



**MARLBOROUGH
DISTRICT COUNCIL**



Information Package

Regional Planning & Development Committee

5 February 2014

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Environmental Policy

Status of Plan Changes

(Report prepared by Mark Caldwell)

Reference W045-15-00 & M135-15-00

The tables below lists the Plan Changes currently being processed by Council and their status in terms of where they are in the process.

Marlborough Sounds Resource Management Plan		
Plan Change No.	Description	Status
PC21	Waikawa Bay Mooring Management Areas and Marina Zone Extension (Private Plan Change)	Currently under appeal by Applicant. Negotiations between requestor (Port Marlborough) and submitter.
PC23	Frost Fans	Currently under appeal by submitter. Interim Environment Court decision 30/01/2013.
PC24	New Zealand King Salmon – Plan change request lodged with the Environmental Protection Authority	Currently under appeal by submitter. Appeals heard by Supreme Court 18/11/2013.
PC26	Minor Amendments	Decision Notified 17/10/2013. Item 5 (Amendments to marine farming rules) ready for adoption and referral to the Minister of Conservation for approval. See agenda item 9. The remainder of provisions are ready for approval. Once approved the operative date can be notified and the provisions incorporated into the Marlborough Sounds Resource Management Plan. See agenda item 9.
PC27	New Dairy Farms	Decision notified 5 December 2013 – Appeal period closes approximately 4 February 2014.

Wairau/Awatere Resource Management Plan		
Plan Change No.	Description	Status
PC58	Frost Fans	Currently under appeal by submitter. Interim Environment Court decision issued 30/01/2013.

Wairau/Awatere Resource Management Plan		
PC59	Colonial Vineyard Limited (Private Plan Change)	Currently under appeal by Applicant. Environment Court hearing held 09/09/2013 – 13/09/2013 Decision pending.
PC60	Maxwell Hills Zone (Private Plan Change)	Currently under appeal by Applicant. Evidence yet to be exchanged.
PC61	Minor Amendments	Decision Notified 17/10/2013. Decision on Item Six (Utility Provisions) appealed by TrustPower Limited. Remainder of provision ready for approval. Once approved the operative date can be notified and the provisions incorporated into the Wairau/Awatere Resource Management Plan. See agenda item 9.
PC62	New Dairy Farms	Decision notified 5 December 2013 – Appeal period closes approximately 4 February 2014.
PC64	Urban Growth Area One	Hearing to be held 24/02/2014 in Council Chambers.
PC65	Urban Growth Area Two	Hearing to be held 24/02/2014 in Council Chambers.
PC66	Urban Growth Area Three	Hearing to be held 24/02/2014 in Council Chambers.
PC67	Urban Growth Area Four	Hearing to be held 24/02/2014 in Council Chambers.
PC68	Urban Growth Area Five	Hearing to be held 24/02/2014 in Council Chambers.
PC69	Urban Growth Area Six	Hearing to be held 24/02/2014 in Council Chambers.
PC70	Urban Growth Area Seven	Hearing to be held 24/02/2014 in Council Chambers.
PC71	Urban Growth Area – Plan Provisions	Hearing to be held 24/02/2014 in Council Chambers.

Activity Report – 17 September 2013 to 24 January 2014

(Report prepared by Pere Hawes)

R425-02-00, M090-02-00

- Site visits and on-site consultation on specific ONFLs with landowners in the Marlborough Sounds completed. Results compiled and letters sent to landowners on 17 January 2014. This completes the process of identification of ONFLs with respect to private land. See agenda item 12 for further information.

- Confirmed list of wetlands compiled and letters to be sent to all landowners in November 2014.
- Feedback on the coastal package of provisions analysed. There are a limited number of substantive issues and these will be reported to the Committee through the consideration of individual RPS chapters and RMP rules. Minor changes made to draft provisions to provide greater certainty, improve readability or improve ease of administration.
- Analysis of latent potential for residential development on land zoned Sounds Residential confirms approximately 1000 properties yet to be developed for residential purposes.
- Ongoing discussions with MPI to discuss proposals to regulate dredging and bottom trawling in areas of significant marine biodiversity value (as identified in joint MDC/DOC publication).
- Draft rules for discharges to land completed. This involves an evaluation of the efficiency and effectiveness of current Plan rules and updated soils information. Targeted consultation now to occur.
- Ongoing review of existing Plan provisions managing land disturbance activities associated with commercial forestry. This is nearing completion and a package of rules to discuss with forestry interests will soon be compiled.
- Review of air discharge rules completed.
- Current focus is drafting of provisions for rural environments. These will be tested like all other provisions through relevant focus groups.
- Water Allocation Working group process on-going. See separate report in the information package for update.

Water Allocation Working Group Notes

(Report prepared by Pere Hawes)

R425-02-18-08

The notes of the Water Allocation Working Group meetings held on 10 October 2013, 6 November 2013 and 11 December 2013 are attached for members' information.

<p>Notes of a Meeting of the WATER ALLOCATION WORKING GROUP held in the Committee Room, District Administration Building, Seymour Street, Blenheim at 9.00am on Thursday, 10 October 2013</p>
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Present

Guy Lissaman, Neil Deans, Mike Insley, Dr R Balasubramaniam (Bala), Steve Wilkes, John Bright, John Hickman and Dominic Pecchenino

In Attendance

Pere Hawes, Rachel Anderson, Val Wadsworth, Peter Davidson, John Patterson, Alan Johnson and Sue Bulfield-Johnston

Absent

Dr John Small

Apologies

Clr Francis Maher and Dr John Small

Lateness

Steve Wilkes arrived at 10.00am

Mike Insley arrived at 10.30am

Guy Lissaman arrived 11.30am

The following documents were circulated prior to the meeting:

- Notes of a Meeting of the Water Allocation Working Group 6 September 2013 (Refer email of minutes to WAWG members 19/9/13). Trim ref 13309132.
- Principles – Agreed Water Allocation Principles with recommended changes pre-October 2013 meeting (Refer email of agenda to WAWG members 4/10/13). Trim reference 1394228[v3].
- Wairau SFR Regime (Refer email of agenda to WAWG members 4/10/13). Trim reference 13328416.

1. **Matters Arising**

- Pere reported that Francis Maher's on-going involvement with the WAWG has been endorsed by the RM Plan Review Sub-Committee (RMPRSC), on the basis that he is a prominent and long term water user. (Clr Maher did not stand for the 2013 Local Body elections.) Additionally, the group stated their preference for continued participation of a Councillor at the WAWG meetings.
- During the previous RMPRSC meeting Clr Maher provided a full report on the approach the WAWG adopted at its September meeting in terms of the Southern Valleys aquifers and the relationship with the SVIS (refer meeting September minutes). Pere reported that the RMPRSC were comfortable with the approach the group had taken. The RMPRSC expected the approach would form the basis for the policy development on this issue.
- The group worked through the Draft Policy – Other Water Allocation Provisions (Issues 1 & 2) document appended to the September meeting minutes.

Val explained that the change in terminology from "sustainable flows" to "environmental flows" reflected the terminology used by Central Government specifically in the related MfE document.

Bala commented on the tensions that have arisen in Hawkes Bay and Christchurch between water users and the Councils as a result of the imposition of environmental flow regimes. Pere noted that water users in those regions were encountering restrictions for the first time. In Marlborough surface water takes were already subject to flow regimes and, with the exception of the Waihopai River, changes to the existing regime were not significant.

He added that, historically, Marlborough District Council has not imposed restriction controls on groundwater takes. However, Central Government now requires a minimum environmental level to be also set for the aquifers.

Neil spoke of importance of engaging with the interested parties/environmental groups as part of the consultation process. Pere confirmed the intention to release for consultation a high level discussion document that will incorporate the principles the WAWG has agreed upon. Concurrently, the draft provisions will be made available, thereby providing the opportunity for these parties to respond at either the higher level or to the detail of the provisions. He anticipated this approach would identify where any tensions may be. He suggested it may be an on-going role for the WAWG members to work towards resolving those tensions.

The group agreed to all the tracked changes in the "Draft Policy – Other Water Allocation Provisions" document.

- Rachel spoke to the Agreed Principles document. She explained that Items 4 and 5 were recent additions to the list. Item 4 reflected earlier conversations the group had held relating to reliability of allocation. Item 5 summarised the groups view regarding soil moisture monitoring as discussed at the September meeting. Neil recommended changing the end of Item 4 to read “90% of years” instead of “90% of the time”. The group discussed item 5 and agreed, just clarification to be made that seasonal allocation relates to water use. See Appendix 1 for version incorporating meeting feedback (relevant page only).
- Neil questioned whether Council should set aside allocation for future development. Pere explained that provision for future expansion was already built into the consenting structure for town water supplies.
- Pere confirmed that the group had almost completed a final package. Once completed the WAWG will engage with the iwi working group (IWG) on the draft provisions. Pere suggested staff have an initial meeting with the IWG in order to gauge the iwi views on fresh water management. This should help staff to better manage the relationship between the two working groups.

2. Further information from Reasonable Use vs. Current Allocation – John Bright.

As part of the on-going work on modelling reasonable use vs. current allocation, John presented his re-worked model for the Condors area based on a density of 2000 vines/hectare and to give daily, weekly, monthly and annual 90 percentile values.

The re-worked model was in response to the request by Val at a previous meeting for weekly and daily water use requirements in addition to the monthly and seasonal water use data already generated. If the group is satisfied with the format, John will re-work the models for pasture and orchards and present these at a future meeting.

The group discussed practical and technical aspects of irrigation management and how these may result in fluctuations in the instantaneous rate of flow. Fluctuations could result in the consent holder breaching the terms of consent relating to instantaneous flow whilst remaining compliant in terms of the daily flow rate. Additionally, despite remaining within the daily flow rate, the peak instantaneous rate of flow could have adverse effect on the water resource. Val commented that applications for surface water abstractions should include maximum instantaneous rates as well as mean daily rates. This would enable Val to assess the effect on the water resource when the application is lodged and assist the consent holder to remain compliant with the terms of consent.

Pere, Rachel, Val and Peter to work on an explanation of the basis on which Council allocates water on a take and use consent and how compliance will be monitored.

3. Wairau River SFR Review project – Val Wadsworth

Pere explained that this item followed on from a discussion at the previous meeting on how to monitor environmental flows in the Wairau River. Council is about to engage Cawthron to work on this issue and a brief has been prepared in this regard. Copy attached – refer Appendix 3.

Val spoke briefly to the brief. The project was intended to build on the information brought forward through the TrustPower Limited hearings on the application to construct a hydro-electrical scheme on the Wairau River. Consideration will be given to the existing flow monitoring points along the river and whether more effective sites could be established.

The work will hopefully be funded by the Envirolink fund which is a regional council driven funding scheme. The scheme funds specific research organisations, e.g. Cawthron, to provide regional councils with advice and support for research on environmental topics and projects.

Given the extent of their knowledge of the Wairau River, Val and Neil will work on the project in conjunction with Cawthron (John Hayes).

The group endorsed the project. Val and Neil will report back to the group as appropriate.

4. Barriers to Rationing – Alternatives for Next Plan – Val Wadsworth

Val circulated and provided an overview of his discussion document “Barriers to Rationing” – copy attached - refer Appendix 4.

Pere explained that rationing was built into the framework of the Wairau/Awatere Resource Management Plan. However, other than stating that rationing was to be determined on a weekly basis, the Plan provided little guidance on how a rationing system should be implemented.

Neil spoke of the TDC approach to rationing on the Waimea River. Water meter returns are lodged on a weekly basis, which assists TDC to assess rationing requirements, also on a weekly basis. Given the variability of how dry periods evolve, TDC’s preference was to not have a prescribed process in the Plan, rather to have a mechanism to enable rationing to occur in conjunction with an environmental target. The means to meet the environmental target is the responsibility of water user committees.

Val did not endorse a reliance on water meter data in order to evaluate rationing requirements on the basis that data is not always provided on a timely basis, meter accuracy may vary or an event may occur that causes a general malfunction of the mechanisms, e.g. an earthquake can result in power outage that will affect water meters.

Val endorsed the approach whereby Council works with small water user groups that manage their own rationing amongst the group members to collectively reach the environmental target.

The group discussed SVIS and how any rationing is managed by the Assets and Services Department. The following points were covered:

- The scheme is under-subscribed and so water users under the scheme may not be affected by rationing until such time the scheme is shut off.
- The scheme has a 1.5 cubic metres per second environmental flow. Under cut backs a maintenance flow of at least 300 litres per second is retained in Gibsons Creek which equates to a return of 1.2 cubic metres per second returned to the river. This is almost equivalent to the total sum of other water takes from the Wairau.
- SVIS has always been pro-active about cutting back.
- In 2012 water users under the SVIS scheme responded to the possibility of cut backs by ~~over~~ irrigating **more heavily**.

The above bullet point was amended as per a request made by Val Wadsworth at the WAWG meeting 6 November 2013.

Val was of the view that rationing was not negotiable in the Awatere. He drew the following table to demonstrate how failing to ration Class B could result in zero flow at the lower end of the Awatere River. Failing to ration Class A could result in flows as low as 0.5 cumecs (compared with the SFR set for the lower end of the river of 2.0 cumecs).

Class	Allocation	Awapiri Monitoring Station	Awapiri Monitoring Station	Equivalent Lower End Flows
		Rationing starts	Cut off starts	
A	1.0m ³ /s	2.3m ³ /s	1.45m ³ /s	2.0 cumecs
B	2.6m ³ /s	5.6m ³ /s	2.3m ³ /s	3.0 cumecs
Total allocation	3.6m ³ /s			

Guy Lissaman arrived at 11.30am.

John Bright elaborated on some management methods employed by other regions. In general, up-stream monitoring schemes are utilised. When the river runs below a pre-set minimum flow plus the allocation limit a proportional reduction system is initiated, e.g. 75%, 50% then 0. Schemes such as the Rangitata diversion based schemes run a roster system across all flow regimes and can reduce the rate of abstraction from the river by reducing the number of days water is available.

The group discussed various aspects of water restriction management. It was agreed that the more the water utilisation increased (which was likely under an enhanced transfer system) so to would the likelihood that rationing would be required. Any rationing system should be as simple as possible.

In terms of the Awatere River, possible rationing methods identified by the group were:

- Day about
- North bank/south bank
- Progressive percentage reduction
- Water user group collaboration - self-managing to reach restricted environmental target
- Section 329 and Plan provisions

A progressive percentage reduction system was the preferred means of rationing. It was generally considered that the Plan should not provide a particular prescribed mechanism to implement rationing. However, there should be awareness amongst water users in terms of what form any restriction may take, to provide certainty and avoid tension or confusion when rationing is imposed. Alternatively, any prescribed approach in the Plan should include the ability to review the mechanism should it prove to be ineffective. Two key components for consideration were certainty versus flexibility.

The group concluded it would be useful to review provisions in other Regional Plans before continuing this discussion. Pere agreed to source this information to be brought back to the next meeting.

The group asked how rationing on the Waihopai River would occur given its link to the Wairau River. Pere reminded the group it had established a link between the two rivers in terms of environmental flow but no discussion had taken place to date regarding any linkage in terms of rationing. This issue would form part of the work undertaken by Cawthron.

Val drew the table below to demonstrate how failing to ration Waihopai River Classes A and B would result in adverse effects on the Waihopai River although not as significant as the Awatere River. Val was of the view that rationing was essential in the Waihopai to protect the flows in the lower reaches.

Class	Allocation	Craiglochart Monitoring Station	Craiglochart Monitoring Station	Equivalent Flow Below SH63 Bridge
		Rationing starts	Shut off starts	
A	0.25m ³ /s	1.9m ³ /s	1.5m ³ /s	1.3 cumecs
B	1.13m ³ /s	3.6m ³ /s	1.9m ³ /s	1.7 cumecs
Gibsons Creek Class A	0.15m ³ /s	-	-	
Total Allocation	1.53m ³ /s			

The group concluded the discussion in agreement that some form of rationing was required for the Awatere and Waihopai Rivers; at this point in time a proportional reduction system was the preferred mechanism. Details of the mechanism still needed to be worked through, so too the question of whether or not the specific mechanism should be included in the Plan.

5. Draft Policy – Participation in Enhanced Transfer Regime (Issue 4)

Pere explained that the draft provisions had been compiled following the group's discussion two meetings prior on the ground rules for enhanced transfer. As a result of the discussion, seven policies had been drafted to deal with the issue of what to do in a state of full allocation given the NPS says Council cannot then allocation anymore water.

The group worked through the draft provisions for enhanced transfer and Rachel recorded suggested amendments.

The group discussed the language of Objective 4 due to concern that the use of the word "value" had monetary implications, e.g. that use of water should be prioritised to those with a higher value end product, e.g. vineyard over broad acre crops. Consideration was given to the intention of the policy and options in terms of language were discussed.

Rachel to circulate the draft document showing tracked changes with the November agenda, for discussion at the next meeting.

6. Review of Existing Permitted Activity Rules

Rachel circulated Rule 27.1.2 from the Wairau/Awatere Resource Management Plan and Rule 26.1 of the Marlborough Sounds Resource Management Plan relating to permitted activity fresh water abstractions – copy attached – refer Appendix 5.

The group discussed these rules and noted the following points:

- s14 of the Resource Management Act 1991 enables water abstraction for reasonable needs relating to domestic and stock purposes.
 - The group discussed whether the Plan defined reasonable use for stock purposes as being a specified quantum of water over a specified area of land or whether some assessment of reasonableness was still required by the Plan rules. It was recognised that some form of accounting for this volume of allocation was required but perhaps through policy rather than rule.
- Some Councils have provided further definition of what is reasonable. Abstractions for domestic purposes vary between Councils.
 - Studies have shown that the average daily water use inside the home does not exceed 1 cubic metre per person.
 - 10 cubic metres per day per site is excessive, however it was the view of the group that it was better to stipulate a volume in the Plan rather than not.
- The cumulative effect of permitted activity takes can be more than minor. Abstraction in a water short catchment should not be a permitted activity.

Rachel to circulate the draft document showing tracked changes with the November Meeting agenda, for discussion at the next meeting.

7. Other Matters

The next meeting is set down for Wednesday 6 November 2013.

**Notes of a Meeting of the WATER ALLOCATION WORKING GROUP
held in the Committee Room, District Administration Building,
Seymour Street, Blenheim at 9.00am on Wednesday,
6 November 2013**

Present

Guy Lissaman, Neil Deans, Steve Wilkes, John Bright, John Hickman, and Francis Maher

In Attendance

Pere Hawes, Rachel Anderson, Val Wadsworth, Peter Davidson, John Patterson, Alan Johnson and Sue Bulfield-Johnston

Absent

Dr John Small

Apologies

Mike Insley, Dr R Balasubramaniam (Bala) and Dominic Pecchenino

Lateness

John Bright arrived 9.40am

Neil Deans arrived 10.25am

The following documents were circulated prior to the meeting:

- Notes of a Meeting of the Water Allocation Working Group 10 October 2013. Trim ref 13362399 - copy attached – Appendix 1
- RPS Provisions – Enhanced Transfer Regime – Issues 4 (Post WAWG meeting 2 October 2013) – copy attached – Appendix 2.
- RMP Provisions – Take and Use Permitted Activity Rules – copy attached - Appendix 3.
- RPM Provisions – Storage (Post WAWG Meeting April 2013) – copy attached – Appendix 4
- RMP Provisions – Damming Water – Issue 2 – copy attached – Appendix 5.

2. Matters Arising

- Changes to the Council Committees Structure

Pere welcomed Francis Maher to the meeting in his new capacity as a water user rather than as a MDC Councillor.

He informed the group of the changes to the committees structure in Council post the 2013 election. There are now four standing committees in Council where previously there were three. The new committee is called Regional Planning and Development and is chaired by Clr Hook. Other members of this committee are the Mayor, Clr Sloan, Clr Jerram, Clr Leggett, Clr Oddie and Clr Evans. Pere explained the various functions of this new committee.

In addition there is likely to be a series of workshops scheduled between the Regional Planning and Development Committee meetings to enable Pere's team to continue the plan review process. The meeting notes from the plan review workshops and the WAWG meetings will be reported up to the Regional Planning and Development Committee.

The first Regional Planning and Development Committee meeting is set down for 21 November 2013. An agenda item for that meeting is for the Committee to appoint a Councillor to the WAWG to

replace Clr Maher, this is likely to be Clr Evans.

- Minutes of the last meeting (Trim ref 13362399)

Val requested an amendment to the bullet point at the top of page 4 to read:

- In 2012 water users under the SVIS scheme responded to the possibility of cut backs by ~~over~~ irrigating more heavily.

The meeting notes were amended accordingly on 20 November 2013.

Page 7 – Agreed Principles

Agreed Principle 2 - Pere clarified that the group had previously discussed this item at the principle level in terms of the ballot method for the reallocation of A Class water (supported by appropriate rules in the Plan). It had been decided that the reallocation of unutilised A Class water to the B classification would be too onerous requiring a level of flexibility the Plan could not provide. The principle will be adjusted to reflect the discussion regarding balloting.

Agreed Principle 3 – This item related to the evolving work by John Bright on the Reasonable Use vs Current Allocation project and the Irricalc model.

Agreed Principle 6 – this principle is outstanding and requires discussion by the group.

- Draft Policy – Participation in Enhanced Transfer Regime (Issue 4) – refer Appendix 2

Pere pointed to the change to the wording of Objective 4 following discussion during the previous WAWG meeting. The group discussed the objective and concluded the text should include words such as “the more effective use of allocated water”. Pere suggested that an explanation for the issue and objective be included in the chapter to avoid any unintended ambiguity. He will bring the re-worked objective and a draft explanatory paragraph back to the next meeting for the group to consider.

The group discussed what ground rules there should be around the balloting process to manage water that has been clawed back and is still available for allocation, i.e. at what point should a balloter engage in the RM process, should eligibility be contingent on the balloter already holding an appropriate water permit, how often and when should the ballot take place.

Pere will prepare a draft document setting out the methodology for the ballot system to bring back to the group at the next meeting.

The group considered the wording of the policies in the context of the objectives, the possible ballot system, effects on water resources, the desire to avoid water banking, inter catchment transfer, etc. It made some amendments – the amended draft policy to be circulated to the group.

- Draft Permitted Activity Rules

Rachel provided an overview of the draft rules. The rules reflect the existing rules from the RM Plans and discussions held previously by the group.

The group discussed rule 1b) which limits one dwelling house per take point. The group members knew of several properties that would be in breach of this rule, i.e. rural properties with multiple dwellings drawing water from a single take point. Rachel explained how the current Plan rules were ambiguous because they provided for a domestic take per site. The group suggested amending rule 1b) to limit water take to three dwelling houses per take point.

The group also considered whether there were other ancillary uses it wanted to enable, e.g. dairy shed and shearing quarters. It recognised that dairy shed wash down required significant volumes of water. An option would be to enable ancillary uses up to a specified volume of water; however, this may have adverse effects on the available resource in water short areas, e.g., Rai. Complications

may also arise when other takers were subject to restriction.

Pere reported that to date there have been no compliance issues for Council to deal with relating to use of water for ancillary activities. The Permitted Activity rule is restricted to domestic needs, should a compliance issue arise relating to water use for other purposes it will be dealt with by way of the Resource Management Act 1991.

The group considered combining all miscellaneous ancillary uses under one rule up to x cubic metres per day subject to the 5% stream flow rule. It was agreed that this matter be set aside until such time an issue occurs. However, it determined there should be a specific rule for dairy shed wash down – status to be confirmed. Pere agreed to take a look at the approach taken by Waikato Regional Council.

The group requested that Council's Rivers Department, Marlborough Roads and HEBs be invited to comment on Rule 2 relating to the take and use of water for roading and river control construction works. Feedback to be tabled at the next meeting. Neil suggested that the rule needed also to address instances whereby water is taken from a still water resource for such purposes.

In terms of Rule 3 relating to water for stock purposes, Neil pointed out the Central Government drive for land based aquaculture. It was agreed it should be explicit that aquaculture was excluded from this rule. Neil queried how much water should be required for storage for stock purposes. The group discussed the implications of the 5% of stream flow standard. Neil suggested a study, similar to the Cawthron study in the Marlborough Sounds, on the impacts of stock water abstraction on smaller streams.

Neil asked whether Rule 4 relating to the take and use of water for firefighting purposes should include other emergency situations. It was recognised that the emergency provisions of the Resource Management Act 1991 enabled Local Authorities to take water or emergency situations but not third parties. If the rule was expanded to include other emergency situations then the type of situations the rule covered would need to be explicit in the rule.

In terms of Rule 6 Steve cautioned that enabling the construction of bores as of right may create an expectation that there was sufficient water available for abstraction. He saw the resource consent process as the opportunity to assess the availability of water related to the intended purposes of the bore. The consent process avoided the construction of bores that could not be utilised for the intended purpose. The group agreed that the current consent regime for bores also did not imply that water would be available at the subject site. Further the conditions of resource consent for bores were about the collection of information rather than the management of environmental effects.

Peter did not anticipate any more large scale abstraction in the Wairau Plains. He only anticipated re-drilling of new wells to replace existing non-performing wells. Francis endorsed the proposed permitted activity status for bores as it reduced the bureaucratic process for water users.

It was agreed that a greater level of understanding about the state of the ground water resource in Marlborough was required amongst water users and well drillers. Additionally the permitted activity status for bores should not include infiltration galleries on riverbeds.

In terms of Rule 6a) and b) the group agreed to a reduced instantaneous rate of take and duration in water short areas, e.g. Southern Valleys.

Pere will bring the draft rules back to the group at the next meeting.

8. Reasonable Use vs. Current Allocation Project – John Bright

John provided an update on the reasonable use model for the Wairau Aquifer. The re-work was done as a result of receiving updated pastoral water use requirements data. Additionally Rachel had recently supplied John with a list of approximately 71 properties that held water permits for the irrigation of crops and pasture but had in the intervening periods been converted to vineyard. The

model was updated accordingly and the reasonable use recalculated. John tabled and spoke to two pages of graphs - copies attached – refer Appendix 6.

John summarised that, on-paper, there were some savings to be made across the four sectors of the Wairau Aquifer on the shoulders of the irrigation season, the most saving would be in the Recharge Sector. The result would be to push more water through to the lower parts of the system which would be beneficial to the spring fed streams.

Pere reiterated the principle for the new regime, which the group had previously agreed to, was the allocation would be based on a 1 in 10 years and on reasonable use.

The group recognised that the model provided certainty for 9 out of ten years. For 1 year in 10 there would be a reduced application of water but a reasonable production would still be achieved, although there may be an impact on yield and quality. Storage of water could offset the 1 in 10 year reduction in supply. It is unreasonable to expect 100% water availability all of the time. The model will provide some level of certainty and will help water users to plan for and manage risk.

John Patterson asked whether different crop types should have different reliability expectations. Mixed cropping could manage under a higher level risk whereas viticulture could suffer a loss of root stock under the 1 in 10 year model.

Peter commented that the latest evaluation of the safe yield for the Wairau Aquifer meant that the aquifer could supply between 2.5 – 4.0 cumecs, which in turn meant the system could not meet the reasonable use requirements 90% of the time.

Pere added that there were two gains to the new regime:

- Under the NPS Council has to specify how it is going to deal with over allocation. By applying the reasonable use model we are getting closer to the allocation limit of 4.0 cumecs set down in the Plan.
- Under the NPS Council also has to specify restrictions on supply. The limitation of supply will be recognised by the proposed aquifer minimum and minimum flow for Spring Creek. These limits recognise the limitations on supply highlighted by Peter.

Steve spoke of future expectations by water permit holders that they will receive the reasonable use allocation on renewal, beyond the first round of allocations under the new regime, regardless of water use records indicating a lesser requirement. Pere confirmed this approach.

The group discussed in detail the options available to water permit holders when faced with the current practice by the Regulatory Department planning officers of negotiating reductions in water allocation, on water permit replacement, in anticipation of the new water allocation regime. It was reminded that managing the current transition prior to notification was not within the scope of responsibility for the WAWG group, other than to incentivise consent holders to reapply under the new regime once notification occurs.

Finally John clarified the following:

- In terms of vineyard canopies, the red line on the graphs was based on the work of Plant Food Research and the assumption that the current management of vine canopy densities would continue. If in the future the canopy density was reduced the red line would fall accordingly.
 - Council has yet to see the full effects of irrigating the current irrigated area at the modelled levels during a 1 in 10 year dry event because during the previous drought the current area was not developed to the current extent.
- 3. Basis of Allocating Water (Take and Use Permits) – Val Wadsworth, Peter Davidson, Pere Hawes, Rachel Anderson**

The group discussed the issue of how allocations should be expressed on water permits. It covered

the following matters in relation to surface water takes:

- People typically apply for a rate of take their infrastructure allows for.
- Water companies often design and install systems based on the capability of the infrastructure irrespective of the rate of take set down in resource consent.
- If expressing the allocation as a daily rate of take, it is possible for permit holders to take their allocation at a higher instantaneous rate over a shorter period of time. This may have adverse effect on some smaller water resources.
- Council is bound by the water regulations to know what the instantaneous rate of take is.
- There is no known downside to retaining an instantaneous rate of take of water permits.
- Council staff and John Bright have been discussing to how to express the Irricalc allocation curve on water permits. The curve represents a monthly demand in a 1 in 10 year situation and can only be expressed on a daily basis on water permits, which is the monthly total averaged over the number of days in the month.
- How the peaks should be accounted for/expressed on water permits, e.g. monthly total on the use consent and with a daily maximum rate of take on the take consent.
- In terms of effects on the river daily rates of take are important, monthly rates of take are irrelevant.
- In terms of efficiencies in use, water management monthly rates of take are efficient.
- The group endorsed incentivising storage to provide a buffer in water short catchments and to enable water to be allocated to more users generally.
- At the previous meeting the group agreed to express the ground water allocation in terms of the Southern Valleys consent as a monthly rate of take.
- The group considered expressing ground water allocations as an annual rate of take and a variable monthly maximum rate of use (the variability reflects the Irricalc curve).
- The purpose of conditions on take consents is to manage effects on the water resource. The purpose of conditions on use consents is to provide guidance as to what is reasonable and efficient and to encourage a greater degree of demand management.
- The rate of allocation will determine transferability. A daily rate will enable a permit to be transfer on a daily basis. Instantaneous rates could result in complex transfer models, where the resource is shared amongst multiple parties over the course of one day. This would be difficult to manage in terms of compliance. The grouped agreed the minimum rate of allocation should be daily.
- The group had previously agreed on a policy of prior registration on transfers. It agreed on an additional policy requiring acknowledgement of the transfer. Administration would need to be prompt and efficient.

John Bright offered to draft a paper on allocation rates based on the above discussion.

Pere asked John also to consider the triple class system for the Wairau, Awatere and Waihopai Rivers

• **Rationing Options Utilised by Other Regional Councils – Pere Hawes**

Pere advised that he has sent a general email to other regional councils asking about their rationing

regimes. To date he has heard back from a few that do not have formal banded rationing mechanisms. In some cases the water users manage the restrictions themselves.

He has followed up with Tasman District Council. Neil added that TDC is currently going through a Plan Change hearing for the Waimea River. He reported that the Commissioners were not enthusiastic about the rationing mechanism proposed for this river. The decision is anticipated in the New Year. Tasman District Council has an explicit system albeit not a rigid one. The Plan sets out steps for rationing where the trigger may vary year to year and is determined by a weekly convened taskforce.

John added that Waikato Regional Council sets out water use priorities in its Plan, when rationing is imposed there is an order of cutbacks, i.e. agriculture then municipal/hydro power.

This item to be discussed until further feedback received from the regional councils and the Commissioners decision on the Waimea Plan Change.

- **Damming Storage Discussion – Any Issues Outstanding? – Pere Hawes**

Copies of Draft Storage Provisions and Draft Water Provisions previously agreed are attached – Appendix 5.

This item was deferred to the next meeting.

- **Metering on Southern Valley Water Permits – Steve Wilkes, Dominic Pecchenino**

This item was deferred to the next meeting.

- **Other Matters**

Steve spoke of an issue a client is facing relating to water metering requirements within the Southern Valleys Catchments. On a recent application to replace a water permit Council has required a data logger and telemetry to be fitted to the head of a well to be used as a backup supply to the SVIS system. This creates an expense of \$5-8,000 for a system on a well that may not be used over the life of the consent.

He reminded the group that it had agreed upon a policy to promote the use of SVIS over ground water supply but it had yet to consider metering requirements for the backup wells. He suggested it would be onerous to require costly recording systems on back up wells that would have such limited use. He suggested under these circumstances the water permit holder only be required to install a meter without data logger, etc., and manually lodge readings with Council on a yet to be specified basis.

Peter reminded the group that it was essential to measure consumption of water both to determine use in accordance with the consent, compliance with the terms of consent and to enable Council to continue to refine the safe yield of the aquifer.

Rachel suggested this could be part of the consideration of the SVIS policy. Val cautioned against the practice of creating exemptions to the universal metering requirements. Steve questioned whether consideration should be given to alternative and reasonable options while the meter readings are recording zero usage. Neil advised that it is being discussed at a national level that there be guidance provided associated with water accounting.

Steve asked that metering requirements be added to a future agenda, specifically covering rural subdivision, SVIS, takes for intermittent pastoral irrigation and storage. Pere reminded the group that it had previously agreed to a policy of universal metering. He suggested that Dave Lane participate in any future discussion on this issue.

The next meeting is set down for Wednesday 11 December 2013.

**Notes of a Meeting of the WATER ALLOCATION WORKING GROUP
held in the Kenepuru Room, District Administration Building,
Seymour Street, Blenheim at 9.00am on Wednesday,
11 December 2013**

Present

Clr G Evans, Guy Lissaman, Steve Wilkes, John Bright, John Hickman, Francis Maher and Dr R Balasubramaniam (Bala)

In Attendance

Pere Hawes, Val Wadsworth, Peter Davidson, John Patterson and Sue Bulfield-Johnston

Absent

Apologies

Rachel Anderson, Neil Deans, Mike Insley, Dr John Small and Dominic Pecchenino

The following documents were circulated prior to the meeting:

- Notes of a Meeting of the Water Allocation Working Group 6 November 2013. Trim ref 13393615 - copy attached – Appendix 1
- RPS Provisions - Enhanced Transfer Regime - Issues 4 (Pre-WAWG meeting 2 October 2013). Trim ref 13299888 – copy attached – Appendix 2.
- RPS Provisions - Damming Water - Issue 2 (in part). Trim ref 13360319 – copy attached - Appendix 3.

3. Welcome To Clr Evans

Pere welcomed Clr Evans to the group. In response Clr Evans acknowledged the importance of the task of water management and said he looked forward to his involvement.

4. Matters Arising

- Objective 4 and explanation

Following discussion at the previous meeting Pere had been tasked with drafting an explanation to clarify the objective 'more effective use to be made of allocated water'. This was intended to remove any ambiguity in terms of what 'effective use of allocated water' actually meant. Due to heavy workloads Pere has been unable to complete this task and will bring the draft explanation to the group at the next meeting.

- Balloting methodology for water that has been returned

This item was discussed at the previous meeting with the group agreeing the ballot would take place annually in August. Pere had been tasked with drafting an explanation of how the ballot will work. Also due to heavy workloads Pere has been unable to complete this task and will bring the draft explanation to the group at the next meeting.

- Draft Permitted Activity Rules for Water Takes

The group discussed their previous decision to enable up to three dwellings per allotment to abstract from a single take point.

Val queried whether this permitted activity rule applied to water user groups. Pere confirmed that the rule only applied to the reasonable domestic needs of an individual (i.e. properties that may contain up to three dwelling on a single land holding and not to multiple properties under separate ownership who are working together under a communal scheme). Such a scenario would require resource consent.

- Minutes of the last meeting (Trim ref 13393615)

Francis queried how much it cost to install a meter with data logger or telemetry. John Bright said that such meters in Canterbury typically cost approximately \$1500.00 plus installation. Guy added the annual cost of the service by Harvest was \$600.00 but you could have multiple sensors sending data to the logger.

In terms of water for firefighting purposes, Bala spoke of an arrangement Delegats had with local firefighting groups to use the company's stored water for fighting forest fires, etc. Pere said the Resource Management Act 1991 enables the use of water for firefighting purposes. The group discussed whether or not the replenishment of the dam water used for firefighting would also be covered by this section of the Act. Pere was of the view that the refilling of storage dams after such events would likely fall under the terms of the take consent.

The group discussed whether this sort of event could occur to any significant extent. Some felt that the Plan should provide for refilling in these circumstances even if it was unlikely to occur. The group also discussed the option of including in a resource consent the ability to take water for storage, should such an event occur during the irrigation season when water would otherwise not be available for such a purpose. This would also be subject to environmental regimes.

Pere agreed to seek legal advice on the status of the activity of replenishing water taken to fight fires. He favoured a more informal approach to resolving this issue as and when it should arise rather than prescribing an approach in the Plan.

3. Basis for Allocating Water (Take and Use Permits) – John Bright

Following the group's previous discussion on the basis for allocating water John had been tasked with drafting a document setting out the principles agreed upon. However, his involvement in an EPA process has had to take priority and John will now bring the draft document to the next meeting.

John spoke in detail on principles relating to the allocation of surface water.

Val spoke of instances whereby water has been allocated on a per day (24h hour) basis but a consent holder has chosen to apply this water over a shorter period of time, e.g. 12 hours. This in effect doubles the rate of take in order to achieve the same volume of irrigation over the shorter period of time. It would also increase the environmental effect on the water resource during the abstraction period which could only be offset by other users taking their water at alternative times. He reiterated the importance of storage to meet the difference between the mean daily flow rate and a shorter timeframe irrigation pump rate.

John added that a consent holder may also apply for consent at the rate water is pumped to irrigation. The allocation will be granted on a 24 hr day basis despite the consent holder only irrigating for a shorter period each day. If only irrigating on a 12 hours per day basis the water is locked up and unused for the remaining 12 hours of each 24 hour cycle.

John used an example of a 20l/second/day allocation and suggested that if irrigating over a shorter period, i.e. over 12 hours, the allocation should be expressed as 10l/s/day. This would incentivise the consent holder to take water to storage over the 12 hours when not irrigating, which would then be used to supplement the abstraction direct to irrigation to achieve the desired 20l/s rate of application. By allocating at a rate of 10l/s/day water would be freed up for other users rather than having environmentally detrimental peaks and inefficient troughs of abstraction over the 24 hour period.

Guy described his irrigation/storage system on his own property as an example of how such a system operates.

It was agreed that take consents should allocate the rate of flow on a per day (24hour) basis. To use the water in a condensed period of time will require a storage capacity, i.e. irrigation in 12 hours instead of 24 hours.

John Patterson sought clarification as to what part of the consent was transferable. John Bright described a take consent as having two components. One part, the point of take, is site specific with localised effects, e.g. effects on the environment. The other is the instantaneous rate of take. The rate of take will be able to be transferred. Early consideration had been given to creating an entitlement as a third transferable component to a consent but this was deemed to bring too much complexity to the process.

The principles discussed by John Bright and the group are summarised as follows:

- Separate the management of the takes from the management of the uses. This will help to resolve some allocation difficulties. The use consent addresses the efficient use of water. The take consent enables the management of localised effects and the cumulative effects of all abstraction.
- Set a monthly/annual limit on the use of water based on the use requirements for 9 years out of 10 for seasonal water use and monthly volumes (based on the Irricalc model).
- Take consents remain separated into river and groundwater takes. The minimum allocation period is 24hrs (day) and the quantity expressed as an instantaneous flow rate.
- New take applications would be based on the 90 percentile (9 year in 10 year value) daily irrigation requirements.
- Replacement consents for existing takes would be based on the installed system capacity – the maximum mean daily flow rate calculated using the maximum instantaneous rate of take and the normal number of hours over which the take occurs. Buffer storage may/will be required.
- Separate the take consent into its two components: localised effects and instantaneous take. The rate of take is the transferable component of the consent.
- The minimum transfer period is 24 hours.
- Ground water takes will be allocated on an annual or seasonal basis and the quantity expressed as m³ per time period. An instantaneous rate may be imposed to manage localised effects, e.g. interference effects or stream depletion. Some allocations will be aquifer specific and may be expressed as daily/weekly or monthly values.
- Recognise that it is reasonable to use more water in the 1 year in 10 drought period. Potentially provide for this by describing the use limit as a 2-3 year rolling mean and require this mean to be less than the 9 year in 10 values. This will effectively smooth any peaks in water use over and above the 90 percentile water value. This is contingent on conservative water use in the years immediately preceding a peak water use year.
- The same smoothing principle could be applied to monthly volumes. Peak usage on some days of a month can be smoothed providing the monthly average does not exceed the monthly volumes identified by the Irricalc model.
- Calculating the instantaneous rate of take by dividing the seasonally monthly use values by the number of days in the month will result in a value that will not meet the maximum capacity requirements.
- The group has previously discussed capping monthly water use volumes at a lower rate to incentivise efficiency. Setting a higher instantaneous rate of take will provide for peaks in water use while remaining compliant with the terms of consent, providing the use is monitored on a monthly basis.

- Allocation rates relate to the reasonable use requirements (Irricalc) only and do not take into account resource availability/supply. Terms of consents will include additional limits to management the effects on the environment, e.g. minimum river/stream flows and aquifer minimums.

A summary of the discussion was recorded o the whiteboard and is attached – refer Appendix 4.

It was agreed that Pere and John Bright will undertake the following tasks:

- Select some existing consents and apply them to the above principles in order to gauge the differences between the prescription of existing and the proposed allocations.
- Consider what the minimum monitoring requirements should be.
- Consider what the instantaneous rate for C Class water should be.

The group discussed the taking of groundwater to storage. Peter Davidson was of the view that it was unnecessary because the aquifers were in effect natural storage reservoirs. The group saw benefit because it provided certainty to the consent holder, especially considering that aquifer minimums will be applied to aquifers under the new Plan. The group agreed that it did not want enable water banking and the on-selling of water for profit. Pere reminded the group of the draft water storage provisions it had developed previously that were geared towards preventing such a scenario occurring.

<p>Issue 9: Demand for water typically peaks when river flows and aquifer levels are at their lowest which can cause short term water availability issues.</p>	<p>Objective 9: Maximise the availability of water while acknowledging the limits of the resource.</p> <p>Or</p> <p>Improve the resilience of activities that rely on water.</p>	<p>Policy 9.1: Continue to encourage the storage of water as an effective response to seasonal water availability issues.</p> <p>Policy 9.2: Provide for the abstraction of water for storage purposes during periods of higher flow for subsequent use during periods of low flow and therefore low water availability. High flows are specified within the RMP for specific water bodies. <i>This will be implemented through a controlled activity rule.</i></p> <p><i>The status of takes for storage where there is no C Class is still unclear. Agreed to develop a default.</i></p> <p>Policy 9.3: Water may be stored at times other than those specified in Policy 9.2 to provide water users with greater flexibility to manage water use on-site, provided that the rate of take does not exceed the authorised daily rate of take for irrigation purposes. <i>Provide examples in the explanation, such as, high turbidity and short duration peak flows over the summer months.</i></p> <p>Policy 9.4: Ensure that the volume of water proposed to be stored in any storage dam at any point in time reflects reasonable use requirements of the property or properties served by the storage.</p> <p>Policy 9.5: The annual volume of water taken for storage shall not exceed a volume equivalent to the authorised daily rate of take for irrigation purposes for two irrigation seasons.</p> <p>Policy 9.6: Exempt the use of water in storage dams from any conditions on use. <i>This will be implemented through a permitted activity rule</i></p> <p>Policy 9.7: All water placed in storage should be accounted for.</p>
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Peter spoke of the difficulty of defining surplus (C Class) in terms of underground aquifers and the time it took for some aquifers to recharge. He did not endorse taking water for storage from over-allocated aquifers. The group agreed there should be a positive policy stance on water to storage from the Southern Valleys high flow streams although more guidance was required on what a high flow stream was. It agreed on a negative policy stance on water to storage from the Southern Valleys Aquifer.

The group discussed the option of taking water from the Wairau aquifer and from the Spring Creek flows to storage outside of the irrigation season. Peter spoke of the slowness of the recharge capacity of the Wairau aquifer and the effect taking water to storage may have on it. He suggested that taking water for this purpose would be subject to a high Wairau River flow level, with the cut-off possibly as high as 50 cumecs. In terms of Spring Creek, the variability of flow is minimal and so there would be no period of high flow during which water could be taken.

John Bright cautioned that there is a point when taking water to storage at which the economic and environmental benefits turn negative, i.e. storing too much high flow water can adversely affect the normal river functions and potentially the natural character of the river. He suggested the Plan should include an explanation of what that point is and discouraging water users to go beyond it.

Pere concluded that if the use of groundwater is going to be constrained through limits, then water users will naturally look for ways to minimise the associated risks, e.g. storage. He asked Peter

Davidson to consider the issues related to that taking of ground water to storage and Val Wadsworth to give consideration to the harvesting of the southern valley flows with the objective of providing certainty about the appropriate triggers.

4. Damming/Storage Discussion – Any Issues Outstanding? – Pere Hawes

Pere provided an overview of the Draft Damming Water provisions and worked through them with the group – refer Appendix 3. Some minor changes were made to the provisions and Pere will amend the document accordingly. In response to a query regarding the need for Policy 2.15(d), Val spoke of instances whereby dams had been constructed deep enough to interfere with the groundwater flows downstream.

5. Metering on Southern Valleys Water Permits Steve Wilkes and Dominic Pecchenino

This item was deferred to the next meeting due to the absence of Dominic at this meeting.

6. Proposed hui with Iwi Working Group

Pere reported that the Iwi Working Group (IWG) had completed its primary task of identifying issues of significance to iwi authorities. He confirmed that once the WAWG has produced a discussion document a hui will be arranged to present it to the iwi representatives. It was expected the hui will take place in February/March 2014.

7. Update on Wairau River SFR Project

Val reported that the funding application process was now complete and Envirolink has provided \$20,000 to investigate to Wairau SFR. A balance of \$5,000 will be funded internally. An agreement has been signed with Cawthron and John Hayes and his assistant John Hay will be undertaking the investigation. A draft report is anticipated mid-March with a final report expected mid-April. The draft report will be brought to the WAWG.

8. National Objectives Framework

Pere spoke about the National Objectives Framework, a link to the discussion document on the MfE website was included in the agenda for this meeting. The document sets out national values for the management of fresh water bodies, two of which are mandatory and must be complied with. There is going to be a requirement for fresh water accounting for both quantity taken and water quality.

9. Other Matters

Pere reported that part of WAWG process is funded by Ministry of Primary Industries (MPI) through the community irrigation fund. Recently MPI has expressed concern about ongoing funding due to the time lag relative to the timeframe expressed on application to the fund. It is possible the funding will be withdrawn; however this will not stop the group's process. Pere has reported back to MPI on the progress made to the group thus far. 2014 will see a focus in the production of the discussion paper. Once generated, the group's role will be to take the discussion paper out to the community.

The next meeting is set down for Wednesday 22 January 2014.

Environmental Science & Monitoring

Sounds Advisory Group

(Report prepared by Alan Johnson)

C230-001-M02

The notes of the Sounds Advisory Group meeting held on 11 November 2014 are attached for members' information.

Meeting Notes of the Sounds Advisory Group, held at the Emergency Management Operations Centre, Wither Road, Blenheim on Monday 11 November 2013 commencing at 9.00 am

Present: Councillor Trevor Hook (Chairperson), Kristen Gerard, Victor Koller, Ron Sutherland, Monyeen Wedge, Ken Roush, Graeme Coates, Ian Mitchell, Rob Schuckard, Tim Greenhough, Lynley Perkins, Poneke Rene, David Hayes, Robin Cox, David Speedy, Rica Salamat, Gerard Malcolm and Councillors David Oddie, Laressa Shenfield and Peter Jerram.

MDC Staff: Alan Johnson, Steve Ulrich, Pere Hawes, Linda Craighead, Bruno Brosnan, Richard McNamara and Michelle Stanley (Secretary)

Apologies: Roy Grose, Joe Heberley, Rachel Drake, Eric Jorgensen, Linda Booth, Judy Hellstrom, Alec McNeil, Graeme Barsanti

Introductions and Housekeeping

Alan outlined the agenda for the meeting and welcomed everyone. Alan advised SAG that the committee to which SAG reports to has changed to the Regional Planning and Development Committee. Trevor is to be recommended as chairperson for SAG at the first meeting of the Regional Planning and Development Committee to be held in November.

Introduction on the new Marlborough-Kaikoura Rural Fire Authority

Richard McNamara introduced himself to the group and spoke on his background. He spoke on how the structure of the Rural Fire Authority has changed from the old system of four fire authorities to the one fire authority. Richard is the Principle Rural Fire Officer for the whole of Marlborough and Kaikoura. Under him there are four Deputy Rural Fire Officers, John Foley (Marlborough District Council (MDC) Admin Zone), Rob Lawrence (MDC), Brian Paton (Department of Conservation (DOC)) and an unfilled position in Kaikoura. The Deputy Rural Fire Officers are responsible for their own zones.

Last year there were 350 fire incidents varying in scale from small to large. Of those 350 fires only 70-80 were rural. Due to the lack of strong winds last summer these fires were kept well in hand. It is predicted to be similar this year.

Richard spoke about taking responsibility for protecting your own properties, especially Sounds residents. This is due to the very rural and isolated location of the various Sounds communities. He said the fire department's turnaround time is five minutes from the time the siren sounds to out of the station and then travel time is added on top of that. Richard said there is a lot people can do such as keeping guttering clear, keeping driveways clear, adequate smoke alarms, having a firebreak of sorts around your home such as an area of grass surrounding the house, and if building new considering

installing a sprinkler system into the home. He said that these things will not stop the house from burning down but will save lives.

Monyeen asked Richard for some information to hand out to home owners, especially holiday home owners. She said there is a very big issue of holiday home owners/guests coming in and lighting unpermitted fires and then leaving the embers hot. Richard pointed out that the Rural Fire Authority can prosecute if she finds this is happening regularly. He also gave the website address - www.mkrfa.com.

Lynley asked who to see for fire permits. Richard replied that she can go either through the Council (who start the process and then hand it over to the appropriate area) or contact DOC directly.

Ron asked if Richard would put together a brochure or handout that they would be able to hand out to their respective Resident Associations. This brochure would outline possible fire threats and what residents can do to protect themselves and their properties.

Rob enquired about the regularity of lightning strike fires. Richard said that lightning was not a high risk in Marlborough because our lightning storms come with rain. Rob said that his house has been hit a number of times and suggested adding a section into the brochure especially for holiday home owners outlining the risk of lightning hitting the houses and the importance of pulling out all appliances from power sockets to prevent surges creating fires.

Richard gave out brochures after the meeting, please contact him for more otherwise go to the Rural Fire Authority website <http://www.mkrfa.com/fire-safety-prevention/reducing-the-fire-risk-at-home/> link for some very good information.

Trevor talked about the lack of young fire-fighter volunteers and Richard agreed that this was a nationwide problem.

Fire prosecution was discussed and Robin pointed out that if someone lights a fire and it gets away on them they pay the bill. Also if the fire brigade is called out to put out a forestry fire the Rural Fire Authority will charge and if a house is on fire the Rural Fire Authority will charge after the first hour. Richard said due to this it very important that each resident has **Rural Fire Protection Insurance** otherwise an individual could end up with quite a large bill to pay. See article <http://www.mkrfa.com/news/27/27/A-salutory-and-costly-lesson-in-fire-prevention/>.

There is also information on the Marlborough-Kaikoura Rural Fire Authority on the MDC website <http://www.marlborough.govt.nz/Services/Emergency-Management/Rural-Fire-Control.aspx>.

Rob enquired about a blueprint for disaster management and Trevor suggested if a community is keen to put together a plan then to contact Richard directly to set something up. Trevor highly recommended doing it. Richard's details are email: Richard.mcnamara@marlborough.govt.nz or phone: 03 520 7542.

Policy Group Update

Pere Hawes, Linda Craighead and Bruno Brosnan joined the meeting to speak on the policy group updates and the resource hearing process.

Marlborough Regional Policy Statement

Pere updated the group on the current progress of the Marlborough Regional Policy Statement (RPS) and Plan. They have almost completed the draft RPS. Linda has been working through the 30 submissions received on the use of the coastal environment provisions draft package that was made public and has been making appropriate tweaks to the draft provisions. Nothing fundamental has changed or been questioned by any of the submissions. The coastal chapter drew the most comment while water quality, landscape, biodiversity, natural character and public access also ranked pretty high.

Water Quality

Monyeen enquired about rumours regarding central government making changes regarding water quality and whether this was going to hold the Plan up and what is it going to do. Pere answered that he was supposed to attend a briefing regarding this on Friday but unfortunately did not make it due flight difficulties. He did not think that these changes would hold it up as the changes are designed to assist regional councils in setting water quality objectives which they are required to do under the Fresh Water National Policy Statement (NPS) anyway. Monyeen questioned whether they are actually lowering the standards. Pere replied that for each parameter there are four levels of quality that you can select as a community, Bands A to D, for each water body in the community.

Pere spoke in detail on the controversial subject of opportunity for offsets whereby the Ministry for the Environment (MfE) are suggesting that to enable some form of economic development in a pristine catchment you can have a lowering of water quality in that catchment provided you improve the water quality in a catchment that is already degraded. Pere suggested looking at the following article (follow link) for more information <http://www.beehive.govt.nz/release/govt-announces-next-stage-freshwater-reforms>. Please note that there is a link to a discussion document within this article. **If anyone would like a hard copy of this article please let Michelle know.**

Alan said that Council will be talking with individual communities before deciding quantity and quality levels of the water. There are a few technical issues to iron out. Pere mentioned that MfE have been very proactive in helping local councils sort out these issues.

Landscape

Pere spoke a little about the landscape proposal. Since the July meetings that Council had within the communities on the various landscape proposals, most of the effort has been around undertaking site visits for those landowners that requested a site visit on their own properties. All of those site visits have now been completed and letters to confirm the results of those assessments are due to be sent out in approximately two weeks. Pere has not read the results as of yet but he does know that some of the areas that were highlighted by SAG as being omitted were also checked.

Councillors will have to consider the options that they have for protecting those significant landscapes and make a decision in the New Year.

Kristen questioned what feedback the Council will get from the Council's consultant regarding the peer review of the study. Pere replied saying that this was not a peer review but a technical re-evaluation at the landowners' request. Kristen asked that when the final document is released will they then be able to comment on other issues that have not been looked at. Pere agreed. He said once this has been notified there will be an opportunity to make a submission. He also said that they have already picked up on SAG and community concerns and have put them forward to the consultant to consider. Pere said they are thinking about how to release the results to the public due to the sensitivity of some of the information in regards to private properties.

Kristen asked how the feedback was on the questionnaire on the landscape protection proposal that was sent out to the Sounds residents. Pere said that the response was very good. They sent out approximately 2,700 questionnaires and received about 1,350 back. The results of the questionnaire will be reported through the political process in the New Year.

Natural Character

Council is part of a process by DOC to provide guidance on New Zealand Coastal Policy Statement implementation nationally. These areas of natural character, identification and protection have always been quite strong in Marlborough. Over the last 18 months Council has been working very closely with DOC. The New Zealand Coastal Policy Statement requires Council to identify any coastal environments that have at least a high natural character. Pere thanked DOC for all their help with this process.

They have a draft natural character assessment completed and will have to put maps into the RPS to identify the areas. Council hopes to have a product, once it is reported through the committee, which will be available for SAG to look at and consider.

Bottom Trawling and Dredging

Pere touched on an issue regarding a proposal which Council is looking at to regulate bottom trawling and dredging in the Marlborough Sounds. Council are open about the issue and went out into the industry to outline the issues and provided information to industry from both DOC and Council's legal team. The Ministry of Primary Industries (MPI) has been very open and supportive regarding this issue. The focus of this proposal is the method and not whether it is recreational or commercial dredging. At this stage there are only two discreet areas that Council are looking at, Croiselles Harbour and offshore of Ships Cove.

Future Management of Aquaculture

Pere and Graeme have been working with MPI and DOC on future management of aquaculture and a way forward. Those discussions have been constructive and collaborative. The anticipated outcome of this working group is to set some key principles that will guide the review in respective marine farming. This is more about the special allocation of space rather than the method of farming.

Ian expressed concern over the validity of the Plan when it can be challenged and overwritten. Trevor said that this is beyond their control and the best they can do is make the Plan as robust as possible and have as much community input as possible into writing the Plan. Rob agreed with Ian and brought up the cost of these challenges to the community when they have to pay to defend the Plan. Trevor replied that this is out of Council's control as legally people have a right to apply for a Plan change.

King Salmon Update

Two parties were successful in appealing to the Supreme Court. Those two appeals will be heard next week in front of all five Supreme Court judges. This judgement will not delay the RPS. Linda spoke on the bigger implications for planning if this judgement is successful.

Resource Consents Update

Bruno spoke on the topic of modifications to applications for resource consent. The following is a handout tabled by Bruno on the subject:

SAG has provided a discussion document outlining their concerns regarding modifications to specific applications prior to a hearing. They articulate a view that the late modifications:

- Lead to a bias in the information available to the Hearings Panel;
- Provide inadequate time for submitters to accurately assess the changes;
- Presentation of inaccurate information not able to be verified; and
- False perception that a smaller application has lesser effects.

The recommendation of the document is that all modifications be provided to submitters before the hearing.

As a matter of law, the applicant is within their rights to modify the application at any stage up until the closing of the hearing. The only caveat is that the application must remain within the scale/scope of the original application otherwise the application has to be re-notified.

I believe that the SAG members are under the mistaken impression that the Hearing process is merely an adversarial process to provide submitters the opportunity to respond to the application. On the contrary, the process is one of exploration by the hearings commissioner to examine the issues raised by all parties and weigh the potential impacts against the statutory documents. It should be expected that the applicant would address issues raised by submitters and Council which may lead to a modification of the application.

It is my experience that modifications/reductions to applications are only disclosed on the day of the hearing and despite the surprise to all parties, the applicant is within their right to do so. If, on the other hand, the modification is notified to the Council in advance, then it is circulated to all parties prior to the hearing.

I understand the concern of the SAG members but they are not alone as the last minute changes affect all submitters and Council. The Council Section 42A report is based on the original application and is provided to the applicant (and submitters) at least five working days before the hearing. This report, outlines Council concerns, paraphrases the submissions and provides a recommendation to the decision maker. It is expected that the applicant will address the issues raised in this report and it is assumed that many of the issues raised will be negated at the hearing through changes and modifications to the application.

My only advice to the members is to focus on the issues that raise concern but be prepared for engagement on these issues which may lead to the applicant reducing scale and intensity.

Trevor asked if Council can do anything to mitigate the last minute changes. Bruno said that Council can only legally make recommendations. They have been trialling pre-mitigation of evidence before the hearing but timelines are not allowing this.

Monyeen asked if the committee can legally direct the applicant to do a prehearing. Bruno replied that they cannot as there is a cost to the applicant to do this therefore they cannot force the applicant to do so.

Kristen expressed concern that the last minute downsizing/changes to the application has become a tactic and is becoming commonplace. Bruno felt that the industry was recognising that it is better to listen to the submitters, reduce their plans and try to find a common ground.

Bruno said that submitters can ask the decision maker/committee for more time to consider new evidence. Ken said that he has done this and has been denied each time.

Ken felt that the issue at hand is getting caught with out of date information. He said it is hard in a hearings situation to absorb the new information and come up with a valid opinion when asked for one. He felt there was also room for misunderstanding the changes as there has been no time to sit down and study them.

Bruno suggested stating in the submission that even if the applicant reduces in scale or intensity that it would still be too much because of said reasons.

Rob felt that there is little understanding of the cumulative effect of all these individual applications. He referred to the Overview of Ecological Effects of Aquaculture (<http://www.mpi.govt.nz/news-resources/publications.aspx>) by MPI. Rob is concerned about the fact that each application is assessed on its own merits. He stated that although these consented resource consents maybe only a small increase, they are on top of what is already there. He felt this is an illogical step in the whole resource consent process. Pere said looking at the big picture the current zonings in the Plan makes some judgement about cumulative effects. There is a zone which you can apply for and a zone which you cannot. He feels that there will be more certainty for all parties out of the process of which Pere and Graeme are involved with in terms of available space. He said in this process there will be an opportunity for submissions.

Graeme said that they are learning to deal with the effects better and part of the on-going management plan for the next 3 years is to adjust farm lines etc. accordingly. He felt that the spatial and productivity issues were being mixed. He said productivity is not controlled by Council. The spatial issue he feels is interesting as there are zones, as mentioned earlier, and there are rules for farms within those predetermined zones such as how close they can be. He said that the Council sets the maximum number of lines on a farm but the farmer can install less, this was a common sense issue. Graeme said that he does not see any problems with reducing the farm within the already predetermined coastal zones but does agree with Ken on the personal issues that he has to go through during these hearings.

Bruno mentioned that there might be a change within the Resource Management Act (RMA) in regards to evidence being circulated prior to the hearing which may curtail some of these problems but the applicant would still be able to turn up to the hearing with modifications.

Ken asked Ron directly whether there is a problem with these last minute changes from the applicant. Ron said that they have tried to do consultation with groups and individuals before the hearing but he said he tended to find people are entrenched in their view and do not get any change. He felt that applicants do take on board what the submitters say and that is where you see change at the hearing.

Pere suggested being proactive and stating in the submission that you have issues with the proposal and would welcome the opportunity to discuss these directly with the applicant prior to the hearing.

Moorings in Anakiwi Bay

There is an issue with large boat moorings popping up within the bay and taking up a large space. Victor is concerned with the management of these moorings. Victor has been challenging individual consent applications. Linda said that they are relying on the Outcome 21 plan change to see if a mooring management area can be implemented. Alan queried whether resources would be needed for this management area and Linda said that they will if the plan change is implemented.

Pere suggested putting forward the issues and an outline of what moorings are already there and submit to the plan changes. Linda also suggested talking to the Harbour Master regarding options.

Aquaculture Best Practice Guidelines

Steve Ulrich presented to the group the Best Practice Salmon Farm Management Guidelines for Marlborough. Please see attachment for presentation. The link to the Social License to Operate is <http://sociallicense.com/measure.html>.

A reminder that the dates for the public talks by Professor Black are Tuesday 10 and Wednesday 11 December (see attachment for times and places). Please let your respective Resident Associations know and encourage public attendance to these talks.

Alan asked Graeme for his help and suggestions regarding the goals. Graeme agreed to help.

It was agreed that SAG would put together a small subcommittee to assist New Zealand King Salmon, Cawthron Institute, National Institute of Water and Atmospheric Research and Ministry for Primary Industries. It was agreed that Rob, Eric, Monyeen and Kristen would be the subcommittee. Rob and Eric are to attend the workshop in early December and will be attending as SAG representatives. Steve and Alan will liaise directly with the subcommittee.

Kristen suggested SAG sends a message of appreciation and support to Council for appointing Steve. It was unanimously agreed.

Presentation on Drinking Water Standards

David Speedy presented to the group on the subject of drinking water standards (please see Drinking Water Standards attachment). He also tabled a document answering Linda Booth's questions on the standards. Rica, who is the Drinking Water Assistance Programme Facilitator, has templates and information available to anyone who has to establish a water supply or upgrade their current situation. Please email rica.salamat@nmdhb.govt.nz for further information. *[Prior to the meeting Rica sent an email to Michelle with further information on this topic. This was sent out prior to the minutes]*

There was discussion on the problem of mesh blocks which are the zones that central government have put New Zealand into for funding etc. Unfortunately the whole of Marlborough is considered to be rich and will not receive any funding for water schemes. This is being protested by David but he asked that SAG contact the local MP and put a case forward.

It was agreed that SAG would put together a proposal for Mayor Sowman regarding the zoning of Marlborough as a rich area so that the outlying communities might get some funding help.

David is available for questions via david.speedy@nmdhb.govt.nz or phone 520 9892.

Presentation on Whataroa Forest Logging and Permission to Use Public Roads

Gerard Malcolm spoke to the group regarding the application for permission to use public roads for Whataroa Forest logging. Please refer to the document "Summary of Application for Permission to Use Public Roads for Whataroa Forest Logging".

Gerard estimated that out of the approximate 300,000 total tonnage, approximately 30% (100,000) of the logs will go out via the public roads.

It was suggested that they give something to Council for the use of the public road.

Gerard said that they are proposing to have a meeting with all the affected parties to get everyone's view points and address any concerns. He also said that they will have larger setbacks off the foreshore if they are to replant.

DOC Update

The new structure began operating on 2 September 2013 and it would be true to say that it is still bedding down. The last report listed the names of people no longer working in the Sounds. The more senior people remaining are; Roy Grose, Conservation Services Manager, Phil Clerke, Senior Ranger, Biodiversity (formerly there were two program managers; Threats and Assets) and Margot Ferrier, Senior Ranger, Recreation (replaces Mark Nelson, Program Manager, Recreation).

In addition two partnership rangers are based in Picton, Robin Cox, previously Community Relations Program Manager, and a new appointee Wendy Sullivan, who transferred from South Canterbury. The Partnerships Manager for Marlborough, including St Arnaud is David Hayes, previously the South Marlborough Area Manager.

The field staff remain unchanged although the two hunters now report to South Marlborough.

Tennyson Poison Operation

This operation took place on the 2 November after a great deal of negotiation and waiting for suitable weather. In addition to the normal conditions the following conditions were required to remove the objection from the Pelorus Protection Inc:

1. Operation not to occur during Labour Weekend;
2. No baits closer than 15 metres from the coast; and
3. No bait to be dropped within 20 metres of the Nydia Track.

Unfortunately a helicopter bucket was dropped and could not be used further. This may help explain why some baits were found on the Nydia Track as the experienced pilot could not continue to be involved. Staff were on hand to remove any baits that may have been deposited on the track but not before some supporters of the Pelorus Protection Inc found them. At a sowing rate of 1 kilogram per hectare this means there are 166 by 6 gram baits per hectare or one bait per 60 square metres.

In the Ship Cove operation there was no exclusion zone around the Queen Charlotte Track which is a more popular track than the Nydia. Certainly staff removed any baits from the track.

There will be investigations into the reasons why the baits were spread onto the Nydia Track.

Yellow Head Transfer

Thanks to the sponsorship of Blacks Fasteners, 31 yellow heads were transferred from the Blue Mountains, near Tapanui, to Blumine Island in early October. This was done in two stages with no complications. Iwi from Southland and locally (Te Atiawa) were involved in the transfer.

Te Kopi

With the demise of the Pelorus Sanctuaries the land holdings were sold off. A previous manager, Mark Pengally, purchased the headland property called Te Kopi, farmed in previous times by a portion of the Shand family. Earlier investigations indicated high worm counts which is great for Kiwi.

Arrangements are in place to construct a predator fence across the narrow neck and then eradicate the predators. When this is complete Kiwi and Takahe will have a safe haven, although predator control will have to continue. With Maud, Tui Nature Reserve and Te Kopi, this portion of the Pelorus is becoming a mecca of protected areas.

Mistletoe Bay

This eco village continues to be recognized as a fine example of community achievement. After winning the supreme award at the Marlborough Environmental Awards they were the regional winners at the Trust Power Awards. They will now have an opportunity to present their story at the national awards in Invercargill in the New Year. In the 10 years that they have been formed, the Trust has achieved much for the benefit of Marlborough youth.

The Trust is celebrating 10 years of its existence on the 23 November 2013.

Maud

Predators seem to be a common theme in the Sounds. Mice have been found on Maud and from their wide distribution they may have been present for a while. It is unknown at this time how they got there. Apart from attempting to protect some species at risk, frogs and striped gecko, it is likely that a major toxin application will be undertaken next winter when food is less available.

The dates for the summer trips to Maud have been established and the operator, Gary Orchard of Pelorus Tours, has agreed to take several volunteers from Kaipupu as a reward. These trips will run on the 11, 12, 18, 19, 25 and 26 January 2014 subject to sufficient numbers, which has been dropping in recent years.

Kaipupu

Volunteers are busy monitoring for predators and are unfortunately finding mice in larger numbers than anticipated. A sustained effort will be required to remove them. They have been fortunate to get over \$43,000 in funding to help in this task.

Campgrounds

The completion of the landscaping at Kenepuru Heads and Cow Shed Bay is underway after the building of new toilets and shelters. Some person thinks they have a greater need of the fuel than we have as fuel has been removed from the plant on several occasions. The quest for campground hosts is underway for the more popular sites of Cow Shed, Kenepuru Head and Camp Bay.

Capital improvements have started at Momorangi with the building of an additional toilet and an extended deck fronting the shop. A new vehicle bridge across the stream upstream of the road bridge is yet to be started.

Planning is underway to utilize the Kathmandu sponsorship at Momorangi.

Tracks

The high winds have created lots of windfalls on the Nydia and Pelorus Tracks. These are yet to be cleared as priorities elsewhere have occupied staff.

The Queen Charlotte Track does not appear to have suffered from the winds and there are no reports of problems.

Linked Pathway

A trust has been formed to progress this great initiative. They are now on the road for funds to allow development. In addition to the regular assistance received from Outward Bound, recently an Air Force contingent helped to clear vegetation. The Sounds Restoration Trust will be removing some large pines, that were poisoned and are a threat to the track, in the near future.

Wilding Pines

Most of the Sounds Restoration Trust activity over the recent past has been planning for this summer's work. There has been some work above the French Pass Road paid for by Marlborough Roads but facilitated by DOC.

Private land owners have been active in North West Bay using chemical supplied by DOC. Another landowner in Nydia bay will be controlling pines later in November using chemical and drills supplied by DOC.

David to provide the link for review and factsheets on 1080 to distribute to SAG who will distribute to the Resident Associations. Please refer to <http://www.pce.parliament.nz/publications/all-publications/evaluating-the-use-of-1080-predators-poisons-and-silent-forests>.

Ticks in the Sounds

Kristen tabled an information sheet outlining what ticks are and who they can affect (please find attached). She has had severe cases with her dogs being infected and wants to get the message out that ticks are out in force at the moment.

Kristen asks that members contact their communities, farmers, hunters and anyone else who might be out and about in rural Marlborough and bring this to their attention.

If you have an infestation of ticks on your animals then contact your local vet. Frontline will hold them at bay. It was noted that ticks overseas carry Lyme disease which can be very damaging for Humans but this disease is currently not present in New Zealand. They can also carry an animal disease (Theilaria) which is only in the North Island at present.

Alan will pass this information on to the Council Animal Control.

[Prior to the meeting Kristen suggested going to the Vet Centre Marlborough's website to read the November newsletter containing information on ticks – www.vetmarlborough.co.nz.]

MDC Update

Styela Clava

Alan spoke to the group on the incursion of Styela Clava. There was a meeting held on this issue and it was agreed that the approach to this incursion will be a containment and spread reduction approach with an increase of education to all recreation and commercial boat owners. There will be an exit strategy built into the management plan of this approach if Styela makes it into the Sounds. There were two surveys done this year, in the first survey there were 100 specimens found and in the second only 12 were found. There will be two dive surveys per year on-going. MDC, MPI and Industry are moving to split the \$18,000 per year cost three ways. MPI has already pledged their support and funding, MDC is yet to make a decision and Industry is currently in negotiations.

For more information on Styela Clava please see:

www.marinebiosecurity.co.nz – Top of the South Partnership.

www.marinebiosecurity.org.nz – A MPI funded website holding a load of marine pest information for New Zealand.

Wasp Management

They have found a new mite that may be able to be used as a tool against wasps. It is currently being tested. There is currently no program for control for wasps but if you wish to kill the queen wasps then fly spray or swatting them is the best approach.

General Discussion

Sounds Advice Newsletter

Kristen said that she has had positive feedback from the newsletter but the size of the PDF needs to be reduced as it is too big to send out. Michelle has talked to Peter regarding this issue.

Ecological Report

If you have any comments on the ecological report that was sent around last meeting then please forward on to Steve - Steve.urlich@marlborough.govt.nz

Complaint

Peter spoke of a complaint letter from a holiday home owner regarding forestry activity making a mess of the roads. Kristen said that MDC Compliance Officers had visited the area and sorted the issues out. The complaint was made after a lot of rain and compounded by lack of road maintenance.

The meeting closed at 3.10 pm

Next Meeting

The next meeting to be held in Port Underwood, place TBC, on Monday 24 February 2014.

**Agenda items should be sent to
Kay Leach (e-mail kay.leach@marlborough.govt.nz) or
by Friday 7 February 2014.**