

Marlborough District Council

**Minutes of a Meeting of the ENVIRONMENT COMMITTEE held in the Council Chambers,
District Council Administration Building, Seymour Street, Blenheim on THURSDAY,
27 NOVEMBER 2008 commencing at 1.30 pm**

Present

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

In Attendance

Councillors Messrs H R Versteegh (Manager, Regulatory Department) and Kathy Payne (Committee Secretary).

Apology

An apology for lateness from Ms T Williams was received and sustained. Apologies were also received from Mayor Sowman and Councillor G A Hope.

R.08/09.308 Council Confirmation of Sub-Committee Business **Clrs Barsanti/Harrison:**

That the following approvals granted by the Swimming Pools Sub-Committee under delegated authority (Regulatory Committee Minute (R.08/09.263) be confirmed:

- **M J & A M Porter, 5 Avening Close, Blenheim - approval to use a lockable cover on an unfenced spa pool (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **S & M Leigh-Lancaster, 93 Guernsey Road, Renwick - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**

Carried

ATTENDANCE: Mr D Grueber, Council's Biosecurity Co-ordinator, was present for the following item.

R.08/09.309 Environment The Marlborough Sounds Restoration Trust Wilding Pine Control Programme *R390-11/01*

Members were advised that the Sounds Restoration Trust was established in 2007 to manage a Wilding Pine Control Programme in the Inner Queen Charlotte Sound and had received funding to implement a control programme. A Strategic Plan has been developed to manage the programme which Mr Grueber advised fits in with Council's own management objective of facilitating and supporting a community led response to the wilding pine problem in the Sounds.

Mr Andrew McAlister, Chairman of the Marlborough Sounds Restoration Trust, was at the meeting to present the programme the Trust has established to facilitate a range of environmental programmes in the Sounds which would not otherwise be funded. He said the initial project was wilding pine control in Inner Queen Charlotte Sound. Mr McAlister advised that a fully professional approach had been adopted and a management plan and two ecological reports had been commissioned. Funding for this current year was primarily from the Lottery Grants Board and Mr McAlister said the Trust appreciated the GIS support from

Council. In respect of the 2009/2010 programme, Mr McAlister advised that the Trust had prepared a Strategic Plan for the Inner Queen Charlotte Sound, a copy of which could be obtained from Council. A co-operative management model involving the Council, DOC, local landowners and businesses was envisaged. The Trust has anticipated it will require a further \$450,000 over the next two years to complete the initial wilding pine control in Inner Queen Charlotte Sound and to be successful would need to raise at least \$60,000 locally in each of the next two years. Mr McAlister said in this respect the Trust would like to receive support in kind from Council and the Department of Conservation.

Mr McAlister said a poisoning regime had been adopted and he showed how native revegetation had occurred with this method as opposed to felling where seedlings had grown.

In response to a question regarding control in other areas of the Sounds Mr McAlister advised the Trust could only take on what their resources and ability to manage the programme allowed. He said that three years of control work had been prioritised for the Inner Queen Charlotte Sound, funding permitted.

Clrs Barsanti/Andrews:

That the Committee receive the Marlborough Sounds Restoration Trust report.

Carried

ATTENDANCE: Mr P Davidson, Council's Groundwater Scientist, was present for the following item.

R.08/09.310 *Water* **Deep Wairau Aquifer Sustainability Review *G045-01***

The report to the Committee summarised the findings of a review into the response of the Deep Wairau Aquifer to consented abstraction over the past decade. Three separate reports, as **attached** separately to the order paper, were prepared as part of the review.

Members were advised that the Deep Wairau Aquifer, which was discovered during the 1997/98 summer drought, represented the most recently exploited but poorly understood underground water resource in Marlborough and because of its recent discovery there were no policies or rules in the Proposed Wairau/Awatere Resource Management Plan to govern its use. This very old water, 9,100 to 39,000 years old depending on well location, was mostly used for vineyard irrigation because of its inferior quality. The small number of existing water permits reflected uncertainty over the quantum of the resource and its uniqueness.

Mr Davidson provided a presentation to the Committee. He demonstrated the layers of aquifers on the Wairau Plain and the relationship between aquifers. He summarised that the current levels of abstraction from the Deep Wairau Aquifer appeared in balance with aquifer storage, that there was still insufficient understanding of key Deep Wairau Aquifer processes to be definitive about its sustainable yield, and that as the Aquifer interacted with the southern Valleys Aquifers its management could not be considered in isolation.

Mr Davidson responded to a number of questions regarding the existing wells and the quality of the water in the aquifer.

Clrs Barsanti/Davidson:

- 1. That the Committee receive the three hydrological science reports.**
- 2. That the Council take into account the conclusions of the three reports when considering applications for existing water permits to take from the Deep Wairau Aquifer.**
- 3. That decisions on new applications to take from the Deep Wairau Aquifer be consistent with the long-term sustainable management of the Southern Valleys Aquifer Management Zone.**

4. **That Marlborough District Council staff continue the current Deep Wairau Aquifer monitoring programme in recognition of the importance of science in underpinning future resource management decisions and plan review.**

Carried

ATTENDANCE: Ms T Williams joined the meeting during the previous item and Mr M Porter, Council's Democratic Services Co-ordinator, and Council's Harbourmaster, Mr A van Wijngaarden were present for the following item.

R.08/09.311 Council Navigation Bylaws Review L225-01

Members were aware that Council, under the Local Government Act 2002 (the Act), was required to review its bylaws. In this context staff provided a comprehensive report of the background and the processes required to review the Navigation Bylaws currently in place namely, the Navigation Bylaw 2000 (Vessel Speed) and the Navigation Bylaw 2002 (Navigation and Safety).

The Act requires that Council review its bylaws in order to determine if they are still necessary, that they are appropriate and they meet the purpose they were designed for. This involved Council determining whether a bylaw is the most appropriate way of addressing the perceived problem. The report to the Committee detailed the options for dealing with the various problems which the bylaws are designed to address and also whether Council considered that a bylaw was the most appropriate way of addressing the perceived problems, and if so, then was the proposed bylaw the most appropriate form of bylaw. Background to the formation of the bylaws was also detailed in the report.

Mr Porter advised that the statements of proposal and summary of statements as included with the order paper formed part of the bylaw consultation process.

In respect of Vessel Speed it was concluded that the content of the Navigation Bylaw 2000 is considered to be the appropriate way to address the safety concerns expressed by Council and the public regarding the waters of the Marlborough Sounds. Therefore the draft Navigation (Vessel Speed) Bylaw, as separately attached to the order paper, is considered to be the most appropriate form of bylaw. The bylaw also meets the standards of the New Zealand Bill of Rights Act 1990 and the requirements under general law.

In respect of Navigation and Safety it was concluded that the content of the Navigation Bylaw 2002, amended as proposed, is considered the appropriate way to address problems about unsafe behaviour and potential risks within Marlborough's waterways. Therefore the draft Navigation Bylaw, separately attached to the order paper, is considered to be the most appropriate form of bylaw. The bylaw also meets the standards of the New Zealand Bill of Rights Act 1990 and the requirements under general law.

The Harbourmaster clarified the Navigation Bylaw 2002 applied to all areas over which Council has jurisdiction. He added that Council had previously resolved that Pelorus and Kenepuru Sounds were a compulsory area, but they were not actually gazetted. He advised Council had the delegated power to impose pilotage requirements on ships. In respect of this same area Te Mahia was the only ski lane in the Bylaw as the other ski lanes agreed to by Council were maintained by local residents.

It was also clarified that the Navigation (Vessel Speed) Bylaw only applied to vessels operating under the High Speed Code or Code for Dynamically Supported Vessels, for example, the fast ferries that operated in Queen Charlotte Sound and Tory Channel. The promulgated Plan Change to the Marlborough Sounds Resource Management Plan -Ship Wake Variation - deals with the issues relating to speed requirements for conventional ships and ferries.

Clrs Harrison/Davidson:

That Council agree the separately attached draft Navigation (Vessel Speed) Bylaw, in terms of section 155 of the Local Government Act 2002:

- is the most appropriate way to address perceived problems relating to the safety concerns expressed by Council and the public regarding the waters of the Marlborough Sounds; and
- is the most appropriate form of bylaw; and
- does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

Carried

Clrs Barsanti/Davidson:

That Council agree the separately attached Navigation Bylaw, in terms of section 155 of the Local Government Act 2002:

- is the most appropriate way to address perceived problems relating to unsafe behaviour and potential risks within Marlborough's waterways; and
- is the most appropriate form of bylaw; and
- does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

Carried

Clrs Barsanti/Davidson:

1. That the separately attached draft Statements of Proposal for both Navigation Bylaws be adopted, subject to any changes the Committee resolves.
2. That the separately attached draft Summaries of Information for both Navigation Bylaws be adopted, subject to any changes that the Committee resolves.
3. That the period within which submissions may be made to the Council in the course of the Special Consultative Procedure be from 8 January until 27 March 2009 (inclusive).

Carried

R.08/09.312 *Habours* **ENSCO 056 Load-Out *H090-07***

Members were informed that that an oil rig load-out is due to take place in Admiralty Bay in November/December 2008.

This has resulted in a further comprehensive review of the risk assessment information held to date and will initiate further amendments to the existing risk assessments specific to this activity. The Harbourmaster advised that initiatives to reduce the elevated risk profile will be acted on prior to the carrying vessel "Heavylift Falcon" arriving on site. He further advised that Marine Oil Spill Response team members and appropriate equipment will be re-located to Catherine Cove so as to be in a position to respond to any release of oil in the event of a mishap.

At the meeting the Harbourmaster advised that the rig was now in Admiralty Bay, with the legs down and the platform raised out of the water. He said the ship was due in Nelson on 2 December 2008, the rig would be floated on the next day and deballast undertaken. It was estimated it would take 48 hours to secure the ship for sea and it should depart Admiralty Bay waters by the end of next week.

The Harbourmaster clarified that the ship was on its way from China and making entry into New Zealand through Nelson. He said a full exchange of ballast had been undertaken mid-ocean and there were also some tanks that contained permanent ballast that would remain untouched. Members were advised that the resource management issue of the oil rig legs into the seabed would be looked into. This was required as a safety measure in this instance whereas previous rigs have been anchored.

Clrs Barsanti/Bowers:
That the information be received.

Carried

**R.08/09.313 *Res Consent* **Road Naming - R K de Castro Limited -
Blenheim** *U071344***

Resource consent has been granted to J & R K de Castro Limited to create five allotments on the eastern side of Tremorne Street and Committee approval was now sought to name the new road to serve as access to Proposed Lots 1 and 4.

Of the three names put forward for consideration the Committee considered that 'Connor Close' best met the requirements of Council's Road Naming Policy.

Staff noted that all iwi needed to be notified in respect of proposed road names.

Clrs Davidson/Andrews:
That the new road on the eastern side of Tremorne Street, Blenheim be named 'Connor Close'.

Carried

ATTENDANCE: Mr A Johnson, Council's Manager, Environmental Science & Monitoring and Mr K Heather, Council's Resource Management Officer, were present for the following item.

**R.08/09.314 *Biosecurity* **Top of the South Island Marine Biosecurity
Strategic Plan** *R390-13***

The report to the Committee provided an update on the development of a Top of the South Island Marine Biosecurity strategy. Council adoption of the strategic plan, attached separately to the order paper, and provision for Council's contribution to a regional co-ordinator position through the 2009/10 Long Term Council Community Plan was sought.

Further information and background on the collaborative approach to managing marine biosecurity risks was outlined in the report to the Committee. The collective approach was seen as the most appropriate way to enhance existing processes and develop future marine biosecurity programmes of mutual benefit. Members were advised that the partnership approach was seen as a pilot model for New Zealand and would act to achieve co-ordination, effective responses and communication in the most cost effective manner until other frameworks or roles and responsibilities in the coastal marine area are clarified.

The Committee agreed that a funding provision of \$20,000 be budgeted for under the Long Term Council Community Plan 2009/10 as Council's contribution towards a regional co-ordinator for the co-ordination, and development of operational plans and communication strategies under the Marine Biosecurity Strategic Plan.

Mr Graeme Coats of the Marine Farming Association was present at the meeting. He thanked Council for their contributions to the *Didemnum vexillum* working group particularly in the initial response to the incursion of *Didemnum vexillum*. He commended the Biosecurity Strategy as being the way forward in responding to marine incursions across the Top of the South.

Clrs Barsanti/Barker:

- 1. That the information be received.**
- 2. That Council adopt the Top of the South Island Marine Biosecurity Strategic Plan.**

3. That Council make annual budget provision in the 2009/10 Long Term Council Community Plan of \$20,000, subject to funding being provided by the other stakeholders.

Carried

R.08/09.315 Council Information Package

The Regulatory Department Information Package dated 27 November 2008 was received and noted.

Carried

R.08/09.316 PExcluded Decision to Conduct Business with the Public Excluded

Clr Barsanti/Mr Bowron:

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

- Effluent Management Plan
- Contract Tender
- Infringement Notice Appeals
- Update on Complaint
- Breaches of the Building Act

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
Effluent Management Plan Contract Tender Infringement Notice Appeals Update on Complaint Breaches of the Building Act	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.

Carried

The meeting closed at 4.05 pm.

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