



**Minutes of a Meeting of the  
ENVIRONMENT COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim on THURSDAY,  
27 AUGUST 2020 commencing at 9.00 am**

**Present**

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

**Present via Zoom**

Councillor J A Arbuckle

**Also Present**

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

**Present via Zoom**

Councillor C J Brooks

**In Attendance**

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

**Apologies**

**Councillors C J Brooks and F D Maher noted their early withdrawal of the meeting. No other apologies were received.**

**Env-0820-59**

**Declaration of Interests**

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No interests with items on the agenda were declared.

ATTENDANCE: Mr Oliver Wade, Council's Environmental Scientist - Coastal, was present for the following two items.

**Env-0820-60**

**Findings of the 2019/20 Intertidal Monitoring Programme**

**E325-006-011-01, E325-006-020-01,  
E325-006-013-01, E325-006-016-01**

Mr Wade advised that the purpose of the report was to present to the Committee the findings of the summer 2019/20 intertidal monitoring programme. A copy of the reports had been electronically circulated to members for their information. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20159494).

Members were advised that Council began the monitoring of estuaries and intertidal areas in 2011 but no baselines have been established. Consequently broad scale monitoring has been conducted at Ahuriri Bay (Whatamango), Ohinetaha Bay (Mahau Sound), Broughton Bay (Kenepuru), Elie Bay and Wet Inlet (Clova Bay) to establish ecological baselines. It was noted that broad scale monitoring involves assessing and characterising the current ecological condition of a site. This characterises the ecological condition in relation to key issues such as eutrophication, sedimentation and habitat modification.

It was noted that if we don't have healthy estuaries we don't have a healthy eco system.

It was reported that broad scale sediment types, ecosystems and vegetation types were mapped for the five estuarine systems. Risks to the estuaries were assessed against the estuarine trophic index (ETI). The estuaries were generally considered to be at moderate risk.

The findings of the reports identified the main cause for concern was around the impact of sedimentation and high mud content in Ohinetaha Bay. Broughton Bay, Elie Bay and Wet Inlet are considered to be in good ecological health. Ahuriri Bay and Ohinetaha are in moderate ecological health and this is mainly due to localised sedimentation issues.

A number of recommendations were contained in the reports.

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

**Carried**

## **Env-0820-61                      Managing our Estuaries                      E325-002-002**

Mr Wade advised that the purpose of the report was to present to the Council a summary of the Parliamentary Commissioner for the Environment (PCE) report 'Managing our Estuaries' (August 2020). To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20159494).

The Pelorus Sound/Te Hoiere was selected as one of the five estuaries used as case studies for this report. PCE staff came to Marlborough in September 2019 to meet with Council staff and other agencies, iwi and community members. The report highlights the complexity of the regulatory landscape for estuaries. It also highlights the complexities of managing these environments and that, without a specific national policy statement, estuaries risk falling through the gaps.

It was noted that the case studies used to highlight these complexities are; the New River Estuary; Pelorus Sound/ Te Hoiere; Tauranga Harbour; Te Awarau-o-Porirua and Whāingaroa.

The report focusses on some key difficulties and challenges with estuary management, including the complexity of the systems. The report has two central recommendations being to include estuaries in the National Policy Statement for Freshwater Management (NPS-FM). Estuaries and their catchments should be robustly monitored to support decision-making. Members noted their support of the idea of 'estuary champions' considered in the report.

Members were advised that it is unclear what the impact of this report will be for councils. It does provide an outline of the issues with estuary management. It was noted that if estuaries were included in the NPS-FM in future this would give much stronger direction to councils around monitoring requirements, necessitating more resources to be committed to these important areas.

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

**Carried**

ATTENDANCE: Mr Alan Johnson, Council's Environmental Science and Monitoring Manager), was present for the following item.

## **Env-0820-62                      Environment Grant Scheme (Working for Nature *Mahi mō te Taiao*)                      E360-000-002**

Mr Johnson advised that the purpose of the report was to establish a Community Environmental Grant Scheme (Working for Nature Mahi mō te Taiao). To appoint a sub-committee for the Community Environmental Grant Scheme (Working for Nature Mahi mō te Taiao).

The following amendment to the agenda item was noted: Point 5 – change 'Greening' to 'Habitat'.

It was reported that the sub-committee has met to establish an Environmental Grant Scheme. The Community Environmental Grant Scheme (*Working for Nature Mahi mō te Taiao*) would be an integrated and strategic approach to protecting and restoring nature, by empowering communities and incorporating current Council funding for restoration projects and extending these to include environmental projects such as weed and pest management.

It was noted that the Tui to Town project is a great success and members did not want to see the gains made from the project lost. Reassurance was given that the criteria in the Environmental Grant Scheme will be intertwined with the Tui to Town philosophy and will form part of the package.

It was noted that the scheme would be divided in to two main categories; Habitat Marlborough and Protecting Marlborough, although names could change over time.

Funding of \$70,000 per annum is to be allocated to the Environmental Grant Scheme. The funding would be reallocated from the existing Tui to Town programme and as a portion of the Marlborough Landscape Group budget. It would be complementary to Council's other community grant schemes and aims to build further on environmental resilience and community well-being.

Members discussed the proposal of forming a Council sub-committee to allocate grant funds. The original membership proposed was Cllr Hope, Cllr Oddie and the Rural Representative, Ross Beech. Following further discussion it was agreed that Cllr Croad be included on the sub-committee. All those nominated were accepting of the nomination. It was also suggested that Willie Cross a member of Council's Landscape Group be considered as an additional member of the sub-committee. It was agreed that this would be discussed at a later date.

It was reported that applications would be open to community organisations, businesses or land owners (including farming, forestry, wine growing) and individuals on the 1 October and close on 30 October each year. Eligible projects could take place on public, private or Māori land.

**Cllr Hope/Mr Beech:**

- 1. That the information be received.**
- 2. That Council establish a contestable Environmental Grant Scheme funded from existing budget.**
- 3. That Cllr Hope, Cllr Oddie, Cllr Croad and the Rural Representative, Ross Beech, be appointed to an Environmental Grant Scheme sub-committee.**

**Carried**

Val Wadsworth provided a further update to 27 August 2020 to the information contained in the Information Package on Rainfall and Soil Moisture. Additional information was circulated to members and is filed in CM (Rec No: 20160123)

Members sought an update on the Awatere Water Scheme and it was suggested that the Awatere Water User Group provide an update to a future meeting.

## **Env-0820-63                      2019/2020 Regulatory Budget Carryovers**

**R450-002-G01, F275-001-02**

A request for Regulatory 2019/2020 Budget Carryovers to be incorporated into the 2020/2021 budget was put forward for consideration by the Committee.

It was noted that a number of works scheduled for completion in 2019/20 did not proceed or not completed for a variety of reasons. There is no rating impact arising from the carryover action.

**Cllrs Hope/Croad:**

**That the 2020/2021 budget be amended to incorporate the Regulatory Department 2019/2020 carryovers.**

**Carried**

ATTENDANCE: Karen Winter, Council's Team Leader Environmental Health, was present for the following item.

**Env-0820-64**

## **Noise Control Contract Performance 2019/2020**

**E350-007-009-02**

Ms Winter advised that the purpose of the report was to update the Committee on the performance of the Noise Control Contractor from 1 July 2019 to 30 June 2020 and explain how they perform their function. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20159496).

Members were advised that there were 824 complaints received regarding excessive noise from 1 July 2019 to 30 June 2020. This is a reduction of 41 from the previous year. It was noted that during COVID-19 level 4 Lockdown Noise Control was not considered an essential service so was stood down during that time.

From 1 July 2019 to 30 June 2020 there were 82 Excessive Noise Directions issued and three seizures of equipment. Two of the items seized were returned after payment of the appropriate fees, the other item was disposed of.

There were no Noise Abatement Notices issued during this period.

Members were advised that Council operates a 24/7 service with Council's CSOs answering calls during the work day and all other calls answered by Council's after hours call service.

It was reported that Council's Noise Control Contractor has continued to provide the required service to ensure any noise complaints are dealt with professionally and promptly. Training is provided to the contractors' officers on how to respond to noise complaints and this training is supported by the Environmental Health Team when required. Training will be ongoing to ensure consistency in assessing excessive noise. Monthly meetings are held with the local Contract manager to discuss any developing issues or concerns.

It was noted that information brochures are available to inform people on the process involved when a noise complaint is received and their rights if they have noise equipment seized. This information will continue to be developed to ensure it remains up-to-date and relevant.

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

**Carried**

ATTENDANCE: Cllr Brooks withdrew from the meeting at 10.05 am during the following item.

ATTENDANCE: Cllr Maher withdrew from the meeting at 10.12 am at the conclusion of this item.

ATTENDANCE: Jane Robertson, Council's Contract Manager for Animal Control and Jamie Clark, (Compliance Manager) was present for the following two items.

**Env-0820-65**

## **Marlborough District Council Dog Control Bylaw and Dog Control Policy Review**

**E305-003-001-01**

Ms Robertson advised that the purpose of this report was to seek approval from the Committee to commence the process of reviewing the Marlborough District Council Dog Control Policy 2012 and Chapter 4 of the Marlborough District Council Dog Control Bylaw 2010; and for Council to appoint the Animal Control Sub-Committee to hear public submissions on the review of the Dog Control Policy and Dog Control Bylaw; and to adopt a proposed timeframe for the review of the Dog Control Policy and Dog Control Bylaw as per the special consultative procedures set out in section 83 of the Local Government Act 2002. The Draft Statement of Proposal, Proposed draft Dog Control Policy and Proposed draft Control Bylaw 2020 was attached to the agenda item for members' information.

It was reported that the Dog Control Act 1996 requires territorial authorities to set Dog Control Bylaws. The last Dog Control Policy and Bylaw review conducted by Marlborough District Council was completed in August 2012. The Local Government Act 2002 under section 159 requires that local authorities must review bylaws made under this Act every 10 years.

The process to review the Dog Control Policy and to amend the Dog Control Bylaws is set out in section 10 of the Dog Control Act 1996 and in the Local Government Act 2002. Section 10 of the Dog Control Act 1996 requires that the policy and bylaws must be consistent. It is therefore intended that the review of the Policy and of the Bylaw be undertaken in tandem.

Members were advised that Council is required to adopt a Dog Control Policy to address a number of issues, including regulating access for dogs to public places. Once the Policy has been adopted the Bylaws are required to be made to give effect to Council's Dog Control Policy.

Members discussed the recommendations noted in the agenda and it was proposed and agreed that Cllr Taylor be added to the Sub-Committee panel to hear and deliberate on submissions.

It was noted that submissions will open Friday 18 September and close 9 November 2020 with Hearings scheduled to be held in December 2020. It is proposed that any Bylaw amendments will be ready for presenting to the Environment Committee early in 2021.

A review of all dog related signage will be undertaken once the Bylaw Review has been completed.

**Cllrs Oddie/Sowman:  
That Council:**

1. **Approve the commencement of the review of the Marlborough District Council Dog Control Policy 2012 and Chapter 4 of the Marlborough District Council Dog Control Bylaw 2010.**
2. **Appoint Cllrs J A Arbuckle [Chair] [amended at the Council meeting on 17 September 2020], T P Sowman, B A Faulls and N P Taylor as the Dog Control Bylaw Sub-Committee to hear submissions on the Bylaw Review and make recommendations to Council on the proposed Policy and amendments to the Bylaws following deliberation on the submissions received.**
3. **Approve the proposed timeline for the Policy and Bylaw Review process.**
4. **Approve the draft Statement of Proposal, proposed draft Dog Control Policy and the proposed draft Dog Control Bylaw for consultation.**

**Carried**

**Env-0820-66**

**Dog Control Policy and Practices Annual  
Report**

**E305-003-003-01**

The purpose of the report was to receive the Dog Control Policy and Practices Annual Report for the financial year 1 July 2019 to 30 June 2020

It was noted that the report provides details on Council's administration of dog control policies and practices. It also provides information on dog control activities including education, impounded dogs and enforcement.

It was reported that Animal Control continued to operate during all Covid-19 alert levels. The only area impacted was the Education Sessions and these were cancelled due to schools and early childhood centres being closed and social distancing being enforced. Education sessions have been rescheduled and are due to recommence.

The Renwick Dog Park features in the report for the first time. It was noted that it appears to be well utilised and numbers of users are being recorded however due to the newness of the park trends have yet to be identified. It was noted that a Renwick Dog Park (Public Group) Facebook page has been established with approximately 303 members.

It was agreed that usage numbers for the park will be included in future reports.

It was noted that the report will be provided to the Secretary for Local Government at the Department of Internal Affairs and will be publicly notified within one month of its release.

A copy of the report will also be made available on Council's website.

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

**Carried**

## **Env-0820-67                      Animal Control Sub-Committee                      D050-001-A04**

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

It was reported that interest in developing a Blenheim dog park is gaining momentum and Cllrs Arbuckle and Sowman are working with interested parties with the intention of making a submission to the Long Term Plan.

**Cllrs Arbuckle/Fauls:**  
**That the minutes of the Animal Control Sub-Committee meeting held on 10 July 2020 be ratified.**

**Carried**

ATTENDANCE: Rachel Neal, Council's Monitoring Programme Co-ordinator, was present for the following item.

## **Env-0820-68                      Dairy Shed Effluent and Stream Crossing Survey 2019/2020                      E330-001-004, E330-001-005**

Ms Neal advised that the purpose of the report was to inform the Council of the Compliance Group's monitoring of dairy shed effluent and stream crossings during the 2019/20 dairy season. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20159501).

Members were advised that monitoring was carried out between November 2019 and February 2020 and all 47 dairy farms were inspected. The percentage of farms that were rated as compliant with the MSRMP or resource consent conditions was 89% following re-inspections.

Council assessed 36 dairy farms against the seven permitted activity standards within the PMEP that have legal effect. The percentage of farms that were rated as compliant with the PMEP was 94% following re-inspections.

It was noted that the discharge of dairy farm effluent into or onto land is a permitted activity within the Rural Environment Zone. A compliance report for the PMEP rules was completed for each farm operating under P/A status.

Stream crossing elimination is continuing to progress, with one stream eliminated since the last report. There are currently four farms with stream crossings remaining with one farm having eight of the remaining 13 stream crossings.

Members were advised that a letter will be sent to the farms with streams seeking information on their plans to prevent stock from entering/crossing waterways and whether they also use the waterways when there is no water flowing. It was noted that the farm's compliance rating is not affected by having stream crossings.

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

**Carried**

ATTENDANCE: Ms Barbara Mead, Council's Advocacy and Practice Integration Manager, Regulatory Services and Ms Sue Bulfield-Johnston, Council's API Administrator and Hearing Facilitator, were present for the following two items.

**Env-0820-69**

## **Appeals Update**

**R450-004-22**

The purpose of the report was to provide an update as to the current Appeals/Judicial Review caseload in Regulatory Services as at 10 August 2020.

It was noted that Council is presently engaged in appeals for EDS v Otago Regional Council (High Court, appeal, MDC as intervener), Aparoa Zindia Ltd v Marlborough District Council (Court of Appeal, MDC as respondent), Bilsborough, Eco Cottages NZ Ltd (District Court appeal, MDC as appellant) and Clearwater (Environment Court appeal, MDC as appellant) and these were summarised in the report.

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

**Carried**

**Env-0820-70**

## **Overview of Hearing Decisions**

**R450-004-02**

Ms Bulfield-Johnston advised that the purpose of the report was to provide an overview of decisions issued for applications for resource consent set down for hearing over the time period 1 July 2018 and 30 June 2020 (being a period of two years). To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No.20159502).

Members were advised that in the two financial years commencing 1 July 2018, 24 applications for resource consent and 2 section 357 objections were progressed to a hearing. The report provided a summary of the consents applied for and the decisions issued. It also provides context in terms of the hearing function within the overall scale of the consenting activity in the Regulatory Department.

There was general discussion on the number of hearings undertaken by Council compared to nationally. It was noted that any applications made by the Marlborough District Council automatically go to a hearing to ensure transparency.

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

**Carried**

**Env-0820-71**

## **Information Package**

**-**

There was general discussion regarding the Rural Advisory Group (RAG) reference to Council's work on Wilding Conifer controls. It was noted that Mark Wheeler, Council's CEO, will be attending the next RAG meeting. It was suggested that Council an invitation to a future RAG meeting to discuss Council's position on work to date on Pest Conifers/Wilding Pines. It was proposed that this be discussed at the upcoming Forestry workshop.

It was noted that there is a large number of swimming pools that have failed their first inspections. It was requested that the reasons for the non-compliance be circulated to Councillors.

**The Mayor/Cir Croad:**  
**That the Regulatory Department Information Package dated 27 August 2020 be received and noted.**

**Carried**

## Env-0820-72      **Decision to Conduct Business with the Public Excluded**      -

The Mayor/Clr Oddie:

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

- Confirmation of Public Excluded Minutes

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

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

### Carried

The meeting closed at 11.18 am.

Record No: 20160364