

File Ref: C135-E01

Ask For: Mr Porter

30 January 2009

## **Notice of Committee Meeting - Thursday 5 February 2009**

A meeting of the Environment Committee will be held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on **Thursday 5 February 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 5 FEBRUARY 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  
Ms T Williams  
Mr C Bowron

**Departmental Head**

Mr H Versteegh (Manager, Regulatory Department)

**Staff**

Kathy Payne (Committee Secretary)

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# **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 R & R A Kirkwood, 24 Boyce Street, Renwick - approval to use a lockable cover on an unfenced spa pool (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **E & C Bamber, 22 Hillside Terrace, 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).**
- **McCarthy Lock Trustee Company, 209 Oakwood Lane, Blenheim - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **D J Knight & G M Gibson, 14 Knights Lane, Blenheim - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **G Tait, 2 Cooks Ridge, Waikawa - 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. ENSCO 056 Load-out (H090-07)

(Report prepared by the Harbour Master)

### Purpose

1. The purpose of this report is to update the Committee of an oil rig load-out in Admiralty Bay that took place in December 2008.

### Background

2. The Harbour Master was advised by Phoenix Shipping that it was the intention to load-out a production platform in Admiralty Bay during December. The primary reason Admiralty Bay was chosen is due to the shelter it provides for this type of operation, where environmental limits were a critical element.

3. The Marlborough Sounds Harbour Risk Assessment has identified Admiralty Bay as having:

*“limited information available at present about navigation in the areas. It is thought to generally comprise only local leisure vessels, visiting yachts or fishing related activities”*

Admiralty Bay is also a recognised marine farming area, particularly in the vicinity where the off-load is to be undertaken.

4. The Marlborough Harbour Navigational Safety Management System (SMS) recognises that circumstances can and do change and sets out policies that should be followed when this occurs:

*i. “whenever circumstances change to bring in activities outside the existing scope of the Navigational SMS, the Harbour Master will, in full collaboration with the relevant stakeholders, undertake a risk assessment of the intended operation. This process is likely to include the activation of a meeting of the Navigational Management Advisory Team (NMAT).”*

5. ENSCO 056 arrived in Admiralty Bay on 16 November 2008 under tow by two tugs. Once in Admiralty Bay the rig was soft-pinned and the platform raised approximately 4 metres above the water. The carrying vessel HEAVYLIFT FALCON arrived on 3 December 2008.
6. The load-out operation is, in itself, was quite simple. The carrying vessel was ballasted to a suitable draft and the rig manoeuvred over the submerged deck of the carrying vessel by attending tugs. However there are critical elements in the process, particularly when the carrying vessel’s deck breaks the water during the de-ballasting phase. It is at this stage where vessels have got into difficulty due to a sudden loss of stability at this critical point, this having the potential to result in the carrying vessel foundering.
7. Critical elements of the operation were restricted to daylight hours only.

### Comment

8. With experience gained during previous similar operations, a review of previous risk assessments of off-load operations resulted in a list of ranked hazards which assisted in defining appropriate risk control measures.

9. As with previous operations, this was seen as ideal for a practical training opportunity for members of the Council's Marine Oil Spill Response Team. An Incident Action Plan identifying at risk environmental areas and outlining response options in the event of oil escaping from the carrying vessel was developed. In support of the plan, a small team of responders from Council and Maritime New Zealand established a forward response base at Catherine Cove and appropriate oil spill response equipment, sourced from the oil spill response shed in Picton as well as Nelson, was relocated to Catherine Cove. Additional responders were invited from Nelson but regrettably, none were able to attend. Maritime New Zealand's Marine Pollution Response Services sent one staff member to attend the operation. The team remained on site with essential elements of the response equipment ready for immediate deployment until the load-out was completed and the vessel departed Admiralty Bay.
10. On completion of de-ballasting the rig was fastened to the carrying vessel prior to departing Admiralty Bay. This phase took two and a half two days to complete.
11. The Oil Spill Response Team was stood down and all equipment returned to store once HEAVLIFT FALCON departed Admiralty Bay.

### **Conclusion**

12. The load-on of the rig ENSCO 056 in Admiralty Bay resulted in a further comprehensive review of the risk assessment information held to date and initiated further amendments to the existing risk assessments specific to this activity.
13. Initiatives to reduce the elevated risk profile were acted on prior to the carrying vessel arriving on-site.
14. Marine Oil Spill Response Team members and appropriate equipment were 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.
15. 

<b>A short PowerPoint presentation of the load-out will be shown at the meeting.</b>
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### **RECOMMENDED**

**That the information be received.**

### **3. Harbour Patrols (H090-07)**

**(Report prepared by the Harbour Master)**

#### **Purpose**

1. The purpose of this report is to update the Committee of the harbour patrol activities over the holiday period.

#### **Background**

2. The Committee will be aware that over the past years regular harbour patrols have been in place between Labour week-end and Easter of the following year.
3. Generally patrols are run over weekends, but revert to a daily schedule over the busy holiday period. This summer the daily patrols commenced on 21 December 2008 and, apart from Christmas Day and New Years day, daily patrols have been undertaken.
4. It is noted from the daily reports from the patrol that there was a marked increase in recreational vessel traffic and counts of between 50-60 vessels per hour at the entrance to the Picton and Waikawa marinas were not uncommon. In addition, there was also the seasonal increase in small commercial operations - water taxis, etc.
5. Wearing of Personal Floatation Devices (PFDs), particularly in small craft (less than 6 metres) was a matter patrols reported on frequently. Members will have noted media comments on proposed changes relating to PFDs in vessels of less than 6 metres.
6. Speed of vessels within 200 metres of the shore was also an area that required constant attention, particularly in the vicinity of headlands. This applied to both commercial and recreational vessels.
7. Personal Water Craft on the whole were reported as being generally well behaved despite the fact that there were more on the water this year.
8. Patrol staff interact with the boating public on the water, at launching ramps, at water ski lanes and at jetties and baches in the Sounds. These opportunities are seen as being ideal to re-enforce educational themes as well as a means of distributing the 'Safe Sounds Boating' brochure and other educational material. For this summer season a print-run of 5,000 brochures was seen as a realistic number. At the time of preparing this report, less than 500 brochures remain for distribution until the end of the patrol period.
9. It is always difficult to find the correct balance of patrol time between Queen Charlotte Sound and Pelorus Sound. A number of patrol days were spent in Pelorus Sound this summer and comments from patrol staff indicate that, in general, recreational vessel behaviour was satisfactory. One patrol day coincided with the Hopai Sports Day.
10. On completion of the patrol schedule after Easter a general de-brief of staff will be undertaken which will form the basis of the brochure review, as well as patrol schedules for next summer.

#### **Conclusion**

11. Harbour Patrols have been undertaken in a similar format to those of previous years.
12. The matters of speed, general behaviour and wearing of PFDs have been noted by patrol staff as being an issue from time to time, but on the whole the patrols have been well received and seem to have the support of the boating public.

#### **RECOMMENDED**

**That the information be received.**

## **4. Land Use Changes in Marlborough (E225-07)**

(Report prepared by Carol Mills)

### **Purpose**

1. The purpose of this report is to provide a brief summary of the history of land use change in Marlborough.

### **Background**

2. The current groundtruthing of land use change and audit of data was completed by Jamie Sigmund and Carol Mills in November 2008. This completes 10 years of data capture.
3. Council now uses the data to audit water take consents and for calculation of usage in relation to the availability of the water resources of the aquifers and river systems. The data is also able to be overlaid with building and resource consents to determine where dams or wind machines are sited and the Council Compliance Team are then able to follow up any non-compliance issues. Other general uses are:
  - (a) State of the Environment monitoring of land use change; and
  - (b) Assisting in the review of water quality and land resource management.
4. The benefits of the groundtruthing programme has been appreciated by the viticulture industry and the data supplied assists with future planning for:
  - (a) The Council for discharge estimates for infrastructure requirements;
  - (b) New Zealand Winegrowers and the associated industries, which supply everything from survey services, construction and ground work, posts, irrigation piping, wire, labour, vats, and bottling requirements; and
  - (c) For marketing the end product.
5. It is planned to continue with the data collection, the results of which are also made available to the public via the Council website: [www.marlborough.govt.nz/enviromonitoring/land.cfm](http://www.marlborough.govt.nz/enviromonitoring/land.cfm)
6. There has also been a collection of various land use historical data from sources such as the Ministry of Agriculture and Fisheries, the Nelson-Marlborough Regional Council's publication Water and Soil Resources of the Wairau 1990, and the New Zealand Winegrowers annual reports.

### **Summary**

7. It was felt appropriate that from the various data a summary of the history of land use change in Marlborough be compiled to show where the losses and gains have been to each selected sector of industry.

8. **A 15 minute presentation will be given at the meeting.**

### **RECOMMENDED**

**That the information be received.**

## 5. EnviroLink Scheme Update (E225-01)

(Report prepared by Alan Johnson & Peter Davidson)

### Purpose

1. The purpose of this report is to update the Council on Marlborough District Council participation in the EnviroLink scheme and the benefits of funding since its inception.

### Background

2. The EnviroLink scheme is a collective regional council driven programme and the funds are administered by the Foundation for Research, Science and Technology (FRST) and co-ordinated by Bill Dyck based in the Bay of Plenty.
3. The scheme commenced in 2005 and approximately \$1.6 million of central government funding is available for distribution each year. Only the smaller regional councils and unitary authorities are eligible for grants. Marlborough District Council is one of the nine authorities. Councils collectively provide a small contribution for the overall co-ordination of the scheme, of which this Council contributes \$7,500 per annum.
4. The schemes objectives are to:
  - a) Improve science input to the environmental management activities of regional councils.
  - b) Increase the engagement of regional councils with the environmental research/science and technology sector.
  - c) Contribute to greater collective engagement between councils and the science system generally.
5. The scheme also aims to support regional councils in two areas of environmental management, adapting management tools to local needs and translating environmental science knowledge into practical advice or actions. The emphasis is on applied research rather than pure science or data gathering.
6. There are three types of grants available:
  - a) **Small advice grants** (up to \$5,000) for obtaining an expert consultation with research organisations to help identify information needs and receive advice on science techniques or to meet training needs.
  - b) **Medium advice grants** (up to \$20,000) for obtaining detailed consultation for discrete projects, or the second phase of an initial small grant project. The aim of this grant is to help councils apply existing knowledge held by research providers.
  - c) **Tools development:** These grants are to support the development and adaptation of nature resource and environmental management tools for use by more than one Council. The funding thresholds are generally higher and approval can be made for up to a two year period.
7. It is a straightforward procedure to apply for a small advice grant, and the decision is made generally within a day. The process required to secure a medium advice grant normally takes up to three weeks for approval, while the tools development category requires more rigorous assessment and elevation prior to the approval through a governance committee. Generally funding apportioned to projects in this category requires multiple council support.
8. This Council has been active in applying for funding assistance through the scheme. Recently Council also hosted the EnviroLink Fund co-ordinator for a day long visit to brief him on local issues, gain acceptance for specific proposals and familiarise him with staff. To date Council has been approved for EnviroLink funding worth a total of \$686,957. These funds supplement the

ordinary Council funded budgets. They enable work to be carried out that may not otherwise have been possible due to budget restrictions, or projects completed earlier than would otherwise be the case.

9. The following table shows that 36 projects have been approved for Council and in most situations funds approved were for the small and medium advice grant category:

#### **MDC Approved Envirolink Projects**

<b>Project Title</b>	<b>Date</b>	<b>Description</b>	<b>Grant Amount</b>
Dusky Dolphins (stage 1)	2006	Mussel farms and dusky dolphins do not amicably co-exist. Therefore we need advice on dolphin habitat use relative to a number of parameters.	\$5,000
Dusky Dolphins (stage 2)	2007	As above	\$20,000
Air quality monitoring	2006	Concentrations of PM <sub>10</sub> in Blenheim currently exceed the National Environmental Standard for PM <sub>10</sub> . Management options are required to reduce PM <sub>10</sub> .	\$20,000
Toolkit for developing a cost effective air quality incentive programme (Tool development fund)	2008	18 month project with MDC as the lead agency amongst collective regional Councils. The purpose of the toolkit is to assist Councils in developing and implementing cost-effective incentives programmes to maximise reductions in PM <sub>10</sub> emissions from domestic home heating.	\$225,427
Rivers Management (Tool development fund)	2007	Two year project with MDC (rivers section) as the lead agency amongst collective regional Councils. The purpose of the project is to document best practice river management with an objective to develop national best practice and standards.	\$150,000
Soils advice (stage 1)	2006	Sustainable land and water management in Marlborough is facilitated by having knowledge of soil properties and their distribution.	\$5,000
Pine conversion and succession	2006	Advice has been sought on the best way to manage the conversion to optimise the environmental and economic outcomes.	\$5,000
Management of small streams (stage 1)	2006	Review of approaches that could be used to guide flow management in small streams throughout Marlborough.	\$5,000
Management of small streams (stage 2)	2008	As above	\$5,000

<b>Project Title</b>	<b>Date</b>	<b>Description</b>	<b>Grant Amount</b>
Awatere River Valley soil fact sheets	2006	Improved compliance and consent decisions by liberating unpublished soil spatial information and characterisation for Council research and public use.	\$20,000
Valuing the environment	2006	Advice on valuing environmental (including ecological and social) aspects to consider in land use conversion operations and planning.	\$5,000
Marlborough Sounds land use change	2006	Achieving sustainable environmental outcomes from land use change.	\$20,000
Management of aquatic weeds	2006	Management options for specific aquatic weeds, Eel grass, Parrots feather, Senegal tea and Reed sweet grass.	\$5,000
Lizards as indicator species	2007	Investigation to use lizards as a monitoring indicator species to measure biodiversity outcomes.	\$5,000
Control of Chilean Needlegrass	2007	Advice to assist to the acquisition of an effective specific, residual herbicide for control and containment of this invasive weed.	\$5,000
Acoustic stream flow measurement training	2007	New technology for measuring river flows has improved the accuracy and increased the detail of information than that which is achieved by existing adopted methods	\$5,000
Soil fact sheet generator	2007	Establish an on-line dynamic soil database and soil fact sheet generator for those soils mapped in the Lower Awatere Valley.	\$20,000
Wairau River Valley soil fact sheets	2008	Establish an on-line dynamic soil database and soil fact sheet generator for those soils mapped in the Wairau River Valley.	\$20,000
Rabbit immunity to RHD	2007	Advice on the management of rabbits at sites where RHD has failed. Farmers are uncertain how to manage sites where RHD is failing as a biocontrol.	\$5,000
RHD data interpretation methodology	2008	Advice and analysis of the immune status of rabbits at sites where RHD appears to be failing in coastal Marlborough.	\$5,000
Rabbit re-set - RHD	2008	Reset trials post conventional operations.	\$20,000
Tuis to town study	2007	Study to summarise extent and distribution of Tui and restoration requirements in Marlborough.	\$5,000
Soil changes induced by land contouring	2008	There are several fundamental questions that need to be answered to determine if land re-contouring is a sustainable practice.	\$5,000
Nassella Tussock seedling control	2008	Seeking an efficient and practical way of stopping the annual recruitment of seedlings	\$5,000
Nassella Tussock/Chilean Needlegrass trial design	2008	AgResearch will assist Agrivet Services in the design of a trial to assist the flupropanate registration process with ERMA.	\$5,000

<b>Project Title</b>	<b>Date</b>	<b>Description</b>	<b>Grant Amount</b>
Threat from exotic invasive ants	2008	Research to undertake the identification of ants collected during a survey. Invasive ant identification is a difficult task which requires a skilled entomologist.	\$5,000
Nassella Tussock ageing and spread	2008	Seeking advice on the methodology to assess Nassella Tussock plant age, potential number of seeds liberated, based on seasonal growth.	\$5,000
Bacterial contamination of seawater & shellfish	2007	The work will help to more accurately assess the risk to the public from pathogen contaminated waters/shellfish through source apportionment.	\$5,000
Hydrological impacts of sea level rise	2007	The advice focused on sea level rise impacts on spring flow, drainage processes and aquifer dynamics.	\$5,000
Oxidation pond protocol	2006	Protocol for circulation studies using GPS drifters for improving oxidation pond performance and determining outflow circulation.	\$11,530
Soil Treatment Wastewater Bacteria	2006	To determine indicative levels of bacterial treatment domestic wastewater receives as it passes through Marlborough soils.	\$5,000
Climate variability impacts on river flow regimes and aquifers	2007	This focuses on changes in flow regime and downstream aquifers.	\$5,000
Tools for analysing hydrological change	2007	Developing simple spreadsheet tool for analysing hydrological change in Marlborough.	\$5,000
Update on the impacts of climate change on Marlborough	2007	This focuses is on potential changes in flood or drought frequency. Translating the latest climate data for the Marlborough environment.	\$5,000
Impact on climate variability on South Marlborough catchments	2007	A collection of historical local climate knowledge, particularly concerning local rainfall data for the Starborough Flaxbourne Soil Conservation Group.	\$20,000
Deep Wairau Aquifer review	2007	Review the conceptual understanding of the Deep Wairau Aquifer and the impacts of abstraction since its discovery in 1998.	\$20,000
<b>TOTAL</b>			<b>\$686,957.00</b>

### **Summary**

10. Council is part of the Envirolink funded scheme. FRST administers the scheme and allocates up to \$1.6m per annum of Central Government funding for input into environmental science projects.
11. Marlborough District Council has successfully attracted a significant amount of Envirolink funding for 36 projects over the last three years which has enabled the Council to carryout projects that would otherwise not have proceeded. These applied projects have resulted in significant environmental benefits to the district.

### **RECOMMENDED**

**That the information be received.**

## 6. Groundwaters of Marlborough Publication (GO45-01)

(Report prepared by Peter Davidson)

### Purpose

1. The purpose of this report is to inform the Council of the publication schedule and contents of the Marlborough District Council book entitled: Groundwaters of Marlborough

### Background

2. Marlborough District Council (the Council) staff are updating the popular 1988 publication entitled: Water and Soil Resources of the Wairau - Volume 2 - Groundwater. The aim of the book is to summarise our most recent knowledge of underground water resources in Marlborough for the Council and community.
3. The original three volume series documenting the soil and freshwater resources of the Wairau River Catchment remains the most comprehensive summary of its type, but is becoming dated after 20 years. The focus of this report is Volume 2, which is dedicated specifically to underground water resources of the Wairau River catchment.
4. While the content of Volume 2 remains valid today, a significant amount of new information now exists, and not only for the Wairau Catchment. For instance, the discovery of the Deep Wairau Aquifer in the late 1990s and awareness of the widespread occurrence of naturally occurring arsenic in groundwater. In addition two decades of water level records at existing or new sites is now available, and the drilling of a further 3,000 wells has expanded community knowledge considerably.
5. Contributions to aquifer science over the past 20 years have been made by many parties, including well drilling contractors, hydrogeological consultants, well owners/irrigators, government researchers, along with Council staff. It also must be remembered that current staff are building on and refining a body of knowledge that has evolved over the past 40 years due to inputs from many people with different skills.
6. Base information is formally recorded in the Council archives for perpetuity, but from time to time it is necessary to summarise it, and this is the function of Groundwaters of Marlborough and its 1988 predecessor.
7. This process also allows corporate knowledge, which may not reside in a formal database, to be documented. Given the continuity of service amongst present staff members, this source of concepts or theories is especially valuable.
8. Freshwater is arguably Marlborough's most precious natural resource and its sustainable management relies on a foundation of good science. As the future focus shifts from the exploration or development phase to seasonal management, a good understanding of how aquifers work is imperative for all concerned.
9. Symptomatic of its importance to all facets of our lives is the popularity of the river, rainfall and groundwater sites on the Council website. Coupled with this is a growing public interest in environmental matters including freshwater, the likely pre-eminent global natural resource issue of the 21<sup>st</sup> century. People want to know where their water comes from, and for most of the local population the source is underground.
10. Groundwaters of Marlborough will be significantly longer than the original book to accommodate the wealth of new information, and reflecting the increased state of knowledge.

11. The writing style is deliberately pitched at a general audience. However the appendices will contain information for the groundwater professional wishing to dig deeper for more technical details. In short there should be sufficient scope for all levels of interest from introductory to specialist.
12. The book will be spiral bound, and printed in colour, which was a deficiency of the original document when it came to interpreting graphs and plots. It is hoped that the book will appeal to a broad readership including students, groundwater professionals, planners, researchers, aquifer users, water planners, regulators and the general public.
13. Because this is a summary document, it was necessary to have a close-off date for information which is the end of 2008. Unfortunately this approach will mean a certain degree of obsolescence.
14. After being formally presented to the Environment Committee of the Council in early 2010, it will be available to the public in hard copy format from Council reception, or free in electronic form from the Council website, along with other technical publications.
15. This is an exciting and satisfying project for staff to be involved with as it represents the culmination of over 20 years work. To launch the project staff, in conjunction with a professional journalist, will release a series of about 25 articles in the local newspaper summarising issues relating to groundwater hydrology of general interest.

### **Summary**

16. Council staff are producing a publication summarising and documenting community knowledge of underground water resources which is due for release in early 2010.

### **RECOMMENDED**

**That the information be received**

## 7. 2008/09 Summer Bathing Water Quality Update (W180-02)

(Report prepared by Fleur Tiernan)

### Purpose

1. The purpose of this report is to provide an update on this summer's bathing water quality.

### Background

2. The bathing water season extends from the beginning of November to the end of March. This year sampling will take place over 22 weeks. This report summarises the results for the first 11 weeks of the summer, i.e. to the week ending 16 January 2009.
3. This update includes results from both freshwater and coastal bathing water sites. There are 18 coastal and 13 freshwater sites in this year's bathing water programme. Samples are taken at each site on a weekly basis.

Coastal Water Sites	Freshwater Sites
Marfells Beach	Taylor @ Hutcheson Street Bridge
Wairau Bar	Taylor @ Riverside
Wairau Diversion	Opawa @ Malthouse Reserve
Whites Bay	Opawa @ Elizabeth Street Footbridge
Picton Foreshore	Wairau @ Blenheim Rowing Club
Shelly Beach	Wairau @ Wairau Rowing Club
Bobs Bay	Wairau @ Ferry Bridge
Waikawa Bay	Wairau Diversion @ Neals Road
Ngakuta Bay	Pelorus @ Totara Flat
Momorangi Bay	Rai @ Brown River Reserve
Tirimoana	Rai @ Rai Falls
Anakiwia	Pelorus @ Pelorus Bridge
Mistletoe Bay	Waihopai @ Craiglochard Bridge #2
Te Mahia	
Portage	
Moenui	
Oyster Bay	
Hakahaka Bay	

4. E. coli are measured at freshwater sites and enterococci are measured at coastal sites. The guidelines for each are as follows:

**For Freshwater Sites:**

<b>Acceptable</b> 'Green Mode'	< 260 <i>E.coli</i> /100mL	Highly likely to be uncontaminated	Routine monitoring	Safe 😊
<b>Alert</b> 'Amber Mode'	> 260 <i>E.coli</i> /100mL	Potentially contaminated	Investigate likely causes	OK 😐
<b>Action</b> 'Red Mode'	> 550 <i>E.coli</i> /100mL	Highly likely to be contaminated	Further investigation, inform relevant interested parties	Unsafe 😞

**For coastal bathing waters:**

<b>Acceptable</b> 'Green Mode'	A single sample < 140 Enterococci/100mL	Highly likely to be uncontaminated	Routine monitoring	Safe 😊
<b>Alert</b> 'Amber Mode'	A single sample > 140 Enterococci/100mL	Potentially contaminated	Investigate likely causes	OK 😐
<b>Action</b> 'Red Mode'	A single sample > 280 Enterococci/100mL	Highly likely to be contaminated	Further investigation, inform relevant interested parties	Unsafe 😞

- Marlborough experienced high levels of rainfall during November and December. This was particularly true for the Rai Valley. High rainfall levels, especially in urban and intensive agriculture areas, result in contaminants (including bacteria) being washed into surface waters. There were a number of exceedances of the bathing water standards during these rainfall events. But the Rai Valley experienced some of the worst water quality recorded to date. Although clearly rainfall related, after consultation with the District Health Board temporary public health warnings were put up at the Brown River Reserve (located on the Rai River), at Rai Falls and at Totara Flat on the Pelorus River on 12 December 2008. The signs were taken down on 30 December 2008 after sampling showed that water quality had improved.
- The table below ranks the bathing water sites from best to worst water quality, based on results to date for the 2008/09 summer. Ranking is based on the percentage of time in which the site is compliant with the bathing water standards and on the 95%ile bacteria number (i.e. the number at which 95% of samples fall under).

<b>Bathing Water Quality Ranked from Best to Worst</b>					
<i>Coastal</i>			<i>Freshwater</i>		
<i>Site Name</i>	<i>% Compliance</i>	<i>95%ile</i>	<i>Site Name</i>	<i>% Compliance</i>	<i>95%ile</i>
Bobs Bay	100	5	Waihopai @ Craiglochard Bridge #2	100	201
Anakiwia	100	8	Pelorus @ Pelorus Bridge	91	510
Whites Bay	100	25	Opawa @ Elizabeth Street Footbridge	82	532
Momorangi Bay	100	35	Wairau @ Wairau Rowing Club	82	608
Shelly Beach	100	52	Wairau @ Blenheim Rowing Club	82	692
Ngakuta Bay	91	167	Taylor @ Hutcheson Street Bridge	73	1443
Tirimoana	91	219	Taylor @ Riverside	73	1700
Waikawa Bay	91	385	Opawa @ Malthouse Reserve	73	802

<b>Bathing Water Quality Ranked from Best to Worst</b>					
<i>Coastal</i>			<i>Freshwater</i>		
<i>Site Name</i>	<i>% Compliance</i>	<i>95%ile</i>	<i>Site Name</i>	<i>% Compliance</i>	<i>95%ile</i>
Wairau Bar	91	431	Wairau @ Ferry Bridge	73	802
Marfells Beach	91	459	Wairau Diversion @ Neals Road	64	1023
Mistletoe Bay	91	620	Rai @ Brown River Reserve	55	2500
Hakahaka Bay	90	116	Rai @ Rai Falls	55	6500
Wairau Diversion	90	256	Pelorus @ Totara Flat	55	11000
Te Mahia	90	537			
Picton Foreshore	82	671			
Moenui	82	1049			
Oyster Bay	80	423			
Portage	70	406			

### **Comments**

- Exceedances continue to be reported to the District Health Board. Additional monitoring and survey investigations take place when multiple exceedances occur at a site.

### **Summary**

- A wet start to the summer resulted in many exceedances of the bathing water standards across the region. Exceedances were so great in the Rai Valley that, after consultation with the District Health Board, temporary health warning signs were put in place at the Brown River Reserve, Rai Falls and Totara Flat. These were subsequently removed on 30 December 2008 after subsequent sampling showed that the water quality had improved to within the safe bathing water standards.
- Since mid December bathing water quality has improved throughout the region, although dry weather exceedances have occurred at Portage and in the Taylor at Riverside.

### **RECOMMENDED**

**That the information be received**

## **8. Chilean Needlegrass and Nassella Tussock Compliance (R390-06-02 and R390-06-01)**

(Report prepared by Ben Minehan)

### **Purpose**

1. The purpose of this report is to update the Committee with a summary of the compliance inspection and enforcement work carried out by Council for Chilean Needlegrass and Nassella Tussock in 2008.

### **Background**

2. Under the Regional Pest Management Strategy for Marlborough, Council issues control programmes to land occupiers with infestations of Chilean Needlegrass and Nassella Tussock.
3. Land occupiers are required to control these invasive weeds to a standard specified in the Strategy.
4. **Attached** is a summary of the compliance inspection and enforcement work carried out by Council for Chilean Needlegrass and Nassella Tussock in the district in 2008.

### **Comments**

5. The report shows that for the first time in many years, no Notices of Direction were issued for Chilean Needlegrass. For Nassella Tussock, the number of Notices of Direction issued more than doubled from 14 in 2007 to 29 during the 2008 season. The number of Notices of Intention to do Work on Default also increased from two to seven during the same period. Work on Default was carried out on two of these seven properties with a third still pending.
6. It is apparent that there has been a significant improvement in land occupier compliance in respect of the Chilean Needlegrass programmes, which is a credit to the community in the Blind River area. It would seem that without further analysis that the improvement is a result of a combination of increased Council resources in recent times for inspections, improved programme awareness, and as a result of Council's firm stance in terms of enforcement and subsequent costs imposed on non-complying land occupiers.
7. While in general Nassella Tussock control programmes compliance has deteriorated with a 50% increase in non-compliance since 2007, this may be due to a combination of matters including climatic influences, economics, contractor capacity, timing for control, biological influences and inspector resourcing, to name a few.
8. Council staff intend to workshop issues surrounding the compliance status of the Nassella Tussock programmes in February in order to review best practice and investigate options for continuous improvement. A meeting with key representatives of the pastoral industry is also intended to occur to discuss issues from the 2008 season.

### **Summary**

9. When compared to previous years, the number of enforcement notices issued for Nassella Tussock this year has shown a dramatic increase, while Chilean Needlegrass has shown a dramatic decrease.
10. Council staff intend to workshop and analyse these non-compliance issues and seek to investigate options for continuous improvement in order for the community to meet the standards prescribed in the Regional Pest Management Strategy for Marlborough.

### **RECOMMENDED**

**That the information be received.**

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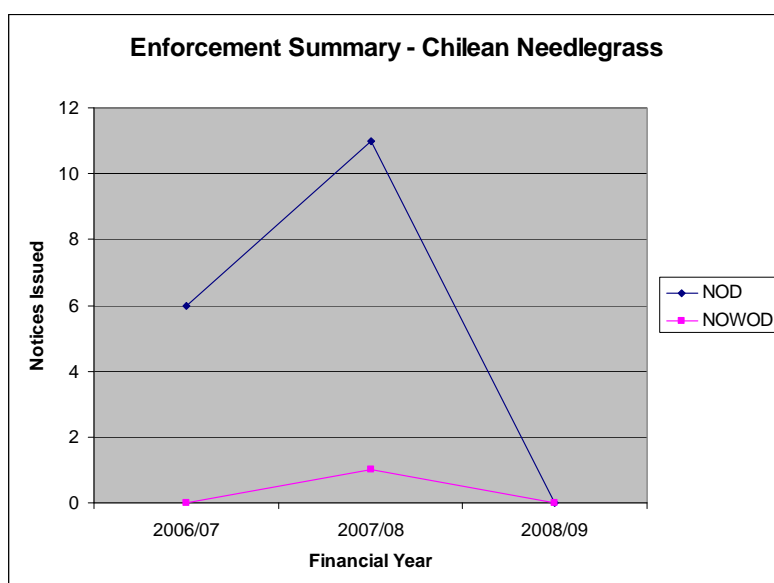
## Summary of Chilean Needlegrass and Nassella Tussock Compliance Inspections and Enforcement 2008

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### Chilean Needlegrass

Occupiers issued with a control programme	Number of properties inspected
21 - Fringe	21
43 - Core	43

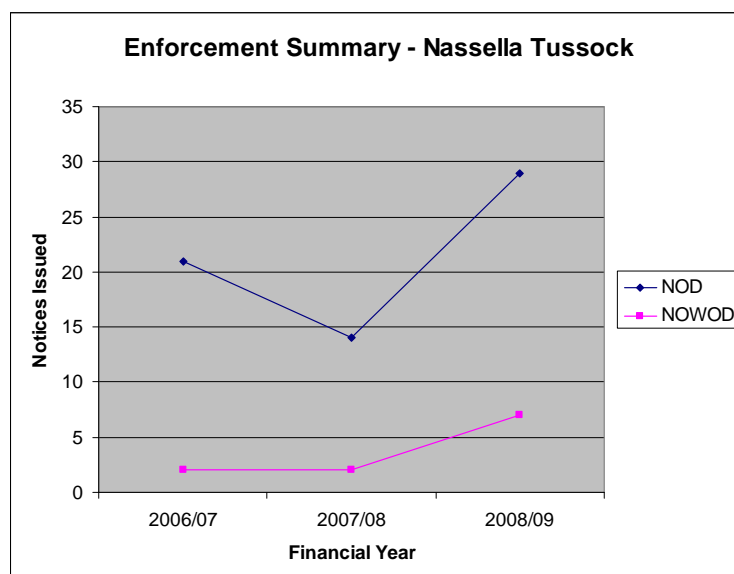
- Surveillance inspections were carried out on 41 properties with a known infestation of Chilean Needlegrass.
- For the third year in a row, 100% of properties issued with a control programme were inspected to ensure compliance.
- No Notices of Direction were issued for Chilean Needlegrass.



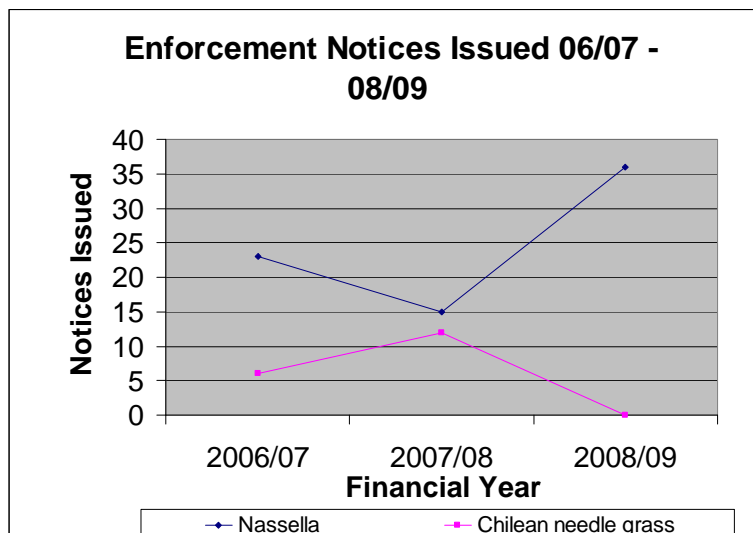
## Nassella Tussock

Occupiers issued with a control programme	Number of properties inspected	% of properties inspected
May - 63	63	100
June - 51	51	100
July - 51	51	100
August - 34	33	97
September - 27	25	93
October - 60	39	65
November - 21	16	76
<b>307</b>	<b>278</b>	<b>91</b>

- 91% of properties issued with a control programme were inspected to ensure compliance.
- Twenty nine occupiers (9%) of the 307 issued with a control programme were issued with a Notice of Direction.
- Twenty two of the 29 (76%) occupiers complied with their Notice of Direction.
- Seven occupiers (2%) of the 307 issued with a control programme failed to comply with their Notice of Direction and went on to be issued with a Notice of Intention to do Work on Default.
- Four occupiers have complied with their Notice of Intention to do Work on Default.
- Default work was carried out on 2 properties. A third property is still pending.



It is interesting to note that 14 occupiers were issued with a Notice of Direction to carry out Nassella Tussock control in 2007. These occupiers were charged a fee for the issue of the Notice and the cost of the subsequent inspections. Of these 14 occupiers, only one occupier failed to comply with their 2008 Nassella Tussock control programme and had to be issued with a Notice of Direction in 2008.



## **9. Appointment of Hearings Commissioners (C270-11)**

**(Report prepared by Louise Walker)**

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 31 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. James Lynch and Gary Rae have applied to be part of this pool of Hearings Commissioners. Below is a brief of their employment and relevant experience.

### **Mr James Lynch**

4. James is a hearings commissioner and a resource management barrister with over 30 years experience in the resource management field.
5. Most recently James has been appointed as Chairman to a special tribunal dealing with a Water Conservation Order application for the Hurunui River. The application is set to be heard in 2009.
6. James has undertaken several hearing commissioner positions including the determination of the Meridian Energy Wind Farm application at Makara, near Wellington, in 2005. He has also acted as a chairman on several commissioner boards for a variety of councils throughout New Zealand.
7. James holds the appropriate making good decisions course qualification, required to undertake a role as a Commissioner.

### **Mr Gary Rae**

8. Gary is the Director at Incite (Nelson) Limited, a resource and environmental management company, a role he has held since 2002.
9. Gary is a member of the New Zealand Planning Institute and has 25 years experience in resource management. His specialist areas are noted as traffic/transport, noise, subdivision and mining. Gary has been engaged in planning work in the Marlborough District since 2001 and has assisted the Marlborough District Council with evidence for Environment Court proceedings on three occasions.
10. Gary holds the appropriate making good decisions course qualification, required to undertake a role as a Commissioner.

### **Commissioner Pool**

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

### **RECOMMENDED**

**That Mr James Lynch and Mr Gary Rae be appointed to act as Hearings Commissioners as and when required.**

## 10. Process for Dealing with Unauthorised Moorings - Moorings without a Coastal Permit (M180-01)

(Report prepared by Anna Priddle)

### Purpose

1. The purpose of this item is to inform the Committee of the process for removing illegal moorings and the necessary amendments to the process. The amendments will ensure consistent follow-ups and appropriate management of moorings that do not have a Coastal Permit, while keeping within Council's current resources.

### Background

2. All moorings require a Coastal Permit to occupy coastal space. There are a lot of moorings that do not have a Coastal Permit. Council is most commonly notified of such moorings by way of complaint from a member of the public.
3. There is a process in place that was endorsed by the Environment Committee in 2000 to "remove illegal moorings."
4. The process that was endorsed in 2000 is as follows:
  - *That the illegal mooring be identified.*
  - *That contact be made with adjoining land/mooring owners to establish any relevant background. Details of that contact shall be recorded.*
  - *That a yellow mooring tag be attached to the mooring requiring that the owner contact the Marlborough District Council.*
  - *That a photograph be taken of the tagged mooring, showing the date the tag was placed on it.*
  - *That after six months if no contact has been received from the mooring owner, contact again be made with the adjoining land/mooring owners contacted initially, to establish whether there has been any change in circumstances.*
  - *That if there is no new information, the mooring be then uplifted and impounded by Council.*
  - *That the mooring be then sold to offset/recover the costs of uplifting.*
5. The amended process is as follows:
  - *That Council records will be researched to confirm the mooring does not have a Coastal Permit.*
  - *That contact be made with adjoining land/mooring owners to establish any relevant background. Details of that contact shall be recorded.*
  - *That a **green** mooring tag be attached to the mooring buoy requiring that the owner contact the Marlborough District Council. The tag will state that the mooring does not have a Coastal Permit and will have a space to write the date that the tag was attached to the buoy.*
  - *That GPS co-ordinates will be taken of the mooring position.*
  - *That photographs be taken of the tagged mooring. A close-up photo of the attached tag showing the date and a background photo showing identifiable landscape.*
  - *That after **three** months if no contact has been received from the mooring owner, contact again be made with the adjoining land/mooring owners contacted initially, to establish whether there has been any change in circumstances.*

- *If there is no new information, the mooring be uplifted and either:*
  1. *The mooring will be taken to the dump, or*
  2. *The mooring will be sold to offset/recover the costs of uplifting.*

## **Reasons for the Changes**

### *Mooring Tags*

6. Moorings that have a Coastal Permit have a mooring tag labelled with the approved mooring number and are attached at all times. Therefore the tag for a mooring without a Coastal Permit needs to be a different colour to stand out and be more easily identifiable. A bright green tag would stand out, given that mooring buoys are normally red, orange or white.

### *Shorter Time Frames*

7. Many moorings without a Coastal Permit are conflicting with other permitted moorings, are a navigational hazard, or a general nuisance (which is why Council has received a complaint). Thus the timeframe for the owner to contact Council, before any action is taken, is changed from six months to three months, reducing the timeframe Council has to wait before removing a mooring.

### *Dumping of Old Mooring Blocks*

8. It is evident from previous unauthorised moorings that have been removed that these moorings did not have proper mooring blocks, i.e. the removed moorings have had blocks that are tyres filled with concrete or old railway irons. These cannot be on-sold and therefore will be taken to the dump. *Refer to photo attached of the unauthorised moorings removed in Momorangi Bay.*
9. Moorings will be tagged and removed at Council's and contractors' earliest convenience. In explanation, a specific trip by a Council staff member to tag a mooring or a specific trip by a contractor to remove a mooring will not be undertaken, but will be completed when next in the area to reduce the costs associated with the removal process.

## **RECOMMENDED**

**That the following amended process for unauthorised moorings be confirmed:**

- **That Council records will be researched to confirm the mooring does not have a Coastal Permit.**
- **That contact be made with adjoining land/mooring owners to establish any relevant background. Details of that contact shall be recorded.**
- **That a green mooring tag be attached to the mooring buoy requiring that the owner contact the Marlborough District Council. The tag will state that the mooring does not have a Coastal Permit and will have a space to write the date that the tag was attached to the buoy.**
- **That GPS co-ordinates will be taken of the mooring position.**
- **That photographs be taken of the tagged mooring. A close-up photo of the attached tag showing the date and a background photo showing identifiable landscape.**
- **That after three months if no contact has been received from the mooring owner, contact again be made with the adjoining land/mooring owners contacted initially, to establish whether there has been any change in circumstances.**
- **If there is no new information, the mooring be uplifted and either:**
  1. **The mooring will be taken to the dump, or**
  2. **The mooring will be sold to offset/recover the costs of uplifting.**



*Unauthorized moorings removed from Momorangi Bay. The mooring blocks were all concrete-filled tyres.*

## **11. Information Package**

### **RECOMMENDED**

That the Regulatory Department Information Package dated 5 February 2009 be received and noted.

## 12. 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:

- Enforcement Action 2008
- Unauthorised Taking of Water
- Nassella Tussock Non-Compliance

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
Enforcement Action 2008 Unauthorised Taking of Water Nassella Tussock Non-Compliance	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.