

File Ref: C135-E01

Ask For: Mr Porter

20 November 2009

Notice of Committee Meeting - Thursday 26 November 2009

A meeting of the Environment Committee will be held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on **Thursday 26 November 2009 commencing at 1.30 pm.**

B U S I N E S S

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 26 NOVEMBER 2009 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
Clr P J S Jerram
Ms T Williams
Mr C Bowron

Departmental Head

Mr H Versteegh (Manager, Regulatory Department)

Staff

Kathy Payne (Committee Secretary)

IN PUBLIC

	Pages
1. Confirmation of Sub-Committee Business	1
2. Biological Control of Plants Programme (R390-03)	2
3. Groundwater Resources Status (GO45-01)	3-4
4. Revision of Building Control Fees (C270-01, C270-05)	5-13
5. Resource Management (Simplifying and Streamlining) Amendment Act (C270-01)	14-16
6. Marlborough Landscape Group Strategy and Representation (E225-R03-08)	17-18
7. Appointment of Hearings Commissioners (C270-11)	19
8. Financial Report for Period ending September 2009 (B135-02 & F045-07)	20-26
9. Information Package	27

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:

- **R K & L E Rolston - 25 Lawrence Road, Kenepuru Sound - approval to use a lockable cover on an unfenced spa pool (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **Juliet Trustee Company Limited - Waterfall Bay, Marlborough Sounds - approval to use a lockable cover on an unfenced spa pool (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **G J & B A Hodgetts - 17 Ocean View Crescent, Rarangi - approval to use a lockable cover on an unfenced spa pool (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **W L & A A Ashworth - 14 Bell Bird Rise, Endeavour Park, Picton - approval to use a lockable cover on an unfenced spa pool (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **W J & H Holtrop - 36 Dry Hills Rise, Blenheim - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **J L & J M Wilson - 21 Pine Hill Rise, Fairhall - 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. Biological Control of Plants Programme (R390-03)

(Report prepared by Ben Minehan)

Purpose

1. This Council, along with other regional councils across the country, has a contract with Landcare Research for the provision of services for a biological control of plants programme.
2. **Lynley Hayes co-ordinates this programme for Landcare Research and will give a presentation on the success of the biological control programme across New Zealand and prospects for the future and the programme as it relates to Marlborough.**

RECOMMENDED

That the information be received.

3. Groundwater Resources Status (GO45-01)

(Report prepared by Peter Davidson)

Purpose

1. The aim of this report is to update the Environment Committee on the state of Marlborough's underground water resources prior to the 2009-2010 summer irrigation season.

Background

2. Marlborough is highly dependent on its freshwater resources to irrigate crops over the typically hot, dry summers the province experiences.
3. The source of water varies depending on location. Most water used on the Wairau Plain originates from groundwater, whereas the Awatere River supplies water in that area. A combination of groundwater and river water is used by irrigators in areas north of the Wairau River.
4. The period of heaviest water demand varies from season to season, but generally peaks in either January or February.
5. Spring is a critical time in the water calendar as aquifer levels peak, and start to naturally decline as seasonal demand or drainage exceeds recharge.
6. It is the ideal juncture to review the effects of the previous summer's consented demand, and plan for the upcoming summer season in terms of water management.
7. From October 2010 onwards the Council hydrological science staff will formalise this approach and each spring present a State of the Aquifers report to the Council.
8. This exercise reflects the fact that most aquifer systems are approaching full allocation, and is part and parcel of the need for a more active approach to managing the district's water resources.
9. It is hoped that it will prove useful for informing the Council, the public and allowing consent holders to plan their water use over the prospective season.

Comments

10. The period from August 2008 through to the present time has been wetter than normal, particularly for southern Wairau Plain areas.
11. As a result aquifer pressures across all systems are currently at normal to high levels compared to the long-term average for spring.
12. For example Taylor Aquifer levels as measured at the Council Athletic Park recorder site are the highest experienced since the wet period of the mid 1990s.
13. It follows that irrigation demand is likely to be low through until Christmas, especially on heavier soils, and there is unlikely to be aquifer shortages until well into the New Year, if at all.
14. Marlborough District Council staff monitor aquifer levels constantly, including over the Christmas holiday period, and will report back to the Council and water users as necessary.

Summary

15. Aquifers are at normal to high levels for this time of year with adequate natural storage to meet consented demand at this stage.

16. **Peter Davidson will present a 15 minute slide show to brief the Committee on the state of**

each of the major groundwater systems, and be available to answer questions.

RECOMMENDED

That the information be received.

4. Revision of Building Control Fees (C270-01, C270-05)

(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 request Council to commence the special consultation procedures pursuant to the Local Government Act 2002.

Background

2. 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.
3. 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 include revisions to Council's fee schedules to a level where the requirement for rate contribution is limited.
4. The changes created by the building law changes are ongoing and have yet to be fully advised. The major impacts on the group to date include the need for more staffing to undertake all regulatory functions in a much more detailed and time consuming manner.
5. The recovery from fees and charges is not presently covering the costs involved. For example Council is only recovering \$75.00 for boat travel in the Inner Sounds when the actual cost is \$200.00. Additional staffing costs required to meet the accreditation requirements are not being recovered fully. The time involved in travel to inspections is not being charged at present. Overall fees are pitched (when compared with other councils) at a relatively low level at which it is not possible to meet Council's statutory obligations under the Building Act 2004 without a rate increase.
6. The full costs associated with building consents, including the costs of accreditation, must now be faced in a more direct manner. Those costs come from regulatory obligations on the Building Consent Authority with which Council has no choice but to comply.
7. It is therefore proposed that fee increases reflect all of the costs associated with building control and that the function be substantially funded from fees and charges with a corresponding reduction in rates input.
8. The present Government is currently announcing further changes to the building rules and the first of these commence on 1 February 2010. Some new fees and changes to existing fees need to be in place for these changes.

Comments

9. There are many effects on the Council coming out of the Building Act 2004.
10. There are specific requirements on territorial authorities (Building Consent Authorities) to:
 - be more thorough in processing building consent applications.
 - undertake more inspections.
 - make more detailed inspections.
 - make better records of inspections.
 - undertake quality checks on all work.

- undertake several new procedures.
- undertake more training to upskill all staff.
- maintain registration as a Building Consent Authority.
- develop quality systems, which include quality assurance and auditing components.
- develop new policies.
- audit and review every one of the procedures annually

These requirements have a large impact on workloads and staffing levels and a consequential impact on costs.

More Recent Changes

11. More recent changes include making the obtaining of the Project Information Memorandum requirement voluntary when until now it has been compulsory for all building consents. Some of the information required to process a building consent has come from the Project Information Memorandum. For consents that have no project information memorandum that information will still have to be obtained.
12. The creation of Multi Use National Approvals for standard type buildings such as standard houses and garages will create the need for a two tier set of consent charges as the Council role in these will be less than for other consents.
13. The Marlborough District Council Building Control Group has accreditation as a Building Consent Authority.
14. The second stage of accreditation is well underway with the development and implementation of quality systems which in turn has a large impact on how we process our work and ensure that the work is undertaken competently. Council will lose accreditation if this is not done. Stage two accreditation assessments are set for May 2010.
15. External audits and assessments on the Group will continue into the future from many differing organisations such as IANZ, Department of Building & Housing and Audit New Zealand. These must all be paid for from consent applications.
16. To meet statutory obligations to issue building consents within specified timeframes and attend inspections when needed Council has had to increase staff resources.
17. The economy is in a down phase at present which has many effects on everyone. Building Control is certainly not immune from the downturn and the staffing levels within the group will need to be reduced over time if workloads reduce. There remains a requirement under the BCA accreditation regulations to maintain staffing at levels which can meet the accreditation regulation requirements and statutory time frames.
18. The time and financial commitment to training staff to be effective in the building control area is an important consideration. There will be down times and up times and the staffing level needs to be held at reasonable levels during the down times so that Council can cope with the workload during the up times. There is a need to recognise the industry does go through cycles and with every downturn there will follow an upturn.
19. There are reports of the government considering further changes to Building Control. Any changes will be more than a year away and in the interim Council must meet the requirements of the current legislation.
20. Fees for building consents will need to rise in order to cover the additional work to be undertaken to perform the functions timely and adequately, and to cover ongoing costs such as the costs of accreditation, staff training and external auditing. It is therefore proposed that the Building Control fee increases be approved as set out below.

21. The Committee will be aware that the Building Control function operates predominantly from fee revenue and if the fees are not increased this will effectively mean a need for a rate subsidy and therefore a consequential rates increase.

Summary

22. 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.
23. It is proposed to introduce some new charges and increase the fees in stages with an initial increase taking effect from 19 February 2010, followed by a further one taking effect from 1 July 2010.
24. In general terms it is proposed to raise fees across most building control activities with the exception of consent applications with a work value of lower than \$20,000.00. Inspections for solar water heaters, fireplaces and frost fans are proposed to remain as at 1 March 2009.
25. It is proposed that new fees are set to cover the cost of time to travel to inspections which is not currently charged at all. This is an area where a loss is currently incurred. This will add to the costs of consents in remote locations.
26. Boat travel is being undercharged and it is proposed to increase that to align with what Council is being charged. Council is currently charged an average of \$200 for boat travel to every inspection but is only recovering \$75 per inspection. This was a Council policy decision made many years ago.
27. It is proposed that the initial fee increases (**attached**) commence on 19 February 2010.

Impact on Budgeted Income

28. The actual figures are very much dependent on the number of building consent applications received. On the basis of 2000 building consents received annually the fee changes will increase the fee income, and reduce any rating requirement, by approximately \$380,000. This figure is included to show the implications of the fee increases on the budget but conversely the impact on income if the fees are not increased.

Impact on Applicants

29. The impact of Council building consent fees changes, proposed to start on 1 February 2010, on a dwelling valued at \$200,000 is as follows:

	Change \$
Lodgement plus	25.00
Processing plus	400.00
Eight x inspections plus	112.00
Overall increase	537.00

Note: Not including Government levies.

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	\$1609/square metre	= \$236,205
January 2008	\$1,685/Square metre	= \$244,325
June 2008	\$1712/Square metre	= \$248,240
Nov 2009	\$1743/Square metre	= \$252,735

Figures obtained from the Department of Building and Housing publications.

Comparisons

30. A comparison of Council's fees, in effect from 1 March 2009, as compared with other building consent authorities shows that Council is at the lower end of the scale or below the average. Most other BCAs have also been reviewing their fees and charges and many are now charging far in excess of Council's present fees and proposed fees. Council's fees are now low in comparison with other councils.
31. The proposed fee increase appears to be large but the effect is that Council's fees will be set at a level that is comparable with the average charges and is very close to the majority of the BCAs.
32. The table gives an indication of Council's present and proposed fees compared with many other BCAs. These figures have been taken from fees published on web pages and should be used with caution. Whilst all care has been taken to interpret the figures correctly, the basis of charging between councils varies considerably. The total cost figure is quite close to the published figures.
33. The comparisons are based on a new dwelling valued at \$200,000, constructed of brick veneer, with 5 hours processing time, and 8 inspections, located in or near the main town.

	Lodge/ Application	Processing	Inspections	CCC	Total
Matamata Piako	120	500	800		1420
Marlborough Existing	50	758	848	40	1696
Napier	200	500	800	200	1700
Southland		1715			1715
Rotorua		910	864	40	1814
Wellington	90	845	810	90	1835
Timaru	500	450	800	100	1850
Wanganui		900	960		1860
Whangarei	439	450	872	112	1873
Nelson City	310	620	800	200	1930
Auckland	205	888	918		2011
Western BOP	455	500	1240		2195
Franklin	640	560	896	112	2208

	Lodge/ Application	Processing	Inspections	CCC	Total
New Plymouth		2227			2227
Marlborough Proposed fees	75	1158	960	50	2243
Christchurch		2200		65	2265
Hastings	1000	500	800		2300
Palmerston North	525	700	1120	70	2415
Invercargill		2435			2435
Tasman		2445			2445
Manukau	721	625	1000	153	2499
Kapiti		2649		54	2703
Grey		2725			2725
Gore		3000			3000
Hutt	0	2215	800		3015
Waitakere	165	1211	1424	397	3197
Hamilton		4015			4015
Thames Coromandel		3000	1040	100	4140
Rodney		3145	1200		4345
Dunedin		4447			4447

Note: Comparisons do not include Government levies.

34. Another comparison to assist the Committee in putting the proposed fees in perspective is that an engineer's review, for B1 section of the Building Code only, for a small single storey workshop of similar value was charged out at \$2009.25.

RECOMMENDED

1. That, subject to consultation and reassessment as a result of submissions received, the fees for the Building Control Group be amended from 19 February 2009 to the following:

- (i) **Lodgement**
- | | |
|--|----------------|
| Administration & Records Charge | \$75.00 |
|--|----------------|
- (ii) **Building Consent Document Evaluation**
- | | |
|--|---|
| Up to and including \$5,000 | \$50.00 No change |
| From \$5,001 - \$20,000 | \$8.20 per \$1,000 plus \$217.00 no change |
| From \$20,001 - \$100,000 | \$3.10 per \$1,000 plus \$615.00 |
| Discounted by \$100.00 if a Project Information Memorandum obtained | |
| From \$100,001 - \$500,000 | \$1.04 per \$1,000 plus \$950.00 |
| Discounted by \$200.00 if a Project Information Memorandum obtained | |
| \$500,001 and above | \$1.40 per \$1,000 plus \$1400.00 |
| Discounted by \$250.00 if a Project Information Memorandum obtained | |
- (iii) **Inspections**
- | | |
|--|-----------------|
| Inspections for Solar water heaters, Fireplaces, Frost Fans, Marquees each inspection | \$95.00 |
| All other inspections, each inspection | \$120.00 |
- (iv) **Travel time to inspections (New Fee)**
Estimated time to travel @ \$103.00/hour discounted by 50% to account for dual inspections on each trip.
- (v) **Boat Travel (Per inspection)**

Inner QCS to Scott Point and Clark Point	\$200.00
QCS out from Scott Point and Clark Point	\$250.00
Inner Pelorus to Tawero Pt and Opani-Aputu Pt	\$200.00
Pelorus out from Tawero Pt and Opani-Aputu Pt	\$250.00

(vi) **Officer Charge out Rate** (for work not covered by fee schedule) **\$103.50**

(viii) **All other Building Control fees to remain the same as present.**

2. That the following fees change and apply from 1 July 2010:

Building Consent Document Evaluation

Proposed Fees

Up to and including \$5,000	\$50.00 No change
From \$5,001 - \$20,000	\$8.20 per \$1,000 plus \$217.00
From \$20,001 - \$100,000	\$3.10 per \$1,000 plus \$715.00
Discounted by \$100.00 if a Project Information Memorandum obtained	
From \$100,001 - \$500,000	\$1.04 per \$1,000 plus \$1100.00
Discounted by \$200.00 if a Project Information Memorandum obtained	
\$500,001 and above	\$1.40 per \$1,000 plus \$1600.00
Discounted by \$250.00 if a Project Information Memorandum obtained	

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

26 November 2009	Environment Committee considers the proposed fee
10 December 2009	Full Council
15 December 2009	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 email
15 January 2010	Special consultative procedure ends
	- Submissions analysed and summarised into a report for the Full Council to consider
18 February 2010	Full Council considers submissions
	- Fees amended if necessary
19 February 2009	New fees commence

Proposed Fee Changes (to take effect 19 February 2010)

Proposed Fees

(i) Lodgement

Proposed Fee

Administration & Records Charge	\$75.00
Application for fireplace or minor alterations involving no services	\$35.00 No Change

Current Fee as at 1 March 2009

Administration & Records Charge	\$50.00
Application for fireplace or minor alterations involving no services	\$35.00

(ii) Building Consent Document Evaluation

Proposed Fees

Up to and including \$5,000	\$50.00 No change
From \$5,001 - \$20,000	\$8.20 per \$1,000 plus \$217.00 no change
From \$20,001 - \$100,000	\$3.10 per \$1,000 plus \$615.00
Discounted by \$100.00 if a Project Information Memorandum obtained	
From \$100,001 - \$500,000	\$1.04 per \$1,000 plus \$950.00
Discounted by \$200.00 if a Project Information Memorandum obtained	
\$500,001 and above	\$1.40 per \$1,000 plus \$1400.00
Discounted by \$250.00 if a Project Information Memorandum obtained	

Current Fee as at 1 March 2009

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

Multi Use Approval applications (New Fees)

Up to and including \$5,000	\$50.00
From \$5,001 - \$20,000	\$100.00
From \$20,001 - \$100,000	\$200.00
Discounted by \$100.00 if a Project Information Memorandum obtained	
From \$100,001 - \$500,000	\$300.00
Discounted by \$150.00 if a Project Information Memorandum obtained	
\$500,001 and above	\$500.00
Discounted by \$200.00 if a Project Information Memorandum obtained	

(iii) Inspections**Proposed Fee**

Inspections for Solar water heaters, Fireplaces, Frost Fans, Marquees each inspection	\$95.00 No change
All other inspections, each inspection	\$120.00

Current Fee as at 1 March 2009

Inspections for Solar water heaters, Fireplaces, Frost Fans, Marquees each inspection	\$95.00
All other activities, each inspection	\$106.00

(iv) Inspections for Building Warrants of Fitness**Proposed Fee**

Each inspection	\$106.00 No Change
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(v) Travel time to inspections (New Fee)

Estimated time to travel @ \$103.50/hour discounted by 50% to account for dual inspections on each trip.

(vi) Boat Travel (per inspection)**Proposed Fee**

Inner QCS to Scott Point and Clark Point	\$200.00
QCS out from Scott Point and Clark Point	\$250.00
Inner Pelorus to Tawero Pt and Opani-Aputu Pt	\$200.00
Pelorus out from Tawero Pt and Opani-Aputu Pt	\$250.00

Current Fee as at 1 March 2009

Inner QCS to Scott Point and Parea Point	\$75.00
QCS out from Scott Point and Parea Point	\$90.00
Inner Pelorus to Tawero Pt and Opani-Aputu Pt	\$75.00
Pelorus out from Tawero Pt and Opani-Aputu Pt	\$90.00

(vii) **Officer Charge out Rate** (for work not covered by fee schedule)

Proposed Fee	\$103.50
Fee as at 1 March 2009	\$74.30

Proposed Fee changes from 1 July 2010**Building Consent Document Evaluation****Proposed Fees**

Up to and including \$5,000	\$50.00 No change
From \$5,001 - \$20,000	\$8.20 per \$1,000 plus \$217.00 (no change)
From \$20,001 - \$100,000	\$3.10 per \$1,000 plus \$715.00 (increase \$100)
Discounted by \$100.00 if a Project Information Memorandum obtained	
From \$100,001 - \$500,000	\$1.04 per \$1,000 plus \$1100.00 (increase \$150)
Discounted by \$150.00 if a Project Information Memorandum obtained	
\$500,001 and above	\$1.40 per \$1,000 plus \$1600.00 (increase \$200)
Discounted by \$200.00 if a Project Information Memorandum obtained	

5. Resource Management (Simplifying and Streamlining) Amendment Act (C270-01)

(Report prepared by Anna Eatherley)

Purpose

1. The purpose of this report is to brief the Committee on changes to the Resource Management Act that affect or change the processing of resource consent applications.

Background

2. The Resource Management Act (Simplifying and Streamlining) Amendment Act came into effect on 1 October 2009. The Amendment Act is the first of two phases of the National Government's reform of the Resource Management Act. As the title of the Amendment Act suggests, the objective is to improve the processes of the principal Act that were considered to be "burdensome and costly".

Comments

3. The changes introduced by the Amendment Act apply to the resource consent process, making decisions on proposals of national significance, preparing and implementing national instruments, decision making, dealing with matters of trade competition and the establishment of an Environmental Protection Agency. The Ministry for the Environment held a workshop at Council on 20 October 2009 to outline these changes.
4. Of interest to the Committee are the changes that affect the processing of resource consent applications. This report provides a summary of these changes.
5. One of the intents of the Amendment Act is to reduce the costs and delays in the resource consent process for consent applicants and local authorities. The objective is to assist local authorities to process resource consents more efficiently by reducing the administrative burden. The following are the more substantive changes to the resource consent process.

Further Information Requests

6. Prior to the Amendment Act Council could make unlimited requests for further information from the applicant. At each request Council could "stop the clock". This practice was deemed time consuming, inefficient and frustrating for applicants. The Amendment Act limits the number of requests for additional information to two. Council can now put an application on hold while requesting additional information once before an application is notified and once after an application has been notified. If the applicant refuses to provide the additional information requested or if it is not provided in time Council must now notify the application. Council then has the power to decline an application if the information provided is deemed inadequate.
7. As a consequence of the change to the administration of additional information requests Council has no option but to be more stringent with acceptances of applications under section 88 of the Resource Management Act. Since October 1 2009 Council has adopted a comprehensive system of checking applications for completeness prior to acceptance under section 88. Applications that do not include all the necessary information are being returned to the applicant as incomplete.

Notification

8. Prior to the Amendment Act the presumption was that applications would all be notified. The Amendment Act has reversed the presumption to not notifying applications unless there are effects on the environment (for full notification) or affected parties (limited notification). The new threshold is whether the proposed activity will have or is likely to have adverse effects that are more than minor. Council may also notify an application if there are special circumstances or if the applicant requests it.

9. Under the Amendment Act the definition of “public notice” now includes publishing a notice on the internet provided it is also published in the paper. Submissions can now also be received electronically.
10. The Amendment Act is designed to control trade competitors using the Resource Management Act to delay or thwart projects of rivals. Trade competitors are now not able to make submissions on rivals’ applications and are not able to appeal trade competitors’ decisions.

Hearings

11. Under the Amendment Act Council’s reporting requirements have changed to allow the adoption of information provided by the applicant. The intent of this change is to eliminate the repetition of the information contained in the application in the officer’s report. The report must now be provided to the applicant only five days before a hearing unless evidence is directed to be provided. In the latter case the report is required to be provided to applicants and submitters 15 days before the hearing.
12. The Amendment Act specifies that charges for a hearing without an independent commissioner rest with the applicant. If the applicant requests an independent commissioner the applicant is responsible for the costs. If submitter(s) request an independent commissioner the submitter(s) are responsible for the additional associated costs. The applicant would be charged for a hearing without an independent commissioner.

Reporting

13. The Amendment Act has simplified the reporting and decision requirements for non-notified consents. Decisions on non-notified resource consents now only need to state the reasons for the decision. Decisions on notified applications can be limited to the main finding on the principal issues that were in contention. The reporting officer does not need to reiterate the facts in a report.

Lapsing of pre-2005 applications

14. Under the Amendment Act pre-2005 applications with outstanding section 92 requests for additional information will be deemed as lapsed if the applicant has not responded within 12 months of the date of the request.

Section 37

15. The Amendment Act only allows extensions of time under section 37 when there are special circumstances or when the applicant agrees. Special circumstances would include the scale and complexity of an application.

Discount Policy

16. Under the Amendment Act there is a discount policy for resource consents that do not meet statutory timeframes. The discount policy will be set by Central Government regulations. Council will only have the ability to exceed the discount policy determined by Central Government.

Direct Referral

17. The Amendment Act allows for applicants to make a request for a direct referral to the Environment Court for notified consent applications and reviews of consents (to change or cancel conditions). Council has 15 days in which to decide if it agrees to the direct referral.
18. When an application is directly referred to the Environment Court Council will still be responsible for reporting and will retain all its functions, duties and powers in relation to the resource consent once it has been granted. Council is able to recover its costs for time on direct referrals.

The Environmental Protection Agency

19. The Amendment Act has established an Environmental Protection Agency (EPA) which is intended to deal with applications of national significance. Applicants are now able to lodge an application for a resource consent directly with the EPA. The Minister will have the power to decide whether an application is of national significance. If it is not deemed to be of national significance the

Minister can refer it to the Council for processing. If it is deemed to be of national significance the EPA is required to commission a report from Council. Council representatives may also be involved in pre-application meetings, assisting with assessing for completeness and suggesting board members.

Transitional Period

20. The Amendment Act only relates to applications received or notified by Council after 1 October 2009. All other applications are unaffected. Currently the discount regulations have not been released by Central Government and therefore this is not in effect at this stage.

Summary

21. The Resource Management (Simplifying and Streamlining) Amendment Act came into effect on 1 October 2009. The Amendment Act has necessitated changes in the way Council processes resource consent applications. The necessary adjustments have been made and will continue to be made to Council systems to ensure adherence to the new requirements.

RECOMMENDED

That the information be received.

6. Marlborough Landscape Group Strategy and Representation (E225-R03-08)

(Report prepared by Alan Johnson)

Purpose

1. The purpose of this report is to firstly approve the reviewed Marlborough Landscape Group Strategy and, secondly, recommend Council membership for the Group.

Background

2. As members are aware, the Marlborough Landscape Group was established in 2002 in response to widespread community concerns about rapid land use change in Marlborough, particularly in relation to vineyard development and expansion.
3. The Group's focus has since widened to include the whole of the Marlborough region and broader landscape issues.
4. With the current review of the Regional Policy Statement and other resource management plans underway, the Group is well placed to provide input.
5. The current Strategy document underpinning the Group was developed in 2004 and has recently been further reviewed (reviewed Strategy) by the existing Group including elected members, to more accurately reflect the roles and functions of the Group.
6. Committee members will also recall at the last Committee meeting that feedback was provided in relation to Group membership, and the roles of the Group in terms of submitting on resource consents etc. These comments have now been taken into consideration in the draft as circulated to the Councillors.
7. The Group is currently represented by both private stakeholders and elected Council members from the Environment and Assets and Services committee. The Councillors formally represented on the Group are Councillors Taylor and Hope, while previously other Council members have been involved under various capacities however all are encouraged to attend meetings.

Comments

8. The draft strategy sets out the Group's objectives which are "to encourage landscape enhancement, on private and public land" and "to discourage loss or degradation of the Marlborough landscape".
9. It also sets out nine major concerns of the Group and policies and methods of implementation to address these objectives and concerns. The main methods include: encouraging landscape protection and improvement; creating awareness of landscape issues; and informing policy development.
10. The reviewed Strategy also sets out Group membership, administration and funding matters. It considers that private membership will need to be reviewed in the New Year and any membership changes will need to be approved by the Environment Committee.
11. The Strategy is now seen to have a clearer focus as a consequence of a thorough review by the existing Group, elected members, and subsequent feedback from Councillors during the last Committee meeting. The Strategy in its current form can now be considered for adoption.
12. It is also timely to reaffirm Committee representation on the Group. It is recommended that at least one Councillor from each of the Environment, Assets and Services and Environmental Policy Committees be seconded to the Group and that a Councillor take on the position of Chair.

13. It is the intention once elected Council membership is ratified that the members review the existing private membership on the Group.

Summary

14. The Marlborough Landscape Group continues to provide a valuable link between the community and the Council with a focus on landscape issues. Landscape management is set out as an important matter within the Resource Management Act 1991 and the Landscape Group is well placed to act as a focus group in relation to the current policy reviews being undertaken by the Council.
15. The Group's reviewed strategy has recently been amended by the existing Group with elected member input and forwarded to Councillors to consider.
16. That Council representation on the Marlborough Landscape Group is considered.

RECOMMENDATIONS

- 1. That the information be received.**
- 2. That the reviewed Strategy (November 2009) of the Marlborough Landscape Group be approved.**
- 3. That the Committee recommend to Council that the Chairs of the Environment Committee, Assets and Services Committee, Environmental Policy Committee or their named representatives be nominated on the Marlborough Landscape Group.**

7. Appointment of Hearings Commissioners (C270-11)

(Report prepared by Sue Bulfield-Johnston)

1. The Marlborough District Council 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.
2. To date Council has approved a pool of 33 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. Kathleen Ryan has applied to be part of this pool of Hearings Commissioners. Below is a brief of her employment and relevant experience.

Ms Kathleen Ryan

5. Kathleen is a sole practitioner with her focus on governance, facilitation, resource management and strategic policy.
6. Kathleen has acted as a Hearings Commissioner for Auckland, North Shore and Papakura District Councils.
7. Kathleen is a member of NZPI and the Resource Management Law Association. She is also a signatory of the New Zealand Urban Design Protocol.
8. Kathleen holds the appropriate making good decisions course qualification (with chairing endorsement), required to undertake a role as a Commissioner.

Commissioner Pool

9. Council is not bound to employ the services of a Commissioner once they are appointed before Full Council.

RECOMMENDED

That Ms Kathleen Ryan be appointed to act as a Hearings Commissioner as and when required.

8. Financial Report for Period ending September 2009 (B135-02 & F045-07)

(Report prepared by Christine Leslie)

1. **Attached** is a financial report for the Regulatory Department for the period ending September 2009.

RECOMMENDED

That the information be received.

Regulatory Department - Monthly section report



Total Regulatory Management

	September YTD actual	September YTD budget	YTD variance	2009-10 rbud budget	2009-10 forecast
Depreciation	1,311	1,311	0	5,238	
Operating expenses	135,310	139,088	3,778	591,964	
Overhead and management costs	(149,301)	(149,301)	0	(597,202)	
Total operating expenditure	(12,680)	(8,902)	3,778	0	
Net Surplus (Deficit)	12,680	8,902	3,778	0	
The Net Surplus (Deficit) is generated by the following activities					
Net Surplus (Deficit)	DM: Regulatory Management	3,630	6,348	(2,718)	0
	DM: Strategic Policy Management	5,237	750	4,487	0
	DM: Environmental Science & Monitori	3,813	1,804	2,009	0
		12,680	8,902	3,778	0
Capital expenditure					
Asset additions	DM: Environmental Science & Monitori	533		(533)	1,500
		533		(533)	1,500

Notes:

Operating expenditure in direct management areas are favourable.

Regulatory Department - Monthly section report



Total Consents and Compliance

	September YTD actual	September YTD budget	YTD variance	2009-10 forecast	2009-10 rbud budget
Fees and Charges	908,007	1,077,747	(169,740)		4,311,000
Licence revenue	107,477	99,450	8,027		210,531
Other revenues	22,709	9,051	13,658		36,200
Total Rates and Charges	695,447	688,212	7,235		2,752,855
Total Revenue and Rates	1,733,640	1,874,460	(140,820)	7,310,586	
Depreciation	1,740	1,740	0	6,955	
Operating expenses	1,150,286	1,151,582	1,296	5,220,523	
Overhead and management costs	585,282	585,282	0	2,341,127	
Total operating expenditure	1,737,308	1,738,604	1,296	7,568,605	
Net Surplus (Deficit)	(3,668)	135,856	(139,524)	(258,019)	
The Net Surplus (Deficit) is generated by the following activities					
Net Surplus (Deficit)	Consents: Resource Consents	(32,338)	25,613	(57,951)	2,904
	Consents: Hearings	9,335	2,514	6,821	0
	Consents: Building Control	(36,749)	18,565	(55,314)	(155,423)
	Consents: Environmental Health	88,710	50,061	38,649	3,500
	Consents: Public Consents Information	(18,093)	2,832	(20,925)	0
	Consents: Legal section	35,204	1,380	33,824	0
	Consents: Compliance section	(63,619)	6,304	(69,923)	(109,000)
	Consents: PIM and LIM section	13,882	28,587	(14,705)	0
		(3,668)	135,856	(139,524)	(258,019)
Capital expenditure	Asset additions			0	4,500
	Consents: Resource Consents			0	1,200
	Consents: Building Control	533		(533)	3,500
	Consents: Environmental Health	533		(533)	9,200

Notes:

Building control

Unfavourable revenues from decreased building charges due to a reduction in building consents being issued and a decrease in the value of those consents. Unfavourable expenditure from legal fees for earthquake prone buildings and wind machines.

Resource consents and hearings

Unfavourable revenue due to a reduction in the numbers of complex consents being processed, however the revenue generated from hearings is favourable to budget. Hearings meeting allowances and commissioner costs are unfavourable to budget.

Compliance

Favourable revenue to budget due to infringement revenue received. Unfavourable variance in the compliance legal budget \$94,700 from enforcement actions and court cases.

PIMs & LIMs

Unfavourable variance due to reduced revenue from LIM requests. Unfavourable operating expenditure due to personnel costs, which is reduced by other savings in operating expenditure.

Health and Liquor

Favourable revenue on budget from liquor licences, premise registrations and inspections. Favourable operating expenditure and personnel costs are due to a reduction in staffing numbers.

Regulatory Department - Monthly section report



Total Biosecurity

	September YTD actual	September YTD budget	YTD variance	2009-10 rbud budget	2009-10 forecast
Other revenues	50,812	249	50,563	1,000	
Subsidies & Grants		2,499	(2,499)	10,000	
Total Rates and Charges	315,529	312,612	2,917	1,250,454	
Total Revenue and Rates	366,341	315,360	50,981	1,261,454	
Depreciation	138	138	0	548	
Operating expenses	167,962	197,715	29,753	1,149,601	
Overhead and management costs	63,063	63,063	0	252,258	
Total operating expenditure	231,163	260,916	29,753	1,402,407	
Net Surplus (Deficit)	135,178	54,444	80,734	(140,953)	
The Net Surplus (Deficit) is generated by the following activities					
Net Surplus (Deficit)	Regional Pest Control	70,569	12,778	57,791	(86,700)
	Bovine TB: Regional Contributions	64,688	41,666	23,022	(54,253)
	Bovine TB: General Operations	(79)		(79)	0
		135,178	54,444	80,734	(140,953)
Capital expenditure					0

Notes:

Revenue:

Favourable variance due to contributions from Biosecurity New Zealand (\$50,563).

Expenses:

Favourable operating expenditure from reduced AHB Regional Contribution payments due to timing.

Regulatory Department - Monthly section report



Total Harbour Control

	September YTD actual	September YTD budget	YTD variance	2009-10 rbud budget	2009-10 forecast
Fees and Charges	600	0	600	1,435,122	
Licence revenue	422	249	173	1,000	
Other revenues	32,419	13,374	19,045	99,493	
Total Rates and Charges	89,031	88,236	795	352,954	
Total Revenue and Rates	122,472	101,859	20,613	1,888,569	
Depreciation	23,187	23,187	0	92,746	
Operating expenses	143,642	282,640	138,998	1,374,902	
Overhead and management costs	29,547	29,547	0	118,180	
Total operating expenditure	196,376	335,374	138,998	1,585,828	
Net Surplus (Deficit)	(73,904)	(233,515)	159,611	302,741	
The Net Surplus (Deficit) is generated by the following activities					
Net Surplus (Deficit)	Harbour: Pollution Response	27,637	(3)	27,640	0
	Harbour: Control	(75,947)	(196,635)	120,688	290,000
	Harbour: Navigation Aids	(24,337)	(35,626)	11,289	12,741
	Harbour: Marine Farms	(1,257)	(1,251)	(6)	0
		(73,904)	(233,515)	159,611	302,741
Capital expenditure					
Asset additions	Harbour: Control	15,859	3,000	(12,859)	64,000
	Harbour: Navigation Aids	2,395		(2,395)	170,000
		18,254	3,000	(15,254)	234,000

Notes:

Revenue:

Favourable variances in all revenue areas.

Expenses:

Favourable variance in operating expenditure due to timing, mainly in harbour control where there are savings in contracts, personnel and training, as well as favourable variances in the pollution response and navigation aid operating areas.

Regulatory Department - Monthly section report



Total Environmental

	September YTD actual	September YTD budget	YTD variance	2009-10 rbud budget	2009-10 forecast
Fees and Charges	9,909		9,909		
Other revenues	3,638		3,638		
Rental revenues	332		332		
Subsidies & Grants	79,301		79,301		
Total Rates and Charges	901,620	892,404	9,216	3,569,622	
Total Revenue and Rates	994,800	892,404	102,396	3,569,622	
Depreciation	16,968	17,070	102	68,267	
Operating expenses	804,385	697,217	(107,168)	3,243,273	
Overhead and management costs	192,546	192,546	0	770,182	
Total operating expenditure	1,013,899	906,833	(107,066)	4,081,722	
Net Surplus (Deficit)	(19,099)	(14,429)	(4,670)	(512,100)	
The Net Surplus (Deficit) is generated by the following activities					
Net Surplus (Deficit)	Environmental Review Operations	28,987	(43,654)	72,641	0
	Environmental Review Projects	116,068	49,899	66,169	(223,000)
	Environmental Review Hydrometrics	(7,566)	90	(7,656)	0
	Environmental Policy Operations	1,478	19,236	(17,758)	0
	Environmental Policy Projects	(158,066)	(40,000)	(118,066)	(289,100)
		(19,099)	(14,429)	(4,670)	(512,100)
Capital expenditure					
Asset additions	Environmental Review Hydrometrics	901	(901)	49,000	
	Environmental Policy Operations	533	(533)		
		1,434	(1,434)	49,000	

Notes:

Revenue:

Favourable variances from the sale of plans, hydrometric monitoring and payments received for SNA project and the Aquaculture claim fund.

Expenses:

Favourable variance in review operations and projects. The unfavourable variance in hydrometrics operations is partially offset by monitoring reimbursements.

There is an unfavourable variance in the environmental policy projects area due to timing. The largest projects to date are the:- Blenheim Urban Design Strategy project expenditure as at the end of September is \$99,005.60 and the Regional Policy Statement Review \$50,448.05.

Regulatory Department - Monthly section report



Total Animal Control

	September YTD actual	September YTD budget	YTD variance	2009-10 rbud budget	2009-10 forecast
Fees and Charges	482,519	479,247	3,272	513,000	
Other revenues	2,765	3,750	(985)	15,000	
Total Rates and Charges	13,976	13,851	125	55,398	
Total Revenue and Rates	499,260	496,848	2,412	583,398	
Depreciation	1,191	1,251	60	5,005	
Operating expenses	151,921	163,012	11,091	652,676	
Overhead and management costs	8,616	8,616	0	34,452	
Total operating expenditure	161,728	172,879	11,151		692,133
Net Surplus (Deficit)	337,532	323,969	13,563	(108,735)	
The Net Surplus (Deficit) is generated by the following activities					
Net Surplus (Deficit)					
Dog Control	335,481	323,969	11,512	(108,735)	
Other animal control	2,051	0	2,051	0	
	337,532	323,969	13,563	(108,735)	
Capital expenditure					0

Notes:

Revenue:

Favourable variance from impounding and infringements (\$14,574) offset by unfavourable variance in registrations (\$12,052).

Expenses:

Favourable operating expenditure from savings in personnel costs (\$4,082) and general expenses (\$5,103) due to timing.

9. Information Package

RECOMMENDED

That the Regulatory Department Information Package dated 26 November 2009 be received and noted.