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27 August 2010

Record No: 10207473
File Ref: C135-E01
Ask For: Mr Porter

Notice of Committee Meeting - Thursday, 2 September 2010

A meeting of the Environment Committee will be held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on Thursday, 2 September 2010 **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, 2 SEPTEMBER 2010 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

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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:

- **J M Levett & CR Ballett - 23 Moana View Road, Waikawa, 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).**
- **Tiger Tamer Limited (K R Shadbolt) - 39 Marina Drive, Waikawa, 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).**
- **G D & P B Griggs - 7 Quail Place, Witherlea, 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).**
- **P & G Lawrence - 41B Purkiss Street, Blenheim - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **J H Craig - 5 Selwyn Street, Witherlea, Blenheim - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **B P & J A Todd & P D Le Gros - 99 Opouri Valley, Road, Rail Valley - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **C B C & K E M Jennison - 12 Monro Street, Blenheim - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **B & D Cowley - 270 Paynters Road, Blenheim Creek - 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).**
- **A J & P A Hawke & G Haymes - 27 Thomsons Ford Road, Blenheim - exemption to install a Save T Cover II automatic pool cover in lieu of a fence (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **P J Morris, D J Moran & Z A Soper - 24 Hinepango Drive, Rarangi - 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. Top of the South Island Marine Biosecurity Partnership

(Report prepared by Dave Grueber)

(R390-13)

Purpose

1. The aim of this report is to update Council on the progress made by the Top of the South Island Marine Biosecurity partnership in the development of an Operational Strategy and associated plans for a healthy marine environmental outcome.

Background

2. The Top of the South is the area within the regional boundaries of Marlborough District Council, Tasman District Council and Nelson City Council.
3. The three funding councils are joined in the partnership funding by MAF Biosecurity New Zealand who provides \$60,000 funding per annum over two years.
4. The council regions include the sea out to 12 nautical miles which is known as the coastal marine area. The Top of the South Marine Biosecurity Strategic Plan covers this Coastal Marine Area.
5. The partnership has developed a Strategic Plan with a vision for 2020 being for a healthy marine environment protected from marine pests through the involvement and support of the whole community. The implementation of this plan has begun with the partnership having employed Mincher Campbell Ltd to undertake the following:-
 - (a) Assist the partnership in developing and implementing-
 - (i) advocacy programmes
 - (ii) surveillance programmes
 - (iii) standard procedures
 - (b) Engaging with marine users and other stakeholders

Presentation

6. **Russ Mincher of Mincher Campbell Ltd, will make a power point presentation to the Committee on the high level aspects of the Marine Biosecurity Strategic Plan, the core elements of the Operational Strategy, the marine pest threats to the Top of the South, including risk pathways and their management and the engagement to date with marine users and other stakeholders.**

RECOMMENDED

That the information be received.

3. Regional Pest Management Strategy Operational Plan Report 2009/2010

(Report prepared by Ben Minehan)

(R405-07)

Purpose

1. The Environment Committee, acting in its capacity as a management agency for the Regional Pest Management Strategy for Marlborough, is required pursuant to Section 85 of the Biosecurity Act 1993, to adopt annually an operational plan report.

Background

2. The Committee will be aware that Council adopted an Operational Plan for the 2009/2010 year. The operational plan was prepared in accordance with the Biosecurity Act 1993 and is aligned to both the Regional Pest Management Strategy and Council annual planning process.
3. The Operational Plan outlines the overall nature and scope of activities, including performance based targets designed to measure the overall implementation of the Regional Pest Management Strategy.

Comments

4. The Council is required to prepare and report annually on the achievements made on implementing the Operational Plan.
5. The Operational Plan has been reviewed and a report is **attached** entitled “Regional Pest Management Strategy for Marlborough - Operational Plan Report 2009/2010” for the Committee’s adoption.
6. The Council is also required to make the plan available to the public and the appropriate Ministers of the Crown.

RECOMMENDED

1. **That the information be received.**
2. **That the “Regional Pest Management Strategy for Marlborough - Operational Plan Report 2009/2010” be adopted, and made available to the public and appropriate Ministers of the Crown.**

4. Significant Natural Areas Project – Annual Report 2010

(Report prepared by Nicky Eade)

(E225-W02-00)

Purpose

1. The purpose of this report is to provide a summary of the results of the various aspects of the Significant Natural Areas project for the two year period from July 2008 to June 2010 (**attached**). A previous summary report which covered the early years of the project from 2001 to June 2008 was presented to the Council in late 2008 (Summary Report on the Results of the Significant Natural Areas (SNA) Project, 22 September 2008).

Background

2. Through the Resource Management Act 1991 and its subsequent amendments, the Council has a role in maintaining and protecting indigenous biodiversity and significant natural areas in the Marlborough region.
3. Since 2001, through the Significant Natural Areas project, extensive field based ecological surveys have been carried out on private land throughout large parts of the Marlborough District. A landowner assistance project to follow up with practical protection work was established in 2003 along with a monitoring programme to assess the effectiveness of the protection work. All of this work has been approached as a partnership with landowners who have participated voluntarily.
4. Ecological survey work: In the two year period which is covered by this current report a further 12 properties have been surveyed including eight in south Marlborough and four in north Marlborough. A total of 31 new sites were identified, covering an area of 1691 hectares.
5. This brings the overall totals for the whole period since the ecological surveys began in 2001 to 277 participating properties (74% of those approached). A total of 97 landowners declined to participate (26% of those approached). A total of 694 significant natural areas have been identified, with a combined area of 44,483 hectares. The survey work is now largely completed in both south and north Marlborough although there is scope for further surveys if landowners request them.
6. Protection projects: In the two year period which is covered by this current report a total of 19 new protection projects have been carried out, including 13 in south Marlborough and six in north Marlborough. Fourteen of these projects were co-funded by the central government Biodiversity Fund. Three of the projects were in sites with existing QEII covenants, and six new covenants were established as part of the protection process.
7. This brings the total number of protection projects since the programme started in 2003 to 60. There are several further projects underway for the current 2010/11 year.
8. Monitoring work: Monitoring of the condition of the protected sites is planned to be carried out at 2-3 yearly intervals. An initial monitoring round was carried out in the summer of 2006/07 and 10 sites were monitored at this time. A second monitoring round was carried out this last summer of 2009/10 with 24 sites on 17 different properties being visited and assessed by the Marlborough District Council. The QEII National Trust will monitor sites that have been covenanted by QEII through the protection process.

Comments

9. The significant natural areas project is a long term project although the emphasis has now shifted from an initial focus on identifying sites and collecting information through the ecological survey work carried out from 2001 to 2009, to a focus on ongoing protection and monitoring work in these sites.

10. Along with the targeted protection work there is an emphasis on providing quality information and generally promoting an awareness of the ecological aspects and values of the Marlborough region. Summary reports for both south and north Marlborough have been produced and distributed, and planting guides have been developed for both areas (the north Marlborough one is currently being written).
11. Restoration on one of the most highly modified ecological districts (Blenheim), is being encouraged through the Tui to Town project. This could be extended to other highly modified areas like the Grassmere and Kekerengu ecological districts. Annual seed collection is being undertaken to ensure a supply of plants for these restoration projects.

Summary

12. The significant natural areas project is nearly 10 years old and has moved through several phases, from initial development, ecological survey and now to an emphasis on the ongoing protection and monitoring work that is required to promote the protection of these areas.
13. Since the project commenced in 2001 a total of 277 properties have been surveyed and 694 individual sites identified. Only 12 properties were surveyed in the two year period from July 2008 to June 2010 and this phase of the project is now largely completed.
14. Since the protection phases of the project commenced in 2003 a total of 60 site projects have been undertaken, including 19 in the two year period covered by this report. A significant number of these projects were co-funded by the Biodiversity Fund and covenanted by the QEII Trust. This reflects the interagency co-operation that is integral to the Significant Natural Areas project.
15. A monitoring programme to track the progress of the protected sites is now well established and allows for an ongoing assessment of the effectiveness of the protection work over time.

RECOMMENDED

That the report be received.

5. Cleanfill Investigation - Technical Report

(Report prepared by Colin Gray)

(E225-06)

Purpose

1. The purpose of this report is to present the findings of an investigation of cleanfill sites in Marlborough. The report entitled "Cleanfill Site Investigations, Marlborough 2010" is **attached**.

Background

2. A 'cleanfill site' is any commercial operation/site that accepts only cleanfill material.
3. Cleanfill material is defined by the Ministry for the Environment (MfE) as material that when buried will have no adverse effect on people or the environment. Material includes virgin natural materials such as clay, soil and rock that are free of:
 - combustible, putrescible, degradable or leachable components;
 - hazardous substances;
 - products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - materials that may present risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances;
 - liquid wastes.
4. It appears that the use of term cleanfill has been stretched and modified over time. For example, the results of a recent desktop survey of regional and district councils in New Zealand about their cleanfill sites indicates that nearly half of the councils who responded were aware of cleanfill sites in their region accepting waste which did not meet MfE cleanfill criteria. Of those cleanfill sites, many are believed to have accepted contaminated soil and/or potentially hazardous waste material. The results of this survey highlight that some so called cleanfill sites are not so clean and actually have the potential to be contaminated sites.
5. Local government has the day to day responsibility for the management of contaminated sites. One of their specific regional functions is to 'investigate land for the purposes of identifying contaminated sites'.
6. The aim of this project was therefore to get an estimate of what types of materials are in some known cleanfill sites in Marlborough and to find out if they contain any contaminated soil/sediment or hazardous substances.

Methodology

7. At six cleanfill sites there was:
 - A site walkover to identify potential areas of concern.
 - Excavation of test pits in order to log the soils/materials and collect visual and olfactory evidence of dumped materials and any potential contaminants – hydrocarbons, asbestos etc.
 - Soil sampling from a range of depths down to natural ground for chemical analysis.
 - A risk assessment based on the risk to human health and the wider environment.

Main findings

8. Some sites contained material which does not meet the definition of cleanfill i.e. tyres, scrap metal, treated timber, building material and organic material.

9. Some sites contained soil/sediment concentrations which exceeded applicable soil guideline values.
10. All sites were subject to an assessment to identify potential contaminants, pathways and receptors associated with the site to determine if they pose a significant risk to human health and the wider environment. It was found that with the exception of one site, all sites posed very low to low/moderate environmental/human health risk.
11. One site was assessed as posing a high risk to surface water ecology as a result of contaminated leachate moving offsite into an ephemeral stream. A monitoring programme is being designed to determine the nature, extent and environmental risk of this discharge and mitigation will be implemented if necessary.
12. **A short presentation of 5 - 10 minutes will be made by Colin Gray.**

Summary

13. All landowners who participated in the study have received copies of the investigation report and where necessary have been instructed to remove from site unacceptable material.
14. There appears to be varying degrees of compliance with what actually is cleanfill material. In an attempt to overcome this confusion all local contractors/planners etc will be sent a copy of a cleanfill factsheet compiled by the Council that outlines what cleanfill is and what is acceptable material in a cleanfill site. The fact sheet will also be available on the Council website.
15. In the future all new cleanfill sites that require resource consents should use as a basis the MfE document 'Guide to Cleanfill Management' (2002) to help draft specific conditions on the establishment, operation and monitoring of cleanfill sites.

RECOMMENDED

That the report "Cleanfill Site Investigations, Marlborough 2010" be received.

6. Complaints and Enforcement Action – 2009/10 Financial Year

(Report prepared by Joanne Smart)

(C270-03)

Purpose

- This item provides statistics on the number and type of complaints received and enforcement actions taken with respect to alleged breaches of the Resource Management Act 1991 (the Act) for the period 1 July 2009 to the 30 June 2010 (the 2009/10 financial year).

Complaints

- During the 2009/10 financial year a total of 1889 complaints were received with regard to alleged breaches of the Act. The table below summarises the type of complaints received.

| Complaint Type | Number of Complaints Received 1 July 2009 until 30 June 2010 |
|-----------------------------------|---|
| Coastal | 20 |
| Discharge to air | 140 |
| Discharge to land | 45 |
| Discharge to fresh & marine water | 40 |
| Land & Waterbody Disturbance | 58 |
| Land Use | 103 |
| Noise | 1464 |
| Water take | 19 |
| Total | 1889 |

- The table below summarises the complaints received during the previous seven years.
Note: these figures are based on a calendar year, whereby the table above is for the financial year

| Complaint Type | Received 2003 | Received 2004 | Received 2005 | Received 2006 | Received 2007 | Received 2008 | Received 2009 |
|-----------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Coastal | 6 | 13 | 9 | 46 | 29 | 33 | 32 |
| Discharge to air | 101 | 89 | 87 | 130 | 153 | 158 | 118 |
| Discharge to land | 30 | 32 | 16 | 21 | 28 | 46 | 36 |
| Discharge to fresh & marine water | 34 | 57 | 33 | 31 | 29 | 35 | 49 |
| Land & Waterbody Disturbance | 8 | 23 | 32 | 49 | 41 | 84 | 64 |

| Complaint Type | Received 2003 | Received 2004 | Received 2005 | Received 2006 | Received 2007 | Received 2008 | Received 2009 |
|----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Land Use | 51 | 85 | 84 | 104 | 103 | 105 | 100 |
| Noise | 779 | 744 | 958 | 976 | 1,191 | 1,334 | 1,446 |
| Water take | 7 | 4 | 6 | 4 | 4 | 16 | 6 |
| Other | 11 | 13 | 1 | 3 | 0 | 0 | 0 |
| Total | 1027 | 1060 | 1226 | 1364 | 1,578 | 1811 | 1851 |

Enforcement Action

3. Council staff endeavour to work with the community to achieve good environmental outcomes, however to protect the environment and ensure compliance with the Resource Management Act 1991 enforcement is sometimes necessary.
4. During the 2009/10 financial year a total of 76 matters required enforcement action. Of this enforcement action 34 abatement notices and 41 infringement notices were issued. One prosecution action was taken during this period.
7. The table below summarises the enforcement action taken during the previous seven years. **Note: the last line of the table below is for the financial year, where the majority of the table is based on the calendar year**

| Year | Enforcement Order | Prosecution | Infringement Notices | Abatement Notices |
|--------------------------|-------------------|-------------|----------------------|-------------------|
| 2003 (calendar year) | 0 | 0 | 27 | 61 |
| 2004 (calendar year) | 1 | 1 | 5 | 12 |
| 2005 (calendar year) | 1 | 1 | 9 | 21 |
| 2006 (calendar year) | 1 | 0 | 28 | 17 |
| 2007 (calendar year) | 2 | 3 | 25 | 14 |
| 2008 (calendar year) | 1 | 4 | 51 | 36 |
| 2009 (calendar year) | 0 | 2 | 46 | 27 |
| 2009/10 (financial year) | 0 | 1 | 41 | 34 |

RECOMMENDED

That the information be received.

7. 2009/2010 Budget Carryovers

(Report prepared by Christine Leslie)

(F045-07)

1. The purpose of this report is to request that the **attached** carryovers for the Regulatory Department be incorporated into the 2010/2011 budget.
2. A number of works scheduled for completion in 2009/2010 did not proceed (or were not completed) for a variety of reasons.
3. Details of these works are recorded on the schedule **attached**.
4. There is no rating impact arising from the “Carryover” action.

RECOMMENDED

That the 2010/2011 budget be amended to incorporate the Regulatory Department 2009/2010 carryovers.

Request for Regulatory 2009/2010 Budget Carryovers to 2010/2011

| | | |
|--|-----------------------------|----------------|
| Biosecurity - Regional Pest Control | \$ | |
| Flupropanate registration delayed with ERMA | | 107,000 |
| Marine biosecurity (partnership revenue) | | 11,600 |
| | | 118,600 |
| Bovine TB: Regional Contributions | | |
| AHB Contribution | | 20,910 |
| | Biosecurity | 139,510 |
| Environmental Review Operations | | |
| SNA Project MDC operational share - project completion | | 8,000 |
| EECA incentives second year of trial (MDC share) | | 20,000 |
| | | 28,000 |
| Environmental Review Projects | | |
| DOC marine SNA funding for report printing | | 20,000 |
| Wetland inventory completion for Marlborough Regional Policy Statement | | 20,000 |
| Committed investigations - contaminated sites | | 17,000 |
| Committed investigations for Marlborough Regional Policy Statement | | 20,000 |
| | | 77,000 |
| | Environmental Review | 105,000 |
| Harbour - Navigation Aids | | |
| Nav Aid replacement | | 60,000 |
| Harbour Control | | |
| Environmental instrumentation and wireless LAN | | 25,000 |
| Environmental instrumentation and wireless LAN | | 25,000 |
| | Harbours | 110,000 |
| Compliance | | |
| Moorings - ongoing enforcement for unpermitted moorings | | 35,000 |
| Earthworks brochure | | 15,000 |
| National standard implementation for water permits | | 30,000 |
| | | 80,000 |
| Consents-Environmental Health | | |
| Noise/legal | | 85,000 |
| | Compliance | 165,000 |
| Environmental Policy | | |
| Completion Aqualinc contract - Economic and productive value of freshwater | | 30,000 |
| Frost protection plan changes Environment Court hearing | | 30,000 |
| | Environmental Policy | 60,000 |

8. Delegations – Sale of Liquor and Health Legislation

(Report prepared by Kaye McIlveney)

(L135-02)

Purpose

1. The purpose of this report is to:
 - Request Committee approval to recommend to Council the delegation to the Environment Committee powers under the Sale of Liquor Act 1989 with authority to sub-delegate those powers to the Chief Executive and the authority for the Chief Executive to sub-delegate those powers to staff of Council;
 - Request Committee approval to recommend to Council the delegation to the Chief Executive of powers under:
 - (i) the Health Act 1956;
 - (ii) the Food Act 1981;
 - (iii) the Camping-Grounds Regulations 1985;
 - (iv) the Food Hygiene Regulations 1974
 - (v) the Health (Hairdressers) Regulations 1980;
 - (vi) the Health (Registration of Premises) Regulations 1966; and
 - (vii) the Housing Improvement Regulations 1947,with authority for the Chief Executive to sub-delegate these powers to staff of Council.

Background

2. This report is part of the ongoing review of Council delegations. They relate to the Environmental Health and Sale of Liquor activities of Council. Each Act and regulation was checked to ensure that all powers necessary for such activities to be efficiently and effectively undertaken are delegated.

Proposal

3. That Council delegate the powers under the Acts set out above. Once Council has delegated its powers to the Chief Executive, the Chief Executive will sub-delegate relevant powers to officers of Council.

RECOMMENDED

1. **That, pursuant to section 104 of the Sale of Liquor Act 1989 and clause 30 of Schedule 7 of the Local Government Act 2002, Council delegates to the Environment Committee all its powers as District Licensing Agency under the Sale of Liquor Act 1989 with approval for the Environment Committee to sub-delegate its powers to the Secretary (the Chief Executive).**
2. **That, pursuant to section 104 of the Sale of Liquor Act 1989 and clauses 30 & 32 of Schedule 7 of the Local Government Act 2002, the Environment Committee sub-delegate its powers as District Licensing Agency to the Secretary, except the power to hold a hearing on an application for a licence for which there has been an objection, with approval for the Secretary to sub-delegate relevant powers to officers of Council.**
3. **That, pursuant to clause 32 of the Seventh Schedule to the Local Government Act 2002 and Regulation 22 of the Housing Improvement Regulations 1947, Council delegates to the Chief Executive its powers under:**
 - (a) **the Health Act 1956;**
 - (b) **the Food Act 1981;**
 - (c) **the Camping-Grounds Regulations 1985;**

- (d) the Food Hygiene Regulations 1974;**
- (e) the Health (Hairdressers) Regulations 1980;**
- (f) the Health (Registration of Premises) Regulations 1966; and**
- (g) the Housing Improvement Regulations 1947.**

with authority for the Chief Executive to sub-delegate those powers to staff of Council.

9. Gambling Venue Policy (P360-10)

(Report prepared by Garth Congdon)

Purpose

1. The purpose of this report is to carryout a review of Council's Gambling Venue Policy (**attached**).
2. A review of the policies must be completed within three years after the policy is adopted and then within three years after that review and each subsequent review is completed.

Background

3. The Gambling Act 2003 (the Act) was passed by Parliament on the 11 September 2003. The Act required Council to establish a Class 4 Gambling Venue Policy. Class 4 Gambling is better known as gaming machines (or 'pokies'). A requirement of the Racing Act 2003 also required Council to establish a Racing Board Venue Policy.
4. These two policy requirements were brought together and Council adopted its Gambling Venue Policy in early 2004.
5. When the policy was last reviewed in 2007 some amendments were made to the original Policy.
6. The major change made in 2007 was to cap the total number of gaming machines at 258, instead of using a formula based on one gaming machine per 150 head of population.
7. Other changes made to the original Policy were to clarify the situation around where venues may be established.

Comment

8. When the Policy was last reviewed in 2007 the Committee delegated to hear submissions decided to cap the number of gaming machines in Marlborough at 258.
9. Since the policy was adopted there have been no reported problems and few demands for additional machines.
10. Hence there appears to be no reason to change the current Policy.

Consultation

11. A review of the Policy must be in accordance with the special consultative procedure as set out in section 83 of the Local Government Act 2002 and, for the purpose of subsection (1)(e) of that section, the territorial authority must give notice of the proposed policy, in a manner that the territorial authority considers appropriate.

RECOMMENDED

1. **That the current "Policy on Class 4 Gambling Venues and Racing Board Venues" be approved for consultation.**
2. **That the Environment Committee be delegated to hear any submissions and to provide a report on all submissions received, recommending a final policy to Council.**

Gambling Act 2003 & Racing Act 2003

Policy on Class 4 Venues and Racing Board Venues

A Objectives of the Policy

- To minimise the harm to the community caused by gambling.
- To manage gaming machine gambling in the district.

B Where Class 4 gambling venues or TAB outlets may be established

- Class 4 gambling venues or TAB outlets may be established within any zone where commercial activities are a permitted activity, except a Neighbourhood Business Zone, subject to:
 - (i) Meeting application and fee requirements;
 - (ii) The number of gaming machines proposed for the venue being able to be met within the overall district cap (maximum) that the Marlborough District Council may determine from time to time;
 - (iii) The venue having a 'host responsibility' and gambling harm minimisation policy and staff training programme, approved by the Ministry of Health;
 - (iv) When assessing an application to establish a Class 4 venue or a TAB outlet, consideration must be given to the following:
 - (a) The venue not being primarily associated with family or children's activities.
 - (b) The closeness of the venue to any residential zone;
 - (c) The closeness of the venue to any school, kindergarten, church or other educational or religious establishment;
 - (d) The concentration of gambling venues;
- Class 4 gambling venues but not TAB outlets may be established within any Recreational Zone used for organised sporting purposes, subject to:
 - (i) Meeting application and fee requirements;
 - (ii) The number of gaming machines proposed for the venue being able to be met within the overall district cap (maximum) that the Marlborough District Council may determine from time to time;
 - (iii) The venue having a 'host responsibility' and gambling harm minimisation policy and staff training programme, approved by the Ministry of Health;
 - (iv) When assessing an application to establish a Class 4 venue, consideration must be given to the following:
 - (a) The venue not being primarily associated with family or children's activities.
 - (b) The closeness of the venue to any residential zone;
 - (c) The closeness of the venue to any school, kindergarten, church or other educational or religious establishment;
 - (d) The concentration of gambling venues;
 - (e) The venue being a recognised Sports or other recreational non-profit Club.

C Numbers of gaming machines to be allowed

- Only those premises operating a Class 4 venue under an existing licence on or before 17 October 2001 may continue to operate the same number of gaming machines they lawfully operated on notification date 22 September 2003. For other premises the maximum number of gaming machines to be allowed in a Class 4 gambling venue in the district is 9, and the number approved will be set at the time of application; except that
- Where two or more clubs merge legally and physically combine their premises, they may apply to have up to the lesser of;
 - (i) the sum of the number of gaming machines specified in all of the clubs class 4 venue licences at the time of the application; or
 - (ii) 30 gaming machines.

D Overall cap on number of gaming machines in the district

- The total number of gaming machines is to be capped at 258.
(N.B. This is the number of machines currently operating within the district. Council gives an undertaking to review the maximum number of machines when the Gambling Venue policy is next reviewed).

E Predominant purpose of Class 4 gambling venues

- The predominant purpose of any Class 4 gambling venue will normally be venues that have been authorised by the Sale of Liquor Act 1989 to sell and supply alcohol for consumption on the premises; or
- Stand-alone TAB venue.

F Incompatibility of Class 4 gambling premises

- Class 4 gambling venues must not be located in premises that are incompatible with other predominant uses in a commercial or retail district.

G Applications

- Must be made on the approved form and must provide:
 - (i) Evidence of a police clearance for owners and managers of the venue;
 - (ii) A copy of the proposed gambling harm minimisation policy and staff training programme;
 - (iii) A 12-month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue;
 - (iv) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
 - (v) Evidence of the distance to the nearest residential zone, educational or religious establishment and other Class 4 gambling venues;
 - (vi) Name and contact details for the applicant;
 - (vii) Street address of premises proposed for the Class 4 licence;
 - (viii) Details of liquor licence(s) applying to the premises.

H Application Fees

- (ix) This will be set by Council from time to time.

10. Information Package

RECOMMENDED

That the Regulatory Department Information Package dated 2 September 2010 be received and noted.

11. Decision to Conduct Business with the Public Excluded

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

- Application for Companion Dog Status
- Report on Prosecution
- Stormwater and Effluent Disposal Issues

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 |
|---|---|---|
| Application for Companion Dog Status Report on Prosecution Stormwater and Effluent Disposal Issues | 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. |