

File Ref: C135-E01

Ask For: Mr Porter

12 March 2010

Notice of Committee Meeting - Thursday 18 March 2010

A meeting of the Environment Committee will be held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on **Thursday 18 March 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 18 MARCH 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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PUBLIC EXCLUDED

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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:

- **Marshall Property Investments Limited, 95-117 High Street, Blenheim - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **R J & K Macky, 205 Redwood Street, Blenheim - exemption for doors opening into pool area (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **S J & A J Young, 42 Morven Lane, Fairhall - exemption to install a Coverstar Poolsaver automatic pool cover in lieu of a fence (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **P W & M A Barrett, 75 Litchfield Street, 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. Soil Quality Monitoring Report 2009 (E225-07)

(Report prepared by Colin Gray)

Purpose

1. The purpose of this report is to present the findings of soil quality monitoring undertaken in the Marlborough region in 2009. The full report is **attached**.
2. This report also forms part of the 2009 environmental report card for soil monitoring **attached**.

Background

3. The Marlborough District Council has a responsibility for promoting the management of the natural and physical resources of their region. One of the physical resources that we have a duty under the Resource Management Act (1991) to monitor is the “life supporting capacity of soil” and determine whether current practices will meet the “foreseeable needs of future generations”. Detailed soil monitoring information is therefore vital because it provides information on what effect current land use activities are having on soil quality and whether we need to change or prioritise the way we manage the land environment. This is becoming increasingly important as land use activities are intensifying and putting pressure on our soils, some of which are fragile and if not carefully managed are at risk of degradation.
4. To help determine what effect land use practices are having on soil quality, the Council began a monitoring programme in 2000. The monitoring program involved collecting soil samples from a network of sites that represented the main land use activities and soil types within the region and analysing samples for a suite of soil physical, biological and chemical properties that have been shown to be robust indicators of soil quality.
5. Up until 2008, 44 soil quality sites had been established, sampled and results reported. However, to provide a more complete picture of soil quality in the Marlborough region, further sampling of soil is still required from more sites.
6. This report presents the results for 16 new soil quality monitoring sites that were sampled and analysed for a suite of soil physical, biological and chemical properties to determine if they meet their target ranges for soil quality.

Results

7. Monitoring results indicate that nine out of 16 sites met all their soil quality targets and seven others have one indicator out of the target range. Monitoring has highlighted that there are some soil quality issues under some land use activities in Marlborough.
8. Several sites showed signs of soil compaction i.e. low macroporosity and a number of others i.e. drystock pasture sites, had macroporosity at the lower end of the optimal target range. These results put soils at risk of poor aeration and poor drainage, and may result in reduced pasture growth.
9. One of the cropping sites has depleted soil carbon along with a high bulk density value. This result puts this cropping soil at risk of structural degradation, poor aeration and poor drainage and possibly may result in reduced crop growth.
10. Trace element concentrations in Marlborough agricultural soils were generally low and were similar to concentrations found in other parts of New Zealand. However there should be long-term monitoring of fluorine on pasture farm sites to determine changes over time.

Summary

11. Soil quality monitoring across 16 new sites in Marlborough has highlighted that in general soil quality was acceptable. However there are some issues with soil compaction at some sites which will need to be monitored over time.

RECOMMENDED

That the Soil Quality in the Marlborough Region in 2009 report and the 2009 Soil Monitoring Report Card 2009 be received.

Key points

- Soil quality monitoring across 16 new sites in Marlborough has highlighted that in general soil quality was acceptable. However there are some issues with soil compaction at some sites which will need monitoring over time.
- 11.56% of the region has bare soil, most of which is due to natural processes i.e. bare rock and scree, streambank deposition and sheetwash.
- Significantly less bare soil was due to land use activities such as tracks, cultivation and grazing pressure.

Why do we monitor soils?

- Soils are the protective skin of our planet - they store water and nutrients, mitigate greenhouse gas emissions, filter and breakdown pollutants and act as a buffer between the atmosphere and aquatic environments.
- Soils are at the heart of our economy, underpinning our agriculture, viticulture, forestry and tourist industries.
- Not least, soils are the platform on which we live and build our houses.
- However, soils are fragile and if they are not carefully managed they are at risk of degradation.
- It is therefore vital we have detailed information on what effect we are having on soils.

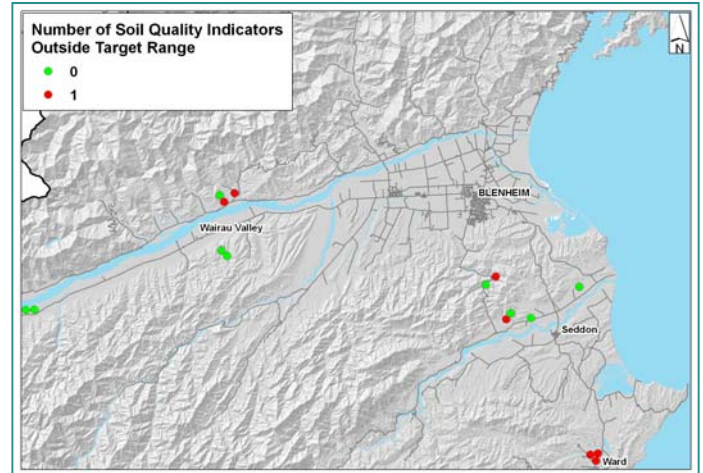


Figure 1. Summary of the results of soil quality monitoring in 2009. The sites sampled are colour coded according to the number of soil quality indicators outside the target range for their landuse and soil type.

What happened in 2009?

Soil quality monitoring

To determine what effect land use practices are having on the quality of our soils, the Council undertake a soil quality monitoring program.

The monitoring program involves collecting soil samples from sites that represent the main land use activities and soil types within our region and testing them for physical, chemical and biological properties shown to be robust indicators of soil quality.

Currently there are 44 soil quality monitoring sites across our region.

In 2009, 16 new sites were sampled covering four different land use activities including drystock pasture (9), exotic forestry (4), viticulture (2) and cropping (1) and representing 10 different soil types from 2 soil orders.

What have we found out?

- Monitoring results indicate that 9 out of 16 sites met all their soil quality targets and 7 others have one indicator out of the target range (Figure 1).
- Low macroporosity (which is a measure of soil compaction) was the soil quality indicator most often outside the target range at 5 sites.
- One of the cropping sites has depleted soil carbon along with a high bulk density value. This result puts this cropping soil at risk of structural degradation, poor aeration and poor drainage and possibly may result in reduced crop growth.
- Trace element concentrations in Marlborough agricultural soils were generally low and were similar to concentrations found in other parts of New Zealand. The one exception was elevated soil fluorine concentrations found in some pasture soils.

Soil state survey

It is important that we have reliable information on the amount and type of soil erosion in our region. This is because:

- Soil loss accelerates sedimentation and nutrient run-off and degrades water quality in adjacent or downstream water bodies;
- Downstream erosion cause rivers to become filled in with silts and gravel increasing the risk of flooding;
- The gradual loss of topsoil affects the general health of the soil and reduces fertility and the productive capacity of the soil resource;
- Some types of erosion can affect land stability for housing and other uses.

To gain a better understanding of the amount and type of soil erosion across the Marlborough Region, in 2009 a survey was undertaken to assess Soil State using region-wide aerial photography. Soil State characterises whether soil at a given site is on:

- stable surfaces i.e. vegetated.
- erosion-prone unstable surfaces i.e. inactive vegetated surfaces.
- eroded, unstable surfaces i.e. recently disturbed and re-vegetating.
- eroding, unstable surfaces i.e. freshly disturbed and bare (Figure 2).

What have we found out?

- 52.5% of the region's sample points are on stable surfaces.
- 11.5% of the region's sample points are on erosion-prone but inactive surfaces.
- 36.0% of the region's sample points are on actively eroded and eroding surfaces.
- We also found out that 11.56% of the region has bare soil.
- However most of the bare soil in the region (10.08%) was due to natural processes of which the most important by far was bare rock and scree (7%), with lesser amounts due to streambank deposition (1%) and sheetwash (1%).
- Significantly less bare soil in the region was due to land use activities (1.47%). By far the most important landuse activity responsible for bare soil was tracks (0.87%), with lesser amounts due to cultivation and grazing pressure.



Figure 2. A minor soil slip in the Awatere

What is Marlborough District Council doing?

- Sampling and testing soils under various land uses to monitor the quality of soils across the region.
- Undertaking several specific soil monitoring programs including:
 - A soil compaction study on dairy farms
 - Investigation of landscape re-contouring in South Marlborough
 - Assessment of urbanisation of high class soils
 - Mapping loess soils Southeast of Blenheim
 - Investigation of soil quality in vineyards

What can you do?

- Get your soil fertility right to meet your production goals by undertaking a nutrient budget for your farming system.
- Maintain or enhance soil organic matter by growing annual cover crops between productive crops and reducing cultivation and soil disturbance in cropping soils and applying compost, organic manure or effluent to the soil.
- Look after soil structure by avoiding working the soil when it is wet.

3. Southern Saltmarsh Mosquito Eradication Programme - Marlborough (R390-10/01)

(Report prepared by Dave Grueber)

Purpose

1. The purpose of this report is to update the Committee on the progress towards the eradication of Southern Saltmarsh Mosquito (SSM) in New Zealand
2. To this end MAF Biosecurity New Zealand's contractor Flybusters Antiants, Programme Manager Mr Robert Isbister, will present a full up to date report and summary leading up to the declaration of SSM elimination in Marlborough.

Background

3. The Committee will recall that SSM was identified to be in the Vernon lagoon area in early May 2004.
4. The Associate Minister of Biosecurity gave approval to use Section 7A of the Biosecurity Act, which allowed for an exemption from resource consent provisions, enabling the reaction to the incursion to take place immediately. The programme started on 2 June 2004.
5. A delimiting survey was implemented immediately and SSM was found to be established between the Wairau Diversion in the north to Marfells Beach in the south.
6. During the last six years Council has encouraged the control and eradication procedures which have taken place.

Comments

7. MAF Biosecurity New Zealand and their eradication contractor Flybusters Antiants, envisage that elimination of SSM will have been achieved by the 30 June 2010.
8. Following on from this notification of elimination a declaration of eradication of SSM from New Zealand is envisaged.
9. When this is achieved it will be the first instance of SSM eradication in the world.

Summary

10. SSM control started in June 2004
11. By 30 June 2010 elimination will have been achieved in Marlborough
12. It is envisaged that soon after 30 June 2010 eradication from New Zealand may be able to be declared.

13. **A presentation will be made to the Committee by Flybusters Antiants Programme Manager, Mr Robert Isbister.**

RECOMMENDED

1. **That the presentation and information be received.**
2. **That on declaration of elimination, an acknowledgement of achievement from this Council be sent to the Minister of Health and the Minister of Biosecurity.**

4. Mill Stream Water Quality 2008-09 (E225-15)

(Report prepared by Fleur Tiernan and Alan Johnson)

Purpose

1. The purpose of this report is to present the results of the 2008-09 water quality sampling programme carried out in Mill Stream and its tributaries. The **attached** report details the results of the 2008-09 monitoring programme and recommends actions to improve overall water quality.

Background

2. Mill Stream is a highly valued stream as it is the longest spring fed stream in Marlborough. It has economic importance and a high ecological value managed for aquatic ecosystems, fish spawning and contact recreation under the Wairau Awatere Resource Management Plan.
3. Water quality of Mill Stream has been the subject of community concern for a number of years and pre 2008 a community group had been set up to cooperatively address a number of issues. However, at times given the nature and extent of the catchment combined with some local issues, water quality improvements have been slow.
4. While some water quality enhancement practices have taken place in the catchment there has been little or no formal data available on the water quality of the stream prior to 2008. A monitoring programme was set up to establish baseline water quality information for the stream and its tributaries.
5. Fifteen sites along Mill Stream and its tributaries were sampled on a monthly basis from September 2008 to June 2009. A minimum of one year is required to establish baseline water quality as many parameters have a seasonal pattern. Water samples were sent to Environmental Laboratory Services Ltd for analysis.
6. Mill Stream has a complex hydrology whereby in winter rain fed tributaries from the Southern Valley Hills feed into it. In summer these tributaries are largely dried up and flow in Mill Stream is maintained by spring flows, which first arise just south of SH6 at a location known as the Terraces between Hillersden and the Wairau Valley Township.

2008-09 Results

Nitrates

Nitrate concentrations are the highest recorded in Marlborough. Concentrations are highest along the mid and lower stretches of Mill Stream and its tributaries, where flows in Mill Stream are dominated by upwelling of springs from groundwater. Nitrate concentrations in the rain fed upper tributaries are negligible.

Phosphorus

Phosphorus levels are moderate throughout Mill Stream and its tributaries with a marginal decrease in concentrations being observed from the upper to the lower reaches.

Suspended Solids and Turbidity

Turbidity is related to the suspended solids concentrations and gives an indication of water clarity, with higher turbidity levels resulting in reduced water clarity. Suspended solids concentrations and turbidity are high in the middle reaches of Mill Stream and its tributaries (figure 1).

E. coli

E. coli numbers are high in the middle reaches of Mill Stream and its tributaries (figure 2).

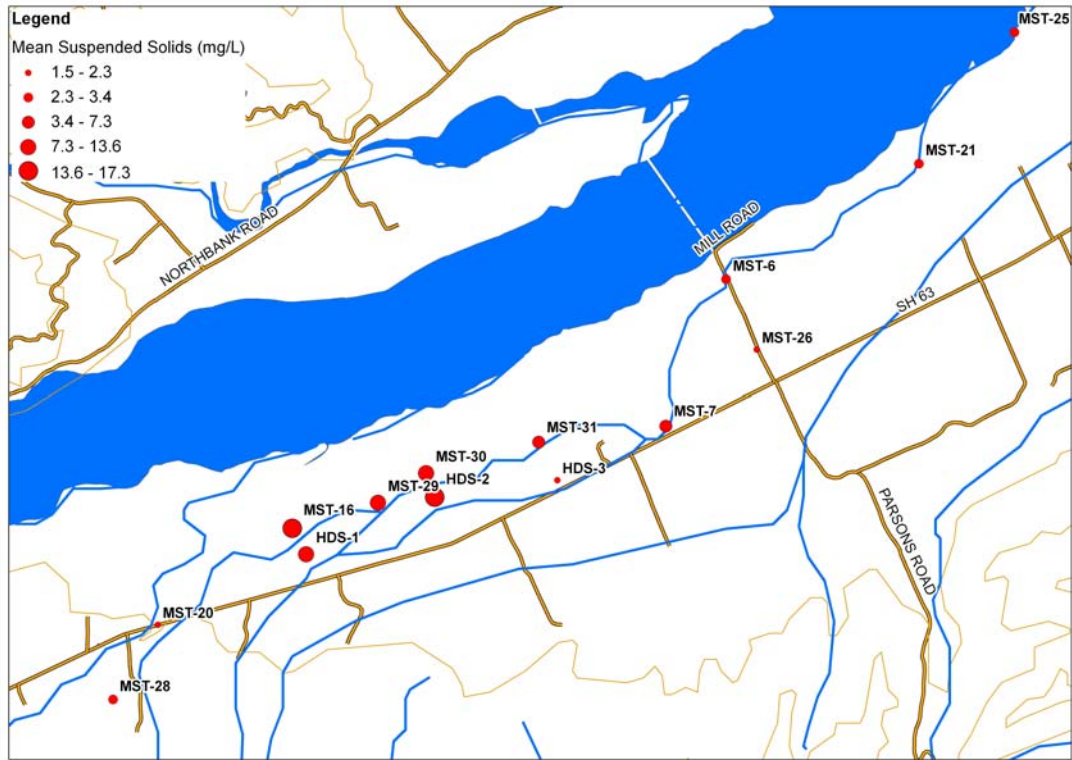


Figure 1: Mean Suspended Solids concentrations (Sept 08 – June 09) for each of the sites.

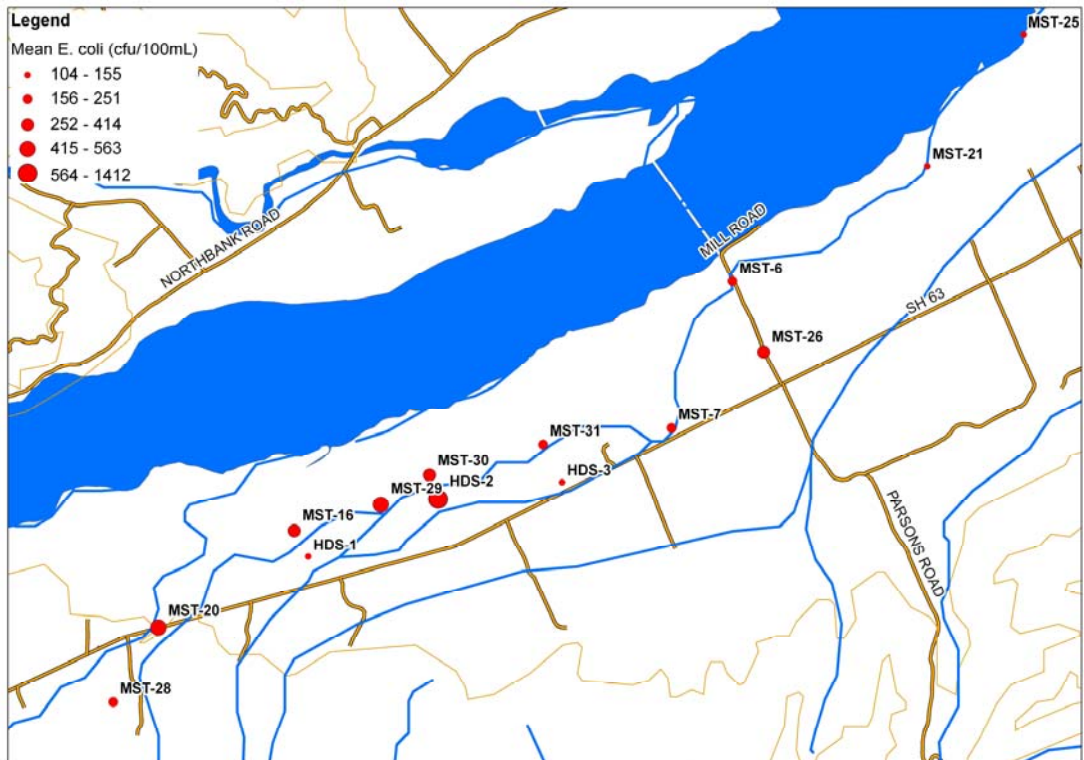


Figure 2: Mean *E. coli* numbers (Sept 08 – June 09) for each of the sites.

7. Increased nutrients (nitrates and phosphates) will lead to excessive plant and algal growth. In addition, sediment deposition on the stream bed, in conjunction with elevated nutrient concentrations will lead to increased macrophyte/weed growth and the consequential ‘choking’ of the stream. Algal blooms and prolific macrophyte growth are commonly observed in Mill Stream.
8. Water quality is poor in relation to 6 of the 10 parameters analysed for i.e. suspended solids, turbidity, *E. coli*, nitrate, phosphorus and dissolved oxygen.

9. A permanent water quality monitoring site as part of the state of the environment monitoring of surface water quality has been established in the lower reaches of the Mill Stream where Council currently monitors flow as part of its hydrometric network. Water quality monitoring is carried out on a monthly basis at this site.

Comments

10. Council now has sound baseline information on water quality in the Mill stream catchment and it is the intention to continue monitoring of one representative site as part of the state of the environment monitoring programme.
11. Nutrient levels (nitrates and phosphorus) drive plant and algal growth, however managing the concentrations of nutrients within waterways is difficult and complex. This is especially so in a system as complex as Mill Stream and its tributaries.
12. An effective measure to reduce suspended solids, turbidity and *E. coli* numbers would be to fence all parts of the stream and its tributaries in the mid to lower reaches.
13. Planting the riparian margins of the streams would help to reduce *E. coli* numbers entering the stream through overland runoff. Planting will shade the streams, reducing the amount of light reaching the stream and maintaining lower temperatures; which will help to limit plant and algal growth within the stream and help prevent the 'choking' of the waterways, thereby enhancing the aquatic ecosystem value of the waterways.
14. Water quality enhancement programmes should be encouraged in the community by way of a landcare group. The most appropriate method at this stage would be to share information on the stream values, discuss water quality problems, and investigate collective ways to encourage or provide incentive to mitigate any effects.

Summary

15. Monitoring has shown that water quality in Mill Stream is degraded.
16. The values for which Mill Stream is managed for under the Wairau Awatere Resource Management Plan (aquatic ecosystems, fish spawning and contact recreation) are compromised due to the poor water quality.
17. Effective management options are available to help improve water quality in the Mill Stream catchment.
18. Notwithstanding a number of historical issues, community engagement and information sharing could be an appropriate first step to help address some of the water quality issues.

RECOMMENDED

That the Mill Stream Water Quality 2008-09 report be received.

5. Annual Air Quality Report 2009 (E225-A02)

(Report prepared by Fleur Tiernan)

Purpose

1. The purpose of this report is to present the annual air quality report for 2009. The full report is **attached**:
2. This report also presents the environmental report card for air quality as **attached**.

Background

3. In 2009, PM₁₀ monitoring was carried at three sites in Marlborough, two are located in Blenheim and one in located in Picton as follow:
 - (a) The Redwoodtown Bowling Club in Blenheim
 - (b) The historical PM₁₀ monitoring site at Middle Renwick Road (MRR) in Blenheim
 - (c) Lincoln Street, Picton.
4. One exceedance of the National Environmental Standard (NES) for PM₁₀ of 50 µg m⁻³ (24-hour average) was measured at the Redwoodtown Bowling Club site during 2009. The maximum concentration was 50.6 µg m⁻³, which occurred on the 30 May 2009 (figure 1). No exceedances were recorded at either the MRR site or the Picton site. The NES for PM₁₀ allows for one exceedance per year.

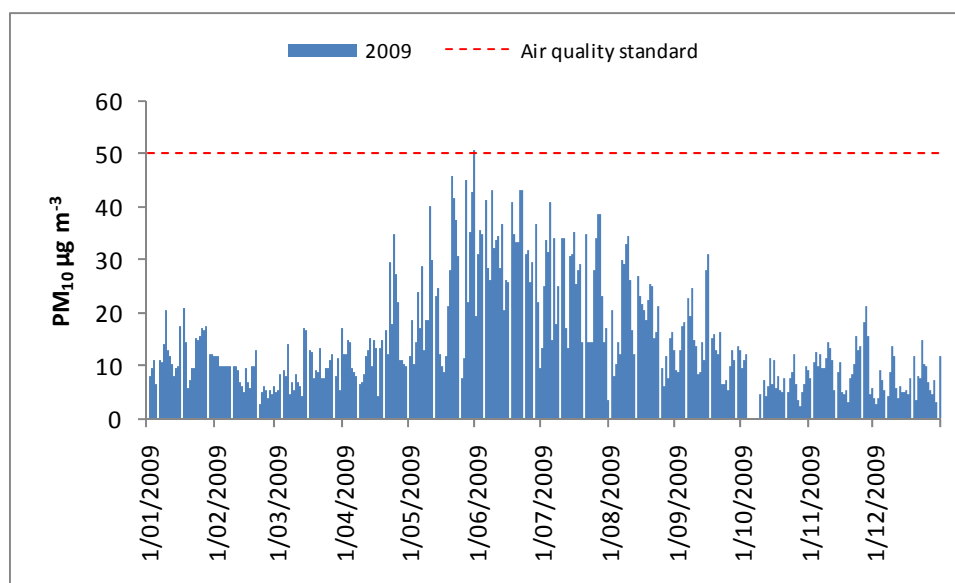


Figure 1: Daily PM₁₀ concentrations at Redwoodtown for 2009.

5. Concentrations of PM₁₀ measured during 2009 were within the straight line path towards compliance with the NES.
6. In 2009 the annual average PM₁₀ concentration for the Bowling Club site was estimated as 15 µg m⁻³. The annual average concentrations for the MMR site were 12 µg m⁻³. All annual average concentrations were lower than the MfE guideline of 20 µg m⁻³ (annual average).

Comments

7. Monitoring at Picton is limited to every one day in three, therefore it is possible that the NES for PM₁₀ was exceeded on a day when the monitor was not running. The current method of monitoring will continue for now, however should there be more exceedances in the future then daily

monitoring of PM₁₀ will be required; this will involve updating the current equipment used to monitor PM₁₀ at Picton.

8. PM₁₀ concentrations for Blenheim are currently within the straight line path towards compliance with the NES. To date no management options have been implemented to reduce PM₁₀ concentrations within the airshed. The small decrease in concentrations recorded to date is most likely due to a gradual attrition of PM₁₀ loads; from improvements in industry practices, the use of cleaner woodburners and clean methods of heating etc.

Summary

9. The air quality monitoring site in Redwoodtown complied with the NES for PM₁₀ in 2009 for the first time. One exceedance was recorded, however the NES allows for one exceedance per year.

RECOMMENDED

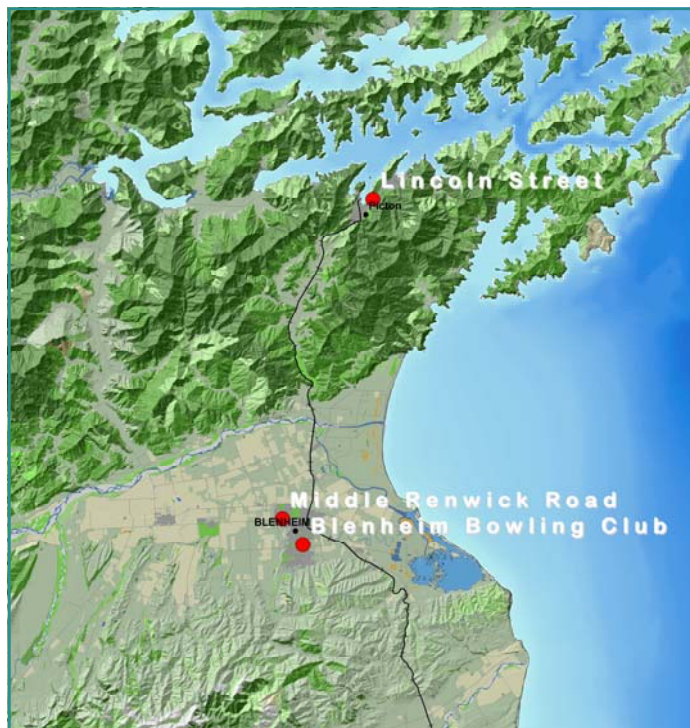
That the Annual Air Quality Monitoring Report - Blenheim and Picton 2009 be received.

Key points

- PM₁₀ monitoring sites located in Blenheim and Picton
- Compliance with the NES for PM₁₀ in Blenheim for the first time.
- Management options being considered to reduce PM₁₀ concentrations in Blenheim:
 1. Ban on open fires
 2. Ban on urban outdoor burning
 3. Replacement of wood burners after 15 years
 4. Apply the NES for woodburners to all solid fuel burners.
- Trends analysis to determine how PM₁₀ concentrations have changed in five years.

Why we monitor air quality

- National Environmental Standards (NES) for air quality were introduced in 2005. Compliance with these standards must be achieved by 2013.
- There are five air contaminants listed in the regulations, of these only PM₁₀ (fine particulate matter) exceeds the standards in Marlborough.
- Exposure to excessive amounts of PM₁₀ can lead to serious health problems, such as respiratory problems and heart disease. These problems are exacerbated in the young and elderly and in those with pre-existing medical conditions.

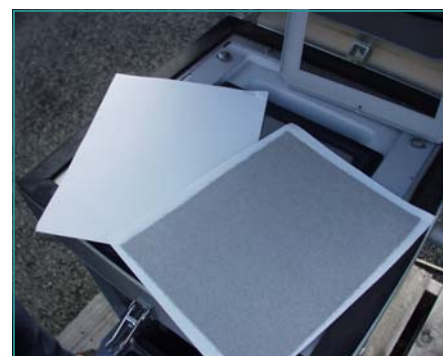


Locations of the PM₁₀ monitoring sites in Marlborough

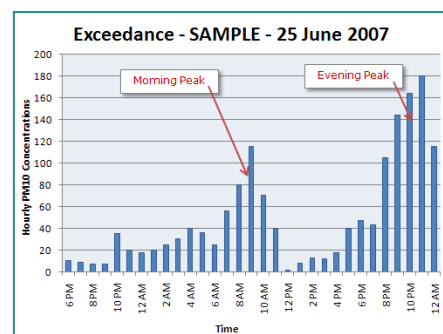
Where and how we monitor air quality

Past studies and investigations have shown that Blenheim and in particular Redwoodtown have the poorest air quality in terms of PM₁₀. PM₁₀ is also a problem in certain areas of Picton. On average there are 3 to 5 exceedances of the NES for PM₁₀ in Blenheim, most of these are measured at the Blenheim Bowling Club in winter. Wintertime (May to August) is when meteorological conditions (cold, still air conditions) are most conducive to elevated PM₁₀ concentrations and is also the time of year when solid fuel (wood and coal) is burned for home heating. PM₁₀ is measured over 24 hours from midnight to midnight. Fine particulate matter from the air is deposited on a filter, the darker the filter after sampling the poorer the air quality.

The air quality monitor at the Blenheim Bowling Club records hourly PM₁₀ concentrations, from which a 24 hour average is calculated. Monitoring shows that, during the wintertime when air pollution is at its worst, there are two 'peaks' in PM₁₀ concentrations, an evening peak and a lesser morning peak, typically coinciding with the burning of solid fuel for domestic heating.



Filter paper showing PM₁₀ (fine particulate matter) after 24 hours of exposure to air during winter. This is what can happen to your lungs.



Hourly PM₁₀ concentrations

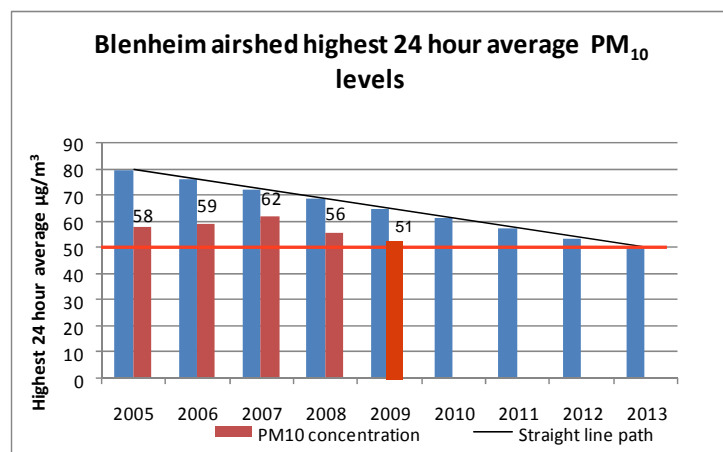
What happened in 2009?

Compliance with the NES

In 2009 Blenheim was compliant with the NES for the first time since monitoring began with only 1 exceedance of the standard, recorded on the 30th May 2009.

There has been a gradual reduction in the amount of PM₁₀ emissions entering the atmosphere as a result of a combination of the following factors:

- Superior and increased use of insulation in houses
- An emission standard for all new woodburners
- A desire in some cases to switch to more convenient forms of heating such as heat pumps.
- Improved performance in local industrial emissions
- An awareness amongst the public and wood suppliers of the benefits of burning dry seasoned wood and ensuring that fires are not 'dampened' down at night time.

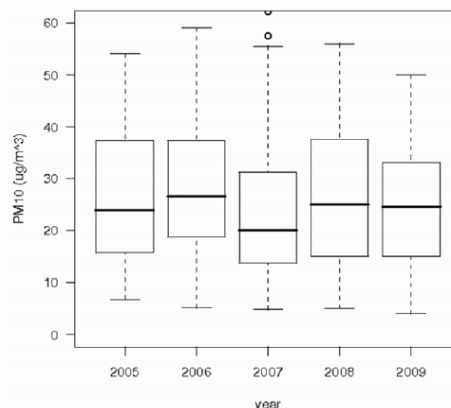


A comparison of PM₁₀ concentrations in Blenheim since the introduction of the National Environmental Standard for PM₁₀ (shown as the red line) in 2005. Maximum PM₁₀ concentrations are shown as red bars.

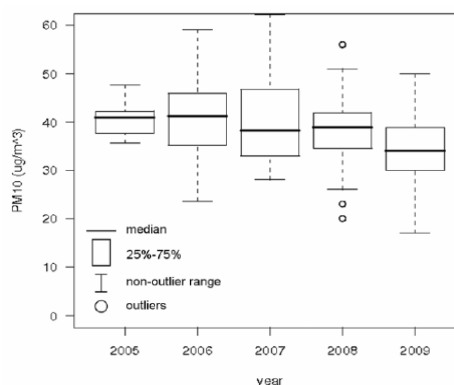
Management options being considered to reduce PM₁₀ concentrations in Blenheim

1. A ban on open fires. Open fires are the least efficient method of home heating producing the most emissions (PM₁₀) and the least amount of heat per unit burned.
2. A ban on urban outdoor burning. The burning of rubbish and garden waste produces a significant amount of PM₁₀ and can have a significant nuisance level in the urban environment.
3. Replacement of wood burners after 15 years. 15 years is considered to be the effective life span of a woodburner to ensure it is operating to its maximum efficiency.
4. Applying the NES for woodburners to multi-fuel burners. This effectively bans the use of coal.

Trends analysis to see how PM₁₀ concentrations have changed since the introduction of the NES in 2005.



Winter (May to August) PM₁₀ concentrations recorded in Blenheim. There is no change in the median concentration during this time.



Winter PM₁₀ concentrations recorded in Blenheim when meteorological conditions were most conducive to elevated PM₁₀ concentrations. A slight downward trend is apparent.

What can you do to help clean up our air?

- Only burn dry seasoned wood, if you are unsure about whether the wood is dry enough get your supplier to check the moisture content, it should have less than 25% moisture content, they will be happy to do so.
- Don't burn rubbish, plastics, treated or painted wood, glossy paper as these release harmful toxic emissions to the atmosphere.
- Ensure your chimney stack is cleaned regularly, at least once a year.

Interesting facts

- Did you know that reducing PM₁₀ concentrations is not only beneficial to your health but also benefits the Earth? A US study showed that there is a direct correlation between a reduction in PM₁₀ emissions and a reduction in global warming (*Sunday, 4 January 2009, Independent News (UK)*).
- Improving outdoor air quality will also have benefits for indoor air quality.

6. PM₁₀ trends for Blenheim 2005 - 2009 (E225-A02)

(Report prepared by Fleur Tiernan)

Purpose

1. The purpose of this report is to present the report 'Assessing long-term trends in PM₁₀ concentrations in Blenheim'. The objectives of this study were:
 - (a) To identify meteorological conditions in Blenheim that are likely to lead to high pollution events.
 - (b) Assess the long term trend in PM₁₀ air quality monitoring data for Blenheim.
 - (c) To produce a tool (an excel spreadsheet) that will allow for future trends in PM₁₀ to be assessed.
2. The project was funded by FoRST through the Envirolink funding scheme. NIWA and Environet Ltd undertook the work. The full report is **attached**.

Background

3. Blenheim currently exceeds the National Environmental Standard (NES) for PM₁₀ on average three to five times per year. The NES allows for only one exceedance per year. The NES must be met by 2013 or Council will not be able to grant resource consents for discharges to air within the Blenheim airshed or for discharges impacting upon the Blenheim airshed. Towards this end Council must implement a number of management options to reduce PM₁₀ emissions within the airshed.
4. Tracking trends in air quality from year to year is difficult because meteorological conditions play an integral role in PM₁₀ concentrations within the airshed. PM₁₀ concentrations are dependent upon the emissions within the airshed and the degree of dispersion of these emissions. Dispersion is governed by the weather patterns at the time. Nothing can be done about the weather, therefore in order to reduce PM₁₀ concentrations PM₁₀ emissions need to be reduced.
5. Some reduction in PM₁₀ emissions will have occurred since the introduction of the NES in 2005 through:
 - (i) The introduction of an NES for all new woodburners.
 - (ii) The conversion to 'clean heat' options such as heat pumps.
 - (iii) An improvement in the type and the amount of insulation in houses.
 - (iv) Improvements in industrial emissions within and around the airshed.

However previous reports have shown that these measures alone will not work to reduce emissions sufficiently to meet the NES by 2013.

6. This report takes account of meteorological influences to determine the trend if any in PM₁₀ concentrations from 2005 to 2009. An excel spreadsheet, developed as part of the project will allow for trends to be detected in future years. This will allow Council to track the efficiency of any management options put in place to reduce PM₁₀ emissions within the airshed.
7. The report identifies factors which lead to elevated PM₁₀ concentrations within the Blenheim airshed, factors include low daily temperatures, stable atmospheric conditions, low evening wind speeds and north westerly to north north westerly wind directions (312 – 348 degrees).
8. Figure 1 below shows the winter PM₁₀ concentrations for Blenheim from 2005 to 2009. Figure 2 shows the concentrations when meteorological conditions were most conducive to elevated PM₁₀ concentrations. Figure 1 shows no obvious trend in concentrations; however figure 2 shows a slight downward trend. It is likely that this is due to the factors named in paragraph 5 above.

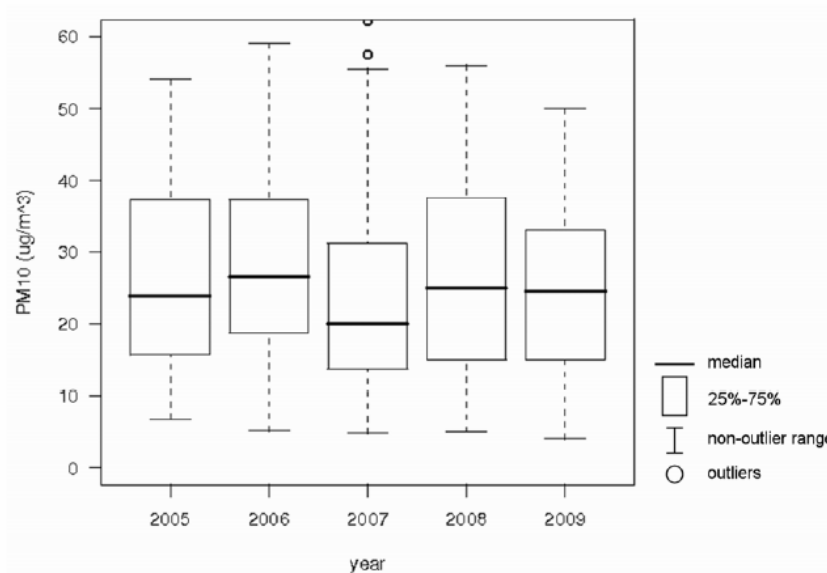


Figure 1: Winter PM₁₀ concentrations for Blenheim from 2005 to 2009.

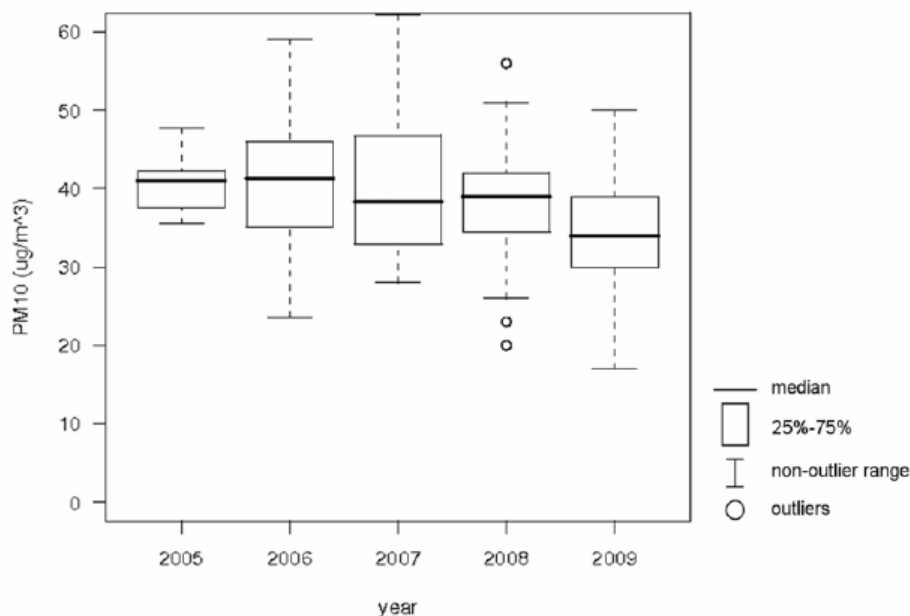


Figure 2: Winter PM₁₀ concentrations for Blenheim from 2005 to 2009 when meteorological conditions were most conducive to elevated PM₁₀ concentrations.

- The red bars in figure 3 show that the number of days with high pollution potential increased from 2005 to 2009, but the number of exceedances occurring on high pollution potential days decreased (the blue bars). This would indicate that there has been a downward trend in PM₁₀ concentrations; however the trend is not robust enough to conclusively say that there has been an improvement in air quality. There were three exceedances of the NES in 2005, however none of these occurred on high pollution potential days.

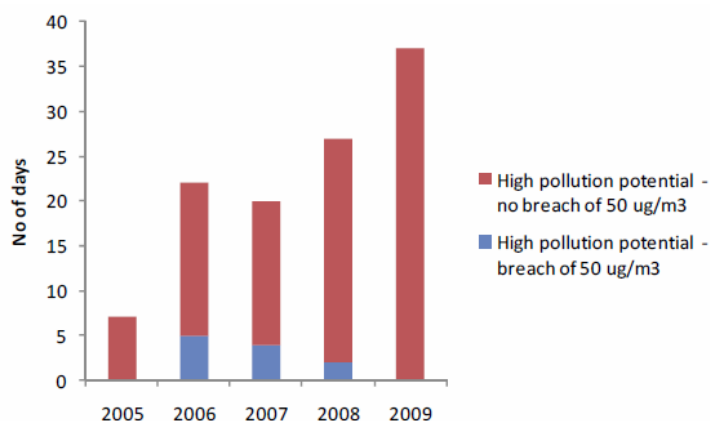


Figure 3: PM₁₀ exceedances in relation to days conducive to high pollution events. High pollution potential days are marked in red and exceedances on those days are marked in blue.

- The overall conclusion of the report is that there is no significant change in PM₁₀ concentrations measured from 2005 to 2009.

Comments

- Whilst there are no conclusive trends for PM₁₀ data from 2005 to 2009, the excel spreadsheet tool will allow for the calculation of future trends. This will allow Council to track changes in PM₁₀ emissions following implementation of PM₁₀ management initiatives such as a ban on urban outdoor burning, a ban on open fires and non-NES compliant burners etc. This will further allow Council to follow its progress towards achieving the NES for PM₁₀ by 2013.

Summary

- When metrological conditions are taken into account there has been no significant trend in PM₁₀ emissions within the Blenheim airshed, however there is an indication that there is a slight downward trend, analysis of future years will determine whether this trend is significant or not.
- An excel spreadsheet tool will allow for the assessment of the efficiency of any management options introduced to reduce PM₁₀ emissions within the airshed.

RECOMMENDED

That the Air Quality Trends 2009 report be received.

7. Delegations - Resource Management Act 1991 (L135-02)

(Report prepared by Kaye McIlveney)

Purpose

1. The purpose of this report is to request Committee approval to:
 - (a) Recommend to Council the delegation of powers under the Resource Management Act 1991 and under sections 327A and 348 of the Local Government Act 1974 to the Chief Executive, with authority for the Chief Executive to sub-delegate to staff of Council as provided in the recommendations of this report.
 - (b) Recommend to Council the delegation of powers in relation to plan maintenance and development functions under the Resource Management Act 1991 to the Environmental Policy Committee and to the Chair of the Environmental Policy Committee.
 - (c) Recommend to Council the delegation of powers in relation to resource consents under the Resource Management Act 1991 to this Committee and to the Hearings Committee and the Chair of the Environment Committee and the Chair of the Hearings Committee, and to Hearings Commissioners.

Background

2. The Resource Management Act delegations are in need of review following recent changes made to the Resource Management Act. The opportunity has been taken to review all the permissions to ensure their currency and appropriateness.

Proposal

3. 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 34A of the Resource Management Act 1991 Council delegate all its functions, powers and duties under the Resource Management Act 1991, to the Chief Executive, except:**
 - (a) **the functions, powers and duties to hold hearings to determine applications for resource consents; and**
 - (b) **the functions, powers and duties to hold a hearing and make decisions on the provisions and matters raised in submissions on policy statements or plans (clauses 8B and 10 of the First Schedule); and**
 - (c) **those functions powers or duties excepted in section 34A(1)(a)& (b) (approval of a proposed policy statement and the power of delegation itself).**

and with authority for the Chief Executive to sub-delegate relevant functions, powers and duties to staff of Council; and

2. **That, pursuant to clause 32 of the Seventh Schedule to the Local Government Act 2002, Council delegate its powers under sections 327A and 348 of the Local Government Act 1974 to the Chief Executive, with authority for the Chief Executive to sub-delegate those powers to staff of Council; and**
3. **That, pursuant to section 34 and 34A of the Resource Management Act 1991, Council delegate all its functions, powers and duties under the Resource Management Act 1991 to hold hearings to determine applications for resource consents (including making procedural decisions relating to hearings), to grant or decline applications for resource consents, to**

impose conditions on the grant of resource consents and those powers identified in Schedule 1 attached, to the Hearings Committee and to Hearings Commissioners.

- 4. That, pursuant to section 34 of the Resource Management Act 1991 Council delegate its functions, powers and duties as set out in the attached Schedule 1 to the Environment Committee and the Chair of the Environment Committee.**
- 5. That, pursuant to section 34 of the Resource Management Act 1991 Council delegate its functions, powers and duties as set out in the attached Schedule 2 to the Environmental Policy Committee and the Chair of the Environmental Policy Committee.**

SCHEDULE 1 Environment Committee, Hearings Committee, Chairperson of Environment Committee, Chairperson of Hearings Committee & Hearings Commissioners.

RESOURCE MANAGEMENT ACT 1991	
Function, power or duty delegated	Delegated to
Section 99A Power to agree to mediated settlement	Chair of the Hearings Committee Chair of the Environment Committee
Section 127 Power to grant application for change or cancellation of consent conditions	Hearings Committee Chair of Hearings Committee Chair of Environment Committee Hearings Commissioners
Section 128 to 132 Power to review conditions of consent, to change conditions of consent and to cancel a consent	Hearings Committee Hearings Commissioners
Section 136 Power to approve transfer of water permit Power to impose conditions on transfer of a water permit (ss (5))	Hearings Committee Hearings Commissioners
Section 137 Power to allow a transfer of a discharge permit	Hearings Committee Hearings Commissioners
Section 138 Power to refuse to accept surrender of a consent Power to accept a person need not complete any work to give effect to the consent	Environment Committee
Section 138A Power to impose condition requiring holder to adopt best practicable option(ss(2)) Power to review permit to impose obligation to adopt best practicable option(ss(3))	Hearings Committee Hearings Commissioners
Section 139A Power to revoke existing use certificate if information contained material inaccuracies (ss(7) & (8))	Environment Committee
Section 171 Power to make recommendations to requiring authority including reasons for the recommendation	Hearings Committee Hearings Commissioners
Section 191 Power to recommend the requirement be confirmed, with or without modification or that the requirement be withdrawn	Hearings Committee Hearings Commissioners
Section 235 Power to create esplanade strip by agreement	Hearings Committee Hearings Commissioners
Section 237B Power to acquire access strip by agreement Power to vary or cancel access strip by agreement	Hearings Committee Hearings Commissioners

RESOURCE MANAGEMENT ACT 1991	
Function, power or duty delegated	Delegated to
Section 237D Power to transfer administration of esplanade reserve Power to transfer vesting of bed of river or lake?	Environment Committee Chair of Environment Committee
Section 329 Power to issue a water shortage direction	Environment Committee Chair of Environment Committee
Section 330 Power to invoke emergency provisions	Environment Committee Chair of Environment Committee

SCHEDULE 2 Environmental Policy Committee & Chair of Environmental Policy Committee.

RESOURCE MANAGEMENT ACT 1991	
Function, power or duty delegated	Delegated to
<p>Section 37 & Section 37A</p> <p>Power to extend time period</p> <p>Power to waive a failure to comply with time period or method of service of documents</p> <p>Power to waive compliance with requirement to provide information or procedural requirement</p> <p>Power to direct omission or inaccuracy be rectified</p>	<p>Environmental Policy Committee</p> <p>Chair of Environmental Policy Committee</p>
<p>Sections 40 to 42</p> <p>Powers and duties in relation to hearings</p>	<p>Environmental Policy Committee</p>
<p>Section 42A</p> <p>Power to require a report from an officer or commission a report from a consultant</p> <p>Power to waive compliance with subsections (3) and (4)(b), (refer ss(5))</p>	<p>Environmental Policy Committee</p>
<p>Section 49</p> <p>Power to make submission to board of inquiry about a proposed national policy statement</p>	<p>Environmental Policy Committee</p> <p>Chair of Environmental Policy Committee</p>
<p>Section 82</p> <p>Power to refer a dispute to the Environment Court</p>	<p>Environmental Policy Committee</p> <p>Chair of Environmental Policy Committee</p>
<p>Section 165H</p> <p>Power to specify allocation methods in plan</p>	<p>Environmental Policy Committee</p>
<p>Section 165I</p> <p>Duty to have regard to and be satisfied as to certain matters before adopting rule in plan</p>	<p>Environmental Policy Committee</p>
<p>Section 170</p> <p>Power to include requirement in proposed plan</p>	<p>Environmental Policy Committee</p>
<p>Section 267</p> <p>Power to request Environment Judge to convene a conference</p>	<p>Environmental Policy Committee</p> <p>Chair of Environmental Policy Committee</p>
<p>Section 280</p> <p>Power to apply to Environment Judge for leave to apply for review</p> <p>Power to apply for review to be heard by fully constituted Environment Court</p>	<p>Environmental Policy Committee</p> <p>Chair of Environmental Policy Committee</p>
<p>Section 281</p> <p>Power to apply to Environment Court for waivers and directions</p>	<p>Environmental Policy Committee</p> <p>Chair of Environmental Policy Committee</p>

RESOURCE MANAGEMENT ACT 1991	
Function, power or duty delegated	Delegated to
Section 294 Power to apply for a rehearing	Environmental Policy Committee Chair of Environmental Policy Committee
Section 299 Power to apply to the High Court on a question of law	Environmental Policy Committee Chair of Environmental Policy Committee
Section 305 Power to lodge notice with additional points on appeal	Environmental Policy Committee Chair of Environmental Policy Committee
Section 311 Power to apply to the Environment Court for a declaration	Environmental Policy Committee Chair of Environmental Policy Committee
RESOURCE MANAGEMENT ACT 1991 SCHEDULE 1	
Clause 1 Power to extend time under section 37	Environmental Policy Committee Chair of Environmental Policy Committee
Clause 2 Power to prepare a proposed policy statement or plan	Environmental Policy Committee
Clause 3 Power to decide whom to consult during preparation of a proposed policy statement or plan	Environmental Policy Committee Chair of Environmental Policy Committee
Clause 4 Power to include in proposed district plan requirements for designations and heritage orders and existing designations and heritage orders for which Council has responsibility	Environmental Policy Committee Chair of Environmental Policy Committee
Clause 5 Power to determine who are likely to be directly affected by proposed plan or notice of requirement or modification of a designation or heritage order(sub-clauses (1A), (1B) and (1C)) and send copy of public notice and further information Power to determine further information to be sent Power to determine closing date for submissions	Environmental Policy Committee Chair of Environmental Policy Committee
Clause 8 Power to determine whether a person represents a relevant aspect of the public interest and whether a person has an interest greater than the interest the general public has	Environmental Policy Committee Chair of Environmental Policy Committee
Clause 8AA Power to invite submitters or other appropriate people to meet Power to refer matter to mediation	Environmental Policy Committee Chair of Environmental Policy Committee

RESOURCE MANAGEMENT ACT 1991	
Function, power or duty delegated	Delegated to
Clause 8B Power to hold a hearing	Environmental Policy Committee
Clause 8D Power to withdraw proposed policy statement or plan Power to withdraw change or variation to policy statement or plan	Environmental Policy Committee
Clause 10 Power to make decisions on provisions and matters raised in submissions	Environmental Policy Committee
Clause 14 Power to appeal to the Environment Court on aspect of requiring authority or heritage protection authority decision	Environmental Policy Committee Chair of the Environmental Policy Committee
Clause 16 Power to make an amendment where the alteration is of minor effect or to correct any minor errors <i>*Legal advice may need to be sought to ensure the proposed changes are appropriate</i>	Environmental Policy Committee Chair of Environmental Policy Committee
Clause 16A Power to initiate a variation to proposed policy statement or plan	Environmental Policy Committee
Clause 18 Power to adopt a regional coastal plan	Environmental Policy Committee
Clause 20A Power to amend an operative policy statement or plan to correct minor errors <i>*Legal advice may need to be sought to ensure the proposed changes are appropriate</i>	Environmental Policy Committee Chair of Environmental Policy Committee
Clause 23 Power to require person to provide further information Power to require additional information Power to commission a report	Environmental Policy Committee Chair of Environmental Policy Committee
Clause 23 Power to reject request or decide not to approve plan change if considers that there is insufficient information	Environmental Policy Committee
Clause 24 Power to modify the request	Environmental Policy Committee Chair of Environmental Policy Committee
Clause 25 Power to adopt, accept or reject request	Environmental Policy Committee
Clause 28(2) Power to send notice of withdrawal	Environmental Policy Committee Chair Environmental Policy Committee

RESOURCE MANAGEMENT ACT 1991	
Function, power or duty delegated	Delegated to
<p>Clause 28(5) Power to determine to proceed with the request</p>	<p>Environmental Policy Committee</p>
<p>Clause 29 Power to determine whether a submitter is a trade competitor and whether a submission from a trade competitor is directly affected by an effect of the plan or change that adversely affects the environment and does not relate to trade competition or the effects of trade competition</p>	<p>Environmental Policy Committee Chair of Environmental Policy Committee</p>

8. Dog Fees for the 2010/2011 Registration Year (D135-05-02)

(Report prepared by Kaye McIlveney and David Craig)

Purpose

1. This report sets out the proposed fees for the 2010/2011 dog registration year.

Background

2. Council is required under the Dog Control Act 1996 to set the fees for dog registration on an annual basis. The fees must be set by resolution and be publicly notified.
3. A new graduated fee structure for non-working dogs was introduced last year. It is proposed that this structure be retained. The change in structure of the non-working class fees has resulted in large numbers of dogs being microchipped and neutered. It was estimated there would be 500 dogs in the class. There are now approximately 1800 dogs in the class. On that basis, the change in fees has been, despite the numbers of people complaining, a huge success. However, there has been a significant reduction in expected fee revenue through this high uptake (of approximately \$32,000).
4. The fees for the 2009/2010 year were:

Class of Dog	Registration Fee
Working Dog	\$20
Non-working dog – category 1	\$48
Non-working dog – category 2	\$72
Dangerous dog	150% of the fee that would normally apply to that dog

Proposed Registration Fees for 2010/2011

5. As part of the 2008/2009 Annual Plan Process it was determined that there would be staged increases in dog registration fees over the 2008/09, 2009/10 and 2010/11 registration years, utilising accumulated reserves to fund budgeted annual operating deficits in these years.
6. The proposed registration fees from the 2008/2009 Annual Plan process for the 2010/2011 registration year for each class of dog are:

Class of Dog	Registration Fee
Working Dog	\$24
Non-working dog – category 1	\$56
Non-working dog – category 2	\$84
Dangerous dog	150% of the fee that would normally apply to that dog
7. While the higher uptake in the category 1 non-working dog class has reduced revenues, this has been offset by reduced Council contract management costs (arising from greater confidence in the ability and performance of the service provider). However, using the graduated fee structure and the increased fees proposed in 2008, there will be a small deficit for 2010/2011 of approximately \$22,000. This can be recovered by small fee increases in the future.
8. Dog fees in Marlborough compare favourably with dog fees elsewhere in the country. There is a huge range of fees and differing fee structures. From a random sampling of nine councils, Marlborough fees for working dogs are at the lower end of the scale. For example, the fee for a working dog in Nelson is \$46.50 and the fee in Tasman is \$27.00; the highest working dog fee was \$55.00 in Kapiti. The fees for non-working dogs range from \$44.00 in Tasman to \$63.50 and \$80.50 in Nelson to \$145.00 in Wellington.

Dog Rebate

9. Marlborough offers a seven or more dog rebate where the fee for the seventh and any subsequent dogs owned is rebated in whole. There is no statutory basis for this rebate. There are 105 owners of 328 dogs that are eligible for this rebate. The amount of work generated in administering the

rebate is out of proportion to the number of people that benefit. The decision to keep a large number of dogs is a personal choice. If the animals are working dogs, then a reduced working dog fee is payable and this is a business cost.

10. This paper recommends that Council cease to offer the rebate for the ensuing 2011/2012 registration year. This will allow time to notify affected dog owners, giving them the opportunity to reduce their dog numbers, if they choose, in the intervening period.

Pound Fees

11. When a dog is seized by Animal Control and kept in the pound, the owner of the dog must pay pound fees. The current fees are:

Type of fee	Fee \$
Pound Fee-first impounding	\$ 50.00
Pound fee-second impounding	\$100.00
Pound- third offence and subsequent impoundings	\$150.00
Pound feeding-first two nights	\$ 15.00
Pound feeding- each subsequent night	\$ 15.00
Seizure fee	\$ 25.00
Return to owner fee	\$ 10.00
Microchip fee	\$ 25.00

These fees have not been reviewed for some years. The pound fees were last reviewed in 2000, the duplicate tag fee in 2003 and the seizure, return to owner and microchip fees in 2006.

12. Under the Dog Control Act 1996, Council may set reasonable poundage fees and reasonable fees for the seizure of dogs, for sustenance and for the destruction of any dog. Different poundage fees can be set for registered and unregistered dogs and there can be a graduated scale of fees for repeat impoundings of the same dog. Fees must be set by resolution, publicly notified at least 14 days before the fee is to come into effect.
13. At least half of the dogs that are impounded do not get claimed within 7 days and therefore no revenue is collected for them. The majority of those dogs are re-homed through the SPCA. Council pays \$130 per dog for the SPCA to be able to do this. Because of this the cost of seizure, impounding and disposal of dogs versus the income received from pound and other fees is unbalanced.
14. It is proposed that the fees be increased to cover the costs of seizure, care of dogs in the pound and their subsequent disposal (return to owner, rehoming or destruction). The fees should also reflect the costs of maintaining the pound facility including power, rates etc. The proposed fees are:

Type of fee	Fee \$
Pound Fee-first impounding	\$100.00
Pound fee-second impounding	\$150.00
Pound- third offence and subsequent impoundings	\$200.00
Pound feeding-first two nights	\$ 15.00
Pound feeding- each subsequent night	\$ 15.00
Seizure fee	\$100.00
Return to owner fee	\$ 15.00
Microchip fee	\$ 25.00

RECOMMENDED

1. That the fee structure so that non-working dogs are split into Category 1 and 2 be retained.
2. That the registration fees which are set out below are adopted for the 2010/2011 registration year:

Class of Dog	Registration Fee
Working Dog	\$24.00
Non-working dog – Category 1	\$56.00
Non-working dog – Category 2	\$84.00
Dangerous dog	150% of the fee that would normally apply to that dog

3. That the seven or more dog rebate be revoked in the 2011/2012 registration year.

4. That the poundage fees applicable from 1 July 2010 be:

Type of fee	Fee \$
Pound Fee-first impounding	\$100.00
Pound fee-second impounding	\$150.00
Pound- third offence and subsequent impoundings	\$200.00
Pound feeding-first two nights	\$ 15.00
Pound feeding- each subsequent night	\$ 15.00
Seizure fee	\$100.00
Return to owner fee	\$ 15.00
Microchip fee	\$ 25.00

9. Impounding Act 1955 Fees (D135-07)

(Report prepared by Kaye McIlveney and David Craig)

Purpose

1. This report sets out proposed fees under the Impounding Act 1955.

Background

2. Council has the responsibility under the Impounding Act 1955 for the impounding of wandering stock on roads and public places. Maataa Waka Ki Te Ihu Trust is contracted to carry out these responsibilities on behalf of Council.
3. The owner of the stock can be charged fees including impounding fees. Impounding fees must be set by resolution and publicly notified (section 14 of the Impounding Act 1955).
4. The proposed fees have been calculated to recover actual costs involved in impounding stock. The Impounding fee is based on one hour of an officer's time plus mileage costs. For second and subsequent impounding a penalty of 50% has been added. Actual costs can be recovered for and conveyance.

Proposed Impounding Fees

5. Under the Impounding Act 1955 (stock control) the following fees apply:

Fee	Fee \$
Poundage Fee—first impounding	\$113.00 plus \$5.00 per stock unit (SU)
Poundage Fee—second and subsequent repeat impounding	\$169.00 plus \$7.50 per SU
Sustenance Fee	\$ 2.00 per SU per day
Driving/conveyance of stock to the pound or other place	Actual costs

A sheep or goat is 1SU, a calf or deer 2SU and dairy or beef cattle or horses 5SU.

RECOMMENDED

That the Impounding fees be set as follows:

Fee	Fee \$
Poundage Fee—first impounding	\$113.00 plus \$5.00 per stock unit (SU)
Poundage Fee—second and subsequent repeat impounding	\$169.00 plus \$7.50 per SU
Sustenance Fee	\$ 2.00 per SU per day
Driving/conveyance of stock to the pound or other place	Actual costs

A sheep or goat is 1SU, a calf or deer 2SU and dairy or beef cattle or horses 5SU.

10. Appointment of Hearings Commissioners (C270-11)

(Report prepared by Sue Bulfield-Johnston)

1. The Marlborough District Council Resource Management Act 1991 Instrument of Delegation requires that a list of suitably qualified and independent persons be appointed from which Hearings Commissioners shall be engaged.
2. To date Council has approved a pool of 34 Hearings Commissioners who can be called on to hear and determine applications for resource consents pursuant to section 34A(1) of the Resource Management Act 1991.
3. All expressions of interest to be included in Council's pool of Hearings Commissioners are forwarded directly to the Environment Committee for a determination to be made as to the suitability of the candidate.
4. The following have applied to be part of this pool of Hearings Commissioners. Below is a brief of their employment and relevant experience.

Mr Bob Wear

5. Bob was formerly on the list of current hearings commissioners but was removed because his certification in the Making Good Decisions programme had lapsed. He has since successfully completed the re-certification programme and is seeking once again to be included on in Council's pool of Hearings Commissioners.
6. Bob is a retired Associate Professor who currently works as an independent contractor to the School of Biological Sciences at Victoria University. He has a strong academic background with over 35 years of research experience as a Marine Scientist.
7. Bob has been involved with the Resource Management Act 1991 since its adoption. He has prepared evidence for hearings on numerous occasions and more recently has acted as a Commissioner outside of the Marlborough District.
8. Bob has an extensive knowledge of marine and coastal ecology and would be a valuable addition to the Hearings Commissioner pool for applications involving coastal permits.

Mr Trevor Shiels

9. Trevor is a Barrister with extensive Hearings Commissioner experience dealing with resource consents, plan changes, applications for designations and other matters under the Resource Management Act 1991.
10. Since the mid 1980s Trevor has had involvement in advising and representing clients in environmental and resource management matters at all levels.
11. Amongst other professional organisations, Trevor is a member of the Resource Management Law Association.
12. Trevor holds the appropriate making good decisions course qualification (with chairing endorsement), required to undertake a role as a Commissioner.

Mr David Wren

13. David is an independent planning, policy and research consultant and has been offering planning consultancy services for the past 12 years.
14. He has accumulated approximately 28 years of planning experience including having worked for local and central government in both New Zealand and Zimbabwe. Previous positions of employment in New Zealand have included roles with Auckland City Council (Strategic policy

Analyst and Senior planner in Central Area Division) and Rodney District Council (District Planner (Resource management)).

15. Trevor holds the appropriate making good decisions course qualification (with chairing endorsement), required to undertake a role as a Commissioner.

Mr Rob van Voorthuysen

16. Rob is the Director of van Voorthuysen Environmental.
17. He has accumulated approximately 26 years of environmental management experience including having worked for local and central government and the Department of Conservation. He specialises in regional policy analysis and planning matters and has acted for numerous Councils in the North Island.
18. Trevor holds the appropriate making good decisions course qualification (with chairing endorsement), required to undertake a role as Commissioner. He has acted as an independent Commissioner in 127 hearings and has served as Chairperson for 64 of them.

Ms Kathleen Ryan

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

Commissioner Pool

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

RECOMMENDED

That Dr Bob Wear, Mr Trevor Shiels, Mr David Wren, Mr Rob van Voorthuysen and Ms Kathleen Ryan be appointed to act as Hearings Commissioners as and when required.

11. Bylaw Review (L225-01)

(Report prepared by Tony Quirk)

Purpose

1. To update the meeting following public consultation of the General Bylaw Review.

Background

2. The Environment Committee under recommendation R09/10.95 adopted by full Council at their meeting on 17 September 2009 approved certain recommendations dealing with the statutory review of some of Council's bylaws.
3. In accordance with the Local Government Act 2002 the documentation went out for public consultation.
4. There have been four submitters and in summary these cover:
 - (a) Department of Conservation – seeking changes to the Dog Control, Chapter 6.
 - (b) Marlborough District Council – seeking adjustments to Traffic, Chapter 4.
 - (c) Paul Towson seeking adjustment to Public Places, Chapter 2 and making a comment about the Dog Control Chapter.
 - (d) Cancer Society NZ – seeking an adjustment to Public Places, Chapter 2 in terms of smoke free application across public areas.

Comments

5. We are seeking further comment from the submitters where necessary.
6. In some cases if Council was of a mind to adopt the adjustments, it could mean further public consultation is made on a particular issue.
7. It was thought appropriate to hold back on any Council consideration until further comment is received from the individual submitters.

Summary

8. This a report update on the General Bylaws-Review.

RECOMMENDED

That the information be received.

12. Information Package

RECOMMENDED

That the Regulatory Department Information Package dated 18 March 2010 be received and noted.

13. 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:

- Unauthorised Building.
- Enforcement Action

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
Unauthorised building. Enforcement Action	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.