



**Minutes of a Meeting of the  
ENVIRONMENT COMMITTEE  
held in the Committee Room and via Zoom, 15 Seymour Street, Blenheim on THURSDAY, 23  
APRIL 2020 commencing at 9.00 am**

**Present in the Committee Room**

Mayor J C Leggett (Chairperson)

**Present via Zoom**

Councillors D D Oddie (Deputy), G A Hope (Deputy), J A Arbuckle, J D N Croad, B A Fauls, T P Sowman, Mr E R Beech (Rural representative)

**Also Present via Zoom**

Councillors J L Andrews, C J Brooks, M J Fitzpatrick, F D Maher, N P Taylor and M A Peters

**In Attendance in the Committee Room**

Mark Wheeler (Chief Executive Officer), Mike Porter (Democratic Services Manager) and Nicole Chauval (Committee Secretary)

**In Attendance via Zoom**

Mr H R Versteegh (Environmental Science and Policy Group Manager) and Ms G Ferguson (Consents and Compliance Group Manager), Sue Bulfield-Johnston (Legal Assistant and Hearings Facilitator), Glyn Walters (Communications Manager), Stacey Boswell (Communications Advisor), Jamie Clark (Compliance Manager), Jill Crossman (Executive Assistant to the Mayor), Peter Hamill (Environmental Scientist), Jan Eveleens (Deputy Harbourmaster), Pere Hawes (Manager Environmental Policy), Luke Grogan (Harbourmaster), Sarah Brand (Environmental Scientist), Karen Winter (Environmental Health Officer), Alan Johnson (Environmental Science & Monitoring Manager), Bill East (Building Control Group Manager), Jane Robertson (Environmental Protection Officer/Contract Manager), and Chloe Ranford (Local Democracy Reporter)

The meeting was conducted pursuant to the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020* and Council's Standing Orders. The Mayor advised the meeting was being recorded and that a link to the recording would be loaded to Council's website as soon as practicable following the meeting in accordance with the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020*.

The Mayor congratulated Cllr Sowman on recently completing the Good Decision Making course and achieving an outstanding mark.

**Apologies**

No apologies were received.

**Env-0420-378 Declaration of Interests** -

No interests with items on the agenda were declared.

ATTENDANCE: Mr Luke Grogan, Council's Harbour Master, was present via Zoom for the following item.

**Env-0420-379 The Revised Harbour Safety Management System**

**I100-004-P148**

Mr Grogan noted that the purpose of the report was to provide an update to the Committee on the Harbour Safety Management System.

It was noted that the report explains the latest evolution of maritime risk management practices in Marlborough. It describes the structure and risk management principles of the newly revised Harbour Safety Management System and the associated Harbour Safety Plan and Risk Management Standard.

Members were advised that the documents reflect quite a rework of the harbour safety management system. It supports the Port and Harbour working together to ensure maritime safety around the region is consistent. Another key purpose of the documents is to more clearly define and communicate the role and function of the harbourmaster and the activities the harbours group undertakes to manage maritime risk in the region.

Mr Grogan advised that the Maritime Transport Act 1994 (the Act) had been reviewed in 2013 and amendments have been made. It was noted that there has also been a shift from navigational safety to maritime safety as it is a far broader term that reflects the varying and changing nature of the maritime environment.

It was noted that as the Act does not clearly define the term maritime safety there does remain an element of interpretation as to the precise role and function of a harbourmaster. This leads to a variation in maritime risk management practices between regions.

Members were advised that the Port and Harbour Safety Code is a Partnership arrangement between Maritime NZ, port operators and regional councils which aims to address this concern and promote a consistent, 'systems based' approach to maritime safety management.

Members were advised that Council has a MOU with Port Marlborough and as a partner works closely with them in managing risk. Council does not have the same in place with other harbour users eg; boating clubs and individuals living in the Sounds and this is an area that Harbours wish to work on.

In response to a query on a possible timeframe for the revision of the navigation safety bylaws. Mr Grogan advised that a draft will be available for consultation over the upcoming summer period. It was noted that getting the document right has taken longer than had originally been anticipated, but it was important to take the time to get it right.

**Cirs Oddie/Croad:**  
**That the report be received.**

**Carried**

ATTENDANCE: Mr Jan Eveleens, Council's Deputy Harbour Master, was present via Zoom for the following item.

## **Env-0420-380 Lower Wairau River**

**H100-005-20**

The purpose of the report was to inform the committee on the Harbourmaster's involvement with navigation safety issues on the lower Wairau river. The Wairau River Navigation Safety Draft Management Plan 10 December 2007 was attached to the agenda for members' information.

Members were aware that concerns had been raised by the Spring Creek Residents Association about safety on the Wairau River in early 2018. Issues included the speed of jetskis and jetboats endangering slow craft and swimmers, and people jumping off the Spring Creek bridge with boats passing underneath. Over the years an increase was observed in the use of the river by kayakers, stand-up paddleboards and other small craft.

A meeting had been held in May 2018 and representatives from different river user groups attended and a working group was subsequently set up in June 2018.

A new plan was made with designated areas for different user groups, keeping a large part of the river mainly for the rowing clubs, and an area below the Blenheim Rowing Club for fast craft. It was noted that to formalise some current practice a partial speed uplifting was applied for with Maritime NZ. New signs have been made and put up at launching ramps on the river. These provided much needed guidance to the public. It was noted that the legal framework to support these measures is still missing.

It was reported that the current signs regarding the speeds of jet skis are in knots, this means that it is really difficult for jet ski operators to maintain speed limits as gauges on jet skis are in kilometres per hour (Kmph). It was proposed that the signs be amended to show speeds in kmph.

It is proposed that the Navigation Safety Rules be included in the new bylaw, covering river use by rowing clubs, traditional use by water skiers, a designated part of the river for Personal Water Craft. It was noted that the draft bylaw will be available for consultation by the 2020 summer period.

It was signalled that enforcement is important and there was concern expressed whether there was the resources within the harbours area to achieve that effectively. Members were advised that Harbours will need to be efficient and strategic with the resources available eg; the speed camera will be a crucial piece of equipment and run targeted patrols.

**Cllrs Oddie/Hope:**  
**That the information be received.**

**Carried**

ATTENDANCE: Ms Sarah Brand, Council's Environmental Scientist, was present via Zoom for the following item.

## **Env-0420-381      Annual Air Quality Monitoring Report – Blenheim 2019      E300-004-003-01**

The Annual Air Quality Monitoring Report – Blenheim 2019 was presented to the Committee. The report was available on Council's website for members' information. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2066284).

Members were advised that PM<sub>10</sub> is the only air pollutant likely to exceed the National Environmental Standard for Air Quality (NESAQ) in Marlborough and is required to be measured continuously in Blenheim.

Members were advised that concentrations of PM<sub>10</sub> exceeded the maximum concentration of 50 micrograms per cubic metre (50µg/m<sup>3</sup>) on only one occasion in 2019 resulting in no breaches of the NESAQ for PM<sub>10</sub> (the NESAQ allows for one exceedance per year). The maximum measured PM<sub>10</sub> concentration recorded in 2019 was 57µg/m<sup>3</sup>, this was the lowest concentration measured since 2014 when a maximum of 56µg/m<sup>3</sup> was measured.

The annual average PM<sub>10</sub> concentration for 2019 was 18µg/m<sup>3</sup> which was at the upper end of the normal range for Blenheim (14-19µg/m<sup>3</sup>). The Ministry for the Environment guideline specifies an annual average for PM<sub>10</sub> of 20µg/m<sup>3</sup> however the NESAQ does not currently include an annual average guideline for PM<sub>10</sub>.

It was reported that while there was only one exceedance for 2019, the trend data is not indicative of an overall improvement or degradation in PM<sub>10</sub> concentrations in Blenheim, no trend is evident. This highlights the effect meteorological conditions can have on concentrations of PM<sub>10</sub>, and that reduced concentrations are not necessarily solely attributable to improved burning and/or behaviour.

Members were advised that the Ministry for the Environment is currently consulting on amendments to the NESAQ which would look to move the focus from the current PM<sub>10</sub> daily average standard to a PM<sub>2.5</sub> daily average standard of 25µg/m<sup>3</sup> and an annual average PM<sub>2.5</sub> standard of 10µg/m<sup>3</sup>. Monitoring data from the last three years indicates Blenheim is unlikely to comply with these proposed standard changes to the NES. It was reported that Council will be making a submission to MoE and the draft submission will be presented to the Planning, Finance & Community Committee. Consultation closes on 31 July 2020.

There was general discussion on what is currently been done to improve the compliance rate. It was noted that information is being provided to real estate companies and lawyers on the regulations regarding ages of fires. The MEP's rules are now operative and Council is looking to provide good practice guidelines that can be circulated out to suppliers and information on the importance of correct burning will continue to be provided on council's website.

**The Mayor/Cllr Oddie:**  
**That the “Annual Air Quality Report – Blenheim 2019” be received.**

**Carried**

ATTENDANCE: Ms Barbara Mead, Council's Advocacy and Practice Integration Manager, was present via Zoom for the following item.

## **Env-0420-382 Appeals Update**

**R450-004-22**

The report to the Committee provided members with an update as to the current Appeals/Judicial Review caseload in Regulatory Services as at 6 April 2020.

It was noted that Council has worked diligently to progress a number of proceedings with which it was involved as either a party or intervener and has continued to make best practice improvements to reduce the risk of appeal and/or judicial review.

A brief summary as to the progress since the previous report of cases yet to be heard were contained in the agenda item.

Members were advised that with regards to the Port Otago decision the Supreme Court has advised that there are important questions to be considered and it would prefer that the Court of Appeal review the decision so the Supreme Court had that view before they considered it again. Port Otago now need to make a decision on whether they wish to make that application to the Court of Appeal.

**Cls Oddie/Hope:**  
**That the information be received.**

**Carried**

ATTENDANCE: Ms Sue Bulfield-Johnston, Council's Legal Assistant and Hearings Facilitator, was present via Zoom for the following two items.

## **Env-0420-383 Resource Consent Hearings Update**

**R450-004-22**

The report to the Committee provided a summary of the hearings undertaken since the previous report was provided together with an update as to changes in practice following COVID-19.

Members were advised on the practices and processes that will now apply to the Resource Consent and Objection hearings. Particularly noted was that there would no hardcopy material circulated prior to hearings or received during the hearing and that any material (including submissions) that parties seek to table must be provided in electronic form. Further processes were detailed in the agenda item.

It was reported that a special notice has been placed on the Resource Consent hearings page on Council's website advising of the approach taken by Council with respect to resource consent application and objection hearings.

Members were advised that the King Salmon hearing had received a request from four environmental groups requesting that the hearing be deferred until they could be physically present as the quality of their internet connection limited their ability to present to the hearing effectively. The applicant has advised that they would respond to the request once out of Alert Level 4 and it was clearer what Levels 3 and 2 would look like.

Members were advised that Ms Bulfield-Johnston has been requested to participant as a panel member for an RLMA webinar on Virtual (Remote) Hearings scheduled for 1 May 2020.

A list of the hearings undertaken since January 2020 were noted in the agenda item.

**Cls Oddie/Hope:**  
**That the report be received.**

**Carried**

## **Env-0420-384 Appointment of Hearings Commissioner**

**R450-004-02**

The Committee was asked to consider Antoinette Besier for inclusion on the list of Hearings Commissioners.

Ms Besier's CV and RMA Experience were attached to the agenda for members' information.

It was noted that Ms Besier has considerable planning, law and RMA experience and would be a unique addition to the Commissioner list which currently has no decision maker with a combined planning and legal background.

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

### **Cllrs Oddie/Fauls:**

**That Antoinette Besier is appointed to act as a Hearings Commissioner as and when required and that she be advised accordingly.**

### **Carried**

ATTENDANCE: Mr Jamie Clark, Council's Compliance Manager, was present via Zoom for the following two items.

## **Env-0420-385 Dog Registration Update**

**E305-001-001**

The purpose of the report was to provide an update on Dog Registration for the 2020-21 Year.

It was noted that the dog registration annual fees are due on 1 July 2020 but this may need to be reconsidered if the COVID-19 pandemic continues to impact on non-essential supply chain and services. It was reported that the dog tags for the 2020-2021 registration year were due to be delivered in early April but at this stage it is not clear when the dog tags will be delivered which will create some issues with issuing of tags, registration receipting and processing.

Cllr Arbuckle advised that the Animal Control Sub-Committee has been well informed of the situation and noted that there would be no legislation issues if the date for dog registration was extended by one month to commence in August. The timeframe for registration and incurring penalties would still apply but it is important to have the ability to be flexible.

Members were advised that publicity on this year's upcoming dog registration will need to encourage online payments and internet banking to minimise the numbers of people coming into the Animal Control Office. Consequently some additional changes may need to be made to the form that is mailed out to all dog owners.

### **Cllrs Arbuckle/Fauls:**

**That the report be received.**

### **Carried**

## **Env-0420-386 Stock Control Update**

**E305-001-001**

The report to the Committee provided an update on stock control activities undertaken by Animal Control Services. Stock control is an essential service under COVID-19 Alert Level 4.

Members were advised that there has been a total of 183 stock call outs from 1 April 2019 to 31 March 2020 with 10 occurring in March 2020.

In response to a query on who covers the cost for any additional stock call outs once the contract total has been reached (120 is the contracted amount). Mr Clark advised that Marlborough Roads cover the cost of any additional call outs. This has been revised and when animal owners can be traced they are responsible for any costs incurred.

It was suggested that a breakdown of who is responsible for what costs would be useful in future reports and this was agreed to.

It was noted that under the COVID-19 Alert Level 4 Animal Control will continue to respond to any stock on roads call outs as a public safety activity.

**Cllrs Arbuckle/Sowman:**  
**That the report be received.**

**Carried**

ATTENDANCE: Ms Karen Winter, Council's Environmental Health Officer, was present via Zoom for the following item.

**Env-0420-387      Markets/Events Inspections - Update**  
**E350-004-009-02**

Ms Winter advised that the purpose of the report was to provide an update to the Committee on the inspections undertaken by the Environmental Health Team of markets and events in Marlborough from 1 July 2019 to April 2020.

It was noted that Environmental Health Officers continue to routinely inspect markets and events in Marlborough to ensure compliance with the legislative requirements and provide the public with confidence in the safety of food they are purchasing from these stalls.

Members were advised that to date the team have inspected 14 markets and events. Of the 14 markets and events inspected, totalling 248 food sites, no significant non-compliance was noted. If there are any issues an educative approach is usually the first step taken to resolve any minor issues.

**Cllrs Faulls/Sowman:**  
**That the report be received.**

**Carried**

**Env-0420-388      Information Package**      -

**Cllr Hope/Mr Beech:**  
**That the Regulatory Department Information Package dated 23 April 2020 be received and noted.**

**Carried**

The meeting closed at 10.36 am.

Record No: 2066495