
MINUTES
of the
REGULATORY COMMITTEE MEETING
held
9.30am, Thursday, 26 November 2020
at
Tasman Council Chamber, 189 Queen Street, Richmond

- Present:** Cr D Wensley (Chair), Cr D Ogilvie (Deputy Chair),
Crs S Bryant, C Butler, C Hill (via zoom), B Dowler, K Maling, C Mackenzie,
D McNamara, T Tuffnell, A Turley and T Walker
- In Attendance:** Environment and Planning Manager (D Bush-King), Executive Assistant
(J Halsey), Executive Assistant to the Mayor (R Scherer) and Executive
Support Officer (L Atkins)
- Part Attendance:** Chief Executive (J Dowding), Environmental Policy Manager (B Johnson),
Senior Policy Planner – Natural Resources (D Worthy), Resource Scientist –
Contaminants (Anna McKenzie), Senior Compliance and Investigations
Officer (Jane Stuart), Team Leader – Natural Resources Consents (Leif
Piggott), Environmental Policy Planner – Tania Bray, Team Leader –
Subdivision Consents (A Reed), Team Leader – Monitoring & Enforcement
(Carl Cheeseman), Regulatory Manager (Adrian Humphries), Engineering
Services Manager (Richard Kirby), Environmental Information Manager (Rob
Smith), Project Manager (Alistair Stevens), Team Leader – Biosecurity &
Biodiversity (Paul Sheldon), Building Assurance Manager (Ian McCauley),
Digital Communications Officer (Ali Hamblin), Activity Planning Manager
(Dwayne Fletcher), Community Relations Manager (Chris Choat), Business
Analyst/Project Co-ordinator (Amy Clarke), Procurement and Risk Advisor
(Tony Bullen)

1 OPENING, WELCOME

Chair, Cr Dana Wensley welcomed everyone to the meeting and invited Cr Chris Hill to open with a karakia.

2 APOLOGIES AND LEAVE OF ABSENCE

Moved Cr Ogilvie/Cr Turley

RC20-11-1

That apologies from Mayor T King and Councillor M Greening and for lateness from Councillor D McNamara be accepted.

CARRIED

3 PUBLIC FORUM

Chris Bennett spoke on a proposal for affordable homes in the Golden Bay area. He is working in partnership with different organisations to fund the proposal and the project would endeavour to use local firms for construction. Mr Bennett suggested that second dwellings on established lots were another solution to the current housing issues.

Karen Brookes raised the issue of cat management within the district and the lack of guidelines for cat ownership. She suggested there is a need to regulate cat ownership in line with dog ownership regulations. Ms Brookes said that she believed that uncared for cats are a threat to native biodiversity.

Maria Koch and Klaus Thoma from Friends of Golden Bay followed up their presentation to the Regulatory Committee meeting on 15 October 2020 regarding the effects of intensive winter grazing and the resulting damage to rivers and estuaries. Suggestions were presented such as increased monitoring and surveying and enforcement.

Rosemary Callaghan spoke about the effects of mussel farming in Golden Bay in particular the noise pollution from vessels. A high number of residents are impacted by the noise. She is concerned that an increase in mussel farming will result in further noise disruption. She feels there needs to be significant changes to the boat operating guidelines and current monitoring is not adequate to ensure compliance

4 DECLARATIONS OF INTEREST

Nil

5 LATE ITEMS

Nil

6 CONFIRMATION OF MINUTES

Cr Butler asked that the unconfirmed minutes be amended to reflect the presentation by Friends of Golden Bay. Under 7.1 the minutes should read:

“Mr Yuill urged the Council to ensure that no more irrigation consents were approved in the Te Waikoropū Springs recharge zone and that the Council ensure that the nitrate levels in this area are reduced”.

Moved Cr Maling/Cr Tuffnell

RC20-11-2

That the minutes of the Regulatory Committee meeting held on Thursday, 15 October 2020, as amended, be confirmed as a true and correct record of the meeting.

CARRIED

Moved Deputy Mayor Bryant/Cr Wensley

RC20-11-3

That the minutes of the Animal Control Sub-Committee meeting held on Tuesday, 13 October 2020 be confirmed as a true and correct record of the meeting.

CARRIED

7 PRESENTATIONS

7.1 Rod Barker – Marine Farming Impacts Group

Rod Barker gave a powerpoint presentation on behalf of Marine Farming Impacts Group on what he believes are the far-reaching and detrimental impact to the environment of mussel farming in Golden Bay. Physical evidence of the detritus found on beaches was displayed. He spoke about a recent survey which spoke about impacts such as visual pollution, debris, noise pollution and the effects on marine life. Mr Barker provided some suggested solutions for the Council to consider.

8 REPORTS

8.1 Cat Management

Team Leader – Biosecurity & Biodiversity, Paul Sheldon spoke to the cat management report which was taken as read.

The report proposes the development of a bylaw to better manage the unowned cat population within the region by compulsory microchipping of all domestic cats. The main purpose is to protect wildlife.

While there is no current guidance from central government, Wellington City Council has introduced a similar bylaw to what is possible for Tasman District.

The Councillors discussed the costs of both microchipping cats and the costs of compliance for the Council if the bylaw was introduced. Questions were asked about using a bylaw under the Local Government Act to achieve biodiversity outcomes. It was suggested that education campaigns to encourage microchipping and sterilisation would be more beneficial. Cr Bryant foreshadowed his intention to move a resolution to not proceed with a bylaw.

Mr Sheldon advised that that the public nuisance provisions would justify use of a bylaw to better management cats and their impact on biodiversity.

The Committee adjourned for morning tea break at 11.12am and reconvened at 11.23 am.

Moved Cr Mackenzie/Cr Butler

RC20-11-4

That the Regulatory Committee:

- 2.1 receives the Tasman Cat Management report, RC20-11-1 and its Attachments 1 and 2; and**
- 2.2 instructs staff to commence the development of a Tasman Cat Management Bylaw in accordance with Attachment 2 to report RC20-11-1; and**
- 2.3 instructs staff to work with the New Zealand Companion Animal Council, the SPCA, and local vets to investigate methods to improve microchip data collection; and**
- 2.4 instructs staff to liaise with Local Government New Zealand and relevant central Government agencies to prioritise national cat legislation.**

CARRIED

8.2 Annual Air Quality Report

Senior Policy Planner, Diana Worthy, Senior Compliance and Investigations Officer, Jane Stuart and Resource Scientist, Anna MacKenzie spoke to the Annual Air Quality Report which was taken as read.

There are currently over 80 homes in the Richmond Airshed that are non-compliant with regulations for wood burners.

The Ministry for the Environment (MfE) is lowering the threshold for exceedances to three a year and there has been some pushback on this from councils across the country. The Council is waiting to see what the Ministry's response is to guide the environment plan rules.

Cr Butler exited the meeting at 11:34 am.

The effects of the Covid-19 lockdown did have an impact on Airsheds as a result of rural burning when lockdowns were lifted.

Concern was raised about the lack of a declining trend in the data. Staff advised that work will be done on options to better ensure compliance with the thresholds established by Government.

Cr Butler returned to the meeting at 11:40 am.

It was confirmed that some orchard businesses use a heat system which generates less smoke than normal burn offs. Some farmers are also looking at alternatives such as composting and mulching rather than burning.

.Moved Cr Maling/Cr Ogilvie

RC20-11-5

That the Regulatory Committee receives the Annual Air Quality Report, RRC20-11-2.

CARRIED

8.3 Annual Biosecurity Report

Paul Sheldon spoke to the Annual Biosecurity Report which was taken as read.

The complexity around managing some pest plants like sibella, wilding conifer, and Taiwan

cherry trees was discussed. The possibility of aligning the Councils plan with the Marlborough District Council plan was raised including a change to the status of Taiwan cherry to a progressive containment approach.

Cr McNamara joined the meeting at 11:25 am.

The team was commended on the management of broom and gorse in the St Arnaud to Howard region. Mr Sheldon noted that this was achieved alongside local farmers and the Department of Conservation.

Public education is ongoing to raise awareness of pest plants in the form of leaflets, brochure, and the Council website.

Mr Sheldon said that wallaby had been spotted in the upper South Island. Rabbits are actively monitored and controlled in the Golden Bay area. The Council is aware of other emerging animal pest issues such as goats and possums.

Project De-Vine is continuing with a few landowners refusing access to their land. The Council does have the power to intervene under the Biosecurity Act.

Moved Deputy Mayor Bryant/Cr Tuffnell

RC20-11-6

That the Regulatory Committee:

- 1. receives the Annual Biosecurity Report RRC20-11-3; and**
- 2. receives the Review of the 2019-2020 Operational Plan as Attachment 1 and Attachment 3; and**
- 3. approves the 2020-2021 Operational Plan for the Tasman-Nelson Region attached as Attachment 2.**

CARRIED

8.4 Building Assurance Manager's Report

Building Assurance Manager, Ian McCauley spoke to the report which was taken as read.

It was noted that the average days to process consents has improved.

The Government's target to reduce carbon emissions to zero by 2050 will potentially increase the cost of builds and there is a MBIE working group reviewing the impacts.

Deputy Mayor Bryant exited the meeting at 11:48 am.

Virtual inspections are progressing in Golden Bay which negates the need for inspectors to travel.

Deputy Mayor Bryant returned to the meeting at 11:49 am.

Cr Turley exited the meeting at 11:54 am.

Cr Turley returned to the meeting at 11:58 am.

The meeting adjourned at 11:58 and reconvened at 12:55 pm

Moved Cr Walker/Cr McNamara

RC20-11-7

That the Regulatory Committee receives the Building Assurance Manager's Report, RRC-20-11-4.

CARRIED

8.5 Regulatory Manager's Six Monthly Report

Cr Butler and Deputy Mayor Bryant were not present when the meeting reconvened.

Adrian Humphries spoke to the Regulatory Manager's Six Monthly Report which was taken as read.

The Harbourmasters role around consent conditions was discussed with regards to mussel farming. Difficulties come from identifying which vessels are making noise and leaving debris. It is acknowledged that there is detritus from the marine farms but the industry does regular beach clean ups and will respond to incidents.

It was confirmed that the Council can use footage from hidden cameras to prosecute litter offender as long as the cameras are on public land.

The issue of housing for displaced people was raised and while no action was requested by the Committee, it was advised that people should contact the Ministry of Social Development if they are in need of housing and the Chair asked that staff give some consideration to this issue.

Dance parties/raves which are arranged on public land were discussed. The risk of fires and the lack of toilets were two matters raised. Mr Humphries advised that such events are often advertised at short notice via social media. The Council want to ensure these events are safe and staff are continuing to work with Land Information NZ, Fire and Emergency NZ, and the Department of Conservation.

Deputy Mayor Bryant returned to the meeting at 1:19 pm.

Moved Cr Maling/Cr Wensley

RC20-11-8

That the Regulatory Committee receives the Regulatory Manager's Six Monthly Report 1 April 2020 to 30 September 2020, RRC20-11-5.

CARRIED

8.6 Chairs Report

Councillor Wensley spoke to the Chairs Report which was taken as read.

The potential for an increase in monitoring and surveillance for winter-grazing was raised and it was confirmed the Council has purchased a second drone for surveillance. A progressive

approach by some farmers was acknowledged by the Committee. Councillors noted the costs involved and the need to balance effort against the need to measure what is managed. There was discussion around sampling during high flows and Mr Smith advised that Council staff do their best to prioritise funds to where they have maximum benefit.

He commented that the impacts of winter grazing are less than they were 15 to 20 years ago and there are ongoing education campaigns. Winter grazing will be a regulated activity for which farmers will need consent from May 2021. Staff will report on these matters.

Cr Walker exited the meeting at 02:17 pm.

Moved Cr Maling/Cr Ogilvie

RC20-11-9

That the Regulatory Committee receives the Chairs Report, RRC20-11-6.

CARRIED

8.7 Environment and Planning Manager's Report

Environment and Planning Manager, Dennis Bush-King spoke to the report which was taken as read.

Cr Walker returned to the meeting at 02:25 pm.

The Essential Freshwater Package was discussed. There are new obligations under the National Policy Statement - Freshwater and Council staff are working with other Councils and will also have to work with iwi.

Mr Bush-King confirmed that farmers will need to apply for resource consent for intensive winter grazing. Farm plans were discussed and it was acknowledged that there will be costs associated with the Regulations. Mr Bush-King observed that many Tasman farms already have a form of farm plan.

Domestic wastewater charges were discussed. Mr Bush-King explained that the charges were agreed by the Council earlier in the year as a flat charge for staff monitoring and administration of consents for septic tanks in areas where there is the possibility of contamination of waterways. Councillors also considered whether changes should be made to increase recoveries from compliance interventions but accepted Mr Bush-King's advice that the current arrangements struck a reasonable balance between private benefit and public good.

Moved Cr Tuffnell/Cr Dowler

RC20-11-10

That the Regulatory Committee receives the Environment and Planning Manager's Report, RRC20-11-7.

CARRIED

9 CONFIDENTIAL SESSION

9.1 Procedural motion to exclude the public

Moved Cr Dowler/Deputy Mayor Bryant
RC20-11-11

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

9.2 Managers Report - Addendum

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
.	n/a	s48(2) The exclusion of the public from the part of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation.

9.3 Lower Motueka stop bank design capacity/level of service and implications for building and resource consent processes and LIM/PIMs

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

CARRIED

The meeting resumed in open session at 2:58 pm

Councillor Mackenzie provided the closing karakia.

The meeting concluded at 2:59 pm.

Date Confirmed: 1 April 2021

Chair: Cr D Ogilvie (Acting Chair)

Confirmed