

# Marlborough District Council

**Minutes of a Meeting of the ENVIRONMENT COMMITTEE held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on THURSDAY, 25 NOVEMBER 2010 commencing at 1.30 pm.**

## **Present**

Councillors P J S Jerram (Chairperson), T E Hook (Deputy), J A Arbuckle, G S Barsanti, D W R Dew, G I T Evans and D D Oddie

## **In Attendance**

Mayor Sowman (from 4.00 pm), Councillors J P Bagge, J C Leggett, F D Maher and Councillor Andrews (from 3.00 pm).

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

## **Apology**

An apology for lateness from Mayor Sowman was received and sustained.

The Chairman commenced the meeting with a brief introduction and said he looked forward to working with the Committee over the next three years.

## **R.10/11.210 Council Confirmation of Sub-Committee Business** **Clrs Barsanti/Arbuckle:**

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

**R.10/11.211**      *Council*                      **Councillor Portfolios**                      *C405-01*

At its inaugural meeting following the 2010 Triennial General Elections Council decided to give Councillors more responsibility and the opportunity to review Council's operations and functions. In this regard Standing Committees were required to create portfolios for Committee members. The role of the Portfolio holders would be to liaise with staff and 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 and report back with recommendations on scope, prioritisation and resourcing as appropriate and to maintain liaison with the community.

At the meeting it was clarified that Ms T Williams, as the iwi representative on the Committee, was responsible for all iwi matters and would also be welcome to assist with the resource consent portfolio.

**Clrs Barsanti/Hook:**

**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**

**Carried**

**R.10/11.212**      *Council*                      **Fencing of Swimming Pools Act Sub-Committee**                      *L225-F01*

In order to administer the Fencing of Swimming Pools Act 1987 and to make determinations on a number of applications for exemptions (under section 6 of the Act) from some of the Act's requirements it was recommended that a sub-committee be set up.

**Clrs Jerram/Dew:**

- 1. That a Fencing of Swimming Pools Sub-Committee, comprised of Councillors Barsanti and Arbuckle, 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.**



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

**R.10/11.215**      *Council*                      **Marlborough Regional TbFree  
Committee**                                      *C135-R01*

Members were advised that the Animal Health Board is responsible as the Management Agency for the National Pest Management Strategy for Bovine Tb to eradicate Bovine Tb from New Zealand. National and regional programmes are in place and Council is represented as a member of the organisation through Local Government New Zealand. Council's role at a regional level, by means of a representative on the Marlborough TbFree Committee, is confined to a stakeholder and funding provider and this Committee plays an important role in shaping the control objectives, procedures and policies and provides an effective communication link to the local community and stakeholders.

**Clrs Jerram/Barsanti:**

- 1. That the information be received.**
- 2. That Councillor Evans be appointed as the Council representative to the Marlborough TbFree Committee.**

**Carried**

ATTENDANCE: Mr G Congdon, Council's Compliance Manager, was present for the following item.

**R.10/11.216**      *Environment*      **Monitoring**                                      *C270-01*

Mr G Congdon addressed the Committee and outlined the Regulatory Department's responsibility under the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Mr Congdon spoke about the Environmental Protection Section's monitoring programme and the strategy behind the programme. He outlined why Council monitors, how it monitors and what is being monitored. An Environmental Protection Section monitoring strategy was tabled for members' information. It was noted that it is Council's discretion as to the scale and nature of the monitoring that is carried out and accordingly the programme could be altered if there was seen to be more appropriate objectives. Two examples of monitoring carried out by the section were then presented to the Committee.

Mr M Spencer, an Environmental Protection Officer, presented examples of the land disturbance, which encompasses forestry, monitoring that is carried out and the methodologies used. Members were advised that commercial forestry covers 71,000 hectares in Marlborough. Mr Spencer outlined what is monitored for the relevant plan rules and some standard resource consent conditions. Examples of compliance with the rules and non-compliances were shown to the Committee.

The Committee asked if there had been any progress over the last 10 years on some ongoing forestry related issues. Mr Versteegh advised that forestry harvesting is allowed as a permitted activity under the resource management plans and that Council has a limited resource to cover an extensive area to monitor the rules.

In response to a question from the Committee Mr Spencer advised that he has required operations to cease work when operating unsatisfactorily and fines have also been issued. He considered that if no monitoring was undertaken the situation would be a lot worse and advised education was part of the process.

The Chairman said the discussion had highlighted the problem for which something needed to be done. Some members were of the opinion that more resources should be available to assist with monitoring and to enforce compliance. It was suggested that a review of the plan rules regarding forestry harvesting would be a starting position.

Ms J Hughes, an Environmental Protection Officer, provided a presentation on winery wastewater monitoring. She advised that inspections are undertaken during the harvest and are mostly unannounced

although some wineries will make appointments when they have something specific to discuss. The presentation covered winery wastes and the wineries in Marlborough, the difference between industrial and rural wineries, how Council monitors the wineries, the plan rules and resource consents and why wineries are monitored. Examples of compliances and non compliances with regard to the rules were shown. With respect to the non compliances Ms Hughes advised of the fines issued and action taken for the instances shown.

**Clrs Hook/Barsanti:**  
**That the information be received.**

**Carried**

ATTENDANCE: Council's Environmental Scientists, Mr P Davidson, Groundwater and Mr V Wadsworth, hydrology, were present for the following item.

**R.10/11.217**      *Water*                      **Groundwater Flow Patterns and Origin on  
the North Bank of the Wairau River,  
Marlborough, New Zealand**                      *G045-01*

Members were advised that the aim of the study on the groundwater resources of the catchments draining the North Bank of the Wairau River was to define the nature and origin of North Bank groundwater and the boundary with Wairau River channel flow. The report by James Botting, a student from the Geological Sciences Department of the University of Canterbury, provides general information to local water users and a baseline for future monitoring of groundwater resources.

The key findings of the report were outlined in the order paper for member's information. Staff advised that the full report can be made available to Councillors if they wished to read it in detail.

In response to a question in respect of the effect the TrustPower scheme would have on the water available Mr Versteegh advised that as the decision had only just been released staff had not yet had time to evaluate the conditions.

Mr Davidson advised the objectives to commissioning the report were that little was known about the groundwater resources of the catchments draining the North Bank and the resultant effect from the land use intensification on the North Bank. He said the findings of the report showed the sources were mainly localised, but that they did interact with the Wairau River channel flow and the groundwater in the lower reaches of the North bank tributary catchments, and the implication could be that these may need to be managed differently. The report did not address the Are Are Creek area.

Mr Wadsworth provided a rainfall update further to the information in the Information Package. He said the situation had not changed much as rainfall was still below average for this time of the year.

**Clrs Barsanti/Arbuckle:**  
**That the information be received.**

**Carried**

ATTENDANCE: Councillor Andrews joined the meeting, Ms N Eade, Council's Environmental Scientist, Land Resources, was present for the following two items and Mr Johnson rejoined the meeting.

**R.10/11.218**      *Environment*      **Marlborough Environment Awards 2010/11**  
*F135-11*

Ms Eade advised that 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 the Marlborough 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.

The report to the Committee provided background to the Marlborough Environment Awards and information on the current 2010/11 Awards round.

Members were also advised that a separate but related Schools Award is run alongside the main Environment Awards and this is coordinated by the Assets and Services Department.

Ms Eade also outlined the Significant Natural Areas Project and the Marlborough Landscape Group on which items were included in the Information Package for members' information.

**Clrs Barsanti/Hook:**  
**That the information be received.**

**Carried**

A short remission was held and the meeting resumed at 3.30 pm.

ATTENDANCE: Councillor Bagge left the meeting.

**R.10/11.219      *Environment*      **Winter Air Quality 2010**      *E225-A02***

The report to the Committee presented the air quality monitoring results for Winter 2010 (May to August inclusive). Members were advised that the 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. The National Environmental Standard requires that daily monitoring is carried out in airsheds that exceed or are likely to exceed the standards. In Marlborough PM<sub>10</sub> is the only standard exceeded and therefore PM<sub>10</sub> is the only air contaminant currently measured in Marlborough. Currently Blenheim is the only designated airshed in Marlborough.

Background on the monitoring, the sites and the model developed by Environet Limited and NIWA specific to the Blenheim airshed which looked at the meteorological factors which contribute to PM<sub>10</sub> exceedances, were detailed in the report to the Committee. Members were advised that overall there appeared to be a downward trend in PM<sub>10</sub> concentrations in Blenheim during the winter months since the introduction of the National Environmental Standards for air quality as depicted in the graph included in the order paper.

Members were advised that, despite an overall decrease in median and 75<sup>th</sup> percentile concentrations, there were two exceedances in 2010 which were the two highest concentrations recorded for the Redwoodtown site. 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.

Ms Eade advised that despite an apparent overall reduction in PM<sub>10</sub> emissions Blenheim is still prone to exceedances of the National Environmental Standards and therefore regulations (such as a ban on urban outdoor burning) could be 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.

Mr Johnson advised that although Picton is not a gazetted airshed exploratory monitoring had been undertaken and an automated monitoring site was being considered for next year.

**Clrs Barsanti/Hook:**  
**That the information be received.**

**Carried**

## **R.10/11.220      *Environment*      Recreational Water Quality 2009/10**

*WI80-02*

The report entitled *Recreational Water Quality Report, 2009-10* and the accompany water quality report card attached to the order paper presented the recreational water quality monitoring for the summer 2009/10.

Mr Johnson advised that the recreational water quality programme is one of three water quality monitoring programmes currently carried out by 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. Ministry for the Environment guidelines are used to structure the recreational water quality monitoring programme comprised of 13 river and 18 coastal sites.

Mr Johnson advised that water quality is good in a national context but improvements, particularly at freshwater sites where diffuse pollution occurs, are still required. 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. 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. It is recommended that additional investigation be carried out at Moenui to determine the reason for the poor water quality recorded for this site.

Councillor Basranti noted the improved land practices in the Rai valley area leading to improvements in water quality although there were still some farm crossings which would be difficult to eliminate.

**Clrs Barsanti/Arbuckle:**  
**That the information be received.**

### **Carried**

ATTENDANCE: Mrs A Boyce, Council's Environmental Health Officer, was present for the following item and Mr Congdon rejoined the meeting.

## **R.10/11.221      *Licensing*      Changes to Food Legislation      *P360-01***

A comprehensive report was provided for the Committee regarding changes to food legislation. The Council has the responsibility for the Food Hygiene Regulations 1974 under the Health Act 1956 for the Marlborough region. Members were advised that a new Food Bill has had its first reading in Parliament and is currently with the Select Committee. This imminent new Food Bill will replace the current legislation surrounding food and place different and greater obligations on Council.

Mrs Boyce advised that the changes included 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, for councils to provide food labelling and composition controls for parts of the food industry and food stalls and education.

The implications for Council were outlined in the report to the Committee. Council is participating in the Voluntary Implementation Programme for bringing food premises onto the Food Control Plan system and it was noted that this has involved extensive work by the Environmental Health team to ensure systems are in place and to predict workloads as a result of the proposed changes. It is expected that when the new Food Bill becomes legislation that there will be extensive resourcing requirements on the Environmental Health Team.

Mrs Boyce responded to a number of questions from the Committee. She said there would not be much change for charitable food stalls, the biggest impact would be for Council in providing education and inspections would still be undertaken. For food premises the onus would be on the owner to prepare the food plans and for Council to inspect the plans plus undertake a physical inspection of the premises, incurring a significant time increase per premises resulting in increased charges for the business.

Mr Congdon said there are still some unknown factors and this was a signal to the Committee that there will be significant changes.

**Clrs Barsanti/Dew:**  
**That the information be received.**

**Carried**

ATTENDANCE: Mayor Sowman joined the meeting at 4.00 pm.

**R.10/11.222      Council      Animal Control Contract      C315-08-54-01**

Committee approval was sought to give notice to review the terms of the Animal Control Contract, which provides for dog control services, services for removing livestock from public land and roads and impounding services. This service is currently delivered by Maataa Waka Ki Te Tau Ihu Trust. The contract expires on the 31 March 2011 and at Council's discretion may be extended beyond the expiry for two terms of 2 years on either the same or amended terms and conditions.

It was proposed that a review of the Animal Control function would be carried out which would focus on matters raised as concerns during the election process. It was therefore proposed that the contract be extended for six months from 31 March 2011 to allow the review to be implemented through contract variation.

**Clrs Barsanti/Dew:**

- 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.**

**Carried**

ATTENDANCE: Mrs S Lines, Council's Animal Control Administrator, was present for the following item.

**R.10/11.223      Regulatory      Dog Control Policy & Practices Annual Report 2009/10      D135-01-01**

Members were advised that 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. The report was attached to the order paper for members' information.

**Clrs Barsanti/Hook:**

- 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.**

**R.10/11.224      Council      Information Package**

**Clrs Hook/Barsanti:**

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

**Carried**

The meeting closed at 4.40 pm.

Record No: 10255480