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**MARLBOROUGH
DISTRICT COUNCIL**

12 April 2024

Record No: 24102246
File Ref: D050-001-E01
Ask For: Nicole Chauval

Notice of Committee Meeting – Thursday 18 April 2024

A meeting of the Environment & Planning Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **18 April 2024 commencing at 9.00 am.**

BUSINESS

As per Agenda attached.

MARK WHEELER
CHIEF EXECUTIVE



**Meeting of the ENVIRONMENT & PLANNING COMMITTEE
to be held in the Council Chambers, District Administration Building, Seymour Street,
on THURSDAY, 18 APRIL 2024 commencing at 9.00 am**

Committee

Clr G A Hope (Chairperson)
Clr B A Faults (Deputy)
Clr S J Arbuckle
Clr A R Burgess
Clr R J Innes
Clr B J Minehan
Clr T P Sowman
Mayor N P Taylor
Mr S Harvey (Rural Representative)
Mr R Smith (Iwi Representative)

Departmental Head

Mr H Versteegh (Environmental Science and Policy Group Manager)
and Ms G Ferguson (Consents and Compliance Group Manager)

Staff

Ms N Chauval (Committee Secretary)

In Public

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1. Apologies

No apologies received.

2. Declaration of Interests

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3. Changes to Te Hoiere/Pelorus Sound Subtidal Reefs after Marine Heatwaves and Storm Events

(Clr Innes) (Report prepared by Katie Littlewood, Robyn Dunmore)

E325-000-002

Purpose of Report

1. To present information to the Committee on changes to subtidal reef habitats in outer Te Hoiere/Pelorus Sounds.

Executive Summary

2. Reef monitoring occurs in outer Te Hoiere/Pelorus Sound as part of marine farming resource consent requirements. The reefs are located in high-flow environments, and are characterised by notable biological communities (e.g., sponges, macroalgae, tube worm mounds).
3. The reef monitoring has occurred annually since 2015 and has noted that reef communities have shown distinct changes, some of which are likely due to intense marine heatwaves and storm events that have occurred in recent years. These changes have included declines in habitat-forming macroalgae and tubeworm mounds, filamentous algal growth on sponges and increases in echinoderm numbers (kina, sea stars).
4. The Marlborough Sounds have experienced significant water temperature increases in recent years, in large part due to the persistent marine heatwaves documented in the Cook Strait. In 2022 the average temperature in Te Hoiere was 15.7C and peaked at 20.4C, highlighting an average temperature increase of 0.7C over 8 years.
5. These findings highlight the negative effects of climate change (in particular, the increased frequency and intensity of marine heatwaves and storm events) on our coastal biodiversity and aquaculture industry.

RECOMMENDATION

That the information be received.

Background/Context

6. Rocky reefs situated in outer Te Hoiere/Pelorus Sound have notable biological habitats and are monitored as part of marine farming resource consent requirements.
7. Reef monitoring is carried out near salmon farms and at reference sites and has occurred annually since 2015. Shallow subtidal (5-7 m depths), deeper subtidal (10 – 17 m depths) and intertidal habitats are monitored.
8. Robyn Dunmore has developed and led the reef monitoring, initially through Cawthron Institute (Cawthron) and subsequently through SLR Consulting NZ Limited (SLR).

Key findings

9. The most notable changes have occurred at shallow subtidal Te Hoiere/Pelorus Sounds farm and reference sites, with declines in the large brown furoid alga *Carpophyllum flexuosum* and tubeworm (*Galeolaria hystrix*) mounds to the extent that there were very few or none of these taxa left.
10. Many of the grey sponges *Ecionemia alata* had red, brown or green filamentous algal growth covering them, which likely effects respiration and feeding.

11. Numbers of echinoderms have increased at all sites since monitoring began in 2015, driven by increases in kina (*Evechinus chloroticus*) and cushion star (*Patiriella regularis*) numbers.
12. Increases in temperature and/or sedimentation may have resulted in the decline of important taxa (macroalgae and tubeworms), and induced stress on the sponges. The increase in kina numbers at some sites may have also contributed to the decline of macroalgae.

Presentation

A short presentation will be given by Robyn Dunmore (SLR Consulting) (15 minutes)

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| Author | Kate Littlewood, Senior Environmental Scientist- Land Resources |
| Authoriser | Hans Versteegh, Environmental Science & Policy Group Manager |

4. The Importance of Seagrass on Estuary and Intertidal Health

(The Chair) (Report prepared by Jorgia McMillan)

E325-000-002

Purpose of Report

1. To inform the Committee on the importance of seagrass on estuary and intertidal health in the Marlborough Sounds.

Executive Summary

2. Seagrass (*Zostera muelleri*) beds are a crucial part and positive indicator of a healthy estuary and intertidal area.
3. Seagrass carries out a number of important ecosystem functions including providing habitat for fish, shellfish and other marine species. The beds are able to trap sediment and stabilize the ocean floor, as well as carrying out nutrient recycling which in turn improves coastal water quality. Seagrass acts as a buffer between land and sea and can help minimise the effects of land based activities on intertidal health.
4. The Marlborough Sounds have experienced significant climate change impacts such as increased water temperatures in recent years. Seagrass beds act as an incredibly effective carbon sink, therefore providing a powerful nature-based solution to tackle climate change impacts on our marine life.
5. The Marlborough coastal marine area includes over 65 estuaries and intertidal areas. Marlborough District Council monitors seagrass across Te Hoiere/Pelorus and Tōtaranui/Queen Charlotte Sound. Across both Sounds, seagrass is present in varying abundance and health and is a vital component of Council's estuary monitoring programme.

RECOMMENDATION

That the information be received.

Background/Context

6. Although providing multiple benefits to intertidal species, seagrass itself is very vulnerable to changes in its environment and human-caused stressors. Sedimentation run off caused by storms, land use practices and industrial activities can smother seagrass. Usually located in sheltered low ocean current areas, it can take a long time for this sediment to be carried away. Warming ocean temperatures due to climate change can push seagrass out of its temperature threshold and can cause mass degradation.
7. Human-caused stressors such as trampling, anchoring and dredging can directly impact seagrass and cause both a decrease in health and abundance. Urban and industrial development results in increased discharge which could include nutrients, heavy metals and harmful bacteria and viruses.
8. Council's estuary monitoring programme created by Salt Ecology in 2022 has shown there are areas in the Marlborough Sounds that have healthy and productive intertidal areas with mass abundance of seagrass such as Umungata Bay, Fence Bay and Mistletoe Bay. While there are some areas with lower seagrass extent including Kaiuma Bay, Mahakipawa Arm and Ohinetaha.

Next steps

9. Council and Salt Ecology will continue to monitor seagrass in Te Hoiere/Pelorus and Tōtaranui/Queen Charlotte Sound as part of our estuary monitoring programme. Providing State of the Environment (SOE) monitoring reports for each estuary and collecting data so we are able to build long term trends on the presence of seagrass in our CMA.
10. Over the 2023/2024 summer months, the Coastal Science team have mapped over 20 of Marlborough's estuaries. We are now analysing this data and compiling a report for the committee on the state of these estuaries, which will be presented to the committee later this year.
11. The recent funding increase toward coastal restoration will enable the team to better educate land owners and community groups and create awareness around the benefits of seagrass and the importance of utilizing nature-based solutions to combat climate change.

Presentation

A short presentation will be given by Jorgia McMillan (5 mins)

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| Author | Jorgia McMillan, Coastal Scientist |
| Authoriser | Hans Versteegh, Environmental Science and Policy Manager |

5. Catchment Facilitation

(Clr Burgess) (Report prepared by Nic Dann)

E355 021 005

Purpose of Report

1. To present information to the Committee on the workflows around implementation of the Essential Freshwater fund following Government's recommended 'light touch' request.

Executive Summary

2. The Order in Council for Marlborough's Freshwater Farm Plan roll out order has been placed on hold until ministers have provided formal direction on the freshwater farm plan system. With this change Marlborough will need to present new roll out start dates to Council for approval once clarity has been received. The Government wants to ensure freshwater farm plans are practical and cost-effective for farmers.
3. Council has been directed to take a light touch on implementation until formal ministerial direction is received. This and upcoming information due to be released by Government are the primary drivers for rescheduling the FWFP meetings for spring this year. Certifier training has also been postponed for a later date.

RECOMMENDATION

That the information be received.

Background

4. The Regional Catchment Facilitator position, along with a policy position has been funded by Ministry of Environment for the past 18 months, with funding expiring 1 July 2025. The deliverables for the implementation of this essential freshwater funding are largely targeted around ensuring that Council works to educate, inform, and support all landowners requiring Freshwater Farm Plans (FWFP). The work with FWFP has involved an integrated approach from many teams both within Council, as well as working closely with other industry providers, including Iwi.
5. The education aspect of these deliverables has included the coordination of website resources contained within Marlborough Rural Hub, as well as specific FWFP pages and general media communications. Other sources of education and information sharing have included a series of FWFP public meetings for targeted catchments, rural support organisations as well as NZWine industry professionals. The support for landowners needing FWFP has taken many forms including, research, and investigation of various FWFP digital tools, the creation of catchment context challenges and values documents, re-designing spatial information in the development of "my farm" tile within ArcGIS to support easy access to key FWFP risk assessment requirements and finally working closely with Sustainable Winegrowing NZ to support this industry deliver a solution to support their members.
6. Stitching the multiple groups working across the region to ensure a coordinated and well-informed approach has been a large component of the funding outcomes for these roles. This has involved supporting Iwi, catchment groups and community initiatives with freshwater outcomes that support Council's vision within the proposed Marlborough Environment Plan for degraded catchments. Other facilitation which supports information sharing between Tasman District Council, Nelson City Council has allowed for some consistency in approach to FWFP implementation.
7. MDC demonstrates leadership with the catchment care in degraded catchments. Water quality commonalities are still requiring consistent mitigations with stock exclusion, riparian plantings and erosion control have priority focus.

Current considerations

8. This MfE funding continues to greatly support the value of the catchment care programmes and freshwater projects, while creating efficiencies with collaboration and integration within MDC and external project teams. Relationship building and whanaungatanga are key drivers to success with FWFP implementation.
9. There is continuing engagement through FWFPs to support the direction of the proposed Marlborough Environment Plan, which demonstrates leadership in catchment care in degraded catchments using a risk-based approach for freshwater mitigations.

Next steps

10. The Order in Council for Marlborough's Freshwater Farm Plan roll out order has been placed on hold until ministers have provided formal direction on the freshwater farm plan system. With this change Marlborough will need to present new roll out start dates to Council for approval once clarity has been received. The Government wants to ensure freshwater farm plans are practical and cost-effective for farmers.
11. Council has been directed to take a light touch on implementation until formal ministerial direction is received. This and upcoming information due to be released by Government are the primary drivers for rescheduling the FWFP meetings for spring this year. Certifier training has also been postponed for a later date.

Presentation

A short presentation will be given by Nic Dann (11 minutes).

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| Author | Nic Dann, Regional Catchment Facilitator |
| Authoriser | Peter Hamill, Team Lead Land and Water |

6. Wild Ungulate Management in the Marlborough Sounds

(Clr Faulls) (Report prepared by Alan Johnson)

E315-005-027-01

Purpose of Report

1. To provide the Committee with an update on the recent community-led initiative being delivered by and through the Marlborough Sounds Restoration Trust targeting the high number of wild ungulates [deer, pigs, goats] in the Marlborough Sounds.

RECOMMENDATION

That the information be received.

Background

2. For almost two decades, the Marlborough Sounds Restoration Trust (MSRT) has delivered several highly regarded initiatives across the Sounds environs with the wilding pine programme the most widely known.
3. In recent years, due to escalating concern amongst the community and agencies alike about increasing ungulate numbers and associated impacts, a new initiative has been successfully piloted and implemented by MSRT.
4. The new initiative involves MSRT using 'seed funding' from the likes of Council's Working for Nature Grant Scheme to spend time developing areas targeted for culling operations. This phase can be very intensive as it involves conversations with a large number of private land occupiers, the various agencies, iwi and also forward planning the availability of specialist contractors.
5. The other key point of difference with the MSRT model is that operations are predominantly funded through community raised funds from the numerous private land occupiers within operational areas willing to invest funds to reduce the range of impacts they have experienced or witnessed through high ungulate numbers.
6. To date, MSRT have facilitated and delivered seven operations spanning Whatamango Bay, Inner Queen Charlotte Sound, Outer Queen Charlotte Sound, Mt Cawte, Maud Island, Blumine Island and Arapaoa Island Scenic Reserve. The latter operations were predominantly working with the Department of Conservation. In total, these operations covered 13,000ha and removed 2,830 feral animals.

Next steps

7. An aspect which is commonly overlooked is the impact high ungulate numbers have on the resilience of regenerating forest ecosystems in the Sounds. This relates not only to ecological resilience, but also biophysical resilience.
8. One only needs to observe areas under pressure from high rates of ungulate browse to see that the ability of that ecosystems to buffer intense rainfall events is severely reduced.
9. As a result, not only does the management of ungulates in the Sounds carry an ecological benefit, but it also has a much wider benefit in terms of wider resilience.
10. To date, much of the attention around ungulate impacts is tied to biodiversity and is led by the Department of Conservation. However, the much wider impact in the Sounds context does need to be more widely known.

Presentation

A short presentation will be given by representatives from the Marlborough Sounds Restoration Trust (15 minutes).

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| Author | Alan Johnson, Environmental Science & Monitoring Manager |
| Authoriser | Hans Versteegh, Environmental Science & Policy Group Manager |

7. Marlborough Drought Update - Autumn 2024

(Clr Burgess) (Report prepared by Charlotte Tomlinson and Peter Davidson)

E345-007-001

Purpose of Report

1. To update the Environment Committee on drought conditions and the current state of water resources.

RECOMMENDATION

That the information be received.

Background/Context

2. On the 14 of March, the government classified drought conditions in the Top of the South as a medium-scale adverse event.
3. The Top of the South Drought Committee has met for a second time on the 27 of March.
4. Dry weather conditions continue, in particular south of the Wairau River but increasingly throughout the whole region.
5. Extremely low rainfall and runoff had severely depleted soil moisture by early summer.
6. Now in autumn, surface water restrictions are more widespread as the dry weather continues.
7. The record low levels in the Wairau aquifer and the impact on springs is a focus of fieldwork investigations.
8. MDC hydrology staff will brief Councillors on the latest conditions with opportunity for questions

Presentation

A short presentation will be given by Charlotte Tomlinson and Peter Davidson (15 minutes)

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| Author | Charlotte Tomlinson, Environmental Scientist – Hydrology and Peter Davidson, Senior Environmental Scientist – Groundwater |
| Authoriser | Alan Johnson, Environmental Science & Monitoring Manager |

8. Soil Mapping Update – April 2024

(Clr Burgess) (Report prepared by Matt Oliver)

E355-004-008

Purpose of Report

1. To provide an update on the joint Council and Manaaki Whenua Landcare Research (MWLR) S-Map soil mapping project.

Executive Summary

2. Soil mapping work in Marlborough proceeds on schedule and within budget.
3. Mapping work for Wairau Valley is near completion.
4. A review for the Awatere Valley mapping is complete.
5. Work is ongoing in Blind River and Flaxbourne
6. Feasibility of a digital soil mapping solution for the Marlborough Sounds is underway.

RECOMMENDATION

That the information be received.

Background/Context

7. This project seeks to update the soil mapping for the lowland productive areas of Marlborough from 1960's mapping to more modern and finer-scale mapping.
8. Improvements in mapping are required to ensure soil data is adequate for modern landuse need such as irrigation allocation and nutrient management.
9. The project is on schedule and making good progress with field work, map development and uploading revised mapping to S-Map Online.
10. The programme is funded by pre-existing Council budget and significant subsidy from Ministry for Primary Industry.

Soil Mapping in Marlborough

11. Council is engaged with MWLR to improve soil mapping on the lowland, more highly productive areas of Marlborough farmland. This project involves a combination of desktop GIS modelling work based on Council's recent LiDAR acquisitions and intensive field work to ground truth the desktop work.
 - a) The mapping effort is funded partly by Council contribution from pre-existing budgets and by a 2/3rds subsidy from Ministry of Primary Industries. This has enabled work to proceed at a much faster rate with completion of the target areas within 3-4 years (compared to 15 using only Council resources)
 - b) Council has previously commissioned several soil characterisation studies in the region including the Kaituna, Pelorus, Rai, Linkwater, Koromiko and Upper Wairau Valley areas. These studies have identified the common soils of the area but did not extend to mapping the extent of these soils. This work has provided the basis of the desktop analysis.
 - c) Mapping work is now extending to areas without soil characterisation studies. As these studies provide information on the relationships between landscape features and the soils found on

them, new areas require development of a soil landscape model. This work has been completed for Blind River by staff and is contained in a Master's thesis currently being marked. A Council technical report will be developed from the thesis in due course.

- d) The results of the mapping effort are updates to the national soil mapping portal, S-Map <https://smap.landcareresearch.co.nz/>. This will see improved visual maps, improved soil attribute data and data available on factsheets for users.
- e) One of the major outcomes from the project is a better understanding the attributes of a soil at any given point. These attributes will include data around soil texture, water holding capacity, soil carbon, nutrients etc. Previously, this type of data was not available or was assigned from other sources/regions depending on the soil types. This type of data will be extremely important for future land use decision making.
- f) The field work component is time-consuming and dependant on landowner permissions to sites. Staff wish to express thanks to the many landowners who have allowed access for field work.

Wairau Valley

- 12. In the Wairau Valley, the soils have high stone content. This renders quick soil auger observations impossible and necessitates digging of soil pits. This work is commonly done by hand as it is quicker and has less Health and Safety concerns than use of an excavator. This has made field work slow and physically demanding.
 - a) Because of this, the field work incorporated proximal soil sensing techniques to guide the selection of observation pits. This has enabled correlation between the 2020 LiDAR data and subsurface properties detected by the remote sensed data. Each transect was also manually surveyed. This has enabled extrapolation of soil properties across a wider area by using the more complete LiDAR coverage. This work was recently published in Soil Horizons <https://www.landcareresearch.co.nz/publications/soil-horizons/soil-horizons-articles/tactical-use-of-proximal-sensing-tools-for-the-s-map-soil-survey/>
 - b) Combined with 36 existing observations from the earlier soil characterisation report (Campbell, Oliver, & Rait, 2016¹, 174 observations have been carried out in Wairau Valley to date. Soil polygon linework will initially be drafted up using a segmentation approach and a range of topographic covariates derived from Council's LiDAR data sets and historic aerial imagery. The finished mapping is expected to be uploaded to S-Map Online in June 2024.

Desktop Reviews- Awatere Valley and Wairau Plain

- 13. In addition to field mapping work, desktop reviews of existing soil mapping is also being carried out to ensure that more recently mapped areas are up to date.
 - a) The Awatere Valley was initially mapped in 2007 by MWLR ahead of the production of a soil characterisation report (Campbell & Oliver, 2020²). Considering the material contained in the 2020 report, mapping was reviewed to confirm that the map adequately represented the field situation. The review concluded that while some map polygons had changed in the intervening 13 years, there was little point in changing these as they were exclusively recent riverbed soils prone to regular change. Many soil polygons received updates to soil texture and stone content data. This will result in a change to water holding capacity attributes once changes to the MWLR soil moisture pedotransfer functions are confirmed later this year. In due course (as water permits are renewed) this will flow into the amount of water irrigation users are allocated by Irricalc which depends on S-Map soil data.

¹ Campbell, I. B., Oliver, M. D., & Rait, R. (2016). *Soil Properties in the Wairau Valley*. MDC Technical report 16-005. Retrieved from <https://www.marlborough.govt.nz/environment/land/soils/soil-reports>

² Campbell, I. B., & Oliver, M. D. (2020). *Soils of the Lower Awatere Valley*. Technical Report 20-006. Report prepared for the Marlborough District Council. Retrieved from <https://www.marlborough.govt.nz/environment/land/soils/soil-reports>:

- b) A desktop review for the current Wairau Plains soil map is underway. This is currently delayed due to MWLR awaiting legacy data from one of the original surveyors and workload with the reviewer.

Next Steps

Blind River / Flaxbourne

14. The next project for soil mapping is Blind River and Flaxbourne. At approximately 9,000 hectares, this will be the largest and most ambitious mapping project undertaken to date. The area was last mapped by Gibbs and Beggs (1953)³. No soil attribute data is available for the area.
 - a) Work has commenced in Blind River with multiple field trips by staff to develop a soil-landscape model. This work is analogous to the earlier soil characterisation work from other parts of the Region. However, this work focusses on the relationships between soils and the characteristics of the landscapes they are found in. This information can then be used within a GIS to extrapolate soil characterisation across a wider area. This work has resulted in a Masters Thesis (currently being marked) and will in time be developed into a Council Technical report. The 78 observations from this work have enabled an overview of the soils of the area:
 - i) The major factors in soil formation in Blind River are loess and mudstone parent materials, tectonic influences that determine slope, the summer dry climate and very low rainfall.
 - ii) Soils on stable sites (flat summits) have accumulated loess and developed silt loam Pallic soils with Bt horizons (clay pans) due to the summer dry climate.
 - iii) Where slope exceeds 15°, loess soils cannot remain in place and erosion results in mixed loess/mudstone soils. These are characterised as Pallic soils but are commonly stonier and without the clay pan horizons.
 - iv) Uphill erosion results in deposition of material in small stream beds throughout Blind River. The dry conditions mean these areas are unable to fully evacuate this sediment and typically result in silty Gley soils or sandier Recent soils.
 - v) Within the larger river plain, the dry conditions result in infrequent floods and a low capacity to transport heavy material. As a result, Recent soils predominate but these are typically fine textured with small stones. Compare this with the much more powerful Awatere and Wairau rivers where large rocks are common and make up a significant portion of the soils formed by these rivers.
 - b) Initial field work with MWLR has started and assistance has been sought from Dr Peter Almond at Lincoln University. Dr Almond is recognised as a national expert on loess soils. A 3-day field visit was conducted to assist the Council/MWLR team to correctly identify loess soil features and to clarify the distinction between loess soils and closely related siltstone soils. During this visit Dr Almond identified several nationally unusual soil features in the study area including tephra (volcanic ash) from the Kawakawa eruption of the Taupo supervolcano from 24,600 years ago and, calcium pseudorhizomorphs formed by calcium deposition within old root and worm channels (nationally, loess soils containing free calcium are unusual and warrant further study). Dr Almond also confirmed the identification of the multiple loess sheets found in the study area. Understanding the different loess sheets across the study area is important to clearly identify the ages and provenance of the various soils in the area.
 - c) Field work on Blind River is expected to continue for at least the next year.
 - d) The Blind River Soil-Landscape model is expected to have limited applicability further south in Flaxborne due to the reduced loess deposition in that area. It is expected that it will need

³ Gibbs, H. S., & Beggs, J.P. (1953). *Soils and Agriculture of Awatere, Kaikōura and part of Marlborough Counties*. Wellington: Soil Bureau, DSIR Bulletin 9.

additional development to cope with the inclusion of different parent materials and tectonic setting. Work on this will commence later in 2024.

Marlborough Sounds

15. With the recent procurement of LiDAR across the Marlborough Sounds, the possibility exists to update the very coarse scale 1960s soil mapping in the area. This will be important for Council to develop a better understanding on landsliding and sediment loss risk in the Sounds. A feasibility study (Envirolink-funded) into the practicality of improving soil mapping in the Marlborough Sounds using a digital soil mapping approach has been commenced.
16. The recent failed peer review for Land Use Capability revision work (**CM Ref:** 2463276 & 2463280) is another driver for this work. LUC underpins the Erosion Susceptibility classification mapping for the NES – Commercial Forestry and therefore controls forestry activity in the area. One of the key reasons for the inability to adequately reclassify the LUC classification in the Sounds was the lack of sufficiently detailed soil mapping.
17. The feasibility study will look at the best approach to implement a digital soil mapping solution for improving the areas soil mapping. This will include identifying all relevant legacy data, extracting soil-landscape relationships from this data and seeking guidance from experts previously involved in mapping in the area. Identifying locations where improved soil mapping is required is also a key part of the feasibility work. At this early stage, the researchers envisage focussing on areas where human activity is present (forestry, farming) plus on areas where significant downslope risks might exist such as towns, roads etc. Public Conservation land with few downslope risks will be lower priority for mapping. Results of the feasibility study are expected later in 2024.

Presentation

A short presentation will be given by Matt Oliver (20 minutes).

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| Author | Matt Oliver, Senior Environmental Scientist- Land Resources |
| Authoriser | Alan Johnson, Environmental Science & Monitoring Manager |

9. National Policy Statement for Freshwater Management 2020 – Report on Second Round of Community Engagement

(also refer separate report available on Council’s website)

(The Chair) (Report Prepared by Clementine Rankin)

M100-14-03-02

Purpose of Report

1. To report on the feedback received for the second round of community engagement (the engagement) regarding the implementation of the National Policy Statement for Freshwater Management 2020 (NPSFM).

Executive Summary

2. As part of the process of giving effect to the NPSFM, every regional council must follow the National Objectives Framework (NOF) to identify values, set associated environmental outcomes, and is also required under the NPSFM to have long-term visions for freshwater in its region. Every step must be developed through engagement with communities and tangata whenua.
3. The second round of community engagement took place from 3rd November to 15th December 2023. This round of community engagement focused on the proposed values, visions, and environmental outcomes for freshwater (the proposals) in each of the six proposed Freshwater Management Units (FMU) in the region.
4. A set of draft long-term visions, values, and environmental outcomes (the proposals) were prepared by collating a wide variety of reference material including feedback to the first round of community engagement, existing environmental programmes, and other material.
5. A robust engagement package was created which included an update to the Freshwater Management section of the Council website, a questionnaire in dual formats, and a range of in person and online events.
6. Council staff collated feedback via the “Have your Say” portal, emails, and hard copy forms.
7. Council received 46 individual relevant responses.
8. The report summarises the responses by FMU and question, as well as providing background context and detailing next steps.
9. The feedback demonstrated the strong and often contrasting viewpoints regarding freshwater.
10. Themes noted in the feedback included private property rights (particularly regarding access over private land), contrasting views on Ecosystem Health with differing emphasis on enhancing and protecting or providing a more balanced approach, forestry land use, irrigation water storage, and other irrigation activities.
11. The second round of engagement took place in November/December 2023, shortly after the October 2023 general election.

RECOMMENDATION

That the report be received.

Background/Context

12. The first round of community engagement on the NPSFM took place from December 2022 to June 2023 and focused on the proposed Freshwater Management Units (FMU), proposed long-term visions, and proposed values. A full report on the first round of community engagement was presented to the Environment and Planning Committee in October 2023.
13. The second round of community engagement took place from 3rd November to 15th December 2023. This round of community engagement focused on the proposed values, visions, and environmental outcomes for freshwater (the proposals) in each of the six proposed Freshwater Management Units (FMU) in the region.
14. These proposals were considered “strawman” options which were intended to provide the public with something to critique, as it can be difficult to comment on a blank slate.
15. To create the proposed long-term visions, values, and environmental outcomes for each FMU, Council staff considered a number of inputs including community feedback from the first engagement round, the PMEPP, existing freshwater programmes such as the Te Hoiere Project, and other relevant documentation.
16. Some of the topics for the first and second rounds overlapped, providing the public an opportunity to revisit content previously discussed and to check in that further freshwater values had not been missed.

Engagement package

17. A questionnaire was created to seek community feedback on the proposals. The questionnaire was specifically designed to invite targeted feedback at an FMU level, rather than seek general feedback.
18. To engage directly, Council staff undertook six in person community drop-in sessions, three in person sector group events, and two online public webinars. Additionally, Council staff also attended the two-day Marlborough A&P Show.
19. Information provided at these events included FMU maps, land use maps, Council scientific reports, the proposals, and the feedback questionnaire in a visual and interactive way to the community.
20. The questionnaire was available in hard copy and digital formats via Council’s “Have Your Say” portal. Feedback could also be emailed to the freshwater@marlborough.govt.nz email address or dropped into Council premises and libraries.
21. The Freshwater Management section of the Council website was also extensively updated to provide further information for each FMU as to the historical and current land and water use, freshwater states, and the freshwater proposals which were the subject of the engagement.
22. During the period of the engagement, Freshwater Management featured on the front page of the Council website to drive further engagement.

Summary of feedback received

23. Despite a robust engagement framework and short, targeted questionnaires, Council received a relatively low amount of community feedback with 46 relevant responses.
24. Council also received a small number of responses which were not included in the attached report. These responses either did not complete the required privacy statement, relevant permissions were withdrawn, or the feedback was not related to the NPSFM. Some feedback received was out of the engagement scope and has not been included in the report.
25. The level of community feedback varied. The Wairau FMU received the largest amount of responses whereas the Waiiau-toa/Clarence received considerably less. This difference in feedback across FMU was not unexpected.

26. A number of strong themes emerged in the feedback, many of which crossed multiple FMU and in some cases, across the region. At times there were strongly contrasting views on the same topic, highlighting the different freshwater values, long-term visions, and environmental outcomes held by the community.
27. One strong theme was private property rights, particularly surrounding access over private land related to proposed freshwater values such as Mahinga Kai, Recreation and Amenity, Wai Tapu, and Tauranga Waka and the need for legal permissions.
28. Another theme was contrasting views around the proposed “Ecosystem Health” value and whether emphasis should be placed on enhancing and protecting or providing a more balanced approach.
29. Further strong themes for discussion included forestry land use, water storage, and irrigation water.

Next steps

30. Staff will create a separate report comprising Council’s responses to this feedback. This report will be presented to the Committee in mid-2024.
31. As reported in the February and March 2024 Committee meetings, the Government proposes to review and replace the NPSFM 2020 within the next 18-24 months, and an extension of the notification deadline by three years from December 2024 to December 2027.
32. As presented to the March 2024 committee meeting, in light of the government direction no variation will be made to the PMP for the NPSFM 2020 in 2024. Community consultation will also halt for now. However, the Council’s NPSFM work programme will continue, focusing on working with iwi to understand Māori freshwater values, long-term visions, and assessing freshwater management against new regional and science information.
33. Staff will continue to closely monitor Government information on the NPSFM review, liaise with the Ministry of Environment as needed, and report to this Committee when changes occur.

Attachment

Attachment 1 – Report on NPSFM Engagement 2: Proposed Long-term Visions, Values, and Environmental Outcomes April 2024 – the report is available on Council’s website via the <https://www.marlborough.govt.nz/your-council/meetings>

| | |
|------------|---|
| Author | Clementine Rankin, Strategic Planner - Freshwater |
| Authoriser | Pere Hawes, Manager – Environmental Policy |

10. Appeals on PMEP Variation 1: Marine Farming

(The Chair) (Report prepared by Kaye McIlveney)

M100-11-002-07

Purpose of Report

1. To report on progress with resolving appeals on PMEP Variation 1: Marine farming appeals.

Executive Summary

2. 32 notices of appeal on Variation 1 were lodged with the Environment Court.
3. Formal mediation on Variation 1 appeals commenced on 12 March 2024.
4. In the meantime, progress is being made to resolve appeals through informal mediation. Consent orders have been issued by the Court to resolve, in full or in part, five appeals with respect to aquaculture management areas (AMA). Another two proposals to settle appeals on AMA are with the Court and await consent orders. Council has proposed a resolution with the appellants in two more appeals and discussions continue with two further appellants.

RECOMMENDATION

That the report be received.

Appeals received

5. The Variation 1 Hearings Panel publicly notified their decision on 19 May 2023.
6. The Environment Court received 32 notices of appeal. The list of appellants is shown in Attachment 1. Most of the appellants are marine farmers or represent marine farming interests. The full notices of appeal are available on the Council website: <https://eservices.marlborough.govt.nz/programmes/ListProgrammeEvents?id=5682424>. There is a total of 678 discrete appeal points.
7. Most of the appeals comprise one or more of three distinct categories of subject matter:
 - Appeals on the management framework (objectives, policies, methods and rules);
 - Appeals on inclusion of specific AMA on Schedule 1;⁴
 - Spatial appeals relating to the aquaculture management area (AMA) overlay. These typically relate to the non-provision of AMA, propose options for relocating of lines from inappropriate farms and/or seek adjustments to the boundaries of the AMA.
8. This breakdown has been used to structure the formal mediation which commenced on 12 March.

Environment Court process

9. The Environment Court manages all appeal processes in accordance with their Practice Note 2023. There are typically three options. The matters subject to appeal can be resolved between the parties (informal mediation), they may be resolved through Court assisted mediation (formal mediation), or they may proceed to Court hearing (in which case the Environment Court determines the outcome). Appellants may also withdraw their notice of appeal.

⁴ Those seeking to reconsent Schedule 1 farms are required to assess effects on the benthic environment as a matter of control. Many farms included on Schedule 1 are located in parts of the coastal marine area that have not had the benefit of multi-beam echosounder survey.

10. In accordance with Council’s Instrument of Delegation, any agreed settlement between the parties achieved through mediation must be approved by either the Manager of Environmental Policy or the Manager of Environmental Policy, Science and Monitoring, or otherwise referred back to this Committee. The Managers are required to consult with the Chair of this Committee as part of the process of reaching agreement.
11. An agreement to resolve appeals from either formal or informal mediation is referred to as a “consent memorandum”. If the Court agrees to the mediated agreement, it confirms the agreement by way of a Court decision called a “consent order”.
12. The Court issued a minute on 23 August 2023 instructing the Council to propose a structure for mediation of Variation 1 appeals. In response, Council emphasised that it needed to better understand the relationship between the Variation 1 appeals and outstanding PMEP appeals (A significant number of original PMEP appeal points made by marine farmers were placed on hold during the relevant mediation pending the decision on Variation 1).
13. Council provided a final response to the Court on 22 December 2023 proposing a format, structure and timing for formal mediation (see below for further details).
14. The Court has set the following initial directions for mediation:
 - The Objectives, policies, and rules topic is set down on 12-14 March and 19-21 March
 - The allocation method topic is set down on 26–28 March
 - Transition, miscellaneous and Ngai Tahu’s appeal are scheduled for 9–11 and 17–19 April.

MEP Appeals Version

15. In accordance with Clause 16B of the First Schedule of the RMA, the provisions of Variation 1 have been merged with the PMEP. This means that the provisions of Variation 1 can be accessed from the Appeals Version of the PMEP. As for the substantive PMEP provisions, provisions of Variation 1 subject to appeal are specifically identified. The Appeals Version of the PMEP is available on the Council website: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/appeal-process/appeals-version-of-the-pmep>.
16. The Appeals Version of the PMEP will continue to be updated on an ongoing basis as appeals on Variation 1 are resolved and consent orders are issued by the Environment Court.

Approach to resolution of appeals

17. Formal mediation commenced on the management framework appeal points only at this point in time. This mediation took place from 12-28 March and continues from 9-19 April.
18. There will then be a pause in the mediation schedule to allow parties to consider the implications of any of the management framework mediated outcomes on the spatial AMA based appeals.
19. Council has been directed to propose a mediation schedule by late June 2024 for the spatial appeals (and potentially for outstanding and related PMEP appeals) to take place later in the year.
20. A work programme is now in place for the Schedule 1 appeals and, as such, no mediation is proposed at this stage for these appeals. See below for report on progress on this work programme.
21. Matters discussed during mediation are confidential to the parties to allow discussions to occur on a without prejudice basis. For this reason, it is not possible to update the Committee on progress with resolution of the specific appeal points or the detail of the resolution. As per the Council delegation, the Chair of the Environment and Planning Committee will be briefed about the general course of the mediation to date and on the specific agreed outcomes from that mediation.

- 22. In the initial report to the Environment Court, Council advised the Court that it intended to undertake informal discussions on appeals where there were no or few S274 parties. See below for a report on progress on these appeals.

Progress with resolution of appeals

- 23. As set out above, effort to date has focussed on informal discussions on appeals where there were no or few S274 parties. These have tended to be spatial appeals relating to specific AMA. The discussions have been positive.
- 24. To date, agreement has been reached to resolve, or partially resolve, six appeals. Consent orders have been issued by the Court for five appeals. Two consent memoranda still sit with the Court.
- 25. Proposals to resolve other appeals or appeal points are with two appellants.
- 26. Discussions are continuing with two further appellants.
- 27. A workstream with respect to the Schedule 1 appeals is underway. This involves expert input into determining what benthic information will be necessary to satisfy Council as to the potential effects on the benthos from the siting of a marine farm. A report from the technical experts is expected in the near future.
- 28. All consent orders that are issued will be incorporated into the PMEP Appeals Version.

Next Steps

- 29. Formal mediation occurred in March. Council is preparing for the further mediation taking place in April.
- 30. Council will continue to pursue resolution of four further appeals, as detailed in this report, through informal mediation of Variation 1 appeals.
- 31. Progress with the resolution of appeals on Variation 1 will continue to be regularly reported to this Committee through future agenda items.

Attachment

Attachment 1– Table of appellantsPage [21]

| | |
|------------|---|
| Author | Kaye McIlveney, Solicitor Environmental Policy |
| Authoriser | Hans Versteegh, Manager of Environmental Policy, Science and Monitoring |

Attachment 1

| Lodgement # | Appellants |
|--------------------|--|
| ENV-2023-CHC-38 | Kuku Holdings Limited |
| ENV-2023-CHC-39 | Vincent Smith |
| ENV-2023-CHC-47 | Clova Bay Residents Association Incorporated |
| ENV- 2023-CHC-48 | Kenepuru and Central Sounds Residents Association Incorporated |
| ENV- 2023-CHC-49 | Apex Marine Farm Limited |
| ENV- 2023-CHC-50 | Aroma (N.Z.) Limited and Aroma Aquaculture Limited |
| ENV- 2023-CHC-51 | Jonathan Tester and Ciaran Hughes |
| ENV- 2023-CHC-52 | Talleys Group Limited |
| ENV- 2023-CHC-53 | Canantor Mussels Limited, KPF Investments Limited & Parkhurst Enterprises General Partner Limited |
| ENV- 2023-CHC-54 | Shane McCarthy |
| ENV- 2023-CHC-55 | Port Gore Partnership and Slade King & King Limited |
| ENV- 2023-CHC-56 | Carl Elkington, Tui Elkington, Shane McCarthy, Talleys Group Limited, Kapua Marine Farms Ltd, Aroma (N.Z.) Limited & Aroma Aquaculture Limited |
| ENV- 2023-CHC-57 | Kapua Marine Farms Limited |
| ENV- 2023-CHC-58 | P H Redwood & Company Limited & PHR Processing Limited |
| ENV- 2023-CHC-59 | KPF Investments Limited & United Fisheries Limited |
| ENV- 2023-CHC-60 | Ngāti Rārua Ātiawa Iwi Trust Board |
| ENV- 2023-CHC-61 | Marine Farming Association Incorporated & Aquaculture NZ |
| ENV- 2023-CHC-62 | Marine Farming Association Incorporated |
| ENV- 2023-CHC-63 | Clearwater Mussels Limited |
| ENV- 2023-CHC-64 | David Hogg & PB Partnership |
| ENV- 2023-CHC-65 | MacLab (NZ) Limited & MacLab (NZ) Marine Assets Limited |
| ENV- 2023-CHC-66 | Marlborough Aquaculture Limited |
| ENV- 2023-CHC-67 | Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu |
| ENV- 2023-CHC-68 | Ngāi Tahu Seafood Resources Limited |
| ENV- 2023-CHC-69 | Robert & Simon Pooley |
| ENV- 2023-CHC-70 | Scott Madsen Family Trust |
| ENV-2023-CHC-71 | Helen Tester, Ronald Bothwell & Rosemary Bothwell |
| ENV-2023-CHC-72 | Tory Channel Aquaculture Limited |
| ENV-2023-CHC-73 | Sanford Limited |
| ENV-2023-CHC-74 | Hori (George) Elkington |
| ENV- 2023-CHC-76 | Ayakulik Limited |

11. Appeals on the PMEP

(The Chair) (Report Prepared by Pere Hawes)

M100-09-01

Purpose of Report

1. To inform the Committee of progress with resolving appeals made to the Environment Court on the PMEP.

Executive Summary

2. 51 notices of appeal on the PMEP were lodged with the Environment Court.
3. Scheduled Environment Court mediation on all topics has now been completed, although requests for further Court assisted mediation are being made when the parties consider that progress can be made.
4. There is one consent memorandum currently being considered by the Court and a further consent memorandum is in circulation.
5. Aquaculture Interests have withdrawn a significant number of appeal points subsequent to the public notice of the Variation 1 decision. Work is ongoing to consider the relationship between outstanding PMEP appeals, and the Variation 1 decision and appeals.
6. With the gazettal of the NPS for Indigenous Biodiversity, parties are considering how the NPS direction may influence appeals placed on hold pending that gazettal.

RECOMMENDATION

That the report be received.

Background/Context

7. The PMEP Hearings Panel publicly notified their decision on the PMEP on 22 February 2020.
8. The Environment Court received 51 notices of appeal. The list of appellants is shown in Attachment 1. The full notices of appeal are available on the Council website: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/appeal-process/appeals-received>. There were a total of 1307 appeal points.
9. The Environment Court manages all appeal processes in accordance with their Practice Note 2023. There are typically three options. The matters subject to appeal can be resolved between the parties (informal mediation), they may be resolved through Court assisted mediation (formal mediation), or they may proceed to Court hearing (in which case the Environment Court determines the outcome). Appellants may also withdraw their notice of appeal.
10. In accordance with Council's Instrument of Delegation, any agreed settlement between the parties achieved through mediation must be approved by either the Manager of Environmental Policy or the Manager of Environmental Policy, Science and Monitoring, or otherwise deferred back to the Committee. The Managers are required to consult with the Chair as part of the process of reaching agreement.
11. An agreement to resolve appeals from either formal or informal mediation is referred to as a "consent memorandum". If the Court agrees to the mediated agreement, it confirms the agreement by way of a Court decision called a "consent order".

12. Given the number of appeal points (1307), the resolution of appeals has been a focus of the work programme of the Environmental Policy Group for the past three years and continues to be so. However, given the progress with the resolution appeals documented in previous reports to the Committee, being able to make the PMEOP operative or operative in part is getting closer. It is anticipated that this step will occur this calendar year.

MEP Appeals Version

13. An appeals version of the PMEOP has been produced, identifying provisions that are subject to appeal. This is available on the Council website: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/appeal-process/appeals-version-of-the-pmep>. The PMEOP Appeals Version is being updated on an ongoing basis as appeals are resolved and consent orders are issued by the Environment Court.

Progress with resolution of appeals

14. To date, 16 appeals have been resolved in full and five appeals have been withdrawn. The status of all appeals is recorded in Attachment 1. There are a total of 35 notices of appeal remaining.
15. Progress with resolution of appeals by topic is included in Attachment 2. Most outstanding appeal points fall within the natural character, landscape or indigenous biodiversity topics. The majority of these appeal points are now linked to appeals on Variation 1. Some appeal points in the indigenous biodiversity topic were on hold pending the gazettal of the NPSIB. The NPSIB has since been gazetted, and the parties are reassessing their positions to establish whether progress can now be made.
16. A total of 52 consent orders have been issued by the Environment Court.
17. Since the last report to the Environment and Planning Committee on 16 November 2023, eight additional consent orders have been issued by the Court. Importantly, these include resolution of all appeals on the water allocation and use topic and the water quality topic.
18. Two further consent memoranda have been submitted to the Environment Court for its consideration in that time.
19. At this point in time, only nine appeal points are to be heard by the Environment Court, likely in two fixtures.
20. Where there are outstanding appeal points, either workstreams are in place to progress resolution or the appeal points are on hold pending other processes. The details are set out below.

Environment Court Mediation

21. Matters discussed during mediation are confidential to the parties to allow discussions to occur on a without prejudice basis. For this reason, an update on progress with resolution of the specific appeal points or the detail of the resolution is unable to be provided to the Committee as part of this agenda item. As per the Council delegation, the Chair of the Environment and Planning Committee was briefed about the general course of the mediation to date and on the specific agreed outcomes from that mediation.
22. The mediation process is overseen by an Environment Court Commissioner.
23. Environment Court mediation has now been completed for all 22 topics. In total, there were more than 80 days of mediation over a period of two and a half years.
24. All consent orders issued by the Environment Court referenced in this report can be accessed here: <https://eservices.marlborough.govt.nz/programmes/ListProgrammeEvents?id=2621046#info-2677877>.
25. As recorded above, all consent orders are incorporated into the PMEOP Appeals Version.

Natural Character

26. Mediation on the Natural Character Topic has involved lengthy mediation and discussions between the parties since February 2021, as set out in previous reports to the Committee.
27. An outstanding appeal point on the natural character overlays as they apply in Cook Strait has been resolved. A consent memorandum was submitted to the Court on 13 December 2023. A consent order is now pending.
28. Most of the remaining appeal points in the Natural Character Topic are on the natural character overlays and are linked to the outcome of Variation 1 appeals (see below). In the meantime, Council and the appellants are also exploring an alternative means of addressing the relief requested.

Landscape

29. Most of the remaining appeal points in the Landscape Topic are on the landscape overlays and are linked to the outcome of Variation 1 appeals (see below). In the meantime, Council and the appellants are also exploring an alternative means of addressing the relief requested.

Indigenous Biodiversity

30. Mediation on the Indigenous Biodiversity has involved lengthy mediation and discussions between the parties since June 2021, as set out in previous reports to the Committee.
31. The appeal points on anchoring in Ecologically Significant Marine Sites has been resolved following further informal mediation. A consent memorandum was lodged with the Environment Court on 18 December 2023. A consent order was issued by the Court on 14 March 2024.
32. There are outstanding appeal points in this topic that were deferred pending the gazettal of the National Policy Statement for Indigenous Biodiversity (NPSIB). The NPSIB was gazetted on 7 July 2023 and it came into effect on 4 August 2022. There are proposals (put forward by Council) currently in circulation with the parties to resolve the outstanding appeal points.
33. There is an agreement between the parties to resolve the outstanding appeal points on biodiversity offsetting and biodiversity offsetting. This agreement is currently in circulation.
34. Further mediation on appeals to Appendix 3, criteria for ecological significance, is scheduled for 12 April 2023.

Transportation

35. There are two outstanding matters in this topic: Managing reverse sensitivity effects adjoining State Highway and the Main North Line rail; and Policy 13.15.2 (which manages adverse effects on marine transportation).
36. There is an active workstream on the Waka Kotahi and KiwiRail appeals related to managing reverse sensitivity effects adjoining State Highway and the Main North Line rail and good progress is being made.
37. The appeal on Policy 13.15.2 is linked to appeals on Variation 1 appeals (see below).

Natural hazards

38. The outstanding appeal point in this topic relates to the status of maimai. The appellant has now confined the relief requested to one location. The outstanding appeal point is on hold pending the outcome of another non-RMA planning process that applies to that location.

Waste and discharge of contaminants to land

39. The only outstanding appeal point in this topic relates to the discharge of stormwater to land. There is an ongoing workstream seeking to resolve this appeal point.

Forestry

40. The remaining two appeal points are on hold pending the outcome of discussions considering the influence of the NPS for Indigenous Biodiversity on outstanding Topic 5 appeals (see above). The proposals highlighted above for the Indigenous Biodiversity topic may influence the outcome of these appeal points.

Other topics

41. Mediation has previously resolved all appeal points for the following topics: Topic 1: Cultural Matters, Topic 2: Water Allocation and Use, Topic 13: Water Quality, Topic 11: Rural, Topic 12: Air Quality, Topic 14: Soil Quality and Land Disturbance, Topic 17: Energy, Topic 17: Climate Change, Topic 18: Nuisance, Topic 20: Zoning.

Relationship with Variation 1: Marine Farming

42. A significant number of appeal points made by marine farmers were placed on hold during mediation pending the notification of a decision on Variation 1. This was especially the case for appeal points in Topic 3: Natural Character, Topic 4: Landscape and Topic 5: Indigenous Biodiversity.
43. The decision on Variation 1 was publicly notified on 19 May 2023.
44. Environment Court mediation on appeals to Variation 1 commenced on 12 March 2024 and is ongoing. Council and Aquaculture Interests are required to report to the Court on 28 June 2024 with respect to the interface between outstanding PMEP appeals and Variation 1 appeals.
45. See the specific report on Variation 1 appeals on this agenda for further information.

Next steps

46. A consent memorandum resolving appeals on a specific natural character overlay is with the Court. A further consent memorandum resolving appeals on biodiversity offsetting and biodiversity offsetting is in circulation. Any resulting consent orders issued by the Court will be reported to the Committee through future updates.
47. Informal mediation on outstanding matters is ongoing. The results will be reported to the Environment Court in accordance with the Court's directions.
48. A significant focus of future effort will be addressing the relationship between outstanding PMEP appeals and Variation 1 appeals.
49. With the gazettal of the NPS for Indigenous Biodiversity, parties are considering how the NPS direction may influence appeals placed on hold pending that gazettal. Progress is being made.
50. Progress with the resolution of appeals will continue to be regularly reported to the Committee through future agenda items.
51. Given the good progress already made, an audit of outstanding appeals is underway to establish the extent of provisions that may be able to be made operative. The results of the audit will be reported to the Committee.

Attachments

Attachment 1 - Table of Appellants page [26]

Attachment 2 –Table of Appeals Status Page [28]

| | |
|------------|---|
| Author | Pere Hawes, Manager Environmental Policy |
| Authoriser | Hans Versteegh, Manager of Environmental Policy, Science and Monitoring |

Attachment 1

| Appellant | | Environment Court Reference | Status |
|--|--|-----------------------------|-----------|
| Dominion Salt Limited v Marlborough District Council | | ENV-2020-CHC-21 | Resolved |
| GJ Gardner v MDC | | ENV-2020-CHC-31 | Resolved |
| Timberlink New Zealand Limited v MDC | | ENV-2020-CHC-30 | Withdrawn |
| Talley's Group Limited v MDC | | ENV-2020-CHC-32 | Resolved |
| Nelson Marlborough Fish and Game v MDC | | ENV-2020-CHC-35 | |
| Chorus New Zealand Limited and Spark New Zealand Trading Limited v MDC | | ENV-2020-CHC-37 | Resolved |
| Okiwi Bay Ratepayers Association v MDC | | ENV-2020-CHC-38 | Resolved |
| Te Rūnanga a Rangitāne o Wairau v MDC | | ENV-2020-CHC-39 | Resolved |
| Minister of Conservation v MDC | | ENV-2020-CHC-42 | |
| Aroma (N.Z.) Limited and Aroma Aquaculture Limited v MDC | | ENV-2020-CHC-45 | |
| Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu v MDC | | ENV-2020-CHC-46 | |
| McGuinness Institute v MDC | | ENV-2020-CHC-48 | Resolved |
| Matthew Burroughs Broughan v MDC | | ENV-2020-CHC-52 | Resolved |
| Port Marlborough New Zealand Limited v MDC | | ENV-2020-CHC-49 | |
| Trustpower Limited v MDC | | ENV-2020-CHC-50 | |
| The New Zealand King Salmon Co. Limited v MDC | | ENV-2020-CHC-51 | |
| Jennifer Susan Cochran v MDC | | ENV-2020-CHC-53 | Resolved |
| One Forty One (previously Nelson Forests) v MDC | | ENV-2020-CHC-54 | |
| Colonial Vineyard Ltd v MDC | | ENV-2020-CHC-59 | Withdrawn |
| Villa Maria Estate Limited v MDC | | ENV-2020-CHC-61 | Withdrawn |
| New Zealand Transport Agency v MDC | | ENV-2020-CHC-56 | |
| Transpower New Zealand Limited v MDC | | ENV-2020-CHC-68 | |
| Royal Forest and Bird Protection Society of New Zealand Incorporated v MDC | | ENV-2020-CHC-64 | |
| KiwiRail Holdings Limited v MDC | | ENV-2020-CHC-57 | |
| J V Meachen v MDC | | ENV-2020-CHC-69 | |
| Te Runanga o Ngati Kuia Trust v MDC | | ENV-2020-CHC-70 | Resolved |
| Brentwood Vineyards Limited and others v MDC | | ENV-2020-CHC-66 | Resolved |
| BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited v MDC | | ENV-2020-CHC-72 | Resolved |
| Horticulture New Zealand v MDC | | ENV-2020-CHC-72 | |
| Rebecca Light v MDC | | ENV-2020-CHC-79 | Resolved |
| East Bay Conservation Society Incorporated v MDC | | ENV-2020-CHC-78 | |
| Minister of Defence v MDC | | ENV-2020-CHC-76 | |
| Levide Capital Ltd v MDC | | ENV-2020-CHC-65 | Withdrawn |
| Delegat Limited v MDC | | ENV-2020-CHC-75 | Resolved |
| AJ King Family Trust and SA King Family Trust v MDC | | ENV-2020-CHC-73 | |

| Appellant | | Environment Court Reference | Status |
|---|--|-----------------------------|-----------|
| Environmental Defence Society Incorporated v MDC | | ENV-2020-CHC-67 | |
| Federated Farmers of New Zealand v MDC | | ENV-2020-CHC-58 | |
| Sanford Limited v MDC | | ENV-2020-CHC-60 | |
| Friends of Nelson Haven and Tasman Bay Inc | | ENV-2020-CHC-33 | |
| Omaka Valley Group Inc | | ENV-2020-CHC-34 | Resolved |
| Heritage New Zealand Pouhere Taonga | | ENV-2020-CHC-36 | Resolved |
| HARO Partnership | | ENV-2020-CHC-40 | |
| KPF Investments Limited and United Fisheries Limited | | ENV-2020-CHC-41 | |
| Te Ātiawa o Te Waka-a-Māui Trust | | ENV-2020-CHC-43 | Withdrawn |
| Beleve Limited, RJ Davidson Family Trust and Treble Tree Holdings Limited | | ENV-2020-CHC-44 | |
| Goulding Trustees Limited and Shellfish Marine Farms Limited | | ENV-2020-CHC-47 | |
| Clearwater Mussels Limited and Talley's Group Limited | | ENV-2020-CHC-55 | |
| Oldham and Others | | ENV-2020-CHC-62 | |
| Apex Marine Farm Limited | | ENV-2020-CHC-63 | |
| Marine Farming Association Incorporated and Aquaculture New Zealand | | ENV-2020-CHC-74 | |
| Just Mussels Ltd, Tawhitinui Greenshell Ltd and Waimana Marine Ltd | | ENV-2020-CHC-77 | |

Attachment 2

| Topic | Status |
|---------------------------------|---|
| 1: Cultural Matters | Completed: All appeals resolved |
| 2: Water Allocation and Use | Completed: All appeals resolved |
| 3: Natural Character | Substantial progress. Some appeal points on hold pending Variation 1 appeals. |
| 4: Landscape | Substantial progress. Some appeal points on hold pending Variation 1 appeals. |
| 5: Indigenous Biodiversity | Substantial progress. Some appeal points on hold pending Variation 1 appeals. Matters related to NPSIB now being addressed. |
| 6: Public Access and Open Space | One remaining appeal point |
| 7: Heritage Resources | Completed: All appeals resolved |
| 8: Natural Hazards | One remaining appeal point |
| 9: Urban Environments | Completed: All appeals resolved |
| 10: Coastal Environments | One remaining appeal point. Appeal point to be heard by the Court. |
| 11: Rural Environments | Completed: All appeals resolved |
| 12: Air Quality | Completed: All appeals resolved |
| 13: Water Quality | Completed: All appeals resolved |
| 14: Soil and Land Disturbance | Completed: All appeals resolved |
| 15: Waste & Discharges to Land | Two remaining appeal points on one sub-topic |
| 16: Transportation | Three remaining appeal points on two sub-topics |
| 17: Energy & Climate Change | Completed: All appeals resolved |
| 18: Nuisance effects | Completed: All appeals resolved |
| 19: Utilities | Majority of appeal points resolved |
| 20. Zoning | Completed: All appeals resolved |
| 21: Forestry | Two remaining appeal points on one sub-topic. On hold pending NPSIB (see Topic 5). |
| 22: Miscellaneous | One remaining appeal point |

12. Information Package

RECOMMENDATION

That the Regulatory Department Information Package dated 18 April 2024 be received and noted.

13. Decision to Conduct Business with the Public Excluded

Decided That the public be excluded from the following parts of the proceedings of this meeting, namely:

- Confirmation of Sub-Committee Public Excluded Minutes

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under Section 48(1) for the passing of this resolution |
|--|--|---|
| Minutes and Committee Reports | As set out in the Minutes and Reports | That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987. |