

MARLBOROUGH DISTRICT COUNCIL
PO BOX 443
BLENHEIM 7240
NEW ZEALAND

TELEPHONE (0064) 3 520 7400
FACSIMILE (0064) 3 520 7496
EMAIL mdc@marlborough.govt.nz
WEB www.marlborough.govt.nz



18 July 2014

Record No: 14159327
File Ref: D050-001-E01
Ask For: Mr Porter

Notice of Committee Meeting - Thursday, 24 July 2014

A meeting of the Environment Committee will be held in the Council Chambers, District Council Administration Building, 15 Seymour Street, Blenheim on Thursday, **24 July 2014 commencing at 1.00 pm.**

BUSINESS

As per Agenda attached.

ANDREW BESLEY
CHIEF EXECUTIVE



**Meeting of the ENVIRONMENT COMMITTEE
to be held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 24 JULY 2014 commencing at 1.00 pm**

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

Apologies Clr D D Oddie

Departmental Head Mr H Versteegh (Manager, Regulatory Department)

Staff Nicole Chauval (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:

- **B Yockney - 148 Old Renwick Road, RD 2, 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).**
- **O Norrish - 450 State Highway 63, 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 Haack - 16 Brook Street, Blenheim - exemption to install a Coverstar safety pool cover in lieu of a fence (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **C Harper - 84 Old Renwick Road, Blenheim - exemption to install a Coverstar safety pool cover in lieu of a fence (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**
- **A & M Wentworth - 26B Severne Street, Blenheim - exemption to install a Coverstar safety pool cover in lieu of a fence (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).**

2. Marlborough Sounds Restoration Trust Update

(Cllr Brooks) (Report prepared by Alan Johnson)

C230-001-M07

Purpose

1. To update progress with the wilding pine control programme undertaken by the Marlborough Sounds Restoration Trust.
2. **John Hellstrom (Chairman) and Andrew Macalister (Co-ordinator) of the Marlborough Sounds Restoration Trust will provide an update (10 minutes).**

Background

3. The Marlborough Sounds Restoration Trust has been undertaking a comprehensive wilding pine control programme in the Marlborough Sounds since 2008. The Marlborough Sounds wilding pine programme is a national leader in co-operative conservation management, functioning as a partnership between the community, local business interests, landowners, local and central government.
4. In the last six years, the programme has developed wilding pine management plans for four sectors - Inner Queen Charlotte Sound, Outer Queen Charlotte Sound, Kenepuru Sound and d'Urville Island. The majority of work has been completed in these sectors, with the exception of Outer Queen Charlotte Sound, which is just getting underway and will be a major focus of the Marlborough Sounds Restoration Trust for the next 12 months.
5. The Marlborough Sounds Restoration Trust is funded through a variety of means, including donations, community grants and contributions from local and central government.

Summary

6. The Marlborough Sounds Restoration Trust is an important initiative which provides a vehicle for a community led response to managing widespread biodiversity threats like wilding pines.
7. Council currently provides \$20,000 annually to the programme, through the Annual Plan, and also provides GIS and technical support when required.
8. Occasional funds are also provided through the Significant Natural Areas Programme, where a wilding pine programme is taking place on private land in conjunction with an Ecological Assessment Report. Council has also used the expertise and contracting network of the Marlborough Sounds Restoration Trust for undertaking some wilding pine activities on Council reserve land.

RECOMMENDED

That the information be received.

3. Nitrate Loss Under Vineyard Soils on the Wairau Plains

(Clr Jerram) (Report prepared by Rachel Rait and Peter Davidson)

E355-004-009-01

Purpose

1. To provide an update on the progress of the trial measuring nitrate loss under vineyard soils on the Wairau Plains.
2. **Steve Green from Plant and Food Research will provide an update on the progress of the trial measuring nitrate loss under vineyard soils on the Wairau Plains (15 minutes).**

Background

3. Plant and Food Research, in conjunction with the Council, established a field array of leachate collectors at Giffords Road on the Northern Wairau Plain in 2011 to measure the rate of nutrients draining to the groundwater table under vineyards.
4. The methodology had been perfected in other areas of New Zealand and was introduced in Marlborough to quantify the baseline influence of existing land uses on the valuable water resource underlying the Wairau Plain, and for modelling the consequences of potential future land use conversion.
5. Vineyard is the predominant land use on the Wairau Plain, which means that evaluating what if any nutrients end up draining to the water table can be done at a single trial, which makes it a powerful tool.
6. Plant and Food Research and Council initiated the project in recognition that land use is the main driver of groundwater quality and that of downstream groundwater fed streams, such as Spring Creek. Knowledge was needed of what if any effect vineyard fertilisers were having on local water resources.
7. The trial pre-empted Central Government's amendments to the National Policy Statement (NPS) on freshwater relating to its quality, which require regional councils to account for land applications of nutrients by 2024. The drainage collector trial will contribute to Council's response to the NPS by quantifying the nutrient cycle process here on the Wairau Plain.
8. Steve Green, the Plant and Food Research scientist who developed the drainage collectors and has established similar trials around New Zealand, will through his reporting on the project, be able to provide Council with a national context for leaching rates of other crops.
9. The results are for a typical soil under vineyard and the dominant land use on the Wairau Plain.
10. The results being provided from the current site can be extrapolated over the entire unconfined aquifer area to provide the total nutrient input to groundwater. Nutrient drainage rates can also be compared with observations of concentrations in downstream groundwater for the purpose of calibrating flow and contaminant transport models.
11. Once water quality limits are set by Council under the NPS for Freshwater Management 2014, then the model can be used to define the leachate rate under different land uses.

Summary

12. Three lysimeter out of the 12 were not working correctly and will be replaced.
13. The nitrate-nitrogen leaching rate for the first 18 months for the trial was approximately 3.5 kg/ha/yr.

14. This value is relatively low compared to rates generated by other land uses, such as dairying and cropping, around New Zealand.
15. The results represent one set of seasonal conditions. Ongoing monitoring is required to obtain data for different climatic conditions.

RECOMMENDED

1. **That the information be received.**
2. **That the study will continue for the next five years.**

4. Regional Compliance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

(Clr Jerram) (Report prepared by Dave Lane)

(E380-007-006)

Purpose

1. The purpose of this report is, firstly, to quantify the progress made by permit holders around the region towards compliance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.
2. Secondly, to outline the significant changes and enhancements to Council systems that have been undertaken to manage the influx of data generated by the metering regulations and to keep the Environment Committee up-to-date with the reporting Council had already undertaken to the Ministry for the Environment (MfE) and of the framework being proposed by MfE to allow for seamless national reporting on water take data (report card **attached**).

Background

3. The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 came into force on 10 November 2010. The regulations require all permit holders who take water at greater than five litres per second to have:
 - A pulse emitting meter installed
 - Take a daily reading, including zero readings on days when water is not being taken.
 - Have the water meter verified as accurate by an approved person.
 - Verification must be undertaken every five years.

Additional to these requirements, permit holders are required by 30 June every year for the life of the water permit to;

- Submit a continuous record of water taken in a format suitable to Council
4. The regulations allow permit holders to transition towards compliance over a six year period depending on the rate at which water is taken. The reporting bands and the number of Marlborough permits per band are displayed in Table 1 below.

Flow Rate Thresholds	Compliance Date	Number of Permits
20 l/s and greater	10 November 2012	295
10 l/s up to 20l/s	10 November 2014	155
5 l/s up to 10 l/s	10 November 2016	195
Less than 5 l/s	Not covered by regulations	790

Table 1. Number of water permits and reporting categories in Marlborough

Discussion

5. Permit holders in Marlborough have made good progress towards these targets. To date Council has received 380-plus verification certificates from Blue Tick accredited service providers. The majority of these are from the permits requiring verification under the regulations.
6. Verification certificates are also being received from permit holders going through the consent renewal process, and/or are being provided by the larger corporates who are choosing to have all their meters verified at the same time regardless of take size. Numbers received to date are in Table 2 below:

Flow Rate Thresholds	Verifications Received	Data Returned by all methods
20 l/s and greater	160	205
10 l/s up to 20l/s	100	150
5 l/s up to 10 l/s	87	50
Less than 5 l/s	32	40

Table 2: Number of permit holders who have completed verification and are submitting data

7. The small number of permit holders who have not yet complied with the verification requirement of the regulations are actively being followed up. Most have acknowledged their ability to have the required work undertaken prior to the start of the 2014/2015 irrigation season.
8. The regulations also require permit holders to keep a daily record of water take and submit this data annually. Council consent requirements are often more stringent. 400 water meters are submitting data via telemetry and a further 90 permit holders are using the new purpose built web site to enter manual readings or upload logger files. These numbers grow on a weekly basis. All permit holders who have not yet complied with the data requirement of the regulations are being followed up. An action plan has been developed to achieve compliance within a set timeframe with each permit holder, if compliance is not achieved enforcement action would be anticipated.
9. As can be seen from the number of verifications being completed and the number of permit holders submitting data across all categories, Marlborough permit holders are meeting, and in many cases, exceeding their obligations.
10. One of the limiting factors in gaining compliance is the small number of service providers within the region. There are four main providers in Marlborough installing, verifying and servicing a vast network of irrigation systems. Customer maintenance and servicing needs take precedent over compliance work.
11. Council data management systems have been upgraded to meet the increasing demands generated by the regulations. These upgrades are allowing the considerable amount of new data generated to be transferred and checked against permit criteria automatically.
12. The compliance checking of transferred data is an automated process , but due to the complex nature of many consents there is still a great deal of manual processing and quality assurance work required to confirm any compliance breaches highlighted by software. Often these complexities are legacy issues and as better understanding of both permit requirements and data systems capabilities is reached, compliance checking and data QA will become more streamlined.

13. The next task is to make this data available both internally and externally in a user friendly format. Once this data is in a comprehensive state, the information will be valuable in determining the actual extraction and use of water from each catchment. Furthermore, MfE have already requested data that is currently available.
14. Ministry for Environment requested data be submitted to them from the first category (>20 l/s) by the end of March 2014. A nationwide consultation process occurred prior to data submission as MfE and Councils worked through formats and criteria to be reported on.
15. Council reported on water meter data from 204 water meters. This reporting was based on information extracted from 350 entries in the data base, which in turn is derived from the 295 active water permits.
16. The process of extracting data from various Council systems and compiling a data set that was representative of the both the intent of the water permit and the data provided by the permit holder was a time consuming process. Again legacy issues and different interpretations of permit requirements lead to many of the complexities.
17. MfE are looking to establish a standardised national data set around water take and water use. It is envisaged raw data will be extracted from Councils various databases and supplied to MfE when requested. Council representatives agreed in principal to this concept but were wary of the story that could be told as raw data from complex consents needs to be interpreted and put in context before being reported on.

Conclusions

18. Marlborough permit holders are making good progress towards overall compliance with the water metering regulations. Regular communication with permit holders and industry providers is ensuring a high level of understanding and therefore compliance across the field.
19. Software upgrades and systems developed to deal with the significant increase in data coming into Council are working well. Further enhancements are being worked on to allow for better reporting both internally and externally.
20. Council submitted data to MfE from 204 water meters. This data was derived from 295 active water permits, which in turn came from 350 entries in the database. This gives some idea of the complexities being faced as reporting processes are developed and daily compliance issues are dealt with.

RECOMMENDED

That the report be received.



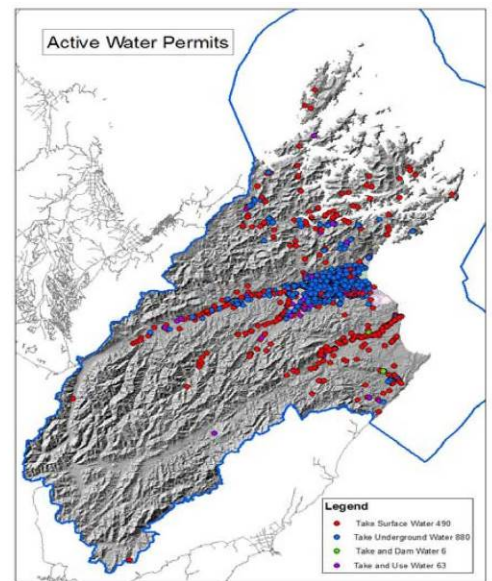
Water Take Quantity

Key Points

- * There are 1439 active water take permits in Marlborough. 880 of these takes are from a groundwater resource and 490 are from a surface water resource.
- * Collecting and maintaining a water take record is a standard condition of all water permits. In Marlborough.
- * New National legislation now requires permit holders to prove the accuracy of the water meter as well as maintain and return to Council a record of water take.
- * Council use information provided by permit holders to "balance the books".
- * You can't manage what you don't measure.
- * The new accurate water records being collected are proving beneficial to permit holders as irrigation compliance becomes easier.

Why do we monitor water take?

Marlborough District Council monitor the quantity of water extracted from both surface water and ground water resources. The prime aim is to identify regional scale trends in water quantity. Monitoring the volume of water abstracted helps scientists understand the mechanics of Marlborough rivers and aquifers and assists with refining management limits. Monitoring the volume of water taken by an individual permit holder helps to ensure efficient use of the resource. Having an accurate record of water take, combined with an understanding of crop and soil requirements will help enable a more efficient allocation of a limited resource.



What next?

Marlborough District Council is continuing to work with permit holders to ensure they meet the requirement of both the new water metering regulations and the conditions of their water permit. Accurate records of water take at a catchment or aquifer level will enable better management of the resource. Figure 1 below is a summary of actual water taken by permit holders with telemetered water meters from the Rai & Pelorus catchments over the last three years. The red line shows what they could have taken.

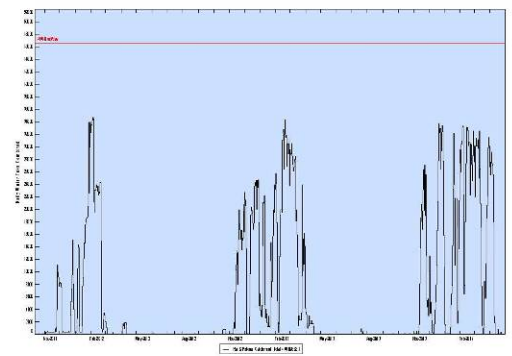
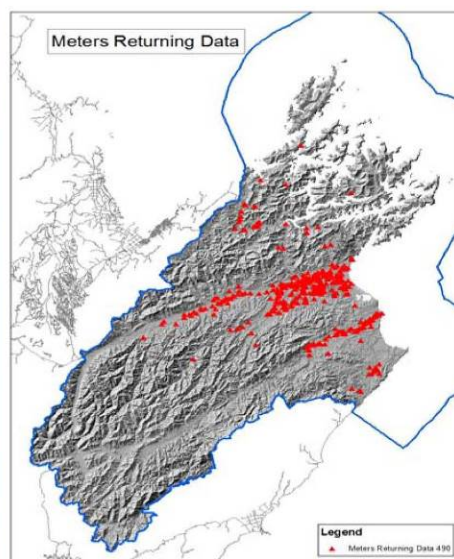


Figure 1: Combined take data from telemetered users in Rai & Pelorus Catchments.

5. Implementation of Council's Coastal Monitoring Strategy

(Clr Jerram) (Report prepared by Steve Ulrich)

E325-003-001

Purpose

1. To provide an overview of the implementation of the Coastal Monitoring Strategy.

2. **Steve Ulrich will present an overview of the implementation of the Coastal Monitoring Strategy (15 minutes).**

Background

3. Council administers a significant area of New Zealand's coast, from mean high water springs out to 12 nautical miles. This covers approximately 725,000 hectares and 1,815 hectares of coastline.
4. A Coastal Monitoring Strategy (Strategy) was agreed by Council in 2012. Eight objectives were identified to determine and monitor the condition of Marlborough's coastal resources (**attached** as Appendix 1).
5. These objectives were primarily focused on water quality, the ecological health of estuarine and benthic (seabed) environments, and the condition and sustainability of significant marine sites.
6. Council recently allocated funding through the Annual Plan process to implement the Strategy. A plan has been developed to guide the implementation in a staged manner.
7. This report therefore sets out a series of current and planned science and monitoring projects, which are designed to help achieve the objectives of the Strategy.
8. The information gathered will assist the Council in its regulatory functions, and will better inform the community of the state and pressures on the coastal environment and its resources.

Comments

9. Marlborough contains a wonderful array of marine species and ecosystems. Recreational, cultural and economic values associated with coastal resources are also high.
10. Like all ecosystems, the coastal marine environment is subject to many pressures which affect the quality of coastal waters and the abundance of life therein. Some of these changes can be positive.
11. Council requires high quality information to better understand the dynamics and condition of coastal resources, so it can make good decisions around protection and allocation.
12. One of the Strategy's key objectives is to work with other agencies to maximise our ability to gather information in a cost-effective and smart way. This theme runs throughout the implementation plan.
13. A recent example is the Ministry for Primary Industries (MPI) support through the Aquaculture Planning Fund to build hydrodynamic models for Pelorus Sound and Port Gore. [Note: A request to defer a decision to build a Port Gore model has recently been to MPI. This is to allow time for other options to be explored to further develop and strengthen the Queen Charlotte and Pelorus models.]
14. A focus for the 2014/15 year is to look for opportunities to work with the Department of Conservation, the marine farming industry, Iwi, Port Marlborough and tourism operators in a partnership way.

15. Current and proposed projects are set out in Table 1. These are intended to be staged in a progressive manner. Key outputs from each project will be reported to the Environment Committee.
16. Information will also be transferred in other ways to the community to foster awareness of the state of the coastal environment. This should also help to demonstrate the value of the different projects.
17. Some projects require specialist expertise and equipment beyond the capacity of the Council to resource in-house. The Marlborough region is well served by marine science providers located in the Top of the South, such as NIWA, Cawthron, Davidson Environmental and Wriggle.
18. The Envirolink funding scheme will continue to be accessed for discrete projects to augment and maximise the value of Council's coastal funding.
19. The Strategy is planned to be reviewed in 2017, which will be five years after its formulation. An evaluation of the success of the implementation will also be undertaken at that time.

Strategy Objectives	Project	Aim	Timetable
1, 3, 8	Healthy estuaries	Characterise estuarine status, stressors and risks to inform management and community	In progress from 2014
1	Sounds seabed enrichment	Characterise ecological condition of benthic habitats Sounds-wide	In development
1, 8	State of the Picton harbour	Identify ecological condition and trends to inform the management and community	In development
1, 8	Ship wake studies	Understand and monitor changes to shorelines and ecological communities	Since 1997
2	Hydrodynamic and ecological models	Characterise and model land use and aquaculture effects on Sounds ecology	To be completed in December 2014
2	Sounds water quality	Monitor physical, biological and nutrient dynamics throughout the Sounds	In progress from 2011
3, 4	Significant marine sites	Identify ecological condition and trends to inform the management and community	To commence in 2014
5	Marine biodiversity database	Capacity to store, display and access coastal data (including Smart Maps)	To be scoped
6	Management of pressures	Best practice guidelines for salmon farming	In progress
7	Iwi involvement	Engage with Iwi in a meaningful way	To commence in 2014
8	On-demand investigations	Information to understand emerging issues, e.g. pollution event, ocean acidification	Ongoing

Table 1: Overview of coastal monitoring projects either underway or in varying stages of development. Each project is related to one or more strategy objectives (see **attached** Appendix 1 for the objectives).

Summary

20. Council signed off on a coastal monitoring strategy in 2012. An implementation plan has been developed. This consists of a series of projects, some of which are interrelated. Opportunities will be explored to work closely with different groups. Key outputs from the programme will be reported to the Environment Committee and shared with the wider community.

RECOMMENDED

That the information be received.

Appendix 1

Coastal Monitoring Strategy, Marlborough 2012

The principal objectives of the strategy are:

1. To assess the state and trends of the coastal environment in order to comply with the requirements of the Resource Management Act 1991, New Zealand Coastal Policy Statement and Regional Plans.
2. To provide water quality data for the Marlborough Sounds to
 - (i) Build and develop hydrodynamic and ecological models;
 - (ii) To assess the impacts of land use and aquaculture on water quality in the Sounds; and
 - (iii) To provide baseline data from which future trends in water quality can be assessed.
3. To assess and monitor the state of ecologically significant marine sites identified by Davidson *et al.* (2011) with the help of a co-ordinated multi-agency approach.
4. Identify and describe new significant sites through field surveys where additional or anecdotal reports indicate significant habitats may be present.
5. Develop a web-based database for the collation of knowledge on marine biodiversity.
6. To ensure the ecological integrity, recreational and cultural values of the marine environment are not compromised through mismanagement and/or intensification of the marine environment.
7. Explore opportunities to involve Iwi in the implementation of the Strategy.
8. To investigate and collect information to help inform the community on the pressures and issues related to the coastal environment.

6. Update on the Alcohol Licensing Function

(Cllr Barsanti) (Report prepared by Karen Winter)

E350-005-001-01

Purpose

1. The purpose of this report is to update Council on the activity of the alcohol licensing team six months following the full enactment of the Sale and Supply of Alcohol Act 2012.

2. **Karen Winter will provide a short presentation on how the alcohol licensing function is being implemented and a summary of the changes for all parties. (10 minutes).**

Background

3. The Sale and Supply of Alcohol Act 2012 became fully enacted on 18 December 2013.
4. The Sale and Supply of Alcohol Act 2012 has replaced the Sale of Liquor Act 1989.
5. The territorial authority has functions and duties under the Sale and Supply of Alcohol Act 2012

Comments

6. Six months have transpired from the date of full enactment of the Sale and Supply of Alcohol 2012.
7. The new legislation has resulted in changes for how this function operates within Council.
8. These changes encompass a compulsory increase in costs and new legislative requirements for licensees.

Summary

9. The Sale and Supply of Alcohol Act 2012 has been fully enacted for six months.
10. There have been significant changes resulting from the new legislation for both the alcohol licensing team and licensees.

RECOMMENDED

That the information be received.

7. Regional Pest Management Strategy - Operational Plan Report 2013/2014

(also refer to separate attachment)

(Clr Brooks) (Report prepared by Jono Underwood)

E315-002-004-07, E315-002-004-06

Purpose

1. For Council approval of the Regional Pest Management Strategy Operational Plan Report for 2013/2014 (**separately attached**) and approve amendments to the Regional Pest Management Strategy Operational Plan contained within the report.

Background

2. In accordance with Section 100B(2) of the Biosecurity Act 1993, a management agency must prepare a report on the Operational Plan and its implementation not later than five months after the end of each financial year.
3. In accordance with Section 100B(1)(b) and (c), the Operational Plan must also be reviewed annually and a decision made on appropriate amendments, if necessary.

Summary

4. A review was carried out by Biosecurity staff on 2 July 2014 and proposed amendments to the Operational Plan documented in section 12 of the Operational Plan Report.

RECOMMENDED

1. That the information be received.
2. That the annual report on the Regional Pest Management Strategy Operational Plan for the 2013/2014 financial year be approved by Council.
3. That the amendments to the Regional Pest Management Strategy Operation Plan be approved by Council.

8. Cessation of Accreditation - Geotechnical Engineering

(Clr Shenfield) (Report prepared by Neil Morris)

R450-003-04

Purpose

1. The purpose of this report is to consider the current practice of maintaining a Council register of engineers acceptable for the purposes of providing geotechnical reports and opinions versus the register maintained by the Institution of Professional Engineers New Zealand (IPENZ).

Background

2. At a much earlier time, nominally up to the mid-20th century, foundation engineering fell into the realm of civil engineering. Increasingly, the understanding of soils behaviour in the engineering context became specialised to meet the needs of development demands.
3. The consequence has been the emergence of specialised skills for investigating and providing the parameters of soil behaviour given anticipated design demand.
4. A practitioner can now come from an earth science background and may not be a chartered professional engineer albeit may be highly skilled in the field of geotechnical engineering. Importantly today, practitioners will have tertiary qualifications in earth science or engineering focussed on "soils" properties and behaviour and encompasses considerably more than foundation engineering.

Comments

Implementation of Certification

5. In the 1980s it was evident nationally that developers generally, and for subdivision particularly, were seeking to use land that required particular care in its development and there was a consequential increase in liability exposure. The demand for councils was to approve such proposals thus requiring they either relied on that which was presented to them or retaining either in-house expertise or consultants.
6. It became increasingly evident that there were quite variable practices in the provision of the form and content of documentation being received and some standards were required. There was no national approach to this practise and an in-house solution was developed.
7. There was an alternative, and that was to have the consultants certify they were specialist practitioners and that their proposal met the best practices of the day. Council had to satisfy itself that the benefit/cost of accepting certification was no greater than that which could arise from an in-house assessment.
8. There are 28 accredited registrants presently recognised by Council; being a mix of consulting firms and individuals.

Council Practice

9. The format of the present policy was developed in the late 1990s and the resulting requirement for providers of certification implemented and has been operational since that time.

The policy relies –

- i) The provider establishing competence in the practice of geotechnical engineering.
- ii) Holding professional indemnity insurance commensurate for the scale of proposed works or investigation.
- iii) Completing a specific form of certification in each instance.

Recent Developments

10. IPENZ has extended their Chartered Professional Engineer (CPEng) details to include details of an individual's field of practice; the individual has to satisfy the Institution as to competence. The

individual has to maintain status by satisfying the Institution’s continuing professional development programme. It is readily determined at any time the standing a practitioner holds for all disciplines scheduled including that of geotechnical competence.

Issues

- 11. At all times Council has exposure to liability in the context of geotechnical matters; it may present immediately or emerge in the fullness of time as relevant factors come to play. The best practice is to endeavour to transfer any risk as is feasible both economic and legitimate.

Council Practice

- 12. In the absence of any other system being available, the current policy endeavours to join a provider, in any instance, into the management of risk contingent on a Council approval, consent or permit. This has been carried out by requiring an aspirant to –
 - i) Provide details of experience in the particular field.
 - ii) Have details of professional indemnity insurance cover confirmed by the insurer.
 - iii) Complete a specified form of certificate in every instance.
 and has served reasonably well although it is has been recognised there are particular shortcomings, namely –
 - iv) It relies on the judgement of Council Officers as to the fitness of a particular aspirant.
 - v) It relies on the individual maintaining professional competency without any obligation to satisfy Council.
 - vi) It relies on the individual maintaining an appropriate level of professional indemnity insurance reflecting the scope work being undertaken.

The weakness of these requirements are –

- 13. Ideally that judgement of competence should be on the basis, at least, of an equally skilled peer. While there are particularly skilled engineers in Council capable of well-informed judgements about a wide range of matters, there are none of these engineers who would regard themselves having particular expertise in the field of geotechnical engineering as the practice stands today.
- 14. It is quite impractical for Council to monitor the continuing professional development of even the limited number of providers recognised for the purposes of meeting Council’s requirements.

Impacts

Maintaining the current policy and register

Positive Aspects	The register provides a readily accessible indication to the public those practitioners who are acceptable to Council as providers of reports and certifications.
Negative Aspects	There is no ongoing mechanism for ensuring that a practitioner is maintaining competence in terms of best practice. There is no surety that indemnity cover is either present or sufficient in the event of need.

Abandoning the current policy and register

Negative Aspects	In general, the public will not have a readily available list of practitioners. Albeit, the IPENZ register is not difficult to access.
Positive Aspects	Practitioners have to satisfy nationally acceptable standards to holdout as a specialist. Practitioners have to maintain an ongoing programme of professional development and undergo regular competency reviews.

- 15. It must be kept in mind that at all times Council has an ongoing exposure to liability arising from its processes and a key management tool is the identification of hazards and implementing measures to avoid or mitigate them. The purpose of this exercise is to contain that risk so that it is the minimum possible.

16. In respect of the proposition that the policy be retained, it is considered that the negative aspects outweigh the positive aspects of this option. Most practitioners on the Council list have already added the geotechnical expertise to their CPEng post nominal qualification.
17. In the alternative that the policy be abandoned, as it is considered the positive aspects of ceasing the function outweigh the negative.
18. It is noted that there are members on the register who have not presented work for some considerable time. These for the most part were applicants for particular projects.
19. In summary, there is no merit in retaining a register of practitioners for the sole purpose of public convenience. It is quite impractical for Council to enquire into and judge the ongoing status of a practitioner given there is no equivalent capability in-house. It would be an activity that would have no regulatory force and have a reasonable probability of resulting in legal challenge that negated overall any possible benefits.

Opinion and Reporting

20. As well as admitting a practitioner, the policy covers a required format for the presentation of an "Opinion" as to suitability of a proposal and a preferred format for reporting investigations.
21. The purpose of the Opinion is for the practitioner to affirm they are competent to provide pertinent recommendations. Further, it is an explicit affirmation that Council will be relying on such recommendations. The format is amended to include reference to the Institution of Professional Engineers Record of Skills Speciality.
22. The recommended format for reporting arose out of the previous, quite variable, documentation that was being presented, and by following a particular format, interpretation is made much simpler for staff to evaluate what is being proposed. The format is followed to a considerable degree by providers, though there are exceptions being due either to unwillingness or not being amenable because of particular circumstances.

Summary

Proposal

23. Advise members on the present register that it is intended to cease the accreditation function two years from the date of a confirming Council resolution.
24. No new entries will be accepted from the date of a confirming Council resolution.
25. The Professional Opinion remains an obligatory accompaniment to applications for consents or permits. (See attached).
26. The reports forming the basis of Opinions to be in the preferred format (**attached**).

RECOMMENDED

That the proposal be adopted and be effective from the date of Council's decision.

Model Documents

Opinion

Documentation is preferred to be in electronic form.

Purpose of Complying with the Format

The purpose of using this format is to ensure the **Provider** understands there is an explicit reliance on the **Opinion** to enable Council to discharge its statutory functions. Further, the **Provider** is confirming that the necessary skills have been exercised with due regard for the technical complexity of the matter under consideration.

Each Opinion ***shall be specifically drafted*** upon due consideration of the conclusions to be drawn from the **Site Investigations Report**.

Form 1, overleaf, details the format of the Opinion.

In the circumstance an opinion is not being provided and a proposal relies on conclusions drawn from geotechnical factors it is important the matter be discussed as early as possible to avoid any delays in process.

Reports

Documentation is preferred to be in electronic form.

Further, it is preferred for consistency of presentation and ease of reading, it be formatted as set out below as may be applicable.

Site Investigation Report

A Synopsis

1	Scope of the Investigation
2	Summary and Conclusions
3	Recommendations

B Report

4	Introduction
5	Site Description
6	Geotechnical Investigations
7	Geotechnical Assessment
8	Development Impact
9	Control or Implementation Measures
10	Management Plans
11	References

C Maps and Plans

12	Location Plan
13	Detailed Plans

Maps and plans are to be prepared to the best practices for presentation using the more common scales. All significant features and building sites shall be fixed relative to the New Zealand Transverse Mercator grid.

At all times it must be borne in mind that the purpose of carrying out investigations is to provide information to enable an informed decision to be made.

FORM 1

Opinion as a Practitioner in the Field of Geotechnical Engineering

Description of work:

.....
I (insert full name)
.....

Hereby confirm that:

I am an experienced practitioner in the field of soils engineering including land stability and providing of foundation design parameters;

and

1. I am a Chartered Professional Engineer and am recognised by the Institution of Professional Engineers New Zealand in the practise field of geotechnical engineering;

OR

2. I am a Professional Engineering Geologist and am recognised by the Institution of Professional Engineers New Zealand in the practise field of geotechnical engineering;

OR

3. I am a [Chartered Professional Engineer / Professional Engineering Geologist] and am recognised by the Institution of Professional Engineers New Zealand in the practise field of geotechnical engineering; I am responsible for the direction of investigations for and approve the report resulting that accompanies this Opinion.

I am familiar with and understand the purpose of the Marlborough District Council's geotechnical reporting standards. This professional opinion is furnished to the Marlborough District Council ... (State purpose of report).

NB: Where this opinion is also based on reliance on previous investigations and/or reports by others then these should be referred to. It must be clear how the provider interprets the work of others in the context of their own opinion.

I understand that Marlborough District Council will rely on this Opinion and the accompanying Site Investigation Report for any subsequent statutory process including, but not limited to, the considerations for consent pursuant to the Building Act.

A Site Investigation Report is attached.

NB: A report format outline is set out below. It is preferred that the outline be used unless some circumstance requires otherwise. A consistent format assists Council's Officers to more readily appreciate any complexities relating to a proposal and minimise follow-up queries.

and

Site investigations have been carried out by [myself / under my direction] and these are described in [my / our] site investigation report(s) dated [provide dates].

In my professional opinion, having examined the site and have considered any potential for external threats that may have relevance for the site, it is reasonable for Council to assume that the information referred to above is representative of the whole area under consideration [or as may be qualified].

OR

In my professional opinion and having regard to the specifics of the site which I have investigated to the extent that acceptable engineering practices require, the plans and specifications are in accordance with acceptable engineering principles and practices and that a construction in accordance with such plans and specifications will meet proper engineering standards.

NB: Special requirements to be set out here for the design and/or supervision of the works including matters that Council should be aware of for the administration of its statutory obligations and its Bylaws. Where this opinion relies on previous plans and reports by others then these are to be referred to.

OR

In my professional opinion and having regard to the specifics of the site which I have investigated to the extent that acceptable engineering practices require giving due regard to acceptable engineering principles and practices for land slope and foundation stability (*describe proposal*), then, providing that the recommendations in our accompanying report are adhered to.

[give description of report and plans]

[give recommendations and the nature of controls to be complied with]

Important Note

If, when submitting documentation, an "Opinion" is not proposed to be in the above form then the provider is strongly advised to discuss intentions as early as possible to avoid or minimise any delays that may arise.

Interpretation

Absolute Safety	Occurs where the probability of a Hazard occurring is zero. (See Safety)
Chartered Professional Engineer	An engineer meeting the requirements of the Chartered Professional Engineers Act.
Field of Practice	A particular recognition by the Institution of Professional Engineers New Zealand attaching to the status of Chartered Professional Engineer .
Field Report	A report (which may be in the preferred format) setting out investigations and the results thereof pertinent to the production of an Opinion.
Hazard	Potential cause of human, social, environmental or economic harm. (Compare Risk)
Officer's Report	A report prepared by a Council Staff member identifying relevant issues and conclusions drawn there from, in the context of the empowering legislation and Council's Policies.
Opinion	A required statement used in matters relating to land stability or soils engineering generally.
Provider	A person or organisation issuing certificates or Opinions .
Risk	Probability of a specified loss or harm times its adverse consequences. (Compare Hazard)
Safety	Relative protection from adverse consequences. (See Absolute Safety)
Soils Engineering	A systematic evaluation of the geophysical factors prevailing at a site and the interpretation of those factors.

9. Information Package

RECOMMENDED

That the Regulatory Department Information Package dated 24 July 2014 be received and noted.