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11 March 2022

Record No: 2247459
File Ref: D050-001-E01
Ask For: Nicole Chauval

Notice of Committee Meeting – Thursday 17 March 2022

A meeting of the Environment Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **17 March 2022 commencing at 9.00 am.**

BUSINESS

As per Agenda attached.

MARK WHEELER
CHIEF EXECUTIVE

MARLBOROUGH DISTRICT COUNCIL

Only Marlborough

Meeting of the ENVIRONMENT COMMITTEE
to be held in the Council Chambers, District Administration Building, Seymour Street,
on THURSDAY, 17 MARCH 2022 commencing at 9.00 am

Committee	Mayor J C Leggett (Chairperson) Clr D Oddie (Deputy) Clr G A Hope (Deputy) Clr J A Arbuckle Clr J D N Croad Clr B A Faulls Clr T P Sowman Iwi Representative (to be advised) Mr E R Beech (Rural representative)
Departmental Head	Mr H Versteegh (Environmental Science and Policy Group Manager) and Ms G Ferguson (Consents and Compliance Group Manager)
Staff	Nicole Chauval (Committee Secretary)

In Public

1. Apologies

No apologies received.

2. Declaration of Interests

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

3. Reconnaissance report on landslides caused by the 16 - 18 July 2021 rainstorm in the Marlborough region. Phase 1

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

(Clr Hope) (Report prepared by Matt Oliver) **E355-015-003-01**

Purpose of Report

1. To receive the first phase of reporting into landslides in the Marlborough Sounds caused by the 16 - 18 July 2021 rainstorm.

Executive Summary

2. A heavy rainstorm during 16-18 July 2021 caused a large number of landslides and other damage to a large part of the Marlborough Sounds. Councillors will be very familiar with the damage caused and the work required to repair this damage.

3. Following the event, a collaboration between Council and GNS Science was established to investigate and document the resulting land sliding.

4. Investigations into the location, type and size of the landslides were conducted including helicopter reconnaissance, UAV surveys and site visits. A series of landslides that caused property damage were investigated in detail.

5. The data gathered is presented in this report to document the event, a second report discussing the regional distribution of landslides and their impacts will be presented later this year.

RECOMMENDATION

That the report be received.

Background/Context

6. An intense winter storm (< 10 to > 250-year event in study area) travelled across New Zealand on the weekend of the 16th – 18th July 2021, affecting Marlborough, Tasman, Nelson, West Coast, and Wellington.

7. Extensive damage to roading and houses occurred throughout the Marlborough Sounds. The resulting repair work is still underway some eight months later. There were fortunately no deaths or injuries reported.

8. In the past Council has typically investigated such events itself and produced landslide event reports. However, this time GNS offered its services at no cost, and it was felt that GNS could bring a greater level of expertise to bear. In addition, the data gathered can be used to inform the GNS Rainfall-induced Landslide Model that seeks to improve risk assessment for land sliding nationally.

9. Following the event, rain radar data provided by Metservice was assessed to locate the areas that received the most rainfall. In addition, over 1500 images from earlier flooding reconnaissance flights, media reports and Geonet reports were inspected to show locations of landslides. This helped to determine an optimal (and unbiased) flight path.

10. A helicopter reconnaissance flight was conducted covering some 650km over five hours. Over 2500 images were captured. These were later geolocated in Councils DAVIS software. The landslides identified were mapped in Google Earth by Zeke Hoskins and sent to GNS for inclusion in the distribution mapping.

11. Field visits were conducted to several sites where property damage occurred. These include properties in Mahikipawa, Havelock and in Queen Charlotte Sound/Totaranui. Many thanks to Harbours for making a vessel and skipper available during the weekend to avoid poor weather.

12. Field visits included detailed assessments of property damage, often including interviews with landowners, foot inspection of most landslides (where physically possible) and UAV surveys.

13. The resulting data is provided in the report.

14. Several points should be highlighted from this work:

    14.1 Collaboration with a capable research institute such as GNS on work such as this is extremely valuable for future planning and natural hazard management. The greater expertise that GNS can apply should lead to improved understanding of risks posed by landslides in this region. Previous Council reports have documented events but not led to the deeper investigations required to enable substantive change in risk management.

    14.2 Detailed field inspections of property damage were informative not only about the landslides but also about the distressing effect these caused for the victims of these landslides. Improving our ability to predict and mitigate such events will greatly reduce property damage and distress for victims.

    14.3 Table A4.1 in Appendix 4 (p58) Landslide Survey Details should be highlighted. Firstly, for the level of detail that it is now possible to obtain using modern survey methods (which utilised Councils recently acquired LiDAR), and secondly the last column in this table shows the catchment area. This is relevant for the next item in this Agenda.

Next steps

15. A Phase 2 report is currently in progress. This report will likely have further information relevant to natural hazard planning that Council may wish to consider at that time.

Presentation

A short presentation will be given by Andrea Wolter GNS Science via Zoom (15 minutes).

Attachment

Attachment 1 – Wolter A, Rosser BJ, Boyes A, Lin S-L, Townsend DB., Jones KE. Choi E. 2022. Phase 1: Reconnaissance report on landslides caused by the 16 - 18 July 2021 rainstorm in the Marlborough region. GNS Science. Lower Hutt (NZ): 68p. (GNS Science report; 2022/08)

The above report is available on Council's website via the following link:
https://www.marlborough.govt.nz/your-council/meetings?item=id:2g1eln0u31cxbyu7r4fx

Author	Matt Oliver, Environmental Scientist, Land Resources
Authoriser	Alan Johnson, Manager, Environmental Science and Monitoring

4. Rainfall event 3-5 February 2022

(Clr Hope) (Report prepared by Val Wadsworth and Peter Hamill) **E385-003-01**

Purpose of Report

1. To provide an update on the rainfall event which affected northern parts of Marlborough, particularly the Rai Valley area, between the 3 - 5 of February 2022. This expands on the late supplementary item presented to the February Environment Committee meeting.

Executive Summary

2. A rainfall affected northern parts of Marlborough, particularly the Rai Valley area, between the 3 - 5 of February 2022. The event occurred in two discrete parts, the first on the morning of the third, and the second on the afternoon/evening of the fourth.

3. The rainfall caused slips, and road damage and closures, including the closure of State Highway 6 to Nelson for several days.

4. Anecdotal reports of rainfall in excess to 700 mm have been reported for this event around the head of Tennyson Inlet.

5. High rainfall gradients are apparent when comparing the figures for Tunakino, Rai Valley NRFA, and Rai Falls.

6. Flows in the Te Hoiere/Pelorus and Rai Rivers were not exceptional, which is consistent with the rainfall data. Both rivers experienced a double peak as shown below, mirroring the rainfall pattern.

7. Very localised heavy rainfall caused the damage north of Rai Valley.

8. A damage assessment flight confirmed that riverbank erosion was limited to discrete areas.

9. Waterways with intact riparian vegetation experienced less riverbank erosion than waterways that had grazed margins.

RECOMMENDATION

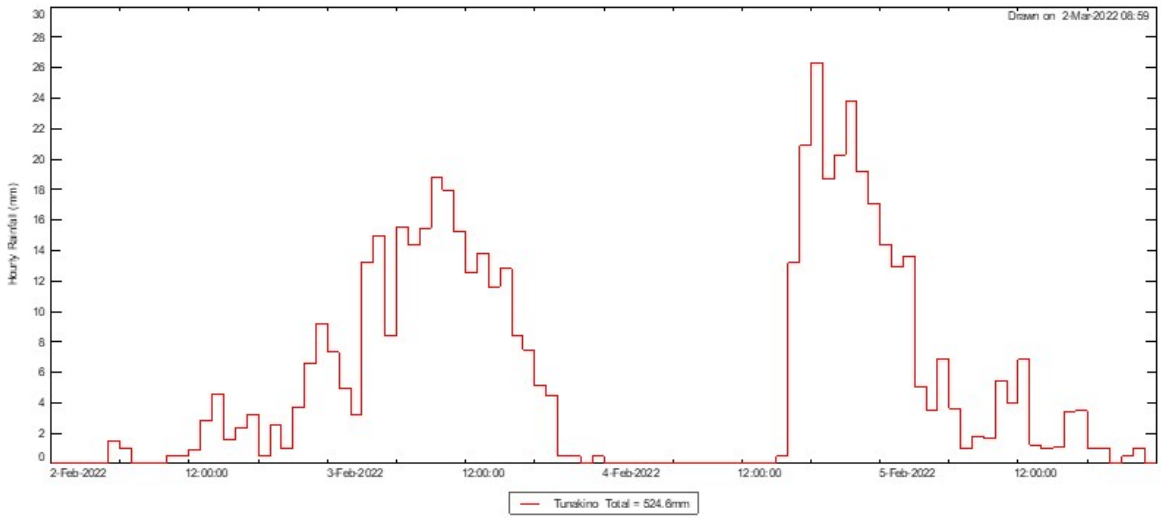
That Council receive the report.

Background/Context

10. The following is a report on the rainfall event which affected northern parts of Marlborough, particularly the Rai Valley area, between the 3 – 5 of February 2022. This expands on the late supplementary item presented to the February Environment Committee meeting.

Rainfall

11. The rainfall occurred in two discrete parts: the first on the morning of the third, and the second on the afternoon/evening of the fourth. The two were separated by about 18 hours of very little rainfall, as shown in the graph of Tunakino rainfall below. Prior to this event conditions across the province had been particularly dry, with only 25 mm of rainfall recorded at Tunakino during January.



12. Anecdotal reports of damage indicate that the peak rainfall seems to have been confined to an area north of Rai Valley. The rainfall caused slips, and road damage and closures, including the closure of State Highway 6 to Nelson for several days. Much of the reported damage occurred in the first 24 hours of the event, which is inconsistent with the low probability shorter duration records from Tunakino. Numerous other previous events having recorded higher figures, including the July 2021 event.

13. It is possible that the Tunakino gauge may not have captured the peak rainfall, which from damage reports seems have been isolated to an area from Tennyson Inlet/Okiwi Bay to the Rai Saddle, and possibly the lower parts of the Whangamoa River. There are anecdotal reports of rainfall in excess to 700 mm for this event around the head of Tennyson inlet. High rainfall gradients are apparent by comparing the figures for Tunakino, Rai Valley NRFA, and Rai Falls. These sites are only separated by 7 km and 8 km respectively. A gauge at Wakapuaka in Nelson recorded just over 300mm for the event, similar to the Rai Falls rainfall. No hot spots are obvious in the affected area from rain radar images, however any localised rainfall on the northern side of the ranges here would be hidden from the radar by the topography.

14. The table below shows the maximum rainfall amounts for the Tunakino gauge for various intervals, together with return periods for those figures, and figures for several other sites. While the 48 and 72-hour figures are significant, they are not exceptional, however the 96-hour total for this event of 548mm is the highest recorded here.

15. Further rainfall a few days later, and another small event on 19-20 February mean this has been a very wet month in this area with 755mm recorded at Tunakino. This is a record for February, but still well below July and October 1998, both of which recorded just over 900mm.

16. Rainfall on the Richmond Range was much lower than forecast, and there was only a minor flood in the Wairau.

Site	Interval	Max rain	Comments*	Event total
Tunakino	96 hours	548 mm	ARI 50 year	553 mm
	72 hours	505 mm	ARI 40 year	
	48 hours	412 mm	ARI 29 year	
	24 hours	246 mm	ARI 5 year	
	12 hours	205 mm	ARI 12 year	
	6 hours	129 mm	ARI 8 year	
	3 hours	66 mm	ARI 2.7 year	
Rai Valley NRFA	24 hours	184 mm		383 mm
Rai Falls	24 hours	126 mm	ARI 1.5 year	294 mm

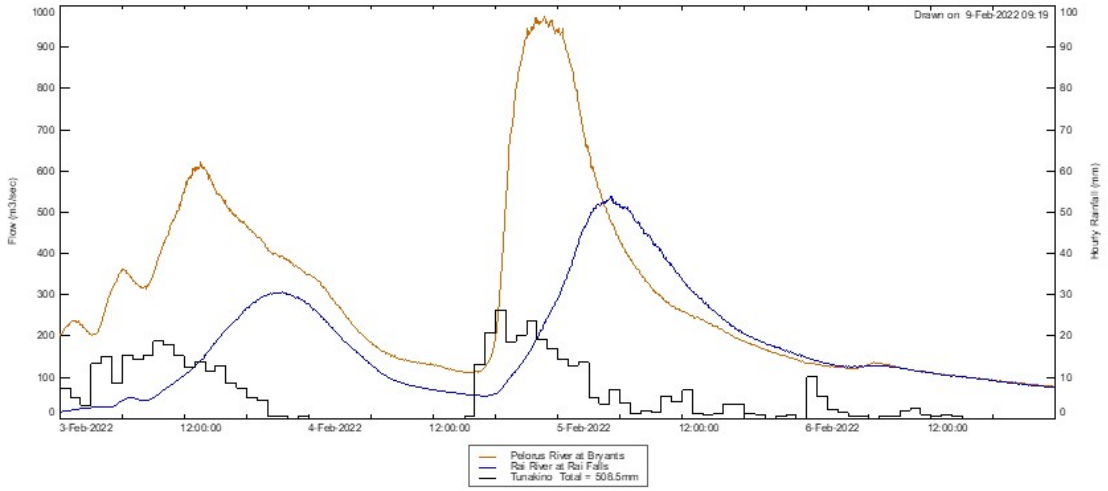
Site	Interval	Max rain	Comments*	Event total
Onamalutu	24 hours	66 mm	ARI 1.3 year	101 mm
Top Valley	24 hours	64 mm	ARI 1 year	150 mm

*Note: Probability figures have been checked and revised for Tunakino.

River flows

17. Flows in the Te Hoiere/Pelorus and Rai Rivers were not exceptional, which is consistent with the rainfall data. Both rivers experienced a double peak as shown below, mirroring the rainfall pattern. The Te Hoiere/Pelorus peak flow was 964 m^3/s, about a 2.5-year ARI event, and the Rai peak flow was 540 m^3/s, about a 3.5-year event. Again, this supports the premise that it was very localised heavy rainfall which caused the damage north of Rai Valley.

18. The graph below shows hourly rainfall at Tunakino, and river flows in the Te Hoiere/Pelorus and Rai Rivers and illustrates the two discrete parts of the event.



Damage Assessment

19. To gain an overview of the level of damage the flooding had caused, Geoff Dick, Peter Hamill and Aubrey Tai carried out an inspection flight over the area on 9 February 2022. The main observation from the flight was that there were discrete areas where riverbank erosion had taken place but there were not large numbers of sites. The observations were taken from the air at an elevation of over 300m and therefore only large areas of erosion were able to be detected. There is no doubt that there were many other smaller localised areas along the riverbanks that were unable to be detected from the air.

20. The benefits of riparian vegetation were very evident with the majority of the erosion seen occurred on banks that were devoid of vegetation (other than pasture grasses) and were not fenced. In the upper Tunakino Valley, where the highest rainfall intensities were measured, most of the river and side tributaries are fenced. This has allowed native riparian vegetation to remain and in areas without riparian vegetation, pasture grasses have gone rank and created a dense sward of vegetative material. The rank grasses and native riparian vegetation has protected the riverbanks in this area and no major erosion was observed. In contrast in the upper Opouri River where little is fenced, and the riparian vegetation consists of grazed pasture bankside erosion was more prevalent.

Image: Opouri River erosion

Te Hoiere/Pelorus River erosion

21. While riparian fencing and planting of native vegetation is a way of minimising riverbank erosion there are some areas where engineering solutions would reduce the erosional impacts and allow riparian vegetation to establish. Several areas of considerable erosion have occurred where the river has eroded away river engineering works that were carried out on the 1970's and 1980's. As the river has flowed behind these old engineering works it is able to erode the pasture behind it unimpeded.

22. The Te Hoiere Project has identified erosion control within the catchment as one of the actions in the Integrated Catchment Enhancement Plan (ICEP). In order to determine the best solution for managing riverbank erosion a proposal is being scoped for the Te Hoiere Steering Group to carry out a geomorphological analysis of the river and come up with a methodology for the long-term stabilisation of the river bank that includes potential engineering solutions and riparian protection options.

Author	Val Wadsworth, Environmental Scientist – Hydrology and Peter Hamill, Team Leader Land and Water, Environmental Science and Monitoring
Authoriser	Alan Johnson, Environmental Science & Monitoring Manager

5. Estimation of catchment susceptibility to debris flows and debris floods - North Marlborough

(also refer to separate report available on Council's website)

(Clr Hope) (Report prepared by Matt Oliver) **E355-015-003-01, E385-00-001**

Purpose of Report

1. To receive a report on estimated catchment susceptibility to debris flows and debris floods in North Marlborough.

2. To adopt the associated GIS layers as a "for information only" webmap usable by resource management professionals to screen for potential debris flow/flood risks.

Executive Summary

3. Debris flow/floods are a form of rapid land sliding that can cause extensive damage to infrastructure and potentially endanger lives.

4. This report outlines a method to estimate the potential susceptibility of catchments in North Marlborough to debris flows/floods.

5. This work is the first utilisation of the recently gathered LiDAR data to produce a new form of analysis previously not possible.

6. The report discusses the Melton ratio method for determining Debris flows/flood susceptibility and identifies many catchments capable of producing such landslides.

7. The limitations of the method are outlined and the report comes with the clear proviso that the electronic layers are only to be used as a screening layer and do not represent a definitive geotechnical categorisation of catchments.

8. Any development occurring in a catchment identified as having high susceptibility should include more detailed onsite geotechnical evaluation by a suitably qualified geotechnical professional. Any identified catchment may require further investigation to determine the influence of other factors such as vegetation, land use, geology, soils and climate.

9. Conclusions of the report are that this method can adequately identify susceptible catchments. This means the GIS layers can serve as a useful "for information" or screening layer for debris flows/floods.

10. Attached to the report is a set of electronic GIS files.

RECOMMENDATIONS

1. That the report be received.

2. That Council approves the use of the associated GIS layers as a "for information only" web service.

Background/Context

11. Council holds responsibilities under section 6 of the Resource Management Act 1991 to manage significant risks from natural hazards as a matter of national importance. Under the Act, a natural hazard is defined as an "*earth-related occurrence including landslip, the action of which adversely affects or may adversely affect human life, property or other aspects of the environment*". Part of the Councils role under section 30 (1c) of the Act is to control the use of land to avoid or mitigate natural hazards. In order to fulfil this role, section 35 requires Councils commission such research as necessary to effectively carry out its obligations. This study is an example of such research and was funded from existing land management budgets.

12. Debris flows and floods are a form of landslide known to pose risks to infrastructure and lives. They can also deliver large amounts of sediment to rivers and to the coast. A short video of a small debris flood event can be seen here: https://youtu.be/WI0VZCvrP0g. This event would resemble some of the smaller debris flows seen in Marlborough during the 17 July 2021 storm event.

13. The issue of landslides has been well documented in North Marlborough with multiple Council and consultant reports written over a long period. Reports of damage to infrastructure are common in that literature. Past reports have focussed on documenting the damage caused by landslides but no objective method to assess the risk posed by debris flows/floods existed aside from intensive on-site geological surveys.

14. The sporadic and unpredictable nature of debris flows/floods is noted in literature. The triggering conditions for such events are poorly understood but involve a complex combination of underlying geology, antecedent soil moisture, root reinforcement from vegetations, weight of vegetation, amount and intensity of rainfall, land management/use and hillslope/catchment morphology. While each of these factors are identified, the complexity of the interactions as well as the infrequent occurrence of debris flows makes scientific investigation difficult. However, it is now possible to measure and map land surfaces with great accuracy with LiDAR and this allows an improved understanding of the hillslope/catchment morphology.

15. Following the completion of the capture of LiDAR data over North Marlborough, Council was approached by the report authors (Mark Bloomberg - University of Canterbury and David Palmer - Scion Research) to utilise the data to trial a method (the Melton Ratio) of identifying debris flow susceptible catchments. Initially the work was proposed as a way of assisting forest managers to mitigate risks of land sliding from harvested forests. It was quickly realised that this methodology could also be applied to other areas and used to screen for debris flow/flood susceptibility.

16. A small trial was conducted, and results of this trial were supplied to a recent Resource Consent applicant for evaluation. The results led to significant changes in the forestry practice the applicant chose to use.

17. Further development was conducted and a series of ‘tiles’ covering the entire North Marlborough area east of the Goulter River and north of the Wairau River were produced. These have been supplied as GIS files and shall be demonstrated during the presentation.

18. The production of the report and accompanying GIS layers has been assisted and peer reviewed by senior members of the University of Canterbury’s Geology department as well as Canadian researchers who have used this methodology for a similar purpose in Alberta.

Assessment/Analysis

19. The method provides a number of advantages in that it is:

    19.1 Rapid and can produce a screening layer in the absence of previous evidence of debris flow/flood events. Such evidence can be hard to locate especially in developed areas.

    19.2 Can screen large areas

    19.3 Can map catchments to less than 0.5 ha (although the capability of such small catchments to generate debris flows is not clear).

    19.4 The method is an objective one using hard digital data without relying on the subjectivity of observation-based methods.

20. The method also has limitations:

    20.1 The Melton Ratio method seems reliable when catchment length is less than 2.7 km long. Above this length, debris flows may not propagate the full length of the catchment.

    20.2 The Melton Ratio may not be a good indicator of debris flow susceptibility where the catchment has relatively low relief but steep side streams. The report discusses examples of both limitations.

    20.3 The Melton Ratio is only applied to the LiDAR-derived surface digital elevation model. In other words, it only assesses the surface morphology of the catchment. In simple terms it assesses if the catchment can ‘catch’ enough rain and move that at sufficient speed to mobilise/transport

very heavy loads of sediment and other debris. It does not take into account other factors that may be involved in landslide dynamics such as vegetation density or age, land use, geology, soils and climate. Any identified catchment may require further investigation to determine the influence of these other factors.

21. Awareness of these limitations and acknowledging that ground-truthing of debris flows can be difficult due to lack of surface evidence, this work is presented as a screening layer only and should not be interpreted as a definitive classification of debris flow/flood risk. Any catchment identified as susceptible to debris flows/floods where development is planned should be investigated in more detail by a suitably qualified geotechnical professional.

22. Finally, and for clarity, this analysis is not intended for use as a regulatory layer. It is intended for use as a "for information" or screening tool for land management professionals. There is neither sufficient certainty currently nor intention from Council for the layer to be used in a regulatory manner or for the data to be included on LIMS.

Option One (Recommended Option)

23. The report is received.

24. That the associated GIS Layers are approved for use as a "for information only" webmap.

25. The future work plan is approved.

Advantages

26. Council and land management professionals will have access to a data-driven information layer to inform where a hazard related to debris flows/floods may exist.

27. In the future, the analysis could be further developed to provide early warnings of landslide risk when heavy rain is forecast.

28. The data layer can help identify where additional work may be needed to secure important infrastructure such as roads, power, water and communications. Examples of such were seen in the 17 July 2021 storm.

Disadvantages

29. Potential public misconception that the debris flow analysis will identify properties at risk of damage thus leading to insurance withdrawal or adverse LIM reports. The analysis is not capable of providing a definitive statement on an individual properties risk profile for the following reasons:

    29.1 The analysis is on a catchment scale, many properties are much smaller than this. Minor variations in topography within a property may mitigate risk necessitating detailed on-site investigation to confirm actual risk levels. This position is supported by Fell *et al* (2008)[1]. This work indicates that regional scale mapping for susceptibility should only be used for information/advisory purposes, not statutory or design purposes. The Melton maps are regional in nature, not local, and the authors do not recommend that they underpin regulatory instruments or processes.

    29.2 The analysis does not account for the many other contributing factors and is this not able to provide an assessment of risk or hazard, only that the catchment has a morphology that may propagate a debris flow/flood.

Next steps

30. A work plan is presented below to enable the use of the screening layer by land management professionals, and to improve certainty around the analysis.

    30.1 Develop a Smartmaps Pro webmap from the GIS layers provided (to be demonstrated). This webmap will only be available to land management professionals such as forest managers,

[1] Fell et all (2008)- Guidelines for Landslide susceptibility, hazard and risk zoning for land use planning. Engineering Geology, 102 p85-98

surveyors, developers and resource management consultants. The webmap will contain sufficient education material to ensure correct screening use of the data.

i) Further development of the webmap should include GIS layers of natural and built receiving environments and infrastructure below susceptible catchments to assist users in developing risk assessments.

30.2 Conduct a workshop with relevant land management professionals (including Council staff) to familiarise them with use of the webmap and the underlying concepts of the analysis.

30.3 Continue development of Councils understanding of debris flows/floods and the risks and hazards they may pose by:

i) Supporting further research and refinement of the Melton Ratio method

ii) Supporting ground truthing of the analysis. This work could commence with correlation the debris flow analysis with the debris flows documented in the GNS 16-18 July 2021 storm report (see previous agenda item). Continued documentation of any future debris flows will be essential.

iii) Supporting improved understanding of the additional contributing landslide factors.

iv) Support for these could include in-kind support, hosting of student researchers and support for funding applications. Any Council financial commitment should fall within existing land management or natural hazards budgets.

Presentation

A short demonstration of the webmap will be given Matt Oliver (5 minutes).

A short commentary about implications for the forestry industry will be given by Siobhan Allen, M&R Forestland Management via zoom (5 min).

A short presentation will be given Mark Bloomberg via zoom (15 minutes).

Attachment

Attachment 1 – Estimation of catchment susceptibility to debris flows and debris floods–Marlborough Sounds, Pelorus Catchment and Wairau Northbank. Bloomberg, M. and Palmer, D. University of Canterbury 2022. Report prepared for Marlborough District Council.

The above report is available on Council's website via the following link:
https://www.marlborough.govt.nz/your-council/meetings?item=id:2g1eln0u31cxbyu7r4fx

Author	Matt Oliver, Environmental Scientist- Land Resources
Authoriser	Alan Johnson, Manager, Environmental Science and Monitoring

Summary of decision-making considerations

Fit with purpose of local government

The proposal enables improved public decision making around the natural hazards of debris flows/floods.

Fit with Council policies and strategies

	Contributes	*Detracts*	*Not applicable*
LTP / Annual Plan	☐	☐	☒
Financial Strategy	☐	☐	☒
Infrastructure Strategy	☐	☐	☒
Social well-being	☐	☐	☒
Economic development	☐	☐	☒
Environment & RMA Plans	☒	☐	☐
Arts & Culture	☐	☐	☒
3 Waters	☐	☐	☒
Land transport	☐	☐	☒
Parks and reserves	☐	☐	☒

Nature of the decision to be made
The options do not involve a significant decision in relation to land or a body of water.

Financial considerations
There are no known financial implications.

Significance
The decision is considered of low significance under Council's Significance and Engagement Policy.

Engagement
A communications and education plan has been developed and is outlined in the next steps section.

Climate Change Implications

In assessing the preferred option, staff have consider that the analysis helps to address the effects of climate change. Climate change will increase the severity and frequency of high-intensity rainfall events which may increase the risks caused by debris flows/floods. The screening layer should enable identification and quantification of risks in the future.

6. Alcohol Licensing Functions

(Clr Faulls) (Report prepared by Georgia Murrin) **E350-005-008-02**

Purpose of Report

1. The purpose of this report is to provide the Committee with an overview of Council's Alcohol Licensing functions and, performance under the Sale and Supply of Alcohol Act 2012 (the Act).

Executive Summary

2. Alcohol Licensing Inspectors are appointed by the Chief Executive of each territorial authority to implement consistency in enforcing and monitoring compliance with the Act.

RECOMMENDATION

That the information be received.

Background/Context

3. The Sale and Supply of Alcohol Act 2012 came into force on 18 December 2012. The Act placed an onus on Councils to perform specific duties related to Alcohol Licensing.

4. The Act requires a combined tri-agency approach of the alcohol licensing process. The agencies include territorial authorities, public health, and the Police.

5. Alcohol licensing inspectors have an independent role when reporting to the licensing committee on licence applications and when performing functions and duties under the Act. This allows us to report on applications in an objective manner without political influence.

6. Members of the public can object to all new and renewed licence applications. Objections are only considered when the objector has a greater interest than the general public. Objections cannot be a result of commercial competition.

Comments

7. Public hearings are held when decisions for licences cannot be decided solely on the papers, due to agency opposition or public objection. No public hearings have been held in this financial year.

8. The last public hearing was held early 2021. The application included objections from Council's Chief Licensing Inspector, Public Health, and the public regarding a proposed new Off Licence. The application was ultimately declined by the District Licensing Committee.

9. Provisions in the Act allow the District Licensing Committee to impose licensing conditions to control ongoing issues such as nuisance caused from noise. The Committee can stipulate a variety of conditions such as restricting hours, installation of CCTV, range of food choices, provision of low alcohol and defining areas of operation.

10. Continuing numbers of applications for On, Off, Club, Special Licences and Manager's Certificates are processed and decided by the District Licensing Committee. In the year to date from 1 July 2021 there have been 47 applications for On Licences, 38 for Off Licences, 16 for Club Licences, 93 for Special Licences and 265 Manager Certificate applications.

11. There are currently 30 Club Licences, 132 Off Licences, 135 On Licences and 1045 Managers Certificates.

12. Performance measures have been set with the aim of contributing to the reduction of alcohol related harm in Marlborough. Annually the requirement is to inspect 90% of On Licenced premises. Alcohol Licensing Inspectors have completed 67% of inspections to date and aim to complete the remainder before the end of the financial year.

13. The tri-agencies have a responsibility to monitor and enforce the Act. This is partly achieved by undertaking Controlled Purchase Operations (CPOs). The last CPO was conducted in March 2021.

14. Newsletters from the tri-agencies are also routinely sent out to licensed premises when information needs to be disseminated. The last newsletter was provided to licensees in December 2021.

Presentation

A short presentation will be given by Georgia Murrin (10 minutes).

Author	Georgia Murrin, Alcohol Licensing Inspector
Authoriser	Karen Winter, Chief Licensing Inspector

7. Resource Consent Hearings Update

(Clr Oddie) (Report prepared by Sue Bulfield-Johnston) **R450-004-22**

Purpose of Report

1. To provide a summary of the hearings undertaken since the previous report was provided together with update as to changes in practice following Covid19.

Executive Summary

2. This report provides a rolling summary of hearings scheduled and completed for applications for resource consent. Since the onset of Covid19 and the Level 4 Lockdown a practice has been implemented to consider extension of timeframes and online hearings where appropriate.

RECOMMENDATION

That the report be received.

Background/Context

3. The Advocacy and Practice Integration Team (API) has responsbility for facilitating the Resource Consent heraing process under the Resource Management Act 1991. API continues to work with the Resource Consents team to make improvements to this process for the benefit of Council and those participating in that process.

Responding to Omicron

4. Hearings are continuing to be scheduled during this current response phase to the Omicron virus. However, where possible remote attendance using zoom is encouraged or hearings adjourned (subjected to s37 threshold requirements) if reasonable and appropriate health and safety measures cannot be implemented to manage risk to attendees. There are two hearing scheduled in March and April. It is likely that the S357B Objection to costs hearing in March will involve the Commissioner zooming in as well as associated staff. The objector has indicated a preference to attend in person, but Council will make this decision on this closer to the date.

5. The attendees to the hearing scheduled on 8 April will also be encouraged to attend using zoom, however at this stage remote or in-person attendance has yet to be confirms. A zoom link will also be provided to the parties. The hearing Panel with be in attendance in chambers with the Hearing Facilitator.

6. The practice of encouraging remote attendance and/or adjourning where appropriate will continue while Council operates under the Omicron response phase.

Applications that have been scheduled for hearing

7. At the time of writing this report six hearings have been completed in the year commencing 1 July 2021. Decisions have been issued for all of these applications. A table listing these hearings is attached at Attachment 1.

8. Hearings have been set down in February and March for 3 applications for resource consent and three s357B objections to costs as follows:

Date	U Number and Name	Details	Planner	Commissioner/Committee	Where being held
Tuesday 8 February Hearing postponed and rescheduled for Tuesday 15 March	U200493 – Kuku Holdings Limited	S357B Objection to Cost	Anna Eatherley	Commissioner Welsh	Council Chambers
Thursday 3 March	U210154 - Hille Trustee Limited	Land Use - (Dam) Land Use (Land Disturbance) x2 Water Permit (Divert Water) x2		Clr J Arbuckle Clr T Sowman Clr B Faulls	Council Chambers
Tuesday 15 March and Wednesday 16 March	U210729 – Kesteven Farm Limited	Water Permit (Take water) Water Permit (Use Water)		Commissioner Enright	Council Chambers

9. Requests have been received to set hearings down for the following applications. No dates have been identified at the time of drafting this report.

~~U200060 – S M Madsen (for Scott Madsen Family Trust)~~ APPLICATION WITHDRAWN	~~Coastal Permit (Marine Farm)~~	~~Peter Johnson~~
U200055 – T G McLeod	Land Use (Building Land Use (Activity) x2 Discharge Permit (To Land)	Summer Denize
U200980 - Marberry Estates Limited	Land Use (Land Disturbance)	Fliss Morey
U200998 - McLachlan, D I; Yealands, A M; King, G D; Tarrant, M G; Watson, B C	Land Use (Land Disturbance)	Fliss Morey
U200349 – Marlborough District Council (For the Flaxbourne irrigation scheme project)	Water permit (Take water) x2 Land Use (Activity) x3 Land Use (River bed or Surface Activity) Land Use (Gravel Removal) Note: This hearing had been scheduled to take place on Monday 11 October to Wednesday 13 October before Commissioner M Williams (Chair), Commissioner R Lieffering and Commissioner Proffit. On 21 September 2021 the Applicant requested this application be suspended under s91A. No further date has been identified for this hearing.	Matthew McCallum-Clark

Next steps

10. API will continue to facilitate the hearing process and adapt to the changing environment.

Attachment

Attachment 1 – Hearing list page [19]

Author	Sue Bulfield-Johnston, Administrator and Hearing facilitator, Advocacy and Practice Integration
Authoriser	Barbara Mead, Advocacy and Practice Integration Manager

Attachment 1

The following hearings have taken place in the year commencing 1 July 2021

Hearing Date	U Number and Name	Details	Planner	Commissioner/Committee	Status
Tuesday 6 July	U200493 – Kuku Holdings Limited	Coastal Permit (Marine Farm)	Peter Johnson	Commissioner S McGarry	Application refused Decision Issued
Wednesday 7 July	U201026 – Moetapu Bay Community Jetty Incorporated	Coastal Permit (Structure)	Sarah Silverstar	Commissioner S McGarry	Application Granted Decision Issued
Wednesday 5 August	U190930 – Totaranui 250 Trust	Coastal Permit (Structure) x2 Land Use (Activity)	Sarah Silverstar	Commissioner Welsh	Hearing adjourned pending receipt of further information and responses.
Wednesday 12 August	U201097 – Summerset Villages (Blenheim) Limited	Land Use (Activity)		Commissioner Burge	Application Granted Decision Issued
Tuesday 14 September	U200242 – Mac Holdings Limited	Water Permit (Take Water) Water Permit (Use Water)	Glen Parker	Commissioner R Enright	Hearing adjourned pending receipt of further information and responses.
Tuesday 28 September	U210232 – Watson Development & Investment Limited	Subdivision (Allotment Creation) Water Permit (Take water) Water Permit (Use Water)	Ian Sutherland	Commissioner S Mcgarry	Hearing adjourned pending receipt of further information and responses.
U200673 – Te Iwingaro Trust	S357B Objection to Cost	Anna Eatherley		Commissioner Welsh	Council Chambers
Wednesday 9 February	U200816 – G Goodsir	S357B Objection to Cost	Anna Eatherley	Commissioner Welsh	Council Chambers
Wednesday 16 February	U210437 – Tasman Pine Forest Limited	Land Use (Land Disturbance)	Fliss Morey	Clr J Arbuckle Clr T Sowman Clr B Faulls	Council Chambers
Wednesday 23 February	U210362 – Coolabah Family Trust	Subdivision (Allotment Creation)	Ian Sutherland	Commissioner Besier	Council Chambers

Hearing Date	U Number and Name	Details	Planner	Commissioner/Committee	Status
This hearing took place as scheduled on Tuesday 1 September 2020. It was adjourned pending further information. The applicant has since suspended the processing of the application under S91 and the extended the timeframe under s37A(5). The Applicant would like to have the application considered after the decision is issued on the MEP Variation 1 relating to the aquaculture provisions.	U161142 – Marlborough Aquaculture Limited	Coastal Permit (Marine Farm)	Peter Johnson	Commissioner J Mills and Commissioner D Oddie	Hearing adjourned pending further information.

8. Appeals Update

(Clr Oddie) (Report prepared by Barbara Mead) **R450-004-22**

Purpose of Report

1. The purpose of this report is to provide an update as to the current Court proceedings (excluding prosecutions) managed by the Advocacy and Practice Integration Team as at 1 March 2022.

Executive Summary

2. Presently Council is engaged in nine proceedings either as respondent or s274 party.

RECOMMENDATION

That the information be received.

Background/Context

3. Outlined below is a brief summary and update as to these appeals:

a. ***EDS v Otago Regional Council (Plan appeal – MDC as s274 party) – Policy***

This is an appeal relates to the application of the *King Salmon* principles to plan development. The question to be answered is *"Did the High Court misapply the Supreme Court's decision in Environment Defence Society Inc v New Zealand King Salmon Co Ltd?"*

The matter was heard on 6 and 7 July 2021. The Court of Appeal dismissed the appeal. The bench was split. The majority decision akcnowledged the difficulties for the appeallant and further that the NZCPS was not fit for purpose anymore. It considered any resolution needed to be undertaken by Parliment. The minority decision also acknowledged the difficulties and the NZCPS being no longer fit for purpose but considered the Supreme Court may be able to address these. An application for appeal to the Supreme Court as lodged on 19 January 2022. The parties must now file written submissions and await the Court's decision.

b. ***Woolley (Transfer application appeal) - Consents***

This is an appeal relates the decline of a s136 application to transfer water use consent.

The parties attended mediation on 4 March 2021 however the matter is proceeding to hearing. The parties are presently preparing evidence. The matter will be heard early 2022 with a date yet to be set.

c. ***NZKS Ltd v MDC (Application for declaration) – Compliance/Consents***

This application for declaration relates to the interpretation of monitoring conditions in an two aquaculture resource consents. There are presently timetabling directions for the filing of evidence which the parties must comply with. The matter will be heard early 2022 with a date yet to be set.

d. ***NZKS Ltd v MDC (Consent decision appeal) - Consents***

This matter relates to the decline of an application to vary conditions in respect of two aquaculture resource consents that would vary the monitoring conditions. This parties await timetabling directions to progress the matter.

e. ***Kuku Holdings Ltd v MDC (Consent decision appeal) - Consents***

This appeal relates to the decline of an application for resouce consent which would enable the expansion of a mussel farm. The issues principally related to natural character, landscape and visual amenity effects and effects on the king shag and its habitat. The matter is likely to be heard early 2022 with a date yet to be set.

f. ***Trustees of Cherrybank Trust (MBIE Determination appeal) - Building***

This appeal relates to a determination by MBIE finding that pool covers are not lawful pool barriers. The appellant is a property owner and is appealing the determination.

This matter has been set down for hearing with a date yet to be allocated.

g. ***Tahuaroa v MDC (Abatement Notice appeal) - Compliance***

This appeal relates to an Abatement Notice issued in respect of the location of two small buildings and their use. The parties attended mediation in December 2021. The proceedings have been adjourned to end March 2022.

h. ***Kaiuma Farm Ltd v Marberry Estate Ltd, M &R Forestland Management Lt, MDC (Enforcement Order application) - Compliance***

Application for Enforcement Order from a complainant to cease earthworks and harvesting. MDC has received and accepted Notice under NES PF as permitted activities. The applicant considers they are not as there is insufficient evidence as to the sediment control methods to satisfy Council that the permitted activity standards would be met. The orders sought are not against Council however Council maintains an interest with respect to the threshold of evidence required when receiving Notice under the NES PF.

The parties agreed to an interim enforcement order which was issued on 21 December 2021 with further directions to progress the application.

i. ***Bradley v MDC (s325A Abatement Notice Appeal) - Compliance***

The appellant seeks to cancel an Abatement Notice issued against him. Council considered the request and declined to cancel the Abatement Notice. The appellant may also be seeking a stay of the Abatement Notice however further information in required in respect of this. The matter is yet to be allocated an initial teleconference date.

Next steps

4. The Advocacy and Practice Integration Team will continue to work with the relevant officers to progress these proceedings and make best practice improvements.

Author	Barbara Mead, Advocacy and Practice Integration Manager
Authoriser	Gina Ferguson, Consents & Compliance Group Manager

9. Information Package

RECOMMENDATION

That the Regulatory Department Information Package dated 17 March 2022 be received and noted.