

**Minutes of a Meeting of the
ENVIRONMENT COMMITTEE
held in the Council Chambers, 15 Seymour Street, Blenheim on
THURSDAY, 16 OCTOBER 2014 commencing at 1.00 pm.**

Present

Councillors D D Oddie (Chairperson), J A Arbuckle, G S Barsanti, C J Brooks, L M Shenfield, Mayor Sowman, Mr E R Beech (Rural representative) and Mr R Smith (Iwi representative).

In Attendance

Councillors J P Bagge, G I T Evans T E Hook and J C Leggett, Mr H R Versteegh (Manager, Regulatory Department), and Kathy Payne (Committee Secretary).

Apologies

Cirs Barsanti/Brooks:

That apologies from Councillors P J S Jerram, B G Dawson and T M Sloan be received and sustained.

R.14/15.146 Confirmation of Sub-Committee Business

Cirs Shenfield/Barsanti:

That the following approvals granted by the Swimming Pools Sub-Committee acting under delegated authority (Regulatory Committee Minute (R.13/14.166) be received and the recommendations adopted:

- **M Taylor - 356 Delta Lake Heights, Blenheim - exemption to install a Coverstar Automatic Cover System pool cover in lieu of a fence (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **R C Wardman - 27 Centre Creek Road, Wairau Valley - exemption to install a hydramatic pool cover (Aquamatic Cover systems) in lieu of a fence (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**

Carried

ATTENDANCE: Mr S Urlich, Council's Coastal Scientist, was present for the following item.

**R.14/15.147 Queen Charlotte Sound Hydrodynamic
Model E325-001-001**

NIWA presented a progress report of the Queen Charlotte Sound Hydrodynamic Model to the Committee in May 2014. Members were now advised that the final report has been received and the Executive Summary was included with the agenda.

Mr Urlich presented the hydrodynamic model report for the Queen Charlotte Sound to the Committee. He discussed the robustness of the model, the hydrodynamic findings and the biophysical model. The Cawthron Institute has peer-reviewed the report and assessed it as an acceptable and defensible model.

Mr Urlich demonstrated the tidal flows, speed and depth of the Inner and Outer Queen Charlotte Sound. The residence times of water were estimated as being up to 35-46 in the Inner Queen Charlotte Sound and 11 days in Tory Channel. The model tested six scenarios, including current farms and the future effects of fish farms, on the effects of nutrients on the ecology of the Sounds.

Members were advised that the key take home message from the report is that the effects of new and existing fish farms are within the bounds of natural variability. In other words, the modelled discharge of nitrogen is unlikely to cause any long-term negative ecological effects. NIWA's opinion is that the combination of winter-time light limitation, relatively rapid-flushing, and seabed denitrification make it unlikely that the present levels of fish farming will result in a trophic change of nutrient over-enrichment.

Mr Ulrich advised that the effects of the Picton waste-water discharge were also included in the model, but non-point source catchment discharges after rainfall and from streams were excluded as monitoring had shown the level of nutrients were lower than occurring in seawater.

A work programme to consider the recommendations of the report for further development work, and to make the model more accessible for industry and the community will be undertaken. Following this a subsequent paper will be presented to the Committee.

The simulation model for ammonium on mussel farms and fish farms will be made available on Council's website.

Cirs Barsanti/Brooks:
That the information be received.

Carried

ATTENDANCE: Ms S Henkel, Council's Water Quality Scientist, was present for the following item.

R.14/15.148 State of the Environment Surface Water Quality Monitoring Report 2014 E375-001-001-03

Ms Henkel presented the 'State of the Environment Surface Water Quality Monitoring Report 2014', which was separately attached to the agenda, to the Committee.

Members were advised that the monthly measurements of chemical and physical parameters of 34 river sites were summarised using a Water Quality Index from 2011 to 2013. Changes in water quality were examined by applying a statistical analysis of chosen parameters using the Seasonal Kendall Trend Test as well as analysing changes in the Water Quality Index results over time which Ms Henkel demonstrated at the meeting. The Water Quality Index ranged through poor to marginal, fair and good with most sites having marginal or fair water quality. Ms Henkel advised that poor and marginal water qualities needed to be investigated further because conditions usually or often departed from natural or desirable levels, whereas fair water quality only sometimes departed from the natural or desirable levels, indicating a still rather good state. It was noted that due to higher flows a number of rivers were more turbid in 2013 compared to previous years resulting in lower Water Quality Indices.

At the meeting Ms Henkel focused on the marginal water quality of the Opawa complex as an example of how surface water can be affected by groundwater. Comparison with groundwater data showed that Soluble Inorganic Nitrogen concentrations in the waterways were similar to that in wells indicating that most of the nitrogen in the waterway originates from leachate into subsurface flow rather than direct run-off from land surface. However, trend analysis showed that Soluble Inorganic Nitrogen concentrations were declining at a number of sites, including the Rai and Pelorus Rivers.

Cirs Shenfield/Arbuckle:
That the "State of the Environment Surface Water Quality Monitoring Report 2014" be received.

Carried

ATTENDANCE: Mr P Davidson, Council's Groundwater Scientist, was present for the following item.

R.14/15.149 State of the Environment Groundwater Quality Report 2014 E345-007-001

The "State of the Environment Groundwater Quality Report 2014" was separately attached to the agenda. The results of the report were summarised in the agenda report to the Committee.

Mr Davidson advised that the report focuses on nitrate-nitrogen levels across the Marlborough district. These were compared with the value for surface water in the same catchment where one existed. The reason for this was because of the proposed National Policy Statement for Freshwater Management (NPS). Although the NPS only requires water quality limits to be specified for surface water he said it made sense to manage both surface and groundwater in tandem with a common nutrient limit. A likely limit for groundwater dependant lowland streams in Marlborough under the NPS is a maximum nitrate-nitrogen concentration of 2.4 g/m³ to protect the in stream habitat for plant or fish life. This is a more strenuous target than the drinking water standard of 11.3 g/m³.

Members were advised that overall the groundwater quality is good. All the 14 unconfined aquifers meet the median drinking water standards and only two would not meet the proposed surface water target.

In his presentation Mr Davidson showed land uses over the last 30 years, current vineyard land cover, the flows in the aquifers and the nitrogen loading which equals 5 kg/ha/year which is less than pre 1990. He advised that the spikes in nitrate-nitrogen mainly relate to higher rainfall events.

In respect of the higher nitrate-nitrogen concentrations at well P28w/2651, Mr Davidson advised that it is likely because of the lower groundwater throughflow further away from the Wairau River, runoff from the Waihopai Valley and localised land uses. He clarified that the Renwick municipal well is monitored each season which coincides with the same survey throughout the country for Ministry for the Environment reporting.

Cirs Barsanti/Brooks:

That the "State of the Environment Groundwater Quality Report 2014" be received.

Carried

ATTENDANCE: Mr P Hamill, Council's Senior Environmental Scientist, was present for the following item.

R.14/15.150 Te Whanau Hou - Grovetown Lagoon Incorporated Society C230-001-G01

The purpose of the report to the Committee was to appoint an elected member to be the Council's representative on the Te Whanau Hou - Grovetown Lagoon Incorporated Society.

Background to the Grovetown lagoon and incorporated society was included in the report to the Committee. An earlier presentation to the Committee at its 13 February 2014 meeting also provided an update on the progress of the development of the Grovetown Lagoon area to a community and recreational space and the strategic vision.

The Committee agreed that Councillor Brooks would be the appropriate appointee to be the Council's representative on the Te Whanau Hou - Grovetown Lagoon Incorporated Society.

Cirs Oddie/Barsanti:

- 1. That the information be received.**
- 2. That Clr Cynthia Brooks be appointed as a Council representative to the Te Whanau Hou - Grovetown Lagoon Incorporated Society.**

Carried

ATTENDANCE: Ms L Kensington, Council's Environmental Protection Officer, was present for the following two items.

R.14/15.151 Maud Island Brodifacoum Drop Monitoring U140265M

A comprehensive report of the Compliance Group's monitoring of the Department of Conservation's Brodifacoum Drop operation at Maud Island on 15 August 2014 was provided in the report to the Committee. It included background on Maud Island, how the monitoring was undertaken and the monitoring results.

In summary, members were advised the Department of Conservation met the conditions of the resource consent with the deployment of approximately 17 staff, two boats and a Gator. They were very accommodating to the Council during the monitoring of the operation and were appreciative of Council's presence on site. The water sample results from the 24 hour and 7 day samples returned were less than the method detection limit (<MDL).

Cirs Barsanti/Shenfield:
That the information be received.

Carried

R.14/15.152 Cleanfill and Quarry Monitoring Report E360-002-003-04

The report to the Committee provided information on the Compliance Group's monitoring project of cleanfill and quarry activities. Land disturbance and land use consents and permitted activity standards were monitored. It included where and what was monitored, how monitoring was undertaken and the rating system used to determine compliance with plan rules and resource consents. A map showing the sites was included in the agenda.

Members were advised that cleanfills which are highly active are checked approximately four times per year to check that non-cleanfill material is not being accepted in the cleanfill site. Compliance with consent conditions is checked once per year and this has improved compared with 2013 monitoring results. One site was assessed as non-compliant and two were assessed as requiring minor corrective actions. These have been, or are being, actively managed to compliance. Eight sites were assessed as compliant.

Compliance with consent conditions for the four quarries monitored was generally unsatisfactory with three assessed as requiring minor corrective actions with a range of relatively minor issues detected, and one assessed as compliant.

Ms Kensington advised that some of the non cleanfill material had been brought onto cleanfill sites with construction material and other material was dumped by the public because sites are not secure enough. She advised the consent holders responded positively to any corrective actions required by the Compliance Group.

The Committee discussed the fact that cleanfill sites were currently a permitted activity in the current resource management plans and that the current plan review process provided the opportunity to review this activity. It was noted that appropriate methods for waste removal in remote areas also needed to be considered.

It was noted that one site had material that had been burnt. Any sightings of black or unusual smoke can be reported to the Council and the Compliance Group will inspect.

Cirs Barsanti/Brooks:
1. That the information be received.

2. **That the Cleanfill and Quarry Monitoring Report be referred to the Regional Planning and Development Committee for consideration.**

Carried

ATTENDANCE: Mr M Spencer, Council's Environmental Protection Officer, was present for the following item.

R.14/15.153 Forestry Monitoring Report E335-003-002-01

The report to the Committee outlined the Compliance Group's ongoing monitoring programme of forest land disturbance and harvesting activities for the period 1 October 2013 – 1 October 2014. It provided an overview of where and what was monitored, how monitoring was undertaken, and what rating system was used to determine compliance with plan rules and resource consents.

Members were advised that 61 monitoring inspections in 37 forestry blocks were undertaken from October 2013 to October 2014. A map showing the forestry blocks monitored was included in the agenda along with photographic examples of sites monitored. Resource consent conditions and permitted standards monitored in each forestry block included harvest plans for skid site road and track placement, water control, land stability and stream blockages.

Mr Spencer advised that monitoring results indicated a steady rate of compliance when compared with previous years, within an industry willing to work with Council in achieving better environmental outcomes. Of the 292 skid sites visited by Compliance staff, 209 (72%) were assessed as compliant on the first inspection. The forestry blocks that were assigned as needing corrective action or were non compliant were ultimately brought into a compliant state through remedial work. It was noted that sometimes small issues such as a blocked culvert can place a block as needing minor corrective action. Compliance staff observed an improvement in the rehabilitation of skid sites post harvest.

The Committee discussed the examples of good practice and non compliances as illustrated in the agenda.

Members suggested that more monitoring of the waterways below Marlborough's forestry blocks should be undertaken if possible. The Committee was advised that the Compliance Group undertakes monitoring as resourcing allows.

**Cirs Barsanti/Brooks:
That the information be received.**

Carried

ATTENDANCE: Clr Arbuckle withdrew from the meeting during the following item. Ms G Ferguson, Council's Compliance Manager, was present for the following item.

R.14/15.154 Bylaw - Beauty Therapy, Tattooing and Skin Piercing E350-004-002-01

Members were advised that a submission was received as part of the Annual Plan process to adopt a Beauty Therapy, Tattooing and Skin Piercing bylaw. The basis of the submission was the potential risk to the public from unhygienic practices and the use of contaminated ink by operators in Marlborough. The risk factors were outlined in the report to the Committee along with the current regulations and controls that are available to the Council.

A resolution was sought from the Committee on whether a bylaw for Beauty Therapy, Tattooing and Skin Piercing was the most appropriate way of addressing the perceived problem.

In considering whether a bylaw is the most appropriate way to respond to a problem, the Council must consider the other regulatory and non-regulatory tools that are available to it, including existing statute and public education. Options needed to be assessed in terms of their advantages and disadvantages and the costs and benefits of each option considered. (section 77 of the LGA 2002).

The advantages and disadvantages of the four options available to Council were detailed in the agenda. The options included no change/no bylaw, non regulatory options, adopting a bylaw and national legislative change.

Ms Ferguson restated the information in the report to the Committee at the meeting. She advised that the options currently available to the Council were that Council Environmental Health Officers may inspect and abate conditions likely to be injurious to health in the district under the Health Act 1956 s23, General powers and duties of local authorities in respect of public health. S29 includes the provision (l) Where any trade, business, manufacture, or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health.

The Committee discussed the Public Health Bill introduced to Parliament in November 2007 which had not been progressed since 2008.

The Committee thoroughly discussed the matter and generally agreed it was something that should be dealt with at a national level.

Some members felt strongly that there should be regulations around an industry that is dealing with needle piercing and the risk of drawing blood, for people operating from home without any restrictions around health and registration and that there is a problem in the community. They considered that due to the lack of national regulations that a bylaw would give the public confidence that there is a level of hygiene and good practice. A letter from the Minister of Health regarding what councils are empowered to do under the Health Act was relayed to the meeting.

The majority of the members felt the fact that it is a perceived problem was the key issue and that a bylaw was for a local issue and this is a national issue. They noted that a bylaw would be a huge tool for something that is not currently a problem. Many of the issues raised would not be best addressed through a bylaw. It was noted there are guidelines in place for operators and there is existing legislation and powers to address urgent health issues. The cultural perspective was also noted. The Committee was sympathetic to the request but did not feel that Council had a place in regulating the industry.

Clr Brooks/Mr Smith:

That a bylaw for Beauty Therapy, Tattooing and Skin Piercing is not the most appropriate way of addressing the perceived problem.

Carried

NB: Clr Shenfield requested that her vote against the above motion be recorded.

ATTENDANCE: Mr N Morris, Council's Resource Management Projects Officer, was present for the following item

R.14/15.155 Building Act 2004 : Insanitary and Dangerous Building Policy R450-006-02, R450-006-04

Members were advised that the Dangerous and Insanitary Building Policy 2006 was due to be reviewed and a draft review copy was included in the agenda for consideration.

Mr Morris advised that no changes of substance are proposed for the 2014 policy. It was noted that no issues have arisen in respect of the 2006 policy nor is it evident that central government is contemplating matters that might be relevant.

Members were advised that the occurrence of dangerous building in the context of the provisions of the Building Act have been very rare and insanitary buildings appeared to occur at a frequency of less than one per year. Officers have taken the approach of assessing what should happen in each instance which has been dependant on the circumstance of each case.

Cirs Shenfield/Barsanti:

That the draft “Insanitary and Dangerous Buildings Policy 2014” be opened for public comment.

Carried

A 5 minute recess was held.

ATTENDANCE: Council’s Harbour Master, Mr A Van Wijngaarden, joined the meeting.

R.14/15.156 Harbour Maritime Safety Management Manual H100-001-01

Members were aware that the New Zealand Port and Harbour Marine Safety Code introduced the requirement for the Council undertake a risk assessment and develop a Maritime Safety Management System Manual.

The purpose of the report to the Committee was to update members on the informal feedback received from Maritime New Zealand on the Maritime Safety Management System Manual submitted to them following the recent review of the Risk Assessment in 2013.

The Harbour Master advised that an internal review of the revised manual (attached separately to the agenda) was undertaken following receipt of a checklist from Maritime New Zealand.

Mayor Sowman/Clr Barsanti:

- 1. That the information be received.**
- 2. That the Committee endorse the “The Maritime Safety Management System Manual” report and support its re-submission to Maritime NZ for assessment.**

Carried

R.14/15.157 Harbour Safety Plan H100-002-03

The revised Harbour Safety Plan, prepared following the completion of the 2013 Risk Assessment, was included in the agenda for members’ information.

The Harbour Master advised that the Level 4 document of the Maritime Safety Management System essentially outlines the planned implementation of the risk control measures for the next three year period. These have already been budgeted for.

Cirs Barsanti/Brooks:

- 1. That the information be received.**
- 2. That Council endorses the Harbour Safety Plan 2014-2017.**

Carried

R.14/15.158 Marine Farm Light Audits H100-004-003-14

An update of the ongoing marine farm light audits carried out was provided for members’ information. The areas audited were Port Underwood and Port Gore as detailed in the agenda. It was noted that there has been a substantial improvement in overall compliance. The Committee was advised that it is the consent holder’s responsibility to maintain lighting. In instances of non compliance, the marine farmer advises when maintenance has been undertaken. Farmers that are members of the Marine Farming Association audit scheme have one month to undertake repairs and if not repaired by that time they are infringed immediately.

The Harbour Master advised that Council is working with the Marine Farming Association trialling an area with a reduced number of lights but an improved quality of lighting. The Marine Farming

Association audits the reports received from the marine farmers. Once that area has been audited a report will be brought back to the Committee for consideration.

Cirs Barsanti/Shenfield
That the information be received.

Carried

R.14/15.159 Aids to Navigation H100-005-14

The Council is responsible for the provision and servicing of 98 Aids to Navigation in the region and the report to the Committee provided an update on their on-going management over the winter period.

The Harbourmaster advised that all Aids to Navigation performed well over winter with very few failures occurring, due to good preventative maintenance and a mild winter thus achieving the International Light House Authority standards.

It was noted that the Snake Point and Pickersgill Island cardinal marks were destroyed which illustrated a significant problem with vessels tying up to navigation lights. These have been or are in the process of being replaced. There has been a media release highlighting the dangers of damaging marker buoys and beacons.

Cirs Barsanti/Shenfield:
That the information be received.

Carried

R.14/15.160 Harbour Master Directions H100-005-14

The Maritime Transport Act empowers the Harbour Master to give Directions to ensure that maritime safety is not compromised and the Committee was informed of Harbour Master Directions issued and the circumstances under which they were issued.

Two vessels were identified as potentially posing a risk to maritime safety and Directions were issued to prevent the owners from returning their vessels to the water until certified as being seaworthy by an independent surveyor.

Cirs Barsanti/Shenfield:
That the information be received.

Carried

R.14/15.161 Information Package

Clr Shenfield/Mayor Sowman:
That the Regulatory Department Information Package dated 16 October 2014 be received and noted.

Carried

The meeting closed at 4.00 pm.

Record No: 14217861