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19 November 2010

Record No: 10248000  
File Ref: C135-E01  
Ask For: Mr Porter

## **Notice of Committee Meeting - Thursday, 25 November 2010**

A meeting of the Environment Committee will be held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on Thursday, 25 November 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, 25 NOVEMBER 2010 commencing at 1.30 pm**

<b>Committee</b>	Clr P J S Jerram (Chairperson) Clr T E Hook (Deputy) Clr J A Arbuckle Clr G S Barsanti Clr D W R Dew Clr G I T Evans Clr D D Oddie Ms T Williams
<b>Departmental Head</b>	Mr H Versteegh (Manager, Regulatory Department)
<b>Staff</b>	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 F & D V McCrindle - 19B Goodman Street, 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).**
- **D G & E J Gillies - 29 Lincoln Street, 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).**
- **S W C & M A Croft - 56 Adams Lane, 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).**
- **R M & C L Fitzgerald - 53 Fairbourne Drive, Fairhall, 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).**
- **G L & A J Millar - 1128 Kaiuma Bay, Road, Canvastown, Havelock - approval to use a lockable cover on an unfenced spa pool (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **B J Hansen & G Cooper - 10A Gaylee Place, 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).**
- **J T & J A Sutherland - 58 Steam Wharf Road, Blenheim - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **A E & A J Joslin - 4 Wilson Street, Renwick - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **A L & S E Twisleton - The Elevation, Picton - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **R G & C A Rose, 30 Mills & Ford Road East, 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).**

## **2. Councillor Portfolios**

(Report prepared by Peter Jerram)

(C405-01)

### **Purpose**

1. The purpose of the report is to consider the appointment of Councillors to Portfolios for the various activity areas managed by the Environment Committee.

### **Background**

2. At its inaugural meeting following the 2010 Triennial General Elections the Mayor signalled his desire to give Councillors more responsibility and the opportunity to review Council's operations and functions. In this regard he indicated that it was his wish that each of the standing Committees created portfolios for Committee members.
3. The role of the Portfolio holders would be:
  - To act as Council spokesperson for the nominated activity area at Committee and Council meetings.
  - To provide leadership and direction for the activity area.
  - To head a review of the activity area, its issues and report back with recommendations on scope, prioritisation and resourcing as appropriate.
  - To maintain liaison with the community.
4. Staff will liaise with the Portfolio holder to keep them informed about current issues and activities.

### **Discussion**

5. The scope of the Environment Committee encompasses all of Council's Regulatory Department functions and now includes the Resource Management Act Policy and Plan making functions.

Under the current department structure activities are broadly managed under the following activity groupings:

- Environmental Science and Monitoring including Biosecurity
  - Resource Consents
  - Building Control
  - Compliance including Animal Control
  - Harbour Control
  - Environmental Policy
6. Following discussions it is recommended the following Portfolios be established:

### **RECOMMENDED**

**That the Portfolios for the Environment Committee be:**

- **Environmental Science & Monitoring - Councillor Jerram**
- **Biosecurity - Councillor Evans**
- **Resource Consents and Animal Control - Councillor Arbuckle**
- **Building Control - Councillor Hook**
- **Compliance and Liquor Licensing - Councillor Barsanti**
- **Harbour Control - Councillor Oddie**
- **Environmental Policy - Councillor Dew**

### **3. Fencing of Swimming Pools Act Sub-Committee**

(Report prepared by Mike Porter)

(L225-F01)

1. Council is responsible for administering the Fencing of Swimming Pools Act 1987. In doing so, it is required to make determinations on a number of applications made during the year, particularly during the summer months, for exemptions (under section 6 of the Act) from some of the Act's requirements, the most common of these being for doors opening from a house into the pool area.
2. Section 12 of the Act allows Council to delegate its powers and functions under section 6 to any committee of Council appointed under Clause 30 Schedule 7 of the Local Government Act 2002.
3. This committee of Council must comprise only elected members of Council and must contain at least two elected members.
4. Reports on each application are provided by Council's Inspectors.

#### **RECOMMENDED**

1. **That a Fencing of Swimming Pools Sub-Committee, comprising at least two elected members, be formed.**
2. **That pursuant to Section 12 of the Fencing of Swimming Pools Act 1987 and Clause 30 Schedule 7 of the Local Government Act 2002, the Fencing of Swimming Pools Sub-Committee be delegated the power to make determinations on applications for exemptions under section 6 of the Fencing of Swimming Pools Act 1987.**

**That decisions made by the Fencing of Swimming Pools Sub-Committee be reported to the subsequent meeting of the Environment Committee.**

## 4. Marlborough Sounds Advisory Group - Review

(Report prepared by Francis Pauwels)

(C135-M07)

### Background

1. The Marlborough Sounds Advisory Group (SAG) came into being as a consequence of a Council scoping project, which looked at Sounds issues, in the first half of 2001. Two focus groups were set up to service this project's aims. One of these groups brought together a number of Sounds stakeholders, with diverse areas of interests and affiliations. The project in question culminated in the report: "Marlborough Sounds Resource Management Issues -Where To From Here?" Davie, Lovell-Smith Limited: June 2001.
2. Using this Sounds stakeholder focus group as a platform, Ian Mitchell, then a Councillor, in conjunction with the Council's Environmental Policy and Information Group's strategic planning team, looked at forming the SAG by adding a number of members to the focus group, based upon providing broad representation for the various Sounds communities. On 12 May 2002 Councillor Mitchell attended a meeting of Sounds-wide representative groups (convened by the Guardians of the Sounds, in Havelock) to explain the concept.
3. After a period of debate about its role and membership, involving the Guardians, Te Atiawa, and the French Pass and Port Underwood residents' groups, the SAG was ultimately formed in August 2002.
4. Under Councillor Mitchell's chairmanship (with facilitation by Resource Management Officer, Keith Heather and secretarial services provided by Kay Leach), the SAG met, on a continuing, if irregular basis, both in the field and at the Marlborough District Council offices, during the period of Councillor Mitchell's chairmanship of the Marlborough District Council Environment Committee. This period concluded on 2 September 2004.
5. Subsequently, in 2005, under Councillor Hope, the SAG's role and management were reviewed, to define and consolidate the SAG's role and improve its general value to the Sounds community. The SAG is administered by staff from the Strategic Policy Department, and has been chaired by Councillor Bowers during the just concluded term of Council. Briefly, its function and role has involved:
  - (i) Meeting on a quarterly basis, both in the field and at the Marlborough District Council offices.
  - (ii) Council-wide involvement, including other Regulatory Department groups, such as Biosecurity and Harbours, along with groups within the Assets and Services Department, including Marlborough Roads.
  - (iii) An operational role that generally includes:
    - Acting as one of the liaison conduits between the Council and the Sounds community.
    - Bringing current Sounds issues to the attention of the Council.
    - Supporting and commenting on related Council projects, e.g. the Northern Marlborough Urban Growth & Development Strategy.
    - Identifying issues and acting as a focus group for the Council, for policy and plan review, e.g. the current review of the Marlborough Regional Policy Statement.

### **Current Situation**

6. The SAG's most recent ordinary meeting was held in Blenheim on 8 November 2010, under acting chairman Councillor Barsanti.
7. With the new Council membership and committee structure in place, it is appropriate that the Council consider the SAG's future and, in the event that this is supported, appoint a councillor to the chair for this term.

### **RECOMMENDED**

1. **That the Sounds Advisory Group continues to be convened by the Council in its current format and role.**
2. **That Councillor Hook be appointed to chair the Sounds Advisory Group.**

## **5. Rural Representative on Environment Committee**

(Report prepared by Alan Johnson)

(C405-01)

### **Purpose**

1. The purpose of this report is to seek an appointment of a rural representative on the Environment Committee.

### **Background**

2. The secondment of a Rural Representative to the Environment Committee was decided to be referred to the Environment Committee for consideration.
3. The position of Rural Representative has been held by Mr Chris Bowron who has been a representative on the Environment Committee during the last three terms of Council.
4. Historically the role of the rural representative provided the Committee a communicative link to the rural community and has assisted in general, policy and implementation issues associated with pest management and other matters that affect the rural community. The role has been useful to Council, particularly during the previous terms when reviewing pest management policy and providing guidance in terms of matters associated with the Animal Health Board National Pest Management Strategy for Bovine Tb.
5. In more recent times there has been some considerable change to land use in the region, particularly viticulture, and the steady potential for dairying and forestry all provide a set of unique environmental challenges for the community.

### **Comment**

6. It is recommended that the Environment Committee consider the options of a Rural Representative secondment to the Committee for a further term of Council.

### **RECOMMENDED**

1. **That a Rural Representative be seconded to the Environment Committee for this term of Council.**
2. **That Councillors Jerram, Dew and Hook be charged to receive and consider nominations for the position of Rural Representative.**
3. **That the successful nominee be confirmed at the Full Council meeting on 9 December 2010.**

## **6. Marlborough Regional TbFree Committee**

(Report prepared by Alan Johnson)

(C135-R01)

### **Purpose**

1. The purpose of this report is to seek an appointment of an elected member to the Marlborough Regional TbFree Committee.

### **Background**

2. The Animal Health Board (AHB) is an incorporated society legally responsible for the management and implementation of the National Pest Management Strategy for Bovine Tb. The AHB mission is to eradicate Bovine Tb from New Zealand. To achieve eradication, national and regional programmes are in place to manage the movement of Tb infected domestic cattle and deer herds, and control wildlife like possums and ferrets that spread the disease.
3. The Council is represented as a member of the organisation through Local Government New Zealand. Council's role at a regional level is confined to a stakeholder and funding provider, where a contribution is made towards the vector control programme in the district.
4. At a regional level the AHB has a number of regional TBFree committees. The committees effectively support the AHB in its delivery of the Tb programme, playing an important role in shaping the control objectives, procedures and policies, and providing an effective communication link to the local community and stakeholders.
5. The Marlborough TbFree Committee is made up of core members being a range of industry representatives and Council, which are generally consistent with the AHB's member organisations. The Marlborough committee meet on a three monthly basis at a local venue.

### **Comment**

6. The Council was represented by Councillor Jerram during the last term of Council. It is now recommended that the Environment Committee review and formally appoint an elected member to the Marlborough TBFree Committee.

### **RECOMMENDED**

1. **That the information be received.**
2. **That the Environment Committee appoint a Council representative to the Marlborough TbFree Committee.**

## **7. Monitoring**

(Report prepared by Garth Congdon)

(C270-01)

### **Purpose**

1. The aim of this report is to inform the Committee of the Environmental Protection Section's monitoring programme and the strategy behind the programme.
2. **Garth Congdon the Compliance Manager, will make a power point presentation to the Committee outlining why we monitor, how we monitor and what is being monitored.**

### **RECOMMENDED**

**That the information be received.**

## **8. Groundwater Flow Patterns and Origin on the North Bank of the Wairau River, Marlborough, New Zealand**

(Report prepared by Peter Davidson and Val Wadsworth)

Reference (G045-01)

### **Purpose**

1. The aim of the study was to define the nature and origin of North Bank groundwater and the boundary with Wairau River channel flow.

### **Background**

2. Relatively little was known about the groundwater resources of the catchments draining the North Bank of the Wairau River. As well as providing general information to local water users and a baseline for future monitoring of groundwater resources, the investigation specifically addressed the issue of their degree of interaction with Wairau River water and will assist future management of these resources.
3. The report was written by James Botting, a student from the Geological Sciences Department of the University of Canterbury, based on fieldwork carried out from 2008 to 2010, in collaboration with Council staff.
4. The Council has worked with a number of post graduate students in recent years on hydrological investigations. The benefits for the community are a high quality report on a specialist subject at a competitive price.
5. A summary of the key findings is set out below, and the full report can be made available to Councillors and staff who wish to read it in detail.

### **Key Findings**

6. North Bank tributary aquifers represent small water reservoirs relative to the larger Wairau Plain systems.
7. Water from the North Bank tributaries is chemically indistinguishable from Wairau River water, but differences exist in their isotopic makeup which is used to identify their origin.
8. North Bank groundwater is only slightly more evolved than surface waters, implying the existence of a single interconnected water resource above and below the surface.
9. Differences in water quality largely reflect man-made influences, and are generally of a high standard.
10. There is more interaction between Wairau River channel flow and groundwater in the lower reaches of the North Bank tributary catchments than occurs on the opposite South Bank catchment.
11. A high degree of interaction is particularly evident at Fabians/Bartletts Creek, and Top Valley, but further study is needed to show if this varies seasonally and whether it is sensitive to the Wairau River flow regime or channel position.
12. It is likely that the boundary between Wairau River and North Bank water is not sharp, but is a more diffuse margin.
13. Some North Bank groundwater is directly connected to Wairau River channel flow.

### **RECOMMENDED**

**That the information be received.**

## 9. Marlborough Environment Awards 2010/11

(Report prepared by Nicky Eade)

(F135-11)

### Purpose

1. To provide Councillors with some background to the Marlborough Environment Awards and also to update them on the current 2010/11 Awards round.

### Background

2. The Marlborough Environment Awards have run every two years since the first Awards round in 1996/97. The eighth round of the Marlborough Environment Awards is currently underway for the 2010/11 years. The Awards are run by the Council under the guidance of a trust of which the Council is a member, and also includes the Marlborough Environment Centre, Marlborough Winegrowers, Federated Farmers and the Marlborough Forest Industry Association. The Department of Conservation is a supporting agency.
3. Environment Awards are recognised nationally as a positive method of promoting best practice methods of resource management. Volume One of the Wairau/Awatere Resource Management Plan (Rural Environments Chapter 12.2.3 Methods of Implementation) specifically states that the Council will support the Environment Awards as a method of promoting environmentally sound land management practices.
4. The Ballance Farm Awards were set up in the early 2000s and a number of regional councils now run their Environment Awards through this model. Marlborough did look at aligning with the Ballance Award system, but it was not considered suitable for this area, partly because the Awards are run on an annual basis, which was felt to be too frequent for our smaller region and also the predominant focus on farms which does not reflect the diverse land uses of Marlborough.

### Comments

5. The Marlborough Environment Awards recognise that “sound environmental management is good business”. Initially the focus of the Awards was on the rural community but over time the scope has broadened and “rural” was dropped from the title in 2006 to reflect this change. There are seven categories, each with a commercial sponsor including (for 2010/11):
  - **Farming** (jointly sponsored by Federated Farmers and The Vet Centre)
  - **Winegrowing/Horticulture** (sponsored by Rapaura Vintners)
  - **Forestry** (sponsored by the Marlborough Forest Industry Association)
  - **Habitat Enhancement** (sponsored by Morgans Road Nursery)
  - **Innovation** (sponsored by Cuddons Engineering)
  - **Landscape** (sponsored by the Department of Conservation)
  - **Efficiency** (sponsored by Prenzel Distilling Company)
6. An overall Supreme winner is selected from these category winners.
7. A separate but related Schools Award is also run alongside the main Environment Awards. This is managed and coordinated internally by Annie MacDonald from the Assets and Services Department. The Schools Awards are currently open for entries and will be judged and awarded by early December 2010 to fit with the school year.

8. The main Awards are generally open for entries from September to November, judging takes place over the summer months and the Awards dinner and field days are held in May of the next year (2011 in this case). At the time of writing, entries are just about to close with 30 received so far, spread over all seven categories.
9. Funding for the Awards come from a mix of the Council contribution (\$10,000.00 annually), along with sponsorship and some revenue raised through the sale of dinner tickets. A part time coordinator is employed to assist staff with the running of the Awards - the current coordinator is Bev Doole.
10. A working committee with members from the trustee organisations has an advisory role in assisting the coordinators to run each Award round. Current members of this committee are David Dillon (Federated Farmers), Kevin Parkes (Marlborough Forest Industry Association), Tim Newsham (Marlborough Environment Centre) and Gerald Hope (Marlborough Winegrowers Association). Peter Jerram will be the new Council representative in his role as chairperson of the Environment Committee.

### **Summary**

11. The Marlborough Environment Awards are well established and have provided a vehicle to showcase a wide range of enterprises and properties which demonstrate good environmental practices in our region. The current round of the Awards are well underway with sponsors and entries confirmed and judging scheduled for the summer months. The presentation dinner and field days will be held in May 2011.

### **RECOMMENDED**

**That the information be received.**

## 10. Winter Air Quality 2010

(Report prepared by Fleur Tiernan)

(E225-A02)

### Purpose

1. The purpose of this report is to present the air quality monitoring results for winter 2010 (May to August inclusive).

### Background

2. PM<sub>10</sub> (fine particles less than 10 microns in diameter) is the only air contaminant currently measured in Marlborough. National Environmental Standards for air quality, introduced in 2004 and which came into effect on 1 September 2005, set standards for five common air pollutants as follows:

Pollutant	Standard	Time average	Allowable exceedances per year
Carbon monoxide (CO)	10 mg/m <sup>3</sup>	8-hours (running mean)	1
Nitrogen dioxide (NO <sub>2</sub> )	200 µg/m <sup>3</sup>	1-hour	9
Ozone (O <sub>3</sub> )	150 µg/m <sup>3</sup>	1-hour	0
Fine particles (PM <sub>10</sub> )	50 µg/m <sup>3</sup>	24-hours	1
Sulphur dioxide (SO <sub>2</sub> )	350 µg/m <sup>3</sup>	1-hour	9
	570 µg/m <sup>3</sup>	1-hour	0

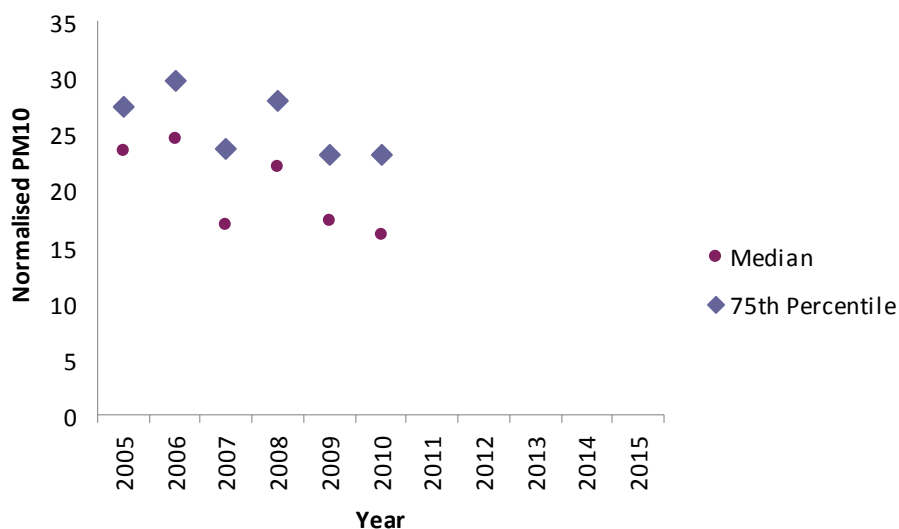
3. PM<sub>10</sub> was measured at two sites in Blenheim during the winter of 2010. One site (AIR-15), located at 106 Middle Renwick Road, records daily PM<sub>10</sub> concentrations one in every three days. The other site, located at the Blenheim Bowling Club in Redwoodtown (AIR-16), records every hour from which a 24 hour average is calculated. On average the standard of 50 µg/m<sup>3</sup> is exceeded 3 to 5 times per year in Blenheim, most of the exceedances occur at the Redwoodtown site, there are occasional exceedances at the Middle Renwick Road site. Currently Blenheim is the only designated airshed in Marlborough.
4. The National Environmental Standard requires that daily monitoring is carried out in airsheds that exceed or are likely to exceed the standards. Currently the only pollutant to exceed the standards in Blenheim is PM<sub>10</sub> and therefore only PM<sub>10</sub> is monitored. PM<sub>10</sub> monitoring has occurred in Picton during the winters 2008 and 2009, however only every 1 in 3 days were monitored. There was only 1 exceedance during this time period. Monitoring was not carried out in Picton in 2010 as construction works were carried out at the site. An alternative site has not yet been found but it is envisaged that monitoring will recommence for the winter 2011.
5. The highest daily PM<sub>10</sub> concentration recorded in Blenheim was 85 µg/m<sup>3</sup>, this occurred on 1 July 2004, however during the winter of 2004 the air monitor was moved from its current location in Redwoodtown to a location on Brooklyn Drive. Subsequent investigative monitoring showed that during 2004, when the air monitor was located in Brooklyn Drive, the air monitor was being unduly influenced by localised sources and was therefore not considered to be representative of 'ambient' concentrations as required by the regulations. The next highest PM<sub>10</sub> concentration

recorded for the Blenheim airshed was 63  $\mu\text{g}/\text{m}^3$  on 9 August 2006. This is deemed to be more indicative of the highest concentrations for Blenheim.

6. Detecting trends in  $\text{PM}_{10}$  concentrations is difficult as concentrations are a function of the amount of emissions being released to the atmosphere and the degree of dispersion. How quickly emissions disperse (or become diluted) is dependent on the meteorological conditions of the time. These change from day to day and from year to year, e.g. a mild windy winter will likely result in fewer exceedances whereas a cold, settled winter with still frosty nights will likely lead to more exceedances, thereby making it difficult to determine if any improvements are occurring year by year.
7. A model was developed by Environet Limited and NIWA specific to the Blenheim airshed which looked at the meteorological factors which contribute to  $\text{PM}_{10}$  exceedances. Factors such as wind speed, wind direction, daily and hourly temperatures and temperature differences between consecutive days, in addition to daily  $\text{PM}_{10}$  concentrations, are inputted into the model. The model then attempts to 'smooth' the data, i.e. it takes account of the prevailing meteorological conditions at the time. This allows for concentrations to be compared year by year as meteorological conditions are effectively excluded (or their influence minimised) from the analysis, this data is termed 'normalised' data.

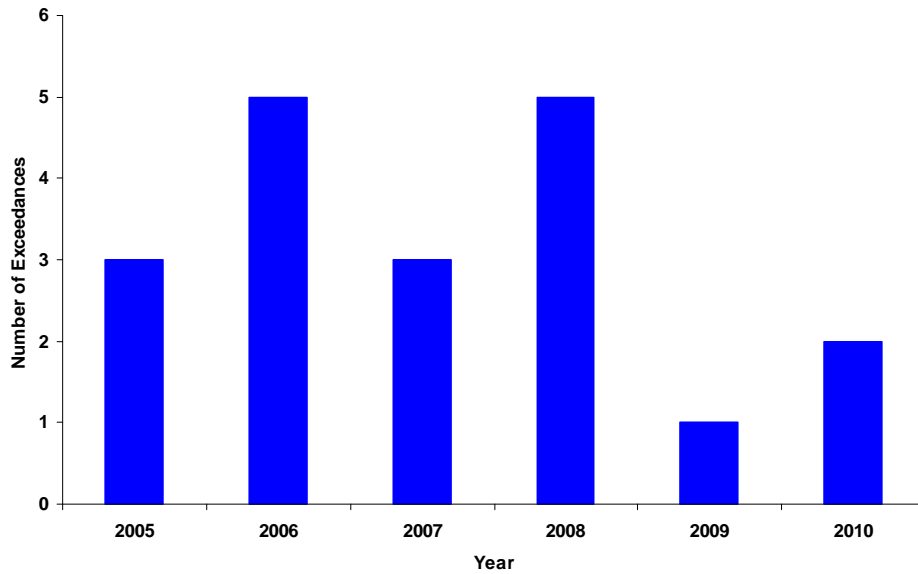
### Comments

8. Overall there appears to be a downward trend in  $\text{PM}_{10}$  concentrations in Blenheim during the winter months (figure 1). Figure 1 shows the normalised  $\text{PM}_{10}$  concentrations, i.e. meteorological conditions that may inordinately affect concentrations have been 'smoothed' to allow for inter year comparisons.



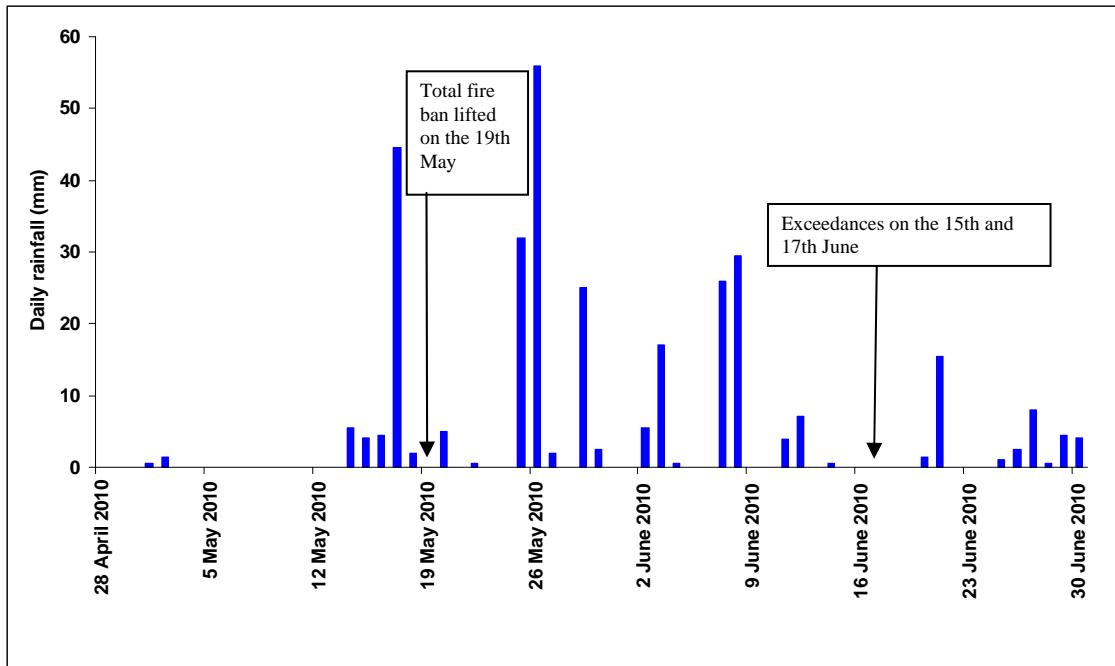
**Figure 1:** Trend in  $\text{PM}_{10}$  concentrations since the introduction of the National Environmental Standards for air quality.

Figure 2 shows the number of exceedances since 2005 for comparison.



**Figure 2:** Number of exceedances of the NES over the last 5 years

9. In 2010 there were two exceedances, despite an overall decrease in median and 75<sup>th</sup> percentile concentrations (figure 1). The exceedances this winter were the two highest concentrations recorded for the Redwoodtown site ( $64 \mu\text{g}/\text{m}^3$  and  $67.5 \mu\text{g}/\text{m}^3$ ). One explanation for the unusually high concentrations was the prevalence of urban outdoor burning observed that week, in addition to meteorological conditions being particularly conducive to high pollution on those nights. The fire ban was lifted on 19 May 2010. However a wet start to the winter probably meant that the usual burning of garden waste and other rubbish that might otherwise have occurred in May was delayed until the weather became more settled (figure 3). In addition when backyard burning did start it is likely that a lot of the material was wet and therefore when burned would have released more emissions to the atmosphere. This could account for the high concentrations recorded despite an overall reduction in emissions within the airshed.



**Figure 3:** Daily rainfall in Blenheim between lifting of the fire ban and the exceedances that occurred in mid June.

### Summary

10. Despite an apparent overall reduction in PM<sub>10</sub> emissions, as shown in figure 1, Blenheim is still prone to exceedances of the National Environmental Standards and therefore regulations (such as a ban on urban outdoor burning) are necessary in addition to other non-regulatory methods, such as incentives and education, to ensure Blenheim's air quality complies with the National Environmental Standards.
11. The National Environmental Standard for PM<sub>10</sub> is currently under review. It is expected that any changes to the current regulations will be finalised towards the end of 2010 or early 2011.

### RECOMMENDED

**That the information be received.**

# 11. Recreational Water Quality 2009/10

(Report prepared by Fleur Tiernan)

(W180-02)

## Purpose

1. The purpose of this report is to present the recreational water quality monitoring report for the summer 2009/10 (**attached**).
2. To present the 2009/10 recreational water quality report card (**attached**).

## Background

3. Monitoring recreational water quality is one of three water quality monitoring programmes currently being carried out by the Council. Its purpose is to assess the state of the region's rivers and beaches to determine their suitability for contact recreation and to assess the degree of risk of contracting illness/infection from being in contact with the waters. Results are sent to the Nelson Marlborough District Health Board for consideration on a regular basis. The Ministry for the Environment (MfE) sets guidelines as to how beaches and rivers should be monitored and assessed in relation to contact recreational activities. These guidelines are used to structure the recreational water quality monitoring programme. This allows for national comparisons to be made and allows water quality results from Marlborough to be used in the assessment of one of the core national environmental indicators, which are reported on annually by MfE. It also allows for trends over time to be assessed to determine whether recreational water quality is improving or declining for the region.
4. Thirty one sites (13 river and 18 coastal) are monitored weekly from November to March inclusive and assessed against MfE's guidelines. Results are posted on the Council's website and rated whether: 1. they are safe to swim at; 2. there is an increased risk of contracting illness/infection from contact with the water; or 3. if there is an unacceptable (as defined by MfE) risk of contracting illness/infection from contact with the water. At the end of each summer results are used to update beach grades. The methodology for grading beaches/rivers for recreational use is defined by MfE and incorporates five years of monitored data and a risk assessment for each site. In order to accurately grade beaches it is important to have consistent long term data for each site.
5. Historically sites have been chosen principally based on popularity of use, location (beside popular campgrounds and/or resorts) and use by clubs/outdoor pursuit institutes. The addition of new sites and/or the dropping of old sites should be assessed on a five yearly basis to coincide with when complete grades have been assessed and should consider the degree of use of the site.

## Comments

6. Coastal water quality is of a higher standard than freshwater quality in terms of compliance with recreational water quality guidelines.
7. Marlborough's recreational water quality is very good in a national context, with 94% of beaches compliant with the action level guideline for 95% of the time compared with 77% nationally and 85% of river sites compliant with the action level guideline for 95% of the time compared with 57% nationally. It is important for Marlborough to maintain a high standard of recreational water quality as the region is an important national and international holiday destination, particularly the Marlborough Sounds region.
8. There were two changes to the grades compared with the 2008/09 summer; these were improvements at Pelorus Bridge and Wairau Bar from Poor to Fair.
9. Additional investigations are required at Moenui to determine the origin of the faecal contamination at the site.

## **Summary**

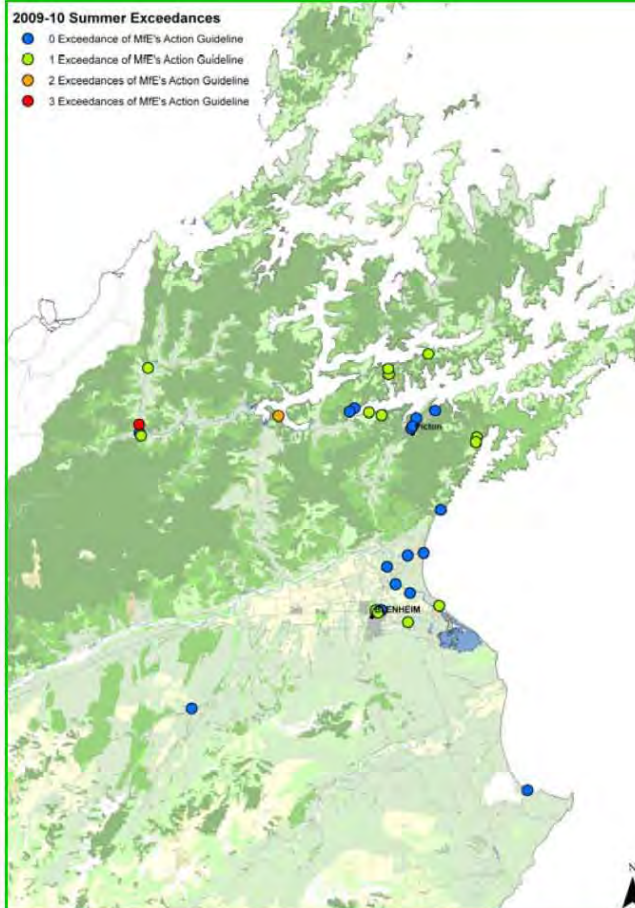
10. Routine monitoring is required to accurately assess the state of our recreational waters and to compare rivers and beaches on a national scale.
11. Water quality is good in a national context but improvements, particularly at our freshwater sites, are still required.
12. There were two changes to the grades compared with the 2008/09 summer; these were improvements at Pelorus Bridge and Wairau Bar from Poor to Fair.
13. A review is intended to assess either the addition of new sites and/or the dropping of old sites, which should coincide when complete grades have been assessed and consideration of the degree of recreational use of the site.
14. It is recommended that additional investigation be carried out at Moenui to determine the reason for the poor water quality recorded for this site.

## **RECOMMENDED**

**That the information be received.**

### Key points

- 31 popular swimming sites are regularly monitored every summer
- Wet weather often leads to exceedances of MfE's guidelines for swimming beaches and rivers
- Swimming should be avoided during and after wet weather, particularly in urban and intensively farmed areas
- 80% of coastal swimming sites were deemed safe for more than 95% of the time during the 2009-10 summer
- Only 50% of river swimming sites were deemed safe for more than 95% of the time during the 2009-10 summer
- Approximately 50% of coastal beach sites have a Grade (SFRG) 'Very Good' or 'Good'
- River sites are graded at best as Fair. Just over 60% of river sites are graded 'Poor' or 'Very Poor'
- Beach grades at the Pelorus Bridge and Wairau Bar improved from 'Poor' to 'Fair' from last year.



### Coastal water results 2009-10

Our coastal water quality is generally very good in terms of compliance with the recreational water quality standards. In 2009-10 80% of monitored beaches were safe to swim at for over 95% of the summer time. The best water quality was at Marfells Beach; Whites Bay; Waikawa; Picton Foreshore; Shelley Beach and Tirimoana. There were no exceedances at any of these sites in 2009-10. Moenui and Momorangi Bay had the poorest water quality. Rivers draining into the inner Pelorus Sound are likely to have an impact on water quality at Moenui. Water quality at Momorangi Bay is affected by the inflow from two streams into the Bay, faecal contamination from the streams is mainly from ducks and other wildlife.

### Why we monitor

One of Council's long term community objectives is to maintain and enhance recreational water quality in the region.

Each summer 13 river swimming spots and 18 coastal beaches are sampled for the presence of bacteria (*E. coli* in rivers and Enterococci in coastal waters).

The number of bacteria present in the sample gives an indication of the risk of contracting illness or infection from being in contact with the water.

The numbers are based on the Ministry for the Environment's (MfE's) bathing water guidelines. Sampling takes place once a week from November to March.

Results are published once a week on the Council's website. The purpose of the monitoring is to inform the public of the relative safety of our popular swimming spots.

### Freshwater results 2009-10

Our rivers are highly prized for recreational activities, from swimming to kayaking, rowing and fishing. In 2009-10 just over half of monitored river spots were safe to swim at for over 95% of the summer time. The best water quality was from the two rowing club sites on the Wairau and at Ferry Road bridge on the Wairau. There were no exceedances at any of these sites in 2009-10. The poorest water quality was from the Rai Falls. Water quality is historically poor at this site, however in recent years a decrease in the median *E. coli* number has been recorded suggesting that improved land management practices in the Rai Valley are leading to improvements in water quality. Overall water quality in our river swimming sites has improved over previous years.

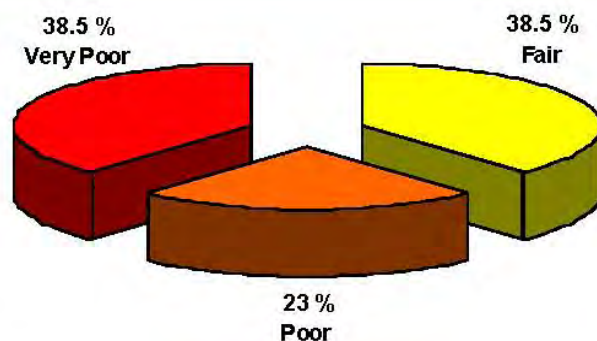
## Beach Grades:

Our swimming sites are graded each year to reflect the general water quality that can be expected from them. Beaches and rivers are graded using the Ministry for the Environment's methodology. The grade incorporates data from 5 years of sampling in addition to incorporating a risk assessment for the site.

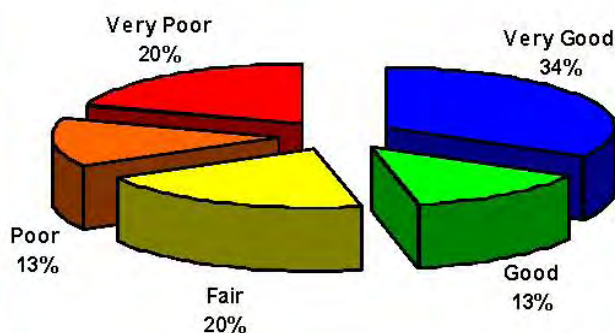
The quality of our river sites are typical of that seen throughout New Zealand. Two swimming spots (Wairau Bar and Pelorus Bridge) saw an improvement from last year from 'Poor' to 'Fair'.



Rowers on the Lower Wairau. Swimming spots on the Wairau River are all graded as 'Fair'.



2009-10 River Grades



2009-10 Coastal Water Grades

## What do MfE's guidelines mean?

Each week during the summer water samples are assessed against MfE's guidelines for recreational waters. The results are posted on the Council website each week. The guidelines denote the *level of risk* of contracting illness/infection from being in contact with the waters. This level of risk is described below:

<p><b>Acceptable 'Green Mode'</b> &lt;140 /100mL</p> <p>Highly likely to be uncontaminated</p> <p>Safe</p>	<p><b>Acceptable 'Green Mode'</b> &lt;260 /100mL</p> <p>Highly likely to be uncontaminated</p> <p>Safe</p>
<p><b>Alert 'Amber Mode'</b> &gt;140 /100mL &lt;280 / 100mL</p> <p>Potentially contaminated</p> <p>OK</p>	<p><b>Alert 'Amber Mode'</b> &gt;260 /100mL &lt;550 / 100mL</p> <p>Potentially contaminated</p> <p>OK</p>
<p><b>Action 'Red Mode'</b> &gt;280 / 100mL</p> <p>Highly likely to be contaminated</p> <p>Unsafe</p>	<p><b>Action 'Red Mode'</b> &gt;550 / 100mL</p> <p>Highly likely to be contaminated</p> <p>Unsafe</p>

## What can you do to help protect our waterways?

- Keep stock out of waterways to prevent faecal contamination.
- Ensure sewage from boats and campervans is correctly disposed of.
- Ensure septic tanks are properly maintained and can cope with increased volumes, particularly important during the summer months.

## What is the Council doing to protect our waterways?

- Regular monitoring helps to identify problem areas, it also shows if an area is experiencing an improvement or a deterioration in water quality
- The Council has a 'Stormwater Strategy' in place to help minimize pollution from urban runoff.
- The Council with the help of the farming community are working towards minimising the effects of stock, particularly dairy herds, on water quality through eliminating stock crossings and fencing and planting riparian margins to prevent stock access to waterways, thereby reducing the faecal load to waterways.
- It is illegal to dump sewage from boats within 500m of the shoreline.

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For more information on recreational water quality go to

[www.marlborough.govt.nz](http://www.marlborough.govt.nz)

Marlborough District Council

Seymour Square, Blenheim. Telephone 03 520 7400 Fax 03 520 7496

## 12. Changes to Food Legislation

(Report prepared by Alice Boyce)

(P360-01)

### Introduction

1. The Council has the responsibility for the Food Hygiene Regulations 1974 under the Health Act 1956 for the Marlborough region.
2. A new Food Bill has had its first reading in Parliament and is currently with Select Committee.
3. This imminent new Food Bill will replace the current legislation surrounding food and place different and greater obligations on Council.

### What will the changes be?

4. Three significant differences are planned as follows:
  - A move towards self assessed risk based **food control plans** for existing commercial food premises and also for some premises not currently registered by Council.
  - Councils to provide food labelling and composition controls for parts of the food industry.
  - Food stalls and education.

Each of these three changes is dealt with in more detail below.

### Move to Risk Based Food Control Plans

5. Currently inspections of food premises are undertaken by Environmental Health Officers (EHOs) and they determine if premises comply with prescribed physical and conduct standards. Such standards relate to things like suitability and maintenance of walls, floors, ceilings, lighting, refrigeration, handwashing facilities and so on. In addition to looking at the “nuts and bolts”, the EHO usually sees a food premises in action, so will also inspect some conduct or operational requirements. Such things include perishable food being stored at the right temperature, food preparation areas being suitably cleaned and free from rodents etc.
6. The proposed change to Food Control Plans (FCPs) will have the operator of a food premises undertaking and recording a self inspection process based on a risk assessment of the food being prepared. This already happens for large operations like dairy factories, fish exporters and freezing works. Large food manufacturers tend to have quality control departments that drive such processes. The proposed FCP process will require the food premises proprietor to have documented systems in place, and to routinely record that the specified control systems are being complied with. The theory that it will encourage production of safer food is impossible to argue against, but the cost/benefit ratio for the extra time and effort required may be questioned by the business operators.

### Food Labelling and Composition Controls

7. For many decades, the matter of administering the legislation controlling labelling of food and food composition was the responsibility of the District Health Boards and their predecessors. That approach led to a slightly disjointed food safety delivery package, in that the local authority EHOs looked at the premises and some conduct issues, and substantially ignored labelling and composition of food, while Health Protection Officers (EHOs employed by Central Government) looked at food labelling and composition, but did not have a great involvement in the premises standards or conduct.
8. The important point is that funding for food labelling and composition work came from Central Government. The proposed regime will have councils undertaking that work, but rather than

continue to provide funding from Central Government for this purpose, the intent is that direct and indirect costs associated with any work relating to the proposed Food Act will be recovered by charging fees and levies (s170).

### **Food Stalls**

9. The breakdown of new legislation surrounding food stalls will impact on time and revenue to Council from our current food stall permit system.
10. Stalls will either require a FCP, food handler guidance (no fee is paid to Council but Council will provide hand outs and education) or be part of National Programmes (administered by NZFSA).

### **Summary of Implications for Council**

11. There is a vast amount that remains unclear particularly the resource and cost implications. For example:
  - (a) Additional work will be required to bring currently registered premises up to speed with FCPs. It is expected the transition phase will amount to several months, potentially years of continuous work for the EHO team. It is also expected that a routine ongoing audit will take about three times the time the current inspections take (refer to below example). Resourcing that demand even if the introductory stage is spaced out over a five year phase in period is well beyond this Council's (and probably many other councils') current resources. The logical consequence of the increased resource requirements for Council will be that registration costs for food premises would have to at least double compared with the current level.
  - (b) Additional work will be required to resource the proposed food labelling and composition audits by councils. The exact amount of that additional work is unknown.
  - (c) At a minimum the same amount of time and resources will be required for food stalls with potentially less income than the current system.
  - (d) The Chief Executive of the Ministry may direct council or council employed EHOs to undertake work relating to food. The proposed Act requires councils to discharge certain functions to the satisfaction of the Ministry (s17). The potential demands are unknown and the ability to meet those demands also unknown. If Council fails to meet the Ministry's expectation, the Ministry can have the work done by other means and Council will be liable for the cost.
  - (e) Staff competencies and resources are required to be met, but at this stage the future demand and detail is unknown.
  - (f) Much of the detail is to be prescribed by regulation. Those regulations do not yet exist so implications can only be guessed or assumed.

### **'First Hand Experience' under the Voluntary Implementation Programme**

12. Council is participating in the Voluntary Implementation Programme for bringing food premises onto the Food Control Plan system should they want to, prior to any imminent legislative changes.
13. This has involved extensive work by the Environmental Health Team, to ensure systems are in place to allow for those who wish to change to FCPs and also doubles as a way for Council to try and 'predict' workloads with changes.
14. To date one premise has registered with Council and it is expected that at least one more will come online prior to Christmas as a requirement for Rugby World Cup 2011.

15. As a requirement to obtain our auditing unit standard, both Environmental Health Officers audited the same premise, albeit different topics. Below is a summary of time spent:

	<b>Current (Food Hygiene Regulations 1974)</b>	<b>FCP (new Food Act) EHO 1</b>	<b>FCP (new Food Act) EHO 2</b>
<b>TIME</b>			
Preparation	15 minutes	1 hour	2 hours
Sending scope (including making appointment time)	N/A	15 minutes	15 minutes
Travel time	Premises inspected in geographical blocks to minimise travel times.	As appointments are made, it is expected that clusters of inspections will not be viable therefore increasing travel time per premise.	As appointments are made, it is expected that clusters of inspections will not be viable therefore increasing travel time per premise.
Audit (time on site)	20-30 minutes	2 hours, 45 minutes	1 hour, 30 minutes
Audit report	15 minutes	1 hour, 30 minutes	1 hour, 30 minutes
Second site visit (if applicable)	20-30 minutes	30 minutes	N/A
Amending audit report	N/A	30 minutes	N/A
Uploading reports onto NZFSA website	N/A	10 minutes	10 minutes
<b>TOTAL TIME</b>	<b>1 hour, 30 minutes</b>	<b>6 hours, 40 minutes</b>	<b>5 hours, 25 minutes</b>

**Note: It is expected that as more audits are undertaken, and templates are developed, time to audit a FCP will be reduced, however it is important to note there will still be a significant time increase per premises.**

Points of interest –

- Only four of the topics were audited by each EHO. This is only a small percentage of all the topics within the programme. This is currently acceptable under the Voluntary Implementation Programme, however, should this change, time required to audit a premises would substantially increase.
- The time required to confirm a suitable appointment could prove more labour intensive depending on availability of managers of premises and operating hours of premises. This particular audit was re-scheduled twice involving greater time commitments by staff.
- It is also expected that EHOs will provide education and help premises adopt their new programmes. None of this time has been accounted for in the previous table.

16. Given the small number of premises that have come on board to date, it is expected that when the new Food Bill becomes legislation, that it will have extensive resourcing requirements on the Environmental Health Team.

**RECOMMENDED**

**That the information be received.**

## 13. Animal Control Contract

(Report prepared by Garth Congdon)

(C315-08-54-01)

### Purpose

1. The purpose of this report is to seek authorisation to give notice to review the terms of the Animal Control Contract.

### Background

2. The Council is required to provide dog control services pursuant to the Dog Control Act 1996. Council also provides services for the removing of livestock from public land and roads and impounding services pursuant to the Impounding Act 1955.
3. Dog Control is currently delivered under contract by Maataa Waka Ki Te Tau Ihu Trust. Under the Contract, Maataa Waka Ki Te Tau Ihu Trust provides the following Services –
  - Dog Registration (an annual process)
  - Property Licensing (required for more than two dogs in accordance with the Bylaw)
  - Education
  - Enforcement (issuing infringements, seizing and impounding) (NB Council makes the decision whether to prosecute)
  - Manage impounded dogs and the operation of the pound
  - Various projects (unaccounted for dogs, property inspections)
  - Livestock on roads
4. The term of this Contract may in Council's complete discretion be extended beyond the expiry for two terms of 2 years (or any other period agreed between the Council and the contractor) on either the same or amended terms and conditions.

### Discussion

5. It is proposed that a review of the Animal Control function be carried out forthwith. The review will focus on all the matters raised as concerns during the election process including:
  - Variable charges
  - Cost of service
  - Level of service
  - Status of dogs

In addition there will also be a focus on reviewing systems.

Notice is required to enable any outcome of the Council review to be implemented.

6. It is unlikely that the review will be completed in time for a variation of the contract to be negotiated before the renewal date of 31 March 2011.

It is proposed that the contract be extended for six months from 31 March 2011, to allow the review to be implemented through contract variation.

### Summary

7. It should be noted that over recent years Maataa Waka Ki Te Tau Ihu Trust's delivery of the contract has improved significantly. With improved customer understanding and appreciation of public safety and public relations Maataa Waka Ki Te Tau Ihu Trust has demonstrated to dog owners and the community that they are professional, knowledgeable and undertake ongoing

training to develop personally while striving to be the best equipped Animal Control team in any situation. Council has no reason not to extend this contract pending the outcome of the review.

**RECOMMENDED**

- 1. That Council give notice to Maataa Waka Ki Te Tau Ihu Trust its desire to review the terms of the Animal Control Contract.**
- 2. That Council give notice to Maataa Waka Ki Te Tau Ihu Trust its desire to extend the terms of the Animal Control Contract to the 30 September 2011.**

## **14. Dog Control Policy & Practices Annual Report 2009/10**

(Report prepared by Shelley Lines)

(D135-01-01)

### **Purpose**

1. The purpose of this report is to request the Committee to approve the Dog Control Policy and Practices Annual Report for the 2009/2010 year. A copy of the report is **attached**.

### **Background**

2. Section 10A of the Dog Control Act 1996 requires Council to prepare an annual report on its dog control activities for the previous financial year.

### **Proposal**

3. Once Council has approved the report, a copy of the report must be:
  - publicly notified; and
  - provided to the Secretary for Local Government, within one month of its release.

### **RECOMMENDED**

1. **That the Dog Control Policy and Practices Annual Report for the 2009/2010 be approved.**
2. **That the report be publicly notified and a copy be provided to the Secretary of Local Government.**

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**Dog Control Policy and Practices Annual Report**  
**- 1 July 2009 to 30 June 2010**  
**(Section 10A of the Dog Control Act 1996)**

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## **Background**

Section 10A of the Dog Control Act 1996 requires the Marlborough District Council (“Council”) to report on its administration of Dog Control Policy and Practices in respect of each financial year.

This report focuses on the 2009/10 financial year which is the period 1 July 2009 – 30 June 2010.

The objectives of this report are to:

- Report on Council’s administration of dog control policies and practices;
- Provide information on dog control activities.

This report will be provided to the Secretary for Local Government and will be publicly notified within one month of its release.

## **Operations**

The Dog Control function has been contracted out to Maataa Waka Ki Te Tau Ihu Trust since 1998. The contract was renewed on 1 April 2009 for a further two years.

Council retains the administration of the contract, makes decisions on classifications of dog owners, objections to classifications and infringements, and on prosecutions.

## **Dog Control Policy**

As required by the Dog Control Amendment Act, the Council has adopted a Policy on Dogs.

This Policy deals with various matters, as required by Section 10 of the Dog Control Act including dog areas, fees and education.

The Policy is scheduled for review later in 2010. A copy of the current Policy can be viewed on the Council’s website [www.marlborough.govt.nz](http://www.marlborough.govt.nz).

## **Dog Areas**

Dog areas are set out in the Policy on dogs and in Council’s Dog Control Bylaws.

Dogs are allowed off leash in dog exercise areas, provided they are kept under control at all times. There are a total of seven dog exercise areas in the Marlborough District.

Dogs are prohibited from areas that have an intense public use, where dogs may compromise the enjoyment of the area, where ecological or economic values would be threatened, where space is limited on narrow walkways and pedestrians may be threatened. Currently there are several dog prohibited areas in Marlborough.

Dogs are allowed in, but must be kept on leash, in any public area that is not identified as a dog prohibited area or dog exercise area.

The current dog areas will be reassessed as part of the Policy Reviews.

## **Fees**

A new fee system for 2009/10 was introduced providing for lower fees for owners who meet specified criteria.

The registration fee structure for the 2009/10 year was:

- \$48 fee for non working dogs (Category 1)
- \$72 fee for non working dogs (Category 2)
- \$20 fee for working dogs
- A fee for dogs classified as dangerous that is 50% above the standard fee
- A rebate for owners of more than 6 dogs that have no recent recorded breaches of the Dog Control Act.

### **Non working dogs**

#### *Category 1*

**Dog:** Neutered, microchipped and not classified as dangerous or menacing.

**Owner:** Not classified as probationary or been disqualified, not convicted of an offence or committed an infringement offence under Dog Control Act.

#### *Category 2*

Any non working dog that does not meet the criteria for a Category 1 non working dog.

## **Funding**

Dog control is funded entirely from dog registration fees, there is no rate funding. The fees are set to cover the expected cost of the dog control function.

## **Education**

A dog safety education course is available to schools and groups of primary school aged children. The purpose of this course is to promote safety around dogs as well as responsible dog ownership and care.

Information on various aspects of dog behaviour, care and responsible ownership are available from Animal Control. Information on relevant topics is distributed to owners of dogs that come to Animal Control's attention.

There is also a monthly feature regarding dogs in the newspaper. These features include articles on dog health and dog behaviour. These features can also be viewed on the Council website.

Animal Control's dog, Mate, also attends community events and the dog safety programme for children. Mate has an email address [a.c.m8@maataawaka.co.nz](mailto:a.c.m8@maataawaka.co.nz) and also has a Face Book page.

## **Dogs and Owners**

There were 10,185 dogs registered in the Marlborough district. 2266 dogs were registered as working dogs (including disability assist dogs and Police dogs) and 7919 were registered as nonworking dogs.

## **Enforcement**

### *Disqualifications and Probationary Owners*

Marlborough currently has one disqualified owner and three classified as probationary.

### *Menacing and Dangerous Dogs*

There are five dogs classified as dangerous and 74 as menacing.

### *Infringements*

A total of 198 infringement notices were issued. 104 of these notices were for unregistered dogs and 68 were for uncontrolled or roaming dogs. The remainder were for a variety of other breaches.

### *Complaints*

A total of 1696 complaints were received in the 2009/10 year. A majority related to lost or found dogs or dog nuisance. 134 complaints related to a dog attack or rush. All complaints were attended to and resolved.

### *Prosecutions*

There have been no prosecution actions during the 2009/10 registration year.

## **Impounded/Unclaimed/Surrendered Dogs**

There were 357 dogs impounded for various reasons. The majority of these dogs were released to their owners and the ones that were not claimed were either sent to the SPCA or destroyed, depending on temperament and characteristics.

All dogs that are surrendered to Animal Control or are not claimed undergo an assessment. Those dogs determined to have the temperament and characteristics suitable for a family environment are sent to the SPCA for re-homing.

There is an agreement between Council and the SPCA with respect to the costs of caring for these dogs.

During 2009/10 a total of 29 dogs were sent to the SPCA for re-homing.

## **Unregistered Dogs**

Dog control runs two projects to identify and address unregistered dogs, being the Unaccounted for Dog Project and the Property Inspection Programme.

As part of these projects dogs were found that had been previously registered, but not re-registered for the 2009/10 registration year. Dogs that were still in Marlborough and alive were correctly registered.

Records were also updated for those dogs that had died, changed address or were gone with no contact address. Owners of unregistered dogs received an infringement notice.

Copy to: Secretary for Local Government  
Department of Internal Affairs  
PO Box 805  
Wellington 6140

## **15. Information Package**

### **RECOMMENDED**

**That the Regulatory Department Information Package dated 25 November 2010 be received and noted.**