

Marlborough District Council

**Minutes of a Meeting of the ENVIRONMENT COMMITTEE held in the Council Chambers,
District Council Administration Building, Seymour Street, Blenheim on THURSDAY,
26 NOVEMBER 2009 commencing at 1.30 pm**

Present

Councillors G Taylor (Chairman), J L Andrews (Deputy), A D Barker, G S Barsanti, C R Bowers, T R Harrison, and P Jerram and Mr C Bowron.

In Attendance

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

Apologies

Apologies for non-attendance from Councillor E I Davidson and Ms T Williams and an apology for lateness from Mr C Bowron were received and sustained. Apologies were also noted from Mayor Sowman and Councillor G A Hope.

R.09/10.259 Council Confirmation of Sub-Committee Business **Clrs Harrison/Barsanti:**

That the following approvals granted by the Swimming Pools Sub-Committee under delegated authority (Regulatory 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).**

Carried

ATTENDANCE: Mr B Minehan, Council's Senior Biosecurity Officer - Plants, was present for the following item.

R.09/10.260 *Biosecurity* **Biological Control of Plants Programme**
R390-03

Members were advised that 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.

Lynley Hayes, who co-ordinates this programme for Landcare Research, was at the meeting to present the biological control programme across New Zealand, and prospects for the future and the programme as it related to the biological control of weeds in Marlborough.

Ms Hayes provided an informative power point presentation and responded to a number of questions from the Committee. She began by explaining the concept of biocontrol as being a control where natural enemies were introduced to restore the balance between the weeds and the environment. She said these agents were usually insects, mites or fungi and 20 agents were now established in Marlborough. Members were advised that locally only the ragwort and nodding thistle programmes could be considered complete, so there is more work to do, particularly for gorse and old man's beard. Locally, agents had also been released for hieracium and broom. Banana passionfruit and chilean needlegrass control are dependent on funding and ERMA approval. Ms Hayes advised that not all projects were successful, but the successful ones more than paid for the failures, and that the number of weeds for which biocontrol is available is increasing as are the number of weeds. She advised that every 30 days a non-indigenous plant species plant was naturalising and at least one or two a year went on to become weed pests.

Members were advised that biocontrol has a 100 year history worldwide and the ERMA process for the introduction of agents, which had been surveyed in detail and tested thoroughly, was vigorous.

Ms Hayes spoke briefly about the funding for weed research in New Zealand, the development and implementation of biocontrol programmes and the National Biocontrol Collective. She said Landcare Research valued the support it received from Council.

Clrs Jerram/Barsanti:
That the information be received.

Carried

ATTENDANCE: Mr Bowron joined the meeting during the previous item and Mr P Davidson, Council's Groundwater Scientist, was present for the following item.

R.09/10.261 *Water* **Groundwater Resources Status** *G045-01*

The report to the Committee provided an update on the state of Marlborough's underground water resources prior to the 2009/2010 summer irrigation season. Mr Davidson advised that 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, and is the ideal juncture to review the effects of consented demand from the previous summer and to plan for the upcoming summer season in terms of water management.

Members were advised that from October 2010 onwards the Council hydrological science staff would formalise this approach and each spring present a State of the Aquifers report to the Council. This exercise reflected the fact that most aquifer systems were approaching full allocation and is part of the need for a more active approach to managing the district's water resources. This information would be useful for informing Council and the public and allowing consent holders to plan their water use over the prospective season.

Mr Davidson provided a presentation to the Committee on the state of each of the major groundwater systems which included the Taylor Fan, the Benmorven, Brancott, Fairhall River Gravels, Wairau and Rarangi Shallow aquifers and Needles Creek Gravels, and responded to a number of questions. He advised that aquifers are at normal to high levels for this time of year with adequate natural storage to meet consented demand at this stage and there were unlikely to be any issues until New Year, if at all. He said the summer focus would be on the on coastal deep aquifers at Rarangi. Mr Davidson advised that an updated website key tool for water users to check current water levels would be available as from 27 November.

Clrs Barsanti/Bowron:
That the information be received.

Carried

The Chairman declared an interest in the following item and withdrew from the meeting. Councillor Andrews assumed the Chair for this item. Mr G Roberts, Council's Building Control Group Leader, was present for the following item.

R.09/10.262 *Council* **Revision of Building Control Fees
*C270-01, C270-05***

Members were aware that the Building Act 2004 empowered Council and its Building Consent Authority to charge for the performance of any function or service under that Act and that changes to the Building Act imposed many new statutory obligations on Council and its Building Consent Authority. The major impacts to date included the need for more staffing to undertake all regulatory functions in a much more detailed and time consuming manner.

Members were advised that the recovery from fees and charges presently was not covering the costs involved and it was not possible to meet Council's statutory obligations under the Building Act 2004 and to maintain the current level of service without a rate increase. It was therefore proposed that fee increases reflected all of the costs associated with the Building Control Activity.

Staff advised that the Government has announced further changes to the building rules, the first of which commence on 1 February 2010. A revision of fees in two stages was proposed, to take effect from 19 February 2010 and 1 July 2010. Staff advised that in general terms it was proposed to raise fees across most building control activities with the exception of consent applications with a work value lower than \$20,000. Inspections for solar water heaters, fireplaces and frost fans were to remain as at 1 March 2009. It was also suggested that new fees be created to cover the cost of time to travel to inspections which was currently not being charged for. Boat travel was also being undercharged and it was proposed to align that with what Council is being charged for such travel. Members were advised it was difficult for builders to determine when they might need inspections but when required staff tried to ensure that more than one inspection was carried out per boat trip.

The comprehensive report to the Committee detailed the effects on the Council coming from the Building Act 2004 and the more recent changes that have taken place. The impact on budgeted income, the impact on applicants and comparisons of fees with other councils were also documented in the report to the Committee. Members were advised that the overall increase (not including Government levies) on a dwelling valued at \$200,000 would be \$537.00. The proposed fees as compared to the current fees were itemised in the attachment to the order paper.

In response to questions from the Committee Mr Roberts advised that the recent changes to the Building Act included the making and obtaining of a Project Information Memorandum voluntary and the introduction of multiple use consents which needed to be catered for. He said the some of the information required to process a building consent previously came from the Project Information Memorandum and that information would still have to be obtained.

Mr Roberts explained the figures for the costs from 2003 to 2009 of building a house as shown in the order paper were obtained from the Department of Building and Housing. He said Council's fees were partly dollar and partly value based and the cost ratio for the proposed fees remained the same. In respect to the lower inspection fees for solar water heaters, fireplaces, frost fans and marquees, Mr Roberts advised that the paperwork and items to view on site were quite low whereas small house additions of perhaps the same value required the same components of work as a full house.

The members asked about the possibility of incremental fee increases. Mr Roberts advised that the fees would be introduced in two stages and most of the changes related directly to Government introduced controls. He advised the fees needed to be increased now as there had already been a number of increased costs since the fees were last reviewed.

The unfavourable revenue in respect of building control as shown in the financial report was referred to. It was clarified that these figures were reported against the projected budget which was set prior to the recession and the subsequent decrease in consent numbers and a decrease in the value of those consents had decreased revenue flows, but the operating costs were still the same. Members were advised that the decrease in application numbers was beneficial in that applications were more manageable and the turnaround time had decreased.

Clrs Harrison/Bowers:

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 2010 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

Discounted by \$250.00 if a Project Information Memorandum obtained \$1400.00

(iii) Inspections

Inspections for Solar water heaters, \$95.00

Fireplaces, Frost Fans, Marquees each inspection

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 2010	New fees commence

Carried

ATTENDANCE: Mrs A Eatherley, Council's Manager Resource Consents, was present for the following item.

R.09/10.263 *Res Consent* Resource Management (Simplifying and Streamlining) Amendment Act C270-01

The report to the Committee updated members on the changes to the Resource Management Act that affected or changed the processing of resource consent applications and how they have been addressed in the resource consent processing area.

By way of background staff advised that the Resource Management (Simplifying and Streamlining) Amendment Act came into affect on the 1 October 2009. The changes introduced by the Amendment Act applied to the resource consent process, making decisions of 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.

Staff advised that the intent of the Amendment Act in terms of processing resource consent applications was to reduce the costs and delays for consent applicants and local authorities. The objective is to assist local authorities to process resource consents more efficiently by reducing the administrative burden.

At the meeting Mrs Eatherley summarised the more substantive changes to the resource consent process. These included further information requests, notification, hearings, reporting, lapsing of pre-2005 applications, section 37, discount policy, direct referral and the Environmental Protection Agency as further outlined in the order paper. The notification process was of concern to some members in respect of residents in remote areas.

Members were advised that as a consequence of the change to the administration of additional information requests Council has no option but to be more stringent with acceptancing applications under section 88 of the Resource Management Act. Since 1 October 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. It was recognised that this could cause hold ups with consultants. Mrs Eatherley advised that Council would review the pre-consultation part of the process in the New Year.

Members were advised that the Amendment Act only applied to applications received or notified by Council after 1 October 2009. Staff advised that the Amendment act has necessitated changes in the way Council processes resource consent applications. Necessary adjustments have been made and will continue to be made to Council's systems to ensure adherence to the new requirements.

Mrs Eatherley advised copies of the information from the Ministry for the Environment presentation to Council was available for interested members.

Clrs Barsanti/Barker:
That the information be received.

Carried

ATTENDANCE: Mr A Johnson, Council's Manager Environmental Science & Monitoring, was present for the following item.

**R.09/10.264 Environment Marlborough Landscape Group Strategy
and Representation E225-R03-08**

Members were aware that 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. This was reiterated by Councillor Jerram at the meeting.

In follow-up to this item being discussed at its previous meeting, members had been provided with a revised draft Marlborough Landscape Group Strategy for consideration. The Strategy was 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 at the last Committee meeting.

Mr Johnson advised that the reviewed 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". He said it also sets out nine major concerns of the Group and polices and methods of implementation to address these objectives and concerns. The main methods included encouraging landscape protection and improvement, creating awareness of landscape issues, and informing policy development. Members were advised that the reviewed Strategy also sets out Group membership, administration and funding matters.

Clrs Jerram/Harrison:

- 1. That the information be received.**
- 2. That the reviewed Strategy (November 2009) of the Marlborough Landscape Group be approved.**

Carried

Members were also asked to consider Council representation on the Landscape Group. Following significant discussion, a motion was put that the Chairs of each of the Environment, Assets and Services, Environmental Policy and the Community and Financial Planning Committees, or their named representatives, be represented on the Marlborough Landscape Group. This was put to the vote and carried by majority. The Chair advised that all Councillors were encouraged to attend the Landscape Group meetings. It was noted that private membership of the Group would be reviewed by the political representatives in the New Year with any membership changes to be approved by the Environment Committee.

Clrs Bowers/Andrews:

That the Committee recommend to Council that the Chairs of the Environment Committee, Assets and Services Committee, Environmental Policy Committee and Community and the Financial Planning Committee, or their named representatives, be nominated on the Marlborough Landscape Group.

Carried

A request was also made that the minutes from the Landscape Group meetings be presented to the Environment Committee regularly.

Clrs Barker/Andrews:

That the Marlborough Landscape Group meeting minutes be regularly reported to the Environment Committee.

Carried

R.09/10.265 *Finance* **Financial Report for Period ending
September 2009** *B135-02 & F045-07*

The Regulatory Department financial report for the period ending September 2009 was attached to the order paper for members' information.

At the meeting Mr Versteegh advised that the Regulatory Department was favourable on the operating side. He said the issues would be resource consent and building consent revenue. Members were advised that a number of historic applications had been processed and numbers were starting to come down to a base load. Mr Versteegh advised that Council had embarked on a process of reviewing the way it does business and a 'Systems Thinking' project was underway for land information memoranda, animal control and resource consent processes. In respect of Compliance Mr Versteegh clarified that the costs awarded to Council in respect of legal action did not cover the actual costs and that there were only two prosecutions still underway.

Clrs Barsanti/Bowers:
That the report be received.

Carried

R.09/10.266 *Council* **Information Package**
Clrs Andrews/Barsanti

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

Carried

The meeting closed at 4.20 pm.

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