



**Minutes of a Meeting of the
ENVIRONMENT COMMITTEE
held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 10 FEBRUARY 2022 commencing at 9.00 am.**

Present

Mayor J C Leggett (Chairperson), Councillors G A Hope (Deputy), J A Arbuckle, J D N Croad, B A Faulls, T P Sowman and Mr E R Beech (Rural representative)

Present via Zoom

Councillor D D Oddie (Deputy)

Also Present

Councillors C J Brooks, N P Taylor and M A Peters

In Attendance

Mr H R Versteegh (Environmental Science and Policy Group Manager) and Ms G Ferguson (Consents and Compliance Group Manager) and Ms N Chauval (Committee Secretary)

The Mayor noted the severe weather conditions currently being faced by the Buller region and expressed his and Councillors thoughts and support were with the people of the region during this time.

Apologies

The Mayor/Clr Taylor:

That the apology for non attendance from Clr B G Dawson be noted.

Carried

Env-0222-204 Declaration of Interests

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No interests with items on the agenda were declared.

Env-0222-205 Resource Hearing Commissioner Decisions

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Clrs Arbuckle/Croad:

That the Resource Hearing Commissioner Decisions as contained within the reports dated 30 & 31 March 2021 (U191071), 4 August 2021 (U190930), 14 September 2021 (U200242) and 28 September 2021 (U210232) be received and the recommendations adopted.

Carried

ATTENDANCE: Luke Grogan, Council's Nautical and Coastal Manager, was present for the following item.

Env-0222-206 Oil Rig Offload Admiralty Bay

H100-005-22

Luke Grogan, Council's Nautical and Coastal Manager provided members with an update on the recent unloading of the Valaris Gorilla VII Offload from the ship White Marlin in Admiralty Bay. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2232517).

It was noted that significant safety measures were in place and an exclusion zone was applied to the area with the support of the Police Launch, The Lady Elizabeth from Wellington. The activity is very much weather dependent as safety is paramount.

Cllrs Oddie/Fauls:
That the report be received.

Carried

ATTENDANCE: Jono Underwood, Council's Biosecurity Manager, was present via Zoom for the following item.

Env-0222-207 Biosecurity Cost Recovery - Review of Fees

E360-000-001

Mr Underwood advised members that the purpose of the report was to seek Council adoption of a reviewed biosecurity fee schedule. The schedule of proposed fees was included with the agenda item for members' information.

It was noted that the recovery of costs associated with Biosecurity enforcement action is discretionary on the Council but is enabled by sections 135, 128 and 129 of the Biosecurity Act 1993. The fees are proposed to be recovered from occupiers or persons being in a situation of repeat non-compliance or when Default works are intended to be delivered by Council.

A review of the Biosecurity Fee Schedule has been undertaken to ensure fees accurately reflect true costs. The last such review was undertaken in October 2019.

Members were advised that the recent review has resulted in a proposed 5% increase for a 'chargeable Notice of Direction' from \$179.00 incl GST to \$188.00 incl GST with effect from 1 July 2022. No other changes are proposed.

Members were advised that given the nature of when the fees are charged the level of significance and/or associated impacts to persons affected by these fees is very minor. It is recommended that to adjust the fee schedule by resolution without consultation, using discretion available to Council under section 82(3) and (4) of the Local Government Act 2002.

Mr Underwood agreed to a request from Cllr Croad that fees be shown in the schedule as GST Incl and GST Excl and to identify any charges such as travel contained within the fee.

Cllr Croad/Mr Beech:

- 1. That the information be received.**
- 2. That Council adopt the proposed Biosecurity Fee Schedule amendment with the new fees being effective from 1 July 2022.**
- 3. That Council adopt the proposed Biosecurity Fee Schedule amendment without consultation using discretion available to Council under section 82(3) and (4) of the Local Government Act 2002.**

Carried

ATTENDANCE: Steffi Henkel, Council's Environmental Scientist – Water Quality, was present via Zoom for the following item.

Env-0222-208 Surface Water Quality – Report Card 2021

E375-001-001-03

Ms Henkel presented the Surface Water Quality – Monitoring 2021 report Card to the Committee.

It was noted that water quality of rivers and streams is monitored monthly at 35 sites within the Marlborough region. The results from nine of the parameters monitored over a period of three years are used for the calculation of a Water Quality Index. Most waterways have water quality in the fair or good category.

For the majority of monitoring sites, changes in the Water Quality Index were minor compared to the indices reported in the previous year.

Ms Henkel noted that the greatest changes were observed for the Waitohi River and Doctors Creek. Low flow conditions in February resulted in poor water quality in the Waitohi River, which subsequently caused a lower Water Quality Index for this site. Reduced Nitrate and Ammoniacal Nitrogen concentrations in Doctors Creek resulted in a notably improved Water Quality Index.

It was noted that an updated report card for 2022 will be presented later this year and a full report is planned for 2023.

Cllrs Hope/Sowman:
That the report be received.

Carried

ATTENDANCE: Cllr Taylor withdrew from the meeting at 9.30 am during the following item.

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

Env-0222-209 Annual Air Quality Monitoring Report – Blenheim 2021 E300-004-003-01

The Annual Air Quality Monitoring Report – Blenheim 2021, prepared by Emily Wilton, Environet Limited was presented to the Committee. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2232518)

Ms Brand advised members that concentrations of PM₁₀ exceeded the maximum concentration of 50 micrograms per cubic metre (50µg/m³) on 16 occasions in 2020 resulting in 15 breaches of the NESAQ for PM₁₀ (the NESAQ allows for one exceedance per year). The maximum measured concentration during 2021 was 78 µg/m³ and is similar to maximum concentrations measured during 2017 (74 µg/m³) and 2015 (79 µg/m³). This is the greatest number of exceedances since continuous monitoring for PM₁₀ commenced in 2006.

It was noted that the data evaluation indicates irregularities in the 2021 exceedances with a greater contribution of coarse mode (PM₁₀-PM_{2.5}) particulate than is typical at the site. A potential source could relate to earthworks associated with the development of land approximately one kilometre from the monitoring site. In the absence of this source the number of exceedances of 50 µg/m³ would likely have been only one.

The annual average PM₁₀ concentration for 2021 was 19µg/m³ which was at the upper end of the normal range for Blenheim (14-19µg/m³). The Ministry for the Environment guideline specifies an annual average for PM₁₀ of 20µg/m³ however the NESAQ does not currently include an annual average guideline for PM₁₀.

Members were advised that the Ministry for the Environment is still working on potential amendments to the NESAQ which would look to move the focus from the current PM₁₀ daily average standard to a PM_{2.5} daily average standard of 25µg/m³ and an annual average PM_{2.5} standard of 10µg/m³.

PM_{2.5} results for 2021 show that Blenheim exceeded the proposed 24-hour average NESAQ for PM_{2.5} on 38 occasions which would constitute 35 breaches (the proposed NESAQ PM_{2.5} will only allow for three exceedances per year). If the 24-hour average proposed NESAQ for PM_{2.5} were introduced, significant reduction in daily winter PM_{2.5} concentrations would be required to be compliant and consequent air quality management required to meet this target would likely be significant.

It was noted that information sheets promoting good burning practices are widely distributed and Council's website continues to provide information on good burning practices.

Cllrs Hope/Croad:

That the "Annual Air Quality Monitoring Report - Blenheim 2021" be received.

Carried

ATTENDANCE: Cllr Taylor re-joined the meeting at 10.02 am during the following item.

ATTENDANCE: Heli Wade, Council's Environmental Scientist – Te Hoiere Project Manager, was present via Zoom for the following item.

Env-0222-210 Te Hoiere Project – Integrated Catchment Enhancement Plan E355-021-01-001

Members were provided with an update on the progress of Te Hoiere Project's Integrated Catchment Enhancement Plan (ICEP). To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. i)

By way of background it was noted that in December 2020 Te Hoiere Project embarked on a mission to develop an Integrated Catchment Enhancement Plan to provide a strategic direction for the Project in the coming years. Morphum Environmental and Heather Collins were contracted by MfE to supercharge the process. Working with the Project's Governance and Steering groups a draft of the plan was completed in June 2021. Following further refinements to the Project vision, aspirations and principles the Plan was finalised in December 2021.

From the onset it was decided that the plan would be different to usual plans and as a consequence is an interactive, living platform for all to see, presented as a ESRI ArcGIS Story Map – a website created from geospatial information. The following is a link to the Plan https://storymaps.arcgis.com/stories/Te_Hoiere_Catchment_Enhancement_Plan

Members were advised that the plan acknowledges the community of Te Hoiere as the custodians of their landscape. The Plan reflects over 400 individual voices and 1400 statements collected through a process of 'planning by the community for the community'.

Ms Wade advised that the actions recommended in the Plan carve a path into the future that will enhance the catchment in a mutually agreed manner, enable access to funding and serve as a point of reference when justifying work in the catchment.

The Plan is a living document, and the Project intends to record community initiatives, work undertaken and progress within the maps in the plan, making the Project mahi transparent to everyone.

Cllrs Faulls/Sowman:

That Council receive the information on "Te Hoiere Project – Integrated Catchment Enhancement Plan".

Carried

Env-0222-211 Animal Control Sub-Committee D050-001-A04

The minutes of the Animal Control Sub-Committee were presented for ratification by the Committee.

Cllr Arbuckle noted the Blenheim Dog Park proposal and concept plan which was attached to minutes. It was noted that it is a draft at this stage and discussions with users/community groups will be undertaken before making a final decision.

It was also noted that a submission had been received through the LTP process requesting the establishment of a Pet Remembrance Park. There has been considerable discussion over a length of time and it is now being proposed that a Remembrance Area be established alongside the dog park. This proposal will also be discussed with users/community groups.

The Sub-Committee will meet 10 March to specifically discuss the proposed dog park.

Clr Arbuckle provided further information on the metal dog tags for life currently being trialled by a number of councils. Members were advised that a report will be presented to the Committee at a later date.

Cls Arbuckle/Sowman:

That the minutes of the Animal Control Sub-Committee meeting held on 19 January 2022 be ratified.

Carried

ATTENDANCE: Jane Robertson, Council's Animal Control Contract Manager, was present for the following two items.

Env-0222-212 Dog Microchipping Campaign Update

E305-006-005

The purpose of the report was to provide an update to the Committee on the microchipping campaign which Animal Control undertook last year.

Ms Robertson advised that as at 6 April 2021 there were 874 dogs which required microchipping and at 16 January 2022 this number was reduced to 418 dogs which require microchipping to comply with the Act. This number does include some new dog registrations. Animal Control is continuing the campaign to achieve full compliance.

Members were advised that a microchipping special will be run in March 2022. There will be a discounted fee of \$20 instead of \$25. Letters will be sent out advising of the special and Animal Control will follow up on any outstanding microchipping.

Cls Arbuckle/Faulls:

That the information be received.

Carried

Env-0222-213 Dog Control Fees Review for the 2022/2023 Registration Year

E305-001-001

Ms Robertson advised that Council is required under section 37 of the Dog Control Act 1996 to set dog control fees on an annual basis. It was noted that the fees must be set by resolution and be publicly advertised at least once during the month preceding the start of the registration year (1 July - 30 June). It was noted that the current dog registration fees were last increased in 2018 and there have been increases to the contract price to provide dog control services.

It was noted that following the recent review of the Dog Control Bylaw and Policy dog owners have requested an increase in doggie doo stations along with better signage. There is also the proposed development of a Blenheim Dog Park in the 2022 calendar year.

It was reported that the Animal Control Sub-Committee has considered a number of fee scenarios and the increase proposed is to keep pace with increased costs and to maintain Council's approved 80/20, fees recovery and rates funding split. Dog registration fees also help to fund a range of services that are designed to help dogs, their owners, and the wider community.

Members were advised that it is proposed to remove the category names of “responsible dog owners” and “standard dogs” and replace with Category 1 and Category 2. This is in response to feedback received that these have inaccurate connotations. For example, dog breeders who do not have their dogs desexed consider themselves to be responsible dog owners, but they do not meet the criteria for being a responsible dog owner if their dog is not desexed.

It was noted that the dollar figure for the current Pound – Surrender fee was incorrectly noted as \$40. The fee is \$100 and therefore there is no fee increase this year.

Clr Arbuckle/Mr Beech:

That Council adopt the proposed changes to the fees schedule for dog registration and associated activities commencing 1 July 2022.

Carried

ATTENDANCE: Jamie Clark, Council’s Compliance Manager, was present for the following item.

**Env-0222-214 Annual Review Resource Consent Monitoring
Fees & Charges - Resource Management Act
1991 E360-006-02**

An amended Schedule of Fees and Charges were circulated to members along with a breakdown of fees with the CPI adjustment and details of what the officer fee is made up of. (Filed in CM Record No. 2235839).

Mr Clark noted the current fees have been reviewed and it is recommended there is a 5.9% increase to the Resource Consent Monitoring charges for the 2022/2023 financial year. This increase is in line with the Consumers Price Index (CPI) December Annual CPI figure reported by Stats NZ. It was noted that The Marlborough District Council Resource Management Act 1991 - Monitoring Charging Policy was changed in 2020 to allow for CPI adjustments to Monitoring Fees and Charges automatically on an annual basis from 1 July each year.

There was considerable discussion on the proposal and fee increases in general. During discussion it was queried what the actual cost to Council has been and whether that justifies increasing the fee cost to CPI level for this and other fee items in the agenda. It was noted that by calculating annual CPI adjustments it does enable small increments to be incurred rather than large fee hikes at random times.

In response to the discussion Ms Ferguson, Council’s Consents & Compliance Group Manager advised members that Council’s starting position for any review of fees is whether an increase is required. Council does have the ability to increase fees up to 5.9% without going through special consultation procedures but that doesn’t mean the fee increase has to be at that rate. However, in these circumstances that increase was considered required based on the forecast budget moving forward to achieve our Revenue and Financing Policy requirement of a 60-40 split.

Members were advised that the Revenue and Financing Policy is reviewed at least every three years. The last review was completed prior to the initiation of the 2021-31 Long Term Plan (LTP).

Clrs Hope/Croad:

That Council adopt the proposed increases to existing fee schedule for charges associated with consent monitoring activities under Resource Management Act 1991 (RMA) for the financial year 2022/23.

Carried

ATTENDANCE: Clr Taylor withdrew from the meeting at 10.33 am.

ATTENDANCE: Brendon Robertson, Council's Building Control Group Manager, was present for the following item.

Env-0222-215 Revision of Building Control Fees Financial year 2022-2023 R450-002-B01

The report to the Committee provided the proposed schedule of fees for Building Control activities under the Building Act 2004 for consultation.

Mr Robertson noted that the current fees were last increased in July 2021 to adjust for the Consumers Price Index (CPI). The current fees have been reviewed in line with the Building Control Group's Fee and Charges Policy which allows for CPI adjustments on an annual basis from 1 July each year. As a result of the review it is recommended there is a 5.9% increase to the Building Control Group's Fees and Charges for the 2022/2023 financial year to adjust for the December Annual CPI figure reported by Stats NZ.

It was noted that in addition to the 5.9% CPI increase it is also proposed that there are adjustments to bands by way of an increase to Band-E fees and a reduction in the costs of pole and unlined sheds/garages from Band-B to Band-F. These proposed changes have been initiated after receiving feedback from customer surveys which raised concerns about fees that charged for relatively simple buildings. These changes are also proposed for consultation.

In response to a query on whether consideration should be given to the Value within the bands Mr Robertson noted that keeping the band values narrow is considered appropriate as there is considerable differences between a \$400,000 house and an \$800,000 house. The feedback from industry is that they are supportive of the current bands.

Members were advised that the increase proposed will enable the Building Control Group to continue to meet the industry and statutory requirements, plus allow for future regulatory demands on the Territorial Authority (such as the proposed introduction of the Dam Safety Program). Maintain its current number of staff and continue with its current contract agreement for processing and quality management and avoid a budget short fall and therefore negative impact on rates.

Mr Robertson updated members on the digital remote inspection tool, Artisan, which is been trialled. Artisan allows for remote inspections to be undertaken. This tool provides more flexibility to the trade as they do not have to book and wait for inspections for projects to proceed. Due to the nature and large size of the Marlborough District a significant portion of some building consent fees are attributed to the cost of travel. It is proposed that when Artisan is used travel charges will be refunded to the fee payer. With the use of Artisan there will be a cost and time saving to the industry. It is expected that the building group will see an uptake in the use of this technology going forward particularly for rural areas but not necessarily cost effective for town visits.

It was noted that a demonstration will be made to the Committee once the trial has concluded.

Following discussion members agreed that the appointment of a sub-committee be further discussed and confirmed at the next Council meeting.

**Cllrs Sowman/Fauls:
That Council:**

- 1. Consult on the proposed schedule of fees and charges (Attachment 1 and 2) using the special consultative procedures under section 83 of the Local Government Act 2002.**
- 2. Consult on the proposed Building Control Group Charging Policy using the special consultative procedure under section 83 of the Local Government Act 2002.**
- 3. That approval of a sub-committee to hear and determine any submissions received on the proposed fees and policy through the consultation process be made at the next Council meeting.**

Carried

ATTENDANCE: Anna Eatherley, Council's Manager Resource Consents, was present for the following item.

**Env-0222-216 Annual review of Resource Consent Fees –
Resource Management Act 1991 R450-002-R02**

Prior to discussing the report the following amendment was noted - point 2 in the agenda the date should be July 2021 not 2020.

The report presented sought consideration for an increase to the existing fee schedule for charges associated with the Resource Management Act 1991 (the Act).

It was noted that the Marlborough District Council Resource Management Act 1991 - Charging Policy was changed in 2020 to allow for CPI adjustments to Resource Consent Fees and Charges on an annual basis from the 1 July each year.

The current fees have now been reviewed and a 5.9% increase to the Resource Consent charges for the 2022/2023 financial year in line with the Consumers Price Index (CPI) December Annual CPI figure reported by Stats NZ is proposed.

Members were advised that the proposed increase to fees will enable the group to meet statutory and customer demands by maintaining the groups level of service and will avoid additional burden on Council's rate payer's. It was reported that the lodgement fee is to cover the majority of costs and any over costs are refunded to the applicant.

The resource consent fee schedule was attached to agenda and included the current and proposed fees.

Cllrs Oddie/Sowman:

That Council adopt the proposed increases to the existing fee schedule for charges associated with consent processing activities under Resource Management Act 1991 (RMA) effective from the 1 July 2022.

Carried

ATTENDANCE: Karen Winter, Council's Environmental Health Officer, was present for the following two items.

**Env-0222-217 Proposed Food Act 2014 Fees 2022/2023
E350-004-009-02**

Members noted that the purpose of the report was to provide Council with the proposed schedule of fees and charges under the Food Act 2014 for consultation.

It was noted that Council can set fees under the Food Act 2014 through the special consultative procedure. A review of the current fees and the costs of undertaking the required activities has been undertaken and it is proposed that the fees should increase slightly for the 2022/2023 financial year to ensure that the fees are covering the cost of the group's activity. These fees were last increased in 2019.

Contained within the agenda item was a table that identified the fees that are currently in place and the adjusted fees which for this period is a 6% increase in costs. The fee is time based so good practices and processes means less time and therefore less fee is charged.

Following discussion members agreed that the appointment of a sub-committee be further discussed and confirmed at the next Council meeting.

Cllrs Faulls/Sowman:

- 1. That approval be given to under consultation on the proposed schedule of fees and charges using the special consultative procedures under s83 of the Local Government Act 2002.**
- 2. That approval of a sub-committee to hear and deliberate on any submissions received on the proposed fees be made at the next Council meeting.**

Carried

Env-0222-218 Proposed Health Act 1956 Fees 2022/2023

E350-004-009-02

Members noted that the purpose of the report was to provide Council with the proposed schedule of fees and charges under Health Act 1956 activities to be carried out in the 2022/2023 year.

Mrs Winter noted that Council can set fees for premises registered for Environmental Health activities under the Health (Registration of Premises) Regulations 1966 by resolution rather than undertaking a special consultation.

Members noted that a review of the current fees and the costs of undertaking the required activities has been undertaken and it is considered appropriate that the fees increase for the 2022/2023 financial year to ensure the cost of activities undertaken are covered and this be done by resolution rather than special consultation.

The Mayor/Clr Sowman:

That Council approve the proposed schedule of fees and charges under the Health Act 1956 for the 2022/2023 financial year.

Carried

ATTENDANCE: Sue Bulfield-Johnston, Council's Administrator and Hearing facilitator, Advocacy and Practice Integration, was present for the following item.

Env-0222-219 Resource Consent Hearings Update R450-004-22

The report to the Committee provided a rolling summary of hearings scheduled and completed for applications for resource consent. It was noted that since the onset of Covid-19 and the Level 4 Lockdown a practice has been implemented to consider extension of timeframes and online hearings where appropriate.

It was noted that six hearings have been completed in the year commencing 1 July 2021. Decisions have been issued for all of these applications. A table listing the hearings was attached to the agenda item for members' information.

Hearings have been set down for February and March for three applications for resource consent and three s357B objections to costs.

Cls Oddie/Arbuckle:

That the report be received.

Carried

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

Env-0222-220 Appeals Update R450-004-22

Members were advised that as at 20 January 2022 Council is engaged in nine proceedings either as respondent or s274 party. A summary and update was provided with further detailed information contained in the agenda item.

Cls Oddie/Croad:

That the information be received.

Carried

Env-0222-221 Information Package -

Val Wadsworth, Council's Environmental Scientist – Hydrology spoke via Zoom to the additional information on the February 2022 rainfall event which had been circulated to members prior to the meeting.

It was requested that an update on the recharge of the Wairau River following the February event be provided for the next meeting.

Clr Croad/The Mayor:

That the Regulatory Department Information Package dated 10 February 2022 be received and noted.

Carried

The meeting closed at 11.17 am.

Record No: 2234830