$43,140
Cost of external technical assessment audits	\$40,000 every second year
Operating costs, salaries, vehicles and additional tasks	\$200,000
14. The fees for building consents will need to rise in order to cover the additional work to be undertaken to perform the functions adequately and to cover ongoing costs such as the costs of accreditation and external auditing. It is therefore proposed that the Building Control fee increases be approved as set out below.
15. The Committee will be aware that the Building Control function solely operates from fee revenue and if the fees are not increased this will effectively mean a rate increase. Secondly, if Council does not increase the fees there is a risk that Council will not receive accreditation.

Summary

16. It is proposed to revise the fees for Building Control to recover the increased costs associated with its activities under the Building Act 2004 and commence consultation under the provisions of the Local Government Act 2002.

Fee Changes

17. Amended Fees

(i) **Lodgement**

Proposed Fee

Administration & Records Charge \$50.00

Present Fee

Administration & Records Charge \$35.00

(ii) **Building Consent Document Evaluation**

Proposed Fees

Up to and including \$5,000 \$50.00

From \$5,001 - \$20,000 \$8.20 per \$1,000 plus \$217.00

From \$20,001 - \$100,000 \$3.10 per \$1,000 plus \$315.00

From \$100,000 - \$500,000 \$1.04 per \$1,000 plus \$550.00

\$500,000 and above	\$1.40 per \$1,000 plus \$750.00
Present Fees	
Up to and including \$5,000	\$50.00
Between \$5,001 - \$10,000	\$8.20 per \$1,000 plus \$217.00
Between \$10,001 - \$100,000	\$3.10 per \$1,000 plus \$268.00
Above \$100,000	\$1.04 per \$1,000 plus \$500.00
(iii) Inspections	
Proposed Fee	
Inspections for Solar water heaters, Fireplaces, Wind machines, each inspection	\$95.00
All other inspections, each inspection	\$106.00
Present Fee	
All activities, each inspection	\$95.00
(iv) S71 and S75 Building Act Title Notations	
Proposed Fee	\$745.00
Present Fee	\$525.00
(xii) Inspections for Building Warrants of Fitness	
Proposed Fee	
Each inspection	\$106.00
Present Fee	
Each inspection	\$95.00
(vi) Travel to inspections	
Proposed Fee	
Travel to inspections at 35 cents/km or minimum charge whichever is lesser	35 cents/km
Minimum Charge	\$2.50
Present Fee	
Travel to inspections at 32 cents/km or minimum charge whichever is greater	32 cents/km
Minimum Charge	\$2.00
(vii) All other Building Control fees to remain the same as present.	

Impact on Applicants

18. The impact of Council building consent fees changes on an average dwelling value at \$150,000 is as follows:

	Change \$
Lodgement plus	15.00
Processing plus	50.00
Eight x inspections plus	88.00
Overall increase	153.00

By comparison the average cost of building a 145 square metre dwelling has changed as follows:

January 2003	\$1,122/square metre	= \$162,690
January 2004	\$1,204/square metre	= \$174,580
January 2005	\$1,355/square metre	= \$196,475
January 2006	\$1,481/square metre	= \$214,745
January 2007	Figures not available	
January 2008	\$1,435/Square metre	= \$208,075

Figures from the Department of Building and Housing publications.

Recommendation

1. That, subject to consultation and reassessment as a result of submissions received, the fees for Building Control group be amended from 1 March 2009 to the following:

- (i) **Lodgement**
Administration & Records Charge \$50.00
- (ii) **Building Consent Document Evaluation**
Up to and including \$5,000 \$50.00
From \$5,001 - \$20,000 \$8.20 per \$1,000 plus \$217.00
From \$20,001 - \$100,000 \$3.10 per \$1,000 plus \$315.00
From \$100,000 - \$500,000 \$1.04 per \$1,000 plus \$550.00
\$500,000 and above \$1.40 per \$1,000 plus \$750.00
- (iii) **Inspections**
Inspections for Solar water heaters,
Fireplaces, Wind machines, each inspection \$95.00
All other inspections, each inspection \$106.00
- (iv) **S71 and S75 Building Act Title Notations** \$745.00
- (v) **Inspections for Building Warrants of Fitness** Each inspection \$106.00
- (vi) **Travel to inspections - Travel to inspections at 35 cents/km or minimum charge whichever is lesser** 35 cents/km
Minimum Charge \$2.50
- (vii) All other Building Control fees to remain the same as present.

2. That the proposed fees are publicly notified and the special consultative process commence as below:

16 October 2008	Environment Committee considers the proposed fee
30 October 2008	Full Council
1 November 2008	Special Consultative Procedure begins - Proposed fees published on the Council website - Information published in the Marlborough Express and the Christchurch Press. - Information sent to stakeholders by means of newsletter.
1 December 2008	Special consultative procedure ends - Submissions analysed and summarised into a report for the Environment Committee to consider
February 2009	Environment Committee considers submissions

February 2009
1 March 2009

- **Fees amended if necessary**
Full Council
New fees commence.

9. Swimming Areas - Picton and Waikawa Bay (H090-07)

(Report prepared by Alex van Wijngaarden)

Purpose

1. The purpose of this report is to regularise the swimming lanes in Picton and Waikawa Bay.

Background

2. For many years it has been the practice to deploy swimming rafts adjacent to the foreshore in Picton and Waikawa Bay for public use. Generally the rafts are deployed at Labour weekend and removed again after Easter of the following year.
3. In previous years this system has worked well and efforts were made to buoy off the area surrounding the rafts in an attempt to ensure the separation of swimmers from vessels. Standard orange buoys were used and these were invariably removed by unidentified members of the public. This was particularly the case in Waikawa Bay. The loss being unsustainable has resulted in discontinuation of the practice to mark swimming areas.
4. Harbour Patrol staff have also noted that swimming off Shelly Beach in Picton has been increasing during the past summer seasons. This was an area marked specifically for swimming, but lack of use resulted in discontinuing the marking of this area.
5. During the past two summer seasons it has come to light that there were frequently conflicts between swimmers and the use of vessels in the areas traditionally used for swimming in the past. Additionally it has brought about a public safety issue that needs to be addressed.
6. There are a number of options that can be considered:
 - (a) Status quo. However this is not seen as being a solution as the risk of an accident involving swimmers and a vessel is significantly elevated.
 - (b) Prohibiting swimming from the foreshore areas altogether. This option is not considered viable since it would be almost impossible to enforce.
 - (c) Setting aside specified areas allowing for swimming activity to take place as a priority activity. This option is considered as being the most appropriate solution.
7. Under the provisions of the Navigation Bylaws 2002 Council has the ability to reserve specified areas for priority activities - Part 5.7 - Reserved Areas. The full text of this part of the Bylaw is outlined at **Annex A**.
8. It is considered that by declaring specified areas to allow swimming and demarcating these areas with specific buoyage will ensure that conflicts are kept to a minimum and additionally will make enforcement significantly easier. The areas under consideration are graphically outlined at **Annex B**.
9. Suitable buoys have also been identified and differ from the standard orange buoys used previously. An example is outlined at **Annex C**.

Summary

10. Swimming has long formed part of the Picton and Waikawa foreshore activities and it has been practice to establish swimming rafts at Labour weekend through to Easter of the following year.
11. Due to the potential for conflict between swimmers and vessels, the establishment of marked swimming areas is considered to be a realistic solution.

Recommendations

1. That the information be received
2. That the areas indicated in Annex B are reserved for swimming as a priority activity pursuant to Part 5.7 (i) and (ii) of the Council's Navigation Bylaws 2002.
3. That the establishment of the swimming lanes occur between Labour weekend of one year through to the end of Easter the following year.

Annex A

5.7 Reserved Areas

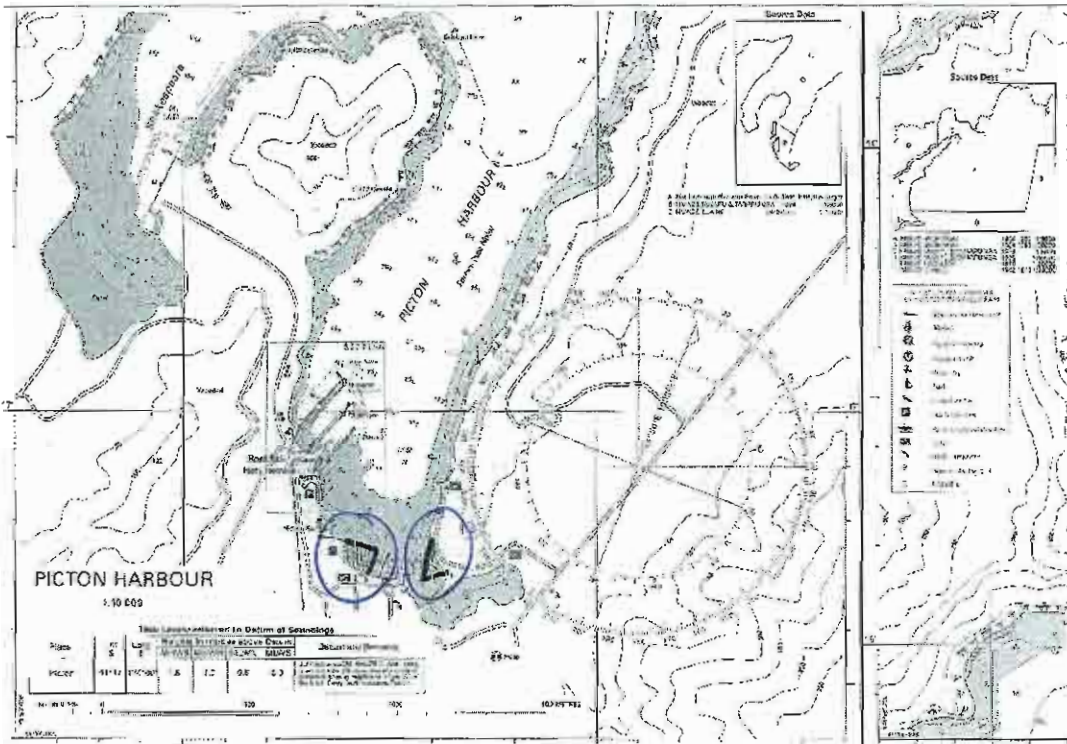
- (i) The Council, on application or of its own motion, may from time to time, by Public Notice, and in the interests of navigation safety, reserve any specified area for a priority activity.
- (ii) A reservation under this Bylaw may be made on such conditions, and for such period or periods, as the Council may specify in the notice.
- (iii) Every area that is reserved under this Bylaw is set out in Schedule 4 of these Bylaws.
- (iv) No person may obstruct any other person while that other person is using the Reserved Area for the priority activity for which it has been reserved.
- (v) Where an area is reserved for a priority activity, no other activities may be undertaken within that area while the priority activity (such as water skiing) is taking place.
- (vi) Where an area is reserved for the priority activity of water skiing:
 - (a) 5.4, (i) and (iv) shall not apply.
 - (b) The reserved area shall be marked by orange posts with horizontal black bands. In addition, the reserved area may also be marked with orange buoys with vertical black stripes.
 - (c) No person may navigate or manoeuvre a pleasure craft except by the most direct route through the reserved area that lies on the starboard or right hand side of the pleasure craft.
 - (d) Reserved areas set aside for the purpose of water ski access lanes are those set out in Schedule 4 of these Bylaws.

Annex B

Proposed swimming lane, Waikawa Bay



Proposed swimming lanes, Picton



Annex C

Indicative swimming lane buoy



10. Information Package

RECOMMENDED

That the Regulatory Department Information Package dated 16 October 2008 be received and noted.

11. Decision to Conduct Business with the Public Excluded

Decided That the public be excluded from the following parts of the proceedings of this meeting, namely:

- Nassella Tussock Non Compliance
- Unauthorised Works in a Floodway

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

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
Nassella Tussock Non Compliance Unauthorised Works in a Floodway	In order to protect the privacy of natural persons, as provided for under Section 7(2)(a).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.