



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

**Present**

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

**Also Present**

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

**In Attendance**

Ms G Ferguson (Consents and Compliance Group Manager) and Nicole Chauval (Committee Secretary)

**Apologies**

**The Mayor/Clr Croad**

That the apology for non attendance from Clr J L Andrews be noted.

Cirs N P Taylor, G A Hope and C J Brooks noted their early withdrawal from the meeting.

Carried

**Env-1020-106**

**Declaration of Interests**

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Clr Maher declared a conflict of interest with a resource consent application contained in the Information Package numbered as 122 - Marlborough District Council U200148.

**Env-1020-107**

**Resource Hearing Sub-Committee Decisions-**

**Cirs Oddie/Arbuckle:**

That the Resource Hearing Sub-Committee Decision as contained within the report dated 3 July 2020 (U190460) be received and the recommendation adopted.

Carried

**Env-1020-108**

**Resource Hearing Commissioner Decisions -**

**Cirs Oddie/Arbuckle:**

That the Resource Hearing Commissioner Decisions as contained within the reports dated 24-26 February 2020 [and reconvened on 27 July 2020] (U190470), 7 July 2020 (U191112), 7 July 2020 (U190397) and 9 July 2020 (U060329) be received and the recommendations adopted.

Carried

ATTENDANCE: Mr Alan Johnson, Council's Environmental Science and Monitoring Manager, was present in the room and Sean Cooper, Marine Conservation Team Manager DOC and Sarah Campin-Fordham, Senior Policy Advisor/Conservation System Reform Policy were present via Zoom for the following item.

## **Env-1020-109      Te Mana O Te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020      E310-000-001**

The report to the Committee provided members with an update on the Te Mana O Te Taiao Aotearoa New Zealand Biodiversity Strategy. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20196729).

Members were advised that the Te Mana o te Taiao (ANZBS) sets out a framework for biodiversity management until 2050 with the ANZBS setting goals for 2025, 2030 and 2050. The strategy will guide the way all Aotearoa works to protect and restore nature. This strategy supersedes the previous strategy that was released in 2020 and the published Action Plan in 2016.

The strategy will be used as a guide for all who work in biodiversity, including central and local government, industry, communities and individuals. It was reported that a key element of the strategy is the up lifting of the treaty partner relationship and that it is the people's plan as opposed to a Wellington centric plan.

In response to a query on whether a schedule is available from Central Govt on what work is to take place. Sean Cooper noted that he is not aware of the information being available in one place but it may be possible to provide something back to Council.

It was noted that the next phase of the Strategy is the development of an Action Plan which is intended to be undertaken in a collaborative environment involving agencies, iwi and stakeholders. It was requested that Council's Landscape Group be considered for inclusion in future discussions.

**Cirs Hope/Arbuckle:  
That the information be received.**

**Carried**

ATTENDANCE: Mr Paul Wopereis, Senior Geologist, BECA Limited, Nelson was present via Zoom and Mr Peter Davidson, Council's Environmental Scientist - Groundwater, was present in the room for the following item.

## **Env-1020-110      Wairau Aquifer Discharge to Cook Strait E345-007-001**

The purpose of the report was to present the report entitled: *Wairau Offshore Groundwater Geological Assessment – Marlborough* prepared for Council by BECA in March 2020, and its findings. The report was available on Council's website with a link included in the agenda item for members' information. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20196726).

Members were advised that a re-examination of the possibility of an ocean outlet for the Wairau Aquifer has shown that, based on recent offshore geophysical surveys, the geological formation hosting the aquifer extends well out into Cloudy Bay/Cook Strait and is exposed at the seabed, potentially allowing drainage of fresh groundwater to the sea.

It was noted that the report is one part of the jigsaw in managing groundwater and that the information is to further assist in understanding the aquifer better. Members were advised that some of that knowledge will provide guidance and scientific understanding of what is out there as it is important that the aquifer is managed carefully for the future and knowledge is important to enable that to happen.

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

**Carried**

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

**Env-1020-111                      Biosecurity - Operational Plan Report  
2019/2020    E315-002-005-10, E315-002-005-11**

Members were aware that the purpose of the report was to seek approval of the Biosecurity Operational Plan Report for 2019/2020 and approval of amendments to the Biosecurity Operational Plan contained within the 2019/20 report.

It was noted that a final report has been prepared on the Biosecurity Operational Plan at the completion of the 2019/20 financial year, covering the activities of Council's biosecurity Section. A review of the Biosecurity Operational Plan 2018-2028 was carried out by Biosecurity staff on 4 August 2020 with proposed amendments contained within Part Four of the report.

Members were advised that it has been a successful year for the Biosecurity Section with 90% of the operational targets achieved. Some were not met and this was partially due to the impacts of the COVID-19 lockdown period.

It was noted that there continues to be pressure in key areas to manage either current or future threats from invasive species, currently these areas are the terrestrial threats of wilding pines and Chilean needle grass and for the marine environment, the threat of the invasive marine pest Mediterranean fanworm.

Members were updated on these programmes with the following noted:

*Chilean needle grass* - a shift in management plans now undertaking more intensive work on fringe sites. A large infestation has been discovered in the Wairau Valley.

*Mediterranean fan worm* – good detection rates, boaties are vigilant. First infestation on a mussel farm, there will be a significant follow-up effort.

There was discussion on whether there could be an issue with the Americans Cup and more boats coming into the Sounds from that area. It was noted we are promoting our pest management plan but it is difficult as the boats may not come into the marinas and there is a considerable amount of Sound to manage.

*Nassella tussock* – if there wasn't constant vigilance it could revert back to how it was decades ago. There are over 500 infected properties and Council has directed owners to stagger their control work to ensure there are workers available. Team is working on providing clearer information to assist in gaining ongoing landowner commitment.

It was noted that two new programmes have commenced to control Willow Leaf and Woolly Nightshade on d'Urville island. Members were advised on how a recent invasive fern was found and subsequently more been found investigations are continued.

**Cllrs Croad/Oddie:**

- 1. That the report be received.**
- 2. That the annual report on the Biosecurity Operational Plan for the 2019/2020 financial year be approved by the Council in accordance with section 100B(2) of the Biosecurity Act 1993.**
- 3. That the amendments proposed within Part Four of the 2019/2020 Biosecurity Operational Plan Report, as a result of the annual review of the Operational Plan, be approved by the Council in accordance with section 100B(1)(b) and (c) of the Biosecurity Act 1993.**

**Carried**

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

**Env-1020-112                      Measuring Mussel Farming Effects on  
Plankton in the Marlborough Sounds  
E325-008-002-02**

Members were aware that the purpose of the report was to present a summary of the report 'Measuring Mussel Farming Effects in the Marlborough Sounds'. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20196736).

It was noted that the report had been commissioned in response to Annual Plan submissions from the Marlborough Sounds Community raising concerns about the possible depletion of plankton by mussel farming in the Marlborough Sounds.

It was noted that Council has been monitoring water quality in the Marlborough Sounds since 2011, including Chlorophyll-a concentrations as a proxy for phytoplankton concentrations.

Members were advised that there is more information available on phytoplankton populations than for zooplankton. To fill the knowledge gap in zooplankton concentrations would be time consuming and expensive. Given the other environmental issues facing the Marlborough coastal marine area, the report indicated that it was not a worthwhile expenditure of resources.

Data does indicate that phytoplankton concentrations in the Sound have declined at some sites since the 1980s to the present. This decline is not a localised phenomenon, satellite data reveal that chlorophyll concentrations have declined around much of New Zealand's coastline over the past 20–30 years. The reasons for this decline remain unclear. Using the available historical data, there is no evidence of a correlation between chlorophyll anomalies and expansion of the marine farming industry. In contrast, there is evidence that inter-annual fluctuations in river flow are correlated with the anomalies and it is possible that rising sea temperatures may also play a role.

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

**Carried**

ATTENDANCE: Ms Gina Ferguson, Consents and Compliance Group Manager, was present for the following item.

**Env-1020-113                      Delegation under the COVID-19 Recovery  
(Fast-track Consenting) Act 2020  
C500-005-010-03, E200-001-022-04, L150-003-02**

Ms Ferguson advised members that the purpose of the report was to delegate authority to staff to carry out powers, functions and duties relating to resource consents and notices of requirement under the COVID-19 Recovery (Fast-track consenting) Act 2020 and to delegate the power under the COVID-19 (Fast-Track Consenting) Act 2020 to nominate one member of the Local Authority or a person nominated by the Local Authority to be a member of the expert consenting panel to determine COVID-19 Fast-track applications.

Members were advised that the COVID-19 Recovery (Fast-track Consenting) Act 2020 enables the fast-tracking of the consenting of eligible development and infrastructure projects following a different process and with different considerations to those occurring under the Resource Management Act 1991 (the RMA). The Act commenced on 19 July 2020 and will be repealed in two years.

The Act confers a number of powers and functions on Council and these were discussed and also outlined in the agenda item.

Members were advised that the timeframes for carrying out these powers and functions are very tight meaning that actions will typically need to be taken outside of Committee timeframes and Council could potentially be unable to meet its functions, powers and duties under the Act within the tight timeframes.

**The Mayor/Clr Croad:  
That Council:**

1. **Delegate the power to nominate a member of the Local Authority or a person to be a member of the expert consenting panel to determine any COVID-19 Fast-track applications under Schedule 5(3)(2)(a) of the COVID-19 (Fast-track Consenting) Act 2020 to the Chair of the Environment Committee.**
2. **Delegate all other responsibilities, duties and powers in relation to resource consent applications and notices of requirement processed under the COVID-19 Recovery (Fast-track Consenting) Act 2020 to the Chief Executive, with approval for those responsibilities, powers and duties to be sub-delegated to staff.**

**Carried**

ATTENDANCE: Clr Taylor withdrew from the meeting at 10.55 am at the beginning of the following item.

ATTENDANCE: Clr Brooks withdrew from the meeting at 11.08 am during the following item.

ATTENDANCE: Ms Claire Frooms, Council's Environmental Protection Officer, was present for the following item.

**Env-1020-114                      New Zealand King Salmon Compliance  
Monitoring 2019/2020                      U140294M, U140295M,  
U140296M, U160675M, U150081M, U040217M,  
U040412M, U021247M, MFL456**

Council's Environmental Protection Officer, Claire Frooms noted that the purpose of the report was to provide the Committee with an overview of the compliance levels achieved at the New Zealand King Salmon (NZKS) Marine Farms in the Marlborough Sounds following monitoring conducted by Cawthron Institute 2019/20. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20196720).

Members were advised that nine marine farms were assessed during this monitoring period and a number of non-compliances with both resource consent conditions and BMP guidelines were identified.

The overall compliance assessment of all nine farms generated one significantly non-compliant, three non-compliant and one technically non-compliant marine farm. These assessments were reviewed by Council's Compliance QA Peer Panel and infringements were recommended in relation to the significant non-compliance at Forsyth Bay and the non-compliance at Kopaua. A formal warning was recommended for the non-compliance at Te Pangu Bay and an educational approach recommended in relation to the remaining non-compliance and technical non-compliance issues.

The two infringements and one formal warning have been issued and the NZ King Salmon Company are working to resolve these matters by reviewing some of their practices as well as considering application for variation to their resource consent conditions in order to streamline them with their other consents and the recently reviewed BMP guidelines.

Members were advised that Forsyth Bay farm is proposed to be fallowed and is unlikely to be restocked under the consent which expires in 2024. The farm will be monitored when it is fallowed to monitor effects.

**Cls Hope/Arbuckle:  
That the information be received.**

**Carried**

ATTENDANCE: Ms Barbara Mead, Council's Advocacy and Practice Integration Manager, Ms Sue Bulfield-Johnston, Council's Administrator and Hearing facilitator, Advocacy and Practice Integration and Ms Sharan Mavi, Council's Regulatory Advisor, Advocacy and Practice Integration Team were present for the following three items.

## **Env-1020-115 Appeals Update R450-004-22**

Members noted that the purpose of report was to provide an update as to the current Appeals Judicial Review caseload in Regulatory Services as at 22 September 2020.

Ms Mead provided the following updates – J Woolly's application for use of water permit which has been lodged with the consent holder and now waiting for the court to undertake further timetabling. A second appeal has been lodged on behalf of a collection of submitters in relation to Simcox Quarry. It was noted that the application was granted but the appeal is for an increase in tonnage.

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

**Carried**

## **Env-1020-116 Resource Consent Hearings Update R450-004-22**

Members were aware that the report provides a rolling summary of hearings scheduled and completed for applications for resource consent. Since the onset of COVID-19 and the Level 4 lockdown a practice has been implemented to consider extension of timeframe and online hearings where appropriate.

Ms Bulfield-Johnston noted the following updates – Marlborough Aquaculture Ltd (U161142) possible December hearing date to reconvene. Beirne and Smith (U190483) hearing remains adjourned and S M Madsen (U20060) still being worked on.

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

**Carried**

## **Env-1020-117 Appointment of Hearings Commissioners R450-004-02**

Ms Bulfield-Johnston advised the purpose of the report was to present Roger Bannister for inclusion on the list of Hearings Commissioners. Mr Bannister's Summary CV was attached to the item for members' information.

Members were advised on Roger Bannister's experience and it was noted that he would be a welcome and unique addition to the Commissioner list which currently has no decision maker with a combined Local Government and Ministry background.

- Cirs Oddie/Arbuckle:**
- 1. That the report be received.**
  - 2. That Roger Bannister is appointed to act as a Hearings Commissioner as and when required and that he be advised accordingly.**

**Carried**

ATTENDANCE: Clr Hope withdrew from the meeting at 11.25 am during the following item.

## Env-1020-118

## Environmental Law Update – an overview

R450-004-12

Ms Sharan Mavi advised that the report provided an update and overview on specific areas of environmental law significant to Council processes and functions.

Ms Mavi provided an overview on the resource management review undertaken by the Government and outlined the recommendations put forward by the Panel. It was noted the review addressed significant pressures on both the natural and built environments.

It was noted that the Panel has come up with a large number of recommendations that are aimed to reorient the resource management system to focus on the delivery of specified outcomes, targets and limits in the natural and built environments.

Members were advised that the review has recommended two major pieces of interrelated legislation – first to repeal the RMA and replace it with the Natural and Built Environment Act (NBEA) and introduction of new legislation called the Strategic Planning Act (SPA), consideration is also now being given towards a third.

It was also noted that the RMA's compliance and enforcement provisions have been reviewed. Of these, the timeframe for laying prosecution charges has increased from 6 months to 12 months. This timeframe increase is seen as a positive step to enable Council staff more time to work with the applicant to achieve positive outcomes.

A new role has been established for the role of the Environment Protection Authority (EPA). It was noted that previously under the RMA, compliance, and enforcement functions have been delegated only to councils, but now with the Amendment Act, the RMA has been amended to enable the EPA to collaborate with councils, or take over compliance matters completely, regardless of where in the investigation process the matter is. Members were advised that this is seen as a positive outcome as it is expensive for councils to undertake.

Members were advised that not all of these changes will commence at once, they have been staggered over several months. The key dates were detailed in the agenda item.

Ms Mavi advised that Council is already revising its documents and processes to ensure it is ready to go as each of the changes takes effect and looking out for the changes that are yet to come. It was noted that a table has been prepared to canvas the changes which will be circulated to relevant Council departments. It was agreed that this table also be circulated to councillors for their information.

Members were informed on the COVID-19 Recovery (Fast-Track Consenting) Act 2020. It was noted that the Act does have a 'sunset' clause in that it will be repealed two years after its enactment.

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

**Carried**

## Env-1020-119

## Information Package

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**The Mayor/Cir Croad:**  
**That the Regulatory Department Information Package dated 8 October 2020 be received and noted.**

**Carried**

The meeting closed at 11.50 am.

Record No: 20196737