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24 April 2014

Record No: 14100887
File Ref: D050-001-E01
Ask For: Mr Porter

Notice of Committee Meeting - Thursday, 1 May 2014

A meeting of the Environment Committee will be held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on Thursday, **1 May 2014 commencing at 1.00 pm.**

B U S I N E S S

As per Agenda attached.

ANDREW BESLEY
CHIEF EXECUTIVE

**Meeting of the ENVIRONMENT COMMITTEE
to be held in the Council Chambers, District Administration Building, Seymour Street,
on THURSDAY, 1 MAY 2014 commencing at 1.00 pm**

Committee

Clr P J S Jerram (Chairperson)
 Clr D D Oddie (Deputy)
 Clr J A Arbuckle
 Clr G S Barsanti
 Clr C J Brooks
 Clr L M Shenfield
 Mayor Sowman
 Mr E R Beech (Rural representative)
 Mr R Smith (Iwi representative)

Departmental Head Mr H Versteegh (Manager, Regulatory Department)

Staff Kathy Payne (Committee Secretary)

In Public

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1. Confirmation of Sub-Committee Business

RECOMMENDED

That the following approvals granted by the Swimming Pools Sub-Committee under delegated authority (Environment Committee Minute R.13/14.166) be confirmed:

- **S G Hudson & H M Jelley – 86 Holdsworth 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. Queen Charlotte Sound Hydrodynamic Model

(Clr Jerram) (Report prepared by Steve Ulrich)

E325-001-001

Purpose

1. To present to the Committee the hydrodynamic model for the Queen Charlotte Sound.

2. **Drs Mark Hadfield, Niall Broekhuizen, and David Plew of the National Institute of Water and Atmospheric Research (NIWA) will present and explain the model (30 minutes).**

Background

3. Council has contracted NIWA to develop hydrodynamic models of the Queen Charlotte Sound and Pelorus Sound.
4. A hydrodynamic model simulates water movement from tides, wind and residual currents. NIWA has been developing a 3 dimensional model for each Sound which can model changes in the temperature and stratification of the water column over seasonal and annual periods.
5. NIWA is linking the hydrodynamic models with water quality (nutrients) and ecological (phytoplankton and zooplankton) processes. This will assist the Council by providing a baseline of water quality in the Sounds and enable an understanding of the effects from land use and aquaculture on key environmental health measures. These environmental measures include nutrient concentrations, algal biomass and benthic deposition of organic matter.
6. Both NIWA and the Council have made significant ongoing investments in collecting data to validate and test the models. The Council's monthly water quality sampling in both Sounds provides a key contribution to the model development and ongoing validation.
7. The Ministry for Primary Industries is supporting the development of the Pelorus Sound model through its Aquaculture Planning Fund.

Summary

8. NIWA will present the hydrodynamic model for the Queen Charlotte Sound. The presentation will provide an overview of how the model was constructed; what it shows about the dynamics of the Queen Charlotte Sound; application of the model to the Council's functions, and limitations, ongoing maintenance and validation of the model.

RECOMMENDED

That the information be received.

3. New Zealand King Salmon Monitoring Reports 2013

(Clr Jerram) (Report prepared by Steve Ulrich)

MFL456, U040412, U090660, U090634,
U040217, U021247, U060926, U090841,
E325-008-001-02

Purpose

1. To inform the Committee of the assessment of compliance with consents for the New Zealand King Salmon (NZKS) farms for 2013.

Background

2. NZKS is the principal finfish farming company in the Marlborough Sounds and currently has consent to operate eight finfish farms in the region (Figure 1).

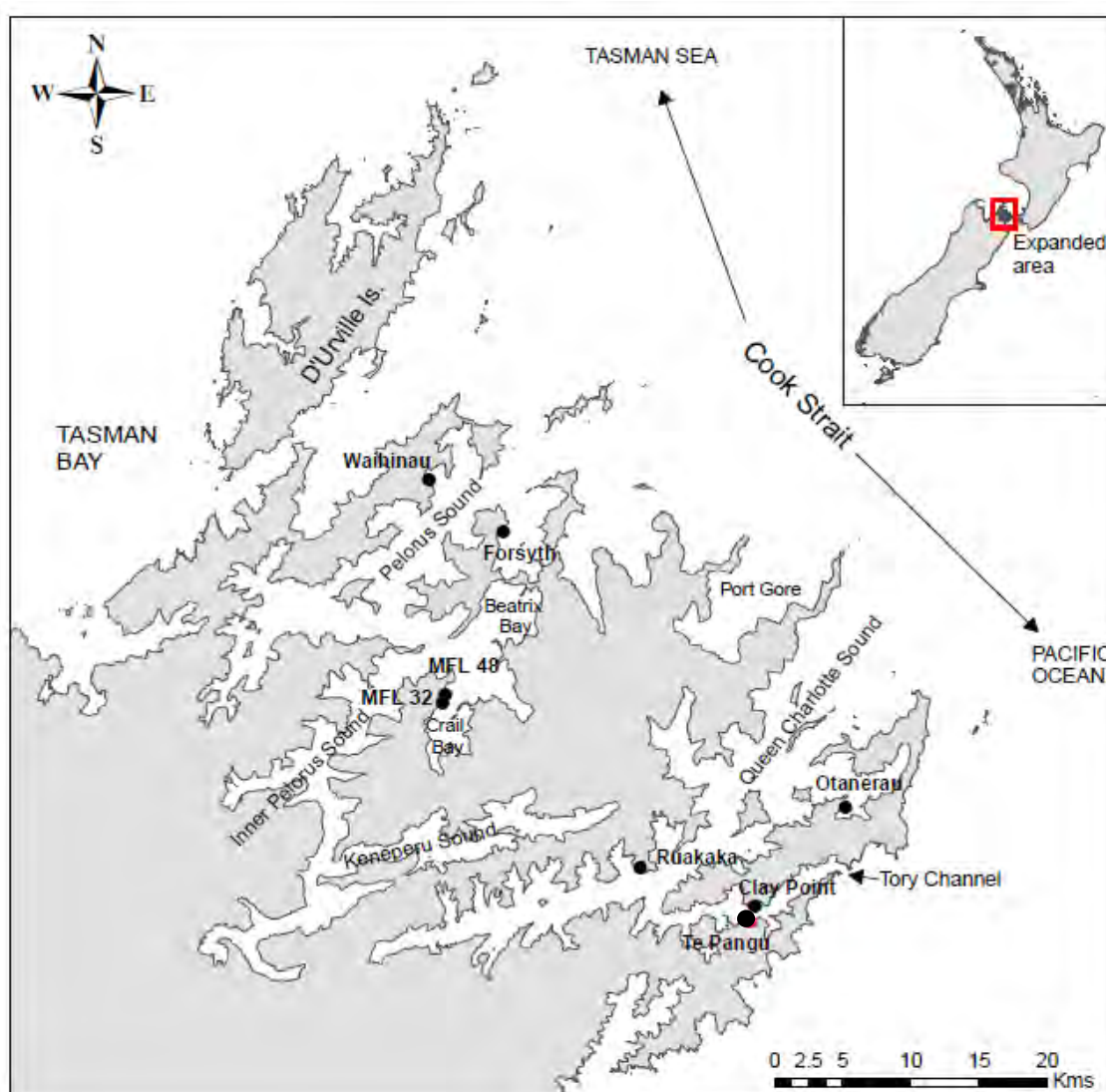


Figure 1: Location map of New Zealand King Salmon's existing farms

3. Each of these finfish farms requires a coastal permit to occupy and operate in public space.
4. The Council also regulates the amount of fish food able to be discharged annually. This is to manage the environmental effects of fish waste and residual fish food on the seabed and water column.
5. NZKS is required to do annual environmental monitoring by the consents. Sampling by the Cawthron Institute occurred in November 2013 and the Council received the reports in March 2014.
6. Each farm has a report on the biochemical and biological state of the seabed, and the nutrient status of the water column. Copper and zinc levels in the seabed sediments are also determined.
7. The state of the seabed was assigned an enrichment score by Cawthron. Most consents have a maximum permitted level of enrichment. Enrichment is caused by fish waste falling on the seabed.
8. Enrichment results in depletion of oxygen in the seabed. It also causes changes to the abundance and type of organisms which inhabit the sediments. Excessive levels can harm seabed life.
9. NZKS has provided a letter to accompany the Cawthron reports outlining its assessment of compliance and planned management actions, in response to the monitoring results (**Attachment 1**)¹. NZKS has also submitted a recent review of the Cawthron reports undertaken by Dr Catriona Macleod of the Institute of Marine and Antarctic Studies, University of Tasmania (**Attachment 2**)².
10. Council staff have completed a preliminary assessment of the reports to assess compliance with consents for each farm (**Attachment 3**)³. This was peer reviewed in early April by Professor Kenneth Black of the Scottish Association of Marine Sciences (**Attachment 4**)⁴.
11. It should be noted that environmental standards and associated monitoring are not consistent between farms. This is because the farms were consented at different times over the last 15 years. Over that time, scientific understanding of seabed enrichment effects from fish farming in the Marlborough Sounds has evolved, but consent conditions have remained relatively static.
12. It is also relevant to note that NZKS, with the support of Council, has initiated the development of best practice guidelines for salmon farm management in the Marlborough Sounds. It is hoped that the successful implementation of the best practice guidelines will lead to greater certainty around consent compliance, and could also assist the salmon industry to adopt world-class sustainable practices.

Comments

13. Monitoring results showed that farms are in overall compliance with the environmental quality standards within individual consents.
14. There was a technical non-compliance at Clay Point. This is in slight exceedance of the permitted enrichment levels at the seabed sampling station approximately 90 metres from the salmon pens. However, this is not considered biologically significant. Dr Macleod pointed out that Clay Point is in a dynamic high-flow environment, and that this result should be used to better understand

¹ NZ King Salmon letter to Council - 13 March 2014

² Dr Catriona Macleod review of Cawthron monitoring reports - 2 April 2014

³ Council staff preliminary analysis of compliance with consents - 7 April 2014

⁴ Professor Kenneth Black review of Council's preliminary analysis - April 2014

depositional processes. NZKS has advised that they will reduce feed discharge by 300 tonnes (mt) this year at the farm.

15. There were improvements in the state of seabed enrichment at Otanerau and Ruakaka since 2012. However, the seabed at these two farms, and two other farms in low flow environments (<10 cm/s), Forsyth Bay and Waihinau, remain enriched and require careful management and monitoring.
16. Farms in low flow environments receive higher concentrations of organic material (fish faeces, uneaten food) beneath the pens, than higher flow farms where particles are more widely dispersed. As such, the spatial extent of impacts is confined to a smaller area, which makes managing low flow farms challenging as the seabed can be overwhelmed and stop assimilating organic material.
17. The combined actual discharge of feed at the six low flow farms was 5,021 metric tonnes (mt), which is 28% of the total consented discharge of 18,210 mt; whereas at the two high flow farms, Clay Point and Te Pangu in Tory Channel, 90% of the available consented tonnage was discharged in the 2013 year (9,005 mt of a consented maximum of 10,000 mt).
18. Concentrations of zinc at some low flow sites exceeded the Australian and New Zealand Environment and Conservation Council guidelines for probable biological effects. High levels of bioavailable zinc can lead to toxicity effects to benthic organisms, and can result in negative ecosystem effects when threshold concentrations are exceeded.
19. Fish need zinc for a range of enzymatic processes. NZKS changed from inorganic zinc to organic zinc in late 2011 to improve the uptake of zinc by salmon. This change was also predicted to have reduced the discharge of zinc to the seabed. However, zinc levels have increased in the seabed since 2012.
20. NZKS advised that they are investigating the composition of the fish feed. They are also taking a sample from the nets at one farm. This is because zinc oxide is also a component of anti-fouling paints. Flexing of the nets, abrasion and cleaning of nets can shed paint particles to the seabed.
21. Provided these results are shared with Council, this is an acceptable approach towards managing this issue at this time. Monitoring the seabed for zinc at the low flow farms in November 2014 will assist in determining whether the levels of zinc have peaked or are still accumulating over time.

Summary

22. Annual monitoring reports for all eight existing farms have been received by Council. Two peer reviews have been received from international experts familiar with NZKS farms. The consensus is that the consents are in overall compliance. Seabed conditions at several low flow sites remain enriched and require careful management to ensure that they can continue to assimilate waste. NZKS is investigating the cause of elevated levels of zinc in the seabed beneath some farms.

RECOMMENDED

That the information be received.

4. Presentation of Aqualinc Reports on Gallery Intakes

(Clr Jerram) (Report prepared by Val Wadsworth)

E345-002-001

Purpose

1. To present to the Committee the Aqualinc reports on gallery intake design, and performance. The Aqualinc reports "*Infiltration Gallery Investigation*" and *Infiltration Gallery Guidelines Design, Construction, Operation and Maintenance*" are **attached separately**.

Background

2. Intake galleries are frequently used in preference to wells, or surface intakes, to access shallow aquifers, usually in the riparian margins of rivers.
3. There have been a number of gallery failures, resulting in additional works in riverbeds being necessary, with potential for disturbance and/or damage to the river, and its riparian margins and habitat.
4. The Council contracted Aqualinc to report on the design, installation, and performance of water intake galleries in Marlborough, using funds obtained through an Envirolink grant.
5. The purpose of the exercise was to ensure that gallery design and installation was carried out to a good standard, to minimise the need for ongoing work in the river environment.

Comments

6. The report concludes that while galleries are an effective means of accessing water in certain situations, the choice of what intake method should be used should be determined after suitable site specific investigation.
7. If a gallery is the preferred method, then the report details the necessary design and construction considerations for the best results.

RECOMMENDED

That the information be received.

5. Building Consent Exemption for Garden Sheds (10m² or less) Building Consent Exemption for Free Standing Carports (20m² or less)

(Cllr Shenfield) (Report prepared by Bill East)

C270-38

Purpose

1. The purpose of this report is to propose a Marlborough District Council Building Control Group exemption from the requirement of applying for a building consent for:
 - (a) Erection of a garden shed (accessory – non habitable shed) with a floor area equal to or less than 10m² and positioned no closer than 300mm to a boundary.
 - (b) Erection of a free standing carport equal to or less than 20m² and positioned no closer than 300mm to a boundary.

Background

2. Under the Building Act 2004, Schedule 1 Part 2 (A & B), Council has the authority to give effect to the decisions it makes under the Act, subject to sufficient consideration of all options. **(See Appendix 1)**
3. Changes to Schedule 1 (December 2013) restricted the existing exemptions for free standing carports equal to or less than 20m².
4. Garden sheds with a floor area equal to or less than 10m² have had existing exemptions, however that exemption has a condition that requires the shed to be its own height away from the boundary.

Garden Sheds (Accessory – Non Habitable Shed)

5. Garden sheds are generally of a kitset variety and are sold by a variety of retail stores, most of whom provide no guidance to their customers on Building Act requirements.
6. The Council's experience confirms that most purchasers are unaware of the Building Act requirements and in most cases the sheds are positioned against or near to boundary fences.
7. Modern subdivision designs that create smaller compact properties make it almost impossible to keep these types of sheds off the boundary by distance equal to their own height. **(See Appendix 2)**
8. These types of sheds are generally used for the storage of garden tools and lawn mowers (therefore low risk) and it is not intended for this Council exemption to apply to sheds built for human habitation.
9. The positioning of these garden sheds in the past has been the subject of disputes (complaints received by the Council) between neighbours and in many cases, as the Building Control Group has experienced in the past, the complaints are purely vexatious in nature.

Carports

10. The previous Schedule 1 allowed the inclusion of "Free Standing Carports" in the exempt work for carports equal to or less than 20m² and positioned no closer than 300mm to a boundary.
11. An approach to the Ministry of Business, Innovations and Employment by Building Control confirmed that the Council has the discretionary powers to include free standing carports into the exemption, as long as the carport meets all the other exemption requirements. **(See Appendix 3)**

12. The Building Act clearly leaves it for the Council to exercise its discretion about compliance with the decision-making process. In making any judgement there are various aspects to be assessed, one of which is the principles in Section 14 of the Act. One such principle is the need for Council to undertake commercial transactions in accordance with sound business practices.

Comments

13. The Council's requirement to keep these exempted (proposed) structures away from the boundary by 300mm is to allow any storm water disposal requirements to be addressed.
14. The Building Code "Functional Requirement" E1.2 states that "Buildings and site works shall be constructed in a way that protects people and other property from the adverse effects of surface water". (**See Appendix 4**)
15. It is well known that throughout New Zealand it is common practice for owners to keep garden sheds as close as possible to boundaries, therefore better utilising the available yardage area for each property.

Summary

16. Creating these two Council approved exemptions will:
 - (a) Keep the status quo in regard to exempt carports.
 - (b) Reduce the number of complaints received by Council in regard to garden sheds.
 - (c) Free up the property owner from having to build fully Building Code compliant (and expensive) structures to house their gardening equipment.
17. Building Control believe both structures pose very little risk to people or properties in the Marlborough area.
18. The proposed exemptions will not impact the Building Control's budget. To date these structures have either been built without Council knowledge or have previously been exempt.

RECOMMENDED

1. **That the Environment Committee approve the proposed exemption from the requirement of applying for a building consent for the erection of a garden shed (accessory – non habitable shed) with a floor area equal to or less than 10m² and positioned no closer than 300mm to a boundary.**
2. **That the Environment Committee approve the proposed exemption from the requirement of applying for a building consent for the erection of a free standing carport equal to or less than 20m² and positioned no closer than 300mm to a boundary.**

Appendix 1

Schedule 1

[s 42\(1\)\(b\)](#)

Building work for which building consent not required

Schedule 1: replaced, on 28 November 2013 (but building work for which a building consent was not required under old Schedule 1 but for which a building consent is required under new Schedule 1 does not require a building consent if the building work commenced before this date), by [section 73\(1\)](#) of the Building Amendment Act 2013 (2013 No 100).

Part 1

Exempted building work

General

1 General repair, maintenance, and replacement

- (1) The repair and maintenance of any component or assembly incorporated in or associated with a building, provided that comparable materials are used.
- (2) Replacement of any component or assembly incorporated in or associated with a building, provided that—
 - (a) a comparable component or assembly is used; and
 - (b) the replacement is in the same position.
- (3) However, subclauses (1) and (2) do not include the following building work:
 - (a) complete or substantial replacement of a specified system; or
 - (b) complete or substantial replacement of any component or assembly contributing to the building's structural behaviour or fire-safety properties; or
 - (c) repair or replacement (other than maintenance) of any component or assembly that has failed to satisfy the provisions of the building code for durability, for example, through a failure to comply with the external moisture requirements of the building code; or
 - (d) sanitary plumbing or drainlaying under the [Plumbers, Gasfitters, and Drainlayers Act 2006](#).

2 Territorial and regional authority discretionary exemptions

Any building work in respect of which the territorial authority or regional authority considers that a building consent is not necessary for the purposes of this Act because the authority considers that—

- (a) the completed building work is likely to comply with the building code; or
- (b) if the completed building work does not comply with the building code, it is unlikely to endanger people or any building, whether on the same land or on other property.

Appendix 2

3 Single-storey detached buildings not exceeding 10 square metres in floor area

- (1) Building work in connection with any detached building that—
 - (a) is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 3.5 metres above the floor level); and
 - (b) does not exceed 10 square metres in floor area; and
 - (c) does not contain sanitary facilities or facilities for the storage of potable water; and
 - (d) does not include sleeping accommodation, unless the building is used in connection with a dwelling and does not contain any cooking facilities.
- (2) However, subclause (1) does not include building work in connection with a building that is closer than the measure of its own height to any residential building or to any legal boundary.

Appendix 3

18 Carports

Building work in connection with a carport that—

- (a) is on or attached to an existing building; and
- (b) is on the ground level of the building; and
- (c) does not exceed 20 square metres in floor area.

Appendix 4

Clause E1

SURFACE WATER

New Zealand Building Code Clause E1 Surface Water

The mandatory provisions for building work are contained in the New Zealand Building Code (NZBC), which comprises the First Schedule to the Building Regulations 1992. The relevant NZBC Clause for Surface Water is E1.

Amend 6
Jan 2002

FIRST SCHEDULE—continued	
Clause E1—SURFACE WATER	
Provisions	Limits on application
OBJECTIVE	
E1.1 The objective of this provision is to:	
<ul style="list-style-type: none"> (a) Safeguard people from injury or illness, and <i>other property</i> from damage, caused by <i>surface water</i>, and (b) Protect the <i>outfalls</i> of drainage systems. 	
FUNCTIONAL REQUIREMENT	
E1.2 <i>Buildings</i> and <i>sitework</i> shall be constructed in a way that protects people and <i>other property</i> from the adverse effects of <i>surface water</i> .	
PERFORMANCE	
E1.3.1 Except as otherwise required under the Resource Management Act 1991 for the protection of <i>other property</i> , <i>surface water</i> , resulting from an event having a 10% probability of occurring annually and which is collected or concentrated by <i>buildings</i> or <i>sitework</i> , shall be disposed of in a way that avoids the likelihood of damage or nuisance to <i>other property</i> .	
E1.3.2 <i>Surface water</i> , resulting from an event having a 2% probability of occurring annually, shall not enter <i>buildings</i> .	
E1.3.3 Drainage systems for the disposal of <i>surface water</i> shall be constructed to:	
<ul style="list-style-type: none"> (a) Convey <i>surface water</i> to an appropriate <i>outfall</i> using gravity flow where possible, (b) Avoid the likelihood of blockages, (c) Avoid the likelihood of leakage, penetration by roots, or the entry of ground water where pipes or lined channels are used, 	
	Performance E1.3.2 shall apply only to <i>Housing, Communal Residential</i> and <i>Communal Non-residential buildings</i> .

Amend 6
Jan 2002

Amend 6
Jan 2002

6. Port and Harbour Marine Safety Code – Safety Management System

(Clr Barsanti) (Report prepared by the Harbour Master)

H100-001-01

Purpose

1. The NZ Port and Harbour Marine Safety Code (the Code) aims at promoting good practice in the conduct of safe marine operations in ports and harbours. The purpose of this item is to update the Committee on progress of the revision of the Marlborough Safety Management System (SMS). The development of the SMS is a direct flow-on from the Marlborough Risk Assessment.

Background

2. The objectives of the Port and Harbour Marine Safety Code are to:
 - Provide for the safe management of vessels;
 - Prevention of injuries or loss of life
 - Avoid damage to Marlborough's marine environment and to property.
3. The Safety management System consists of four separate components:
 - Risk Assessment – Level 1
 - Safety Management Manual – Level 2
 - Operating Control Manual – level 3
 - Harbour Safety plan – level 4

A copy of the Level 2 manual, the Maritime Safety Management System Manual, is **attached separately** as part of this item.

Comments

4. Having completed the review of the Harbour Risk Assessment, the focus has now moved to the next level, (level 2) the Safety management System (SMS). The purpose of the SMS is to:
 - Define responsibilities
 - Outline the various policies and their implementation
 - Set in place the system's operation and control
 - Discuss performance monitoring and review
 - Set in place audit and review
5. The objectives of the SMS are to:
 - Provide for safe practices in port operation and a safe operating environment
 - Identification of all risks and establish the necessary safe guards to keep risks within ALARP
 - Ensure continuous improvement of staff safety management skills
 - Preparation for emergencies related to both safety and environmental protection.
6. Following the completion of the risk assessment in 2006, a preliminary SMS was prepared in 2007. This was submitted to Maritime NZ as part of the approval process. Feed-back was provided by MNZ but the document did not make any significant formal progress in the intervening years, although the principles set out in the document have remained the basis for harbour operations.

7. A comprehensive revision of the Maritime Safety Management System Manual has been now completed to the extent where it has reached the stage where it can be submitted to Council for adoption prior to being forwarded to MNZ for approval.

Summary

8. The Code serves as a framework for the completion of a harbour risk assessment and preparation of a Safety Management System.
9. Following the review of the risk assessment in late 2013, the current draft SMS was comprehensively reviewed and, where appropriate, revised to the extent that it is now ready for adoption by Council and submission to Maritime NZ for approval.

RECOMMENDED

That the Maritime Safety Management System Manual be approved and forwarded to Maritime New Zealand for approval.

7. Aids to Navigation

(Clr Barsanti) (Report prepared by the Deputy Harbour Master)

H100-005-14

Purpose

1. The purpose of this report is to update the Committee of the on-going management of Aids to Navigation (AtoN).

Background

2. The Council is responsible for the provision and servicing of 98 AtoN in the region which include, beacons, buoys, channel markers and leading lights. The collective replacement cost of these units is estimated at 1.2 million.
3. These AtoN are a critical component of the Harbour Safety Management System and their operation must comply with international standards as set by the International Light House Authority (IALA). Requirements include minimum response times to rectify light failures, prescribed inspection routines and the establishment of an accurate performance data recording programme.
4. In late 2012 the organisation contracted to carry out the management of AtoN within the Marlborough region failed to renew terms and the contract was put to tender. No cost effective option was presented and the management of navigational aids was brought 'in house' to be carried out internally by the Harbours department.
5. Following the decision to bring the AtoN contract 'in house' a 6.5m vessel 'Astrolabe' was purchased for the purpose of servicing AtoN and this vessel was brought into service in November 2013.

Aids to Navigation Update January 2014 – May 2014

6. Over summer the solar powered navigation aids fail very infrequently. This allows more time for maintenance and upgrades.
7. The Maud Island light structure was rebuilt in January and extensive track clearance undertaken with DOC at the site.
8. Unfortunately the Motuara North Cardinal was stolen from our contractor prior to installation. As such we continue to wait on a replacement of this navigation aid.
9. Turn Point South, an old filament bulb was replaced with a LED light. There are now only two remaining non LED lights (excluding special lights such as Farnham Point, East Head and the Leading Lights). These will be changed out as costs allow for the more efficient LED lights.
10. The blue light warning system to indicate ferries departing the berth is now operational. Council will monitor its performance in terms of effectiveness and accuracy closely over the coming weeks.
11. The reliability of Marlborough AtoN and the failure response times achieved for the period 01 January 2013 to 01 May 2014 has exceeded IALA standards. This is expected during the summer season as we have good sunlight hours, extra staff and boats on the water able to quickly respond.

There have been no failures of category 1 AtoN.

Note: IALA specifies 3 categories for AtoN. 'Category 1' AtoN are defined as being '*of primary navigational significance*' and have the highest availability requirement. Tory Channel Leading lights are the only Category 1 AtoN under the Council control.

Over 90% of AtoN under the Council control are listed Category 2 being defined by IALA as '*of navigational significance*'.

Conclusion

12. IALA standards have been achieved for the past three months.
13. It is anticipated that 'in house' control over the management of AtoN coupled with the availability of the vessel 'Astrolabe' will enable Harbours to meet and exceed the IALA standards over the next 6 – 12 months.

RECOMMENDED

That the information be received.

8. Marine Farm Light Audits

(Clr Barsanti) (Report prepared by the Harbour Master)

H100-005-14

Purpose

1. The purpose of this report is to update the Committee of the ongoing marine farm light audits that are being carried out.

Background

2. The Committee will be aware that over the past two years Council has reviewed conditions of consent attached to individual marine farm consents. This process included a review of farm lighting requirements
3. Since authorisation of lighting requirements for individual farms/sites is dealt with under the Maritime Transport Act, this was seen as an ideal opportunity to rationalise the number of lights each farm required and sought to introduce retro reflective tape in conjunction with radar reflectors, where appropriate, in areas where it was considered that lights would be superfluous, particularly on the in-shore side of farms.
4. Since the majority of consents have now been reviewed, an audit to record compliance with lighting requirements has now been resumed, a matter the Marine Farm Association was advised of in advance.
5. Set out below, in tabular form, is a summary of the marine farm areas audited to date:

Area	Date	Farms Inspected	Farms Compliant	Farms with 1 or More Light Extinguished or insufficient number of lights fitted	Farms with no Lights Operational
Central Pelorus, Wilson, Brightlands, Fitzroy, Hallam, Kauauroa	3 & 4 Feb 2014	76	50	23	3
Port Underwood	6 & 7 March 2014	45	31	14	0
Beatrix, Clova, Crail, Holmewood	3 & 4 April	83	58	23	2
Totals		204	139	60	5

6. There is still considerable variability with respect to requirements relating to the inshore marking of marine farms and work to clarify matters in conjunction with the Marine Farming Association has been completed.
7. It has also been noted that on several farms more long-lines are in the water than is permitted by the resource consent. Where this has occurred, the matter has been referred to the Compliance Unit.

Conclusion

8. The results of the audit undertaken to date are shown in tabular form. It has been noted that there has been a substantial improvement in overall compliance.

RECOMMENDED

That the information be received.

9. High Volume Wastewater Management in the Marlborough Sounds

(Clr Barsanti) (Report prepared by Emma Cowan)

E330-003-003-01

Project Brief

1. This is the 2014 annual overview of the Environmental Protection Group's High Volume and Commercial Wastewater Monitoring Project. The project incorporates the monitoring of 18 discharge permits (Figure 1) and runs from 1 May to 1 May each year. To fit with the Environment Committee meeting dates, this report covers the period from 1 May 2013 to 1 April 2014.

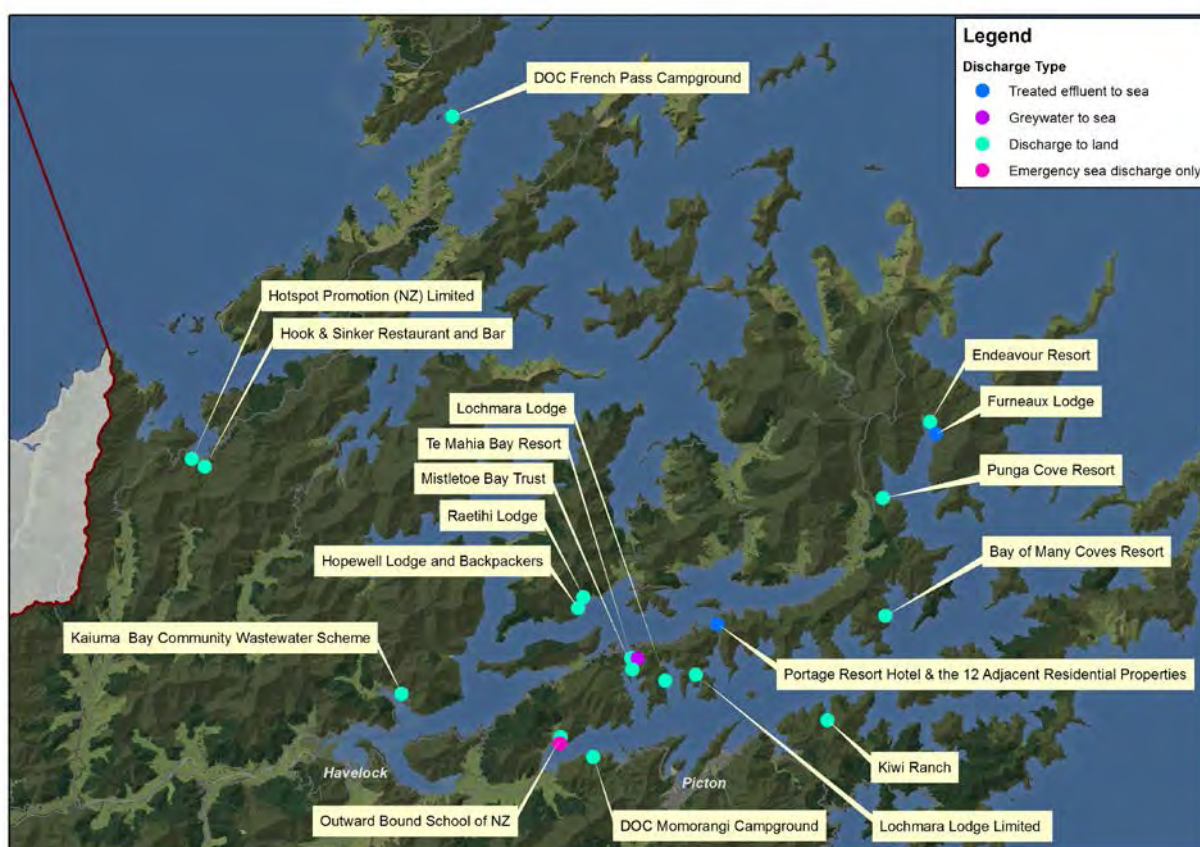


Figure 1: Wastewater Discharge Permits Monitored.

2. The wastewater monitoring project was set up 14 years ago in recognition of expanding commercial accommodation development and subdivision communal wastewater schemes in the Sounds. High volume wastewater discharges were identified as having the potential to adversely affect the quality of the Coastal Marine Area. Sewage outfalls, treated effluent runoff from land and overflows from septic tanks have the potential to conflict with coastal ecosystems, recreation and tourism, marine farming, public health and iwi values.

Monitoring Results

3. Wastewater discharge permit conditions were monitored. Permit conditions commonly include:
 - Quality standards for the treated wastewater and a testing regime
 - The discharge volume and land application rate permissible
 - The physical layout and state of the disposal field

- Servicing requirements
 - Back-up procedures in the event of system failure.
4. A traffic light system was used for the third year to assess permit compliance. Compliance was evaluated as **green** (compliant), **orange** (remedial action required), or **red** (non-compliant). An overview of the monitoring results is shown in the table below (Figure 2).

Compliance Status	Explanation
Green - 11 permits	Regulatory requirements are more or less being met.
Orange - 4 permits	Remedial action is required to achieve compliance. These actions are listed below. <ul style="list-style-type: none"> - Irrigation pipe is running through a grazed paddock uncovered and requires covering (1 permit). - Further information is required - wastewater flow records and/or wastewater sampling results (2 permits). - The quality of treated wastewater being discharged to land has exceeded standards set in the discharge permit. Steps have been taken by lodge management to improve the wastewater quality. Recent tests have shown some improvement and currently only biological oxygen demand is exceeding permit standards (1 permit).
Red – 3 permits	The following consents were evaluated as non-compliant. <ul style="list-style-type: none"> - Furneaux Lodge - Portage Resort Hotel and the 12 adjacent residential properties - Punga Cove Resort I have detailed the issues of non-compliance under the sub-headings below.

Figure 2: A breakdown of the compliance status of the 18 discharge consents monitored

Furneaux Lodge

5. Furneaux Lodge's permit to discharge treated effluent to sea expired on 1 March 2014. The Lodge has resource consent and building consent for a land effluent disposal field. Council has been advised that the installation will be completed by the end of March 2014, accordingly Council has deferred enforcement action until 1 April 2014. Furneaux Lodge management has not responded to recent progress enquiries.

Portage Resort Hotel and the 12 Adjacent Residential Properties

6. Portage Resort Hotel and the 12 adjacent residential properties are connected to a joint wastewater system which is continuing to drain poor quality treated effluent to sea unlawfully, the discharge to sea permit expired 1 August 2012. Signage remains erected in Portage Bay advising the public of the discharge.
7. The hotel and the residents are currently taking steps to install two fully independent wastewater systems and both parties have gained resource consent for their proposals. The hotel has installed an irrigation field on Department of Conservation land in Cowshed Bay. At the date of the last inspection (29 October 2013) the hotel's irrigation field was non-compliant, irrigation pipes were crossing through a stream, pipe ends were wired to trees, and the irrigation field was not fully fenced. The Council has not yet received confirmation from the hotel that remedial works to the irrigation field have been completed. The residents will start the physical installation of their communal wastewater system as soon as an application to use Department of Conservation land has been processed. It is expected that installation will commence by early winter.

Punga Cove Resort

8. For a number of years the quality of treated wastewater being discharged to land has exceeded standards set in the discharge permit. The Council is also awaiting confirmation that remedial works have been carried out to the irrigation field.

Summary

9. The majority of consent holders actively manage their wastewater systems to a high standard and are helpful and cooperative, providing the Council with flow records and other required information without prompting.
10. The Council will continue to work with consent holders where remedial actions are required. Enforcement tools will be considered in situations where adverse affects are evident, and non-compliance is on-going with unsatisfactory progress being made. Enforcement options include infringement notices, abatement notices and Court action (enforcement orders and prosecution).
11. Discharge permit holders are charged for monitoring. The charges reflect the time spent on monitoring their permit.

RECOMMENDED

That the information be received.

10. Appointment of Hearings Commissioners

(Clr Oddie) (Report prepared by Julia Eason)

C270-11

Purpose

1. The purpose of this report is to present the following persons for inclusion on the list of Hearings Commissioners.

Background

2. Under the Marlborough District Council Resource Management Act 1991 Instrument of Delegation Council may delegate its function as a consent authority to a Hearings Commissioner.
3. Hearings Commissioners can be called on to hear and determine applications for resource consent pursuant to section 34A of the Resource Management Act, 1991.

Comments

4. This list of Hearings Commissioners can be beneficially extended with the inclusion of the following two people listed below:

- **Cindy Robinson (Environmental Law)**

Ms Robinson is originally from Marlborough and has practiced law since 1993 after graduating from the University of Canterbury. Ms Robinson is based in Christchurch and has practiced as a barrister since 2009 in her capacity as director of CER Resource Management Limited. In 2010 and 2011 Ms Robinson continued her higher education at Lincoln University in social science and resource management. Since 2011 she has been an advisor to CERA and Meridian Energy on Resource management issues.

Ms Robinson has been a board member and chairperson of the Arts Centre of Christchurch Trust for a number of years.

- **Sharon McGarry (Environmental Science)**

Ms McGarry holds a Masters in Science (resource management) from Lincoln University and a BSc in marine and freshwater ecology from University of Canterbury. Ms McGarry began her career in a range on RMA roles at Southland Regional Council until 2000 when she became a private RM consultant. Ms McGarry has undertaken the role of commissioner since 2006 with a strong focus on coastal issues including work for the Minister of Conservation and Canterbury Regional Council.

Summary

5. The Council has the discretion to decide who they employ as an independent Commissioner. The above persons meet the accreditation requirements of section 39A of the Resource Management Act 1991 and are not members of the Council or Council staff.
6. Any further expressions of interest to be included as a Council Hearings Commissioner will be forwarded to the Environment Committee for consideration.
7. The Council is not bound to employ the services of a Commissioner once they are appointed before Full Council.

RECOMMENDED

That Ms Cindy Robinson and Ms Sharon McGarry be appointed to act as Hearings Commissioners as and when required and that they be advised accordingly.

11. Information Package

RECOMMENDED

That the Regulatory Department Information Package dated 1 May 2014 be received and noted.