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26 August 2022

Record No: 22171061
File Ref: D050-001-E01
Ask For: Nicole Chauval

# Notice of Committee Meeting – Thursday 1 September 2022

A meeting of the Environment Committee will be held in the Scenic Hotel, Marlborough Room, 65 Alfred Street, Blenheim on Thursday, **1 September 2022 commencing at 9.00 am.**

## BUSINESS

As per Agenda attached.

MARK WHEELER
**CHIEF EXECUTIVE**

**Meeting of the ENVIRONMENT COMMITTEE**
**to be held in the Scenic Hotel, Marlborough Room, 65 Alfred Street, Blenheim,**
**on THURSDAY, 1 SEPTEMBER 2022 commencing at 9.00 am**

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|---|---|
| **Committee** | Mayor J C Leggett (Chairperson)<br>Clr D D Oddie (Deputy)<br>Clr G A Hope (Deputy)<br>Clr J A Arbuckle<br>Clr J D N Croad<br>Clr B A Faulls<br>Clr T P Sowman<br>Iwi Representative (to be advised)<br>Mr E R Beech (Rural representative) |
| **Departmental Head** | Mr H Versteegh (Environmental Science and Policy Group Manager)<br>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. Technical Options for Marine Coastal Habitat Restoration Across Te Tauihu

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

**(Clr Hope) (Report prepared by Oliver Wade)** **E325-018-001**

## Purpose of Report

1. To provide information on a recently received report on restoration options across Te Tauihu authored by Dr Sean Handley of NIWA.

## Executive Summary

2. This piece of work is due to a collaboration between Marlborough District Council (MDC), Nelson City Council (NCC) and Tasman District Council (TDC) on a medium Envirolink Grant to engage Sean Handley of NIWA to produce this report.

3. The report tackles three aspects of restoration:

   a) The reasons that coastal marine restoration may be needed in Te Tauihu.

   b) A summary of existing marine restoration techniques that are relevant to Te Tauihu.

   c) Potential methods or species to consider for Te Tauihu restoration activities, highlighting projects that are 'shovel-ready'.

4. The report reviews methods for restoration of coastal wetlands and saltmarshes; infrastructure such as seawalls and groins; seagrass beds; shellfish beds and also artificial reef structures.

## RECOMMENDATION

**That the report be received.**

## Background/Context

5. In late 2021, MDC collaborated with Nelson City Council and Tasman District Council on a medium Envirolink Grant application to engage Sean Handley of NIWA to produce a report on technical options for restoration in Te Tauihu.

6. This report was spurred by evidence that marine biodiversity continues to decline across Te Tauihu.

7. Council staff across Te Tauihu have identified coastal and marine restoration as an opportunity to improve coastal and marine biodiversity values.

8. Alongside the more traditional stressors of sediment, contaminants and fishing activity, marine species and habitats now also face risks from climate change. Climate change threats can include sea-level rise, ocean acidification and warming, and increased extreme weather events. These are expected to further reduce marine ecosystem resilience and accelerate biodiversity losses.

9. Restoration activities may make marine systems more resilient to these climate change stressors.

## Presentation

There will be a short (10 minute) presentation by Oliver Wade.

## Attachment

**Attachment 1** – Technical options for coastal marine habitat restoration across Te Tauihu, Handley, S. (2022)

The above report is available on Council's website (refer to the following link https://www.marlborough.govt.nz/your-council/meetings

| | |
|---|---|
| Author | Oliver Wade, Principal Coastal Scientist, Nautical and Coastal Team |
| Authoriser | Hans Versteegh, Environmental Science and Policy Group Manager |

# 4. Update on Kina Removal Project and Seaweed Restoration Project

**(Clr Hope) (Report prepared by Oliver Wade)** **E325-002-004-01**

## Purpose of Report

1. To provide an update on a research programme on Kina barrens in Tōtaranui/ Queen Charlotte Sound.

## Executive Summary

2. This presentation describes the methods and initial findings of a project to remove Kina and measure seaweed recovery at selected sites in Tōtaranui/ Queen Charlotte Sound.

3. There has been widespread loss of kelp and other seaweed species in Tōtaranui / Queen Charlotte Sound.

4. This loss has been attributed to climate change, sedimentation and a proliferation of Kina.

**Figure 1: Kina eating carpophyllum seaweed at Blumine Island.**

5. Kina were removed from subtidal reefs at four sites:

   a) Ruakaka Bay

   b) Blumine Island

   c) Meretoto / Ship Cove

   d) Motuara Island

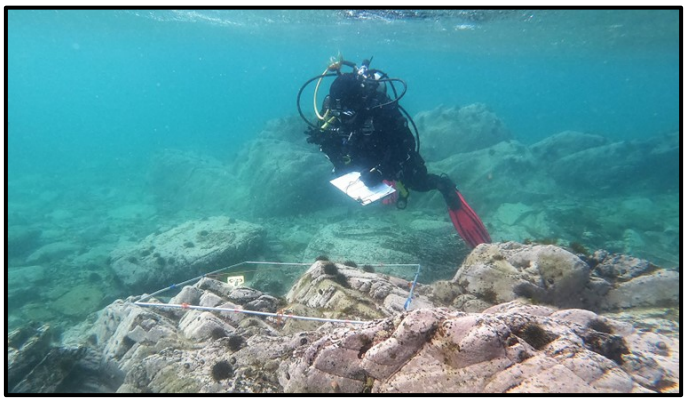

**Figure 2: University of Auckland staff monitoring kina numbers in a kina barren at Blumine Island**

## RECOMMENDATION

**That the report be received.**

## Background/Context

6. Kelp forests are biodiversity hotspots providing habitat and food for a host of different organisms whilst also sequestering carbon and improving water quality.

7. Kelps and other seaweeds have been gradually disappearing from the Marlborough Sounds and wider CMA for the last 50 years.

8. The causes of kelp loss are likely to be a combination of sedimentation, a proliferation of kina due to loss of predation and sea temperature rise caused by climate change.

9. By removing kina from certain areas it is hoped that kelp and other seaweeds will recolonise these areas.

10. This study will investigate how this recolonisation occurs and what the conditions for success are.

## Presentation

There will be a short presentation by Dr. Nick Shears from the University of Auckland. (10 minutes)

| | |
|---|---|
| Author | Oliver Wade, Principal Coastal Scientist, Nautical and Coastal Team |
| Authoriser | Hans Versteegh, Environmental Science and Policy Group Manager |

# 5. Blenheim Air Emission Inventory 2022

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

**(Clr Hope) (Report prepared by Sarah Brand)** **E300-004-002-01**

## Purpose of Report

1. To provide the Blenheim Air Emission Inventory 2022 Report. (This report is available on Council's website https://www.marlborough.govt.nz/your-council/meetings)

## Executive Summary

2. The report provides an updated assessment of estimated sources of emissions to air and evaluates changes in $PM_{10}$ emissions to air in Blenheim over time. Assessments have been carried out at five yearly intervals, with the last assessment done in 2017.

3. Domestic heating was found to be the main source of daily winter $PM_{10}$ emissions, accounting for 94% of the daily winter $PM_{10}$ and 96% of the daily winter $PM_{2.5}$. The main source of annual $PM_{2.5}$ emissions is also domestic heating (91%).

4. On an average winter's night, around 409 kilograms of $PM_{10}$ are discharged from all sources. This compares with around 658 kg/day in Blenheim in 2017 indicating a reduction in $PM_{10}$ emissions of around 38% may have occurred between 2017 and 2022.

5. While a similar number of households are using wood burners in 2022 compared to 2017, the majority of households have converted to NES compliant burners (post 2006) by 2022.

6. Domestic home heating is also the main source of daily winter CO, and $CO_2$, while motor vehicles are the main source of daily winter NOx and industry is the main source of SOx.

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## RECOMMENDATION

**That the "Blenheim Air Emission Inventory 2022" report be received.**

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## Background/Context

7. Blenheim is non-compliant with the current NES for $PM_{10}$ with exceedances of 50 µg/m$^3$ ranging from 1-11 per year over the past ten years. Blenheim was required to comply with the NES, meaning no more than one exceedance of 50 µg/m$^3$ per year, from 2017.

8. In 2017 eleven exceedances of the NESAQ were recorded. Data since 2019 however suggests exceedance numbers may have decreased with 2019 recording one exceedance, 2020 recording three and 2021 only recording one exceedance typical of wintertime elevated $PM_{10}$ (Wilton, 2022). Meteorological conditions typically play a major role in year to year variability in the magnitude of the concentrations and the number of exceedances.

9. The purpose of this assessment was to estimate the contribution of different sources of emissions to air and evaluate changes in $PM_{10}$ emissions to air in Blenheim over time.

10. Previous inventory assessments have been carried out in 2017, 2012 and 2005.

11. Sources included in the emission inventory are domestic heating, motor vehicle, industrial and commercial activities, and outdoor burning. Natural source contributions (for example sea salt and soil) are not included because the methodology to estimate emissions is less robust.

12. While the evaluation focuses on $PM_{10}$ and $PM_{2.5}$ other contaminants also evaluated include: carbon monoxide, nitrogen oxides, sulphur oxides, volatile organic compounds and carbon dioxide.

13. The Blenheim inventory study area for 2022 is the inventory area defined by Statistical Area units, which are closely aligned to the airshed area that is gazetted by the Ministry for the Environment. The same area was used for the 2017, 2012 and 2005 emission inventories.

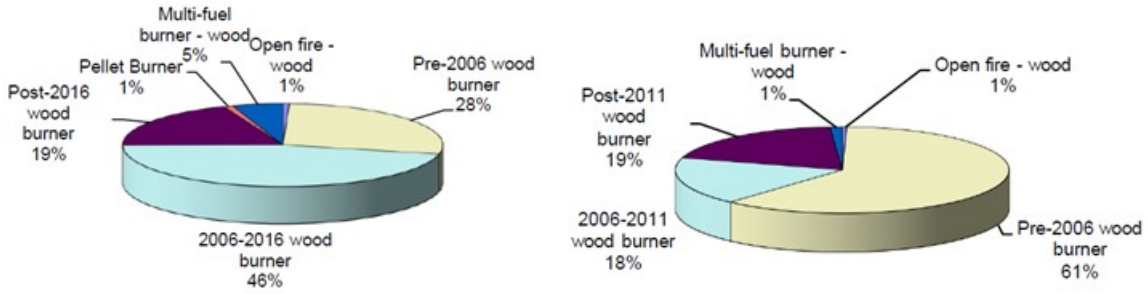


**Figure 1: Relative contribution of different heating methods to average daily $PM_{10}$ (winter average) from domestic heating. On the left results from 2022, on the right from 2017.**

## Motor Vehicles

14. Motor vehicle emissions to air include tailpipe emissions of a range of contaminants and particulate emissions occurring as a result of the wear of brakes and tyres. Assessing emissions from motor vehicles involves collecting data on vehicle kilometres travelled (VKT) and the application of emission factors to these data.

15. Around 15 kilograms per day of $PM_{10}$ are estimated to be emitted from motor vehicles daily in Blenheim. The analysis found that around 45% of the $PM_{10}$ from motor vehicles is estimated to occur as a result of the tailpipe emissions with 38% from wearing of brakes and tyres and 17% from resuspended road dust.

## Industrial / Commercial

16. Information on industrial / commercial emissions to air are assessed through analysis of air discharge consent. However, emissions from gas and some diesel boilers were not included in the inventory as the $PM_{10}$ emissions from them are negligible for small to medium size boilers.

17. Since the first inventory in 2005 a number of industrial activities with resource consents for air discharges have ceased operations in Blenheim and all of the schools previously using coal fired boilers have now converted to electricity (heat pumps), pellets or diesel boilers.

18. The selection of industries for inclusion in this inventory was based on potential for $PM_{10}$ emissions. Industrial activities such as spray painting or dry-cleaning operations, which discharge primarily VOCs were not included in the assessment.

19. Around six kilograms was estimated to be discharged to air per winter's day. The main source of industrial $PM_{10}$ emissions within the study area is the hospital boiler. Emissions from this source have decreased slightly since 2012 owing to a decrease in coal consumption at the hospital.

20. Emissions from Timberlink Limited, previously Flight Timbers were not included in previous inventories as they were located outside of the inventory area, however this source of industrial $PM_{10}$ near to the airshed closed in 2020.

## Outdoor Burning

21. Outdoor burning of green wastes or household material can contribute to $PM_{10}$ concentrations and also discharge other contaminants to air. Outdoor burning includes any burning in a drum, incinerator or open air on residential properties in the study area.

22. The proposed Marlborough Environment Plan prohibits outdoor burning in Blenheim Air shed during the winter months.

23. Data collected during the 2022 domestic home heating survey found that 3% of households in Blenheim burnt garden waste in the outdoors during the winter.

24. Around five kilograms of $PM_{10}$ from outdoor burning could be expected per day during the winter months on average in Blenheim. This is a significant reduction on the 2017 emissions which were estimated at around 54 kilograms per day during the winter months.

25. However, outdoor burning emissions include a higher degree of uncertainty relative to domestic heating, motor vehicles and industry owing to uncertainties in the distribution of burning and potential variabilities in material density.

## Other Sources of Emissions

26. Other sources of emissions not included in the inventory that may contribute to measured $PM_{10}$ concentrations at some times of the year include dusts (a portion of which occur in the $PM_{10}$ size fraction) and sea spray. These sources are not typically included because the methodology used to estimate the emissions is less robust.

27. Lawn mowers, leaf blowers and chainsaws can also contribute small amounts of particulate, however these are not typically included in emission inventory studies owing to the relatively small contribution, particularly in areas where solid fuel burning is a common method of home heating. Recent information suggests these sources contributed less than 0.1 kilograms of $PM_{10}$ per day.

## Total Emissions

28. Around 409 kilograms of $PM_{10}$ is discharged to air in Blenheim on an average winter's day for 2022. This compares with an estimated 658 kilograms per day for 2017 indicating a reduction in emissions of around 38% since 2017. This is significantly more than the 5% estimated for the period from 2012 to 2017 and likely represents the implementation of air plan measures targeting $PM_{10}$ from domestic heating and outdoor burning.

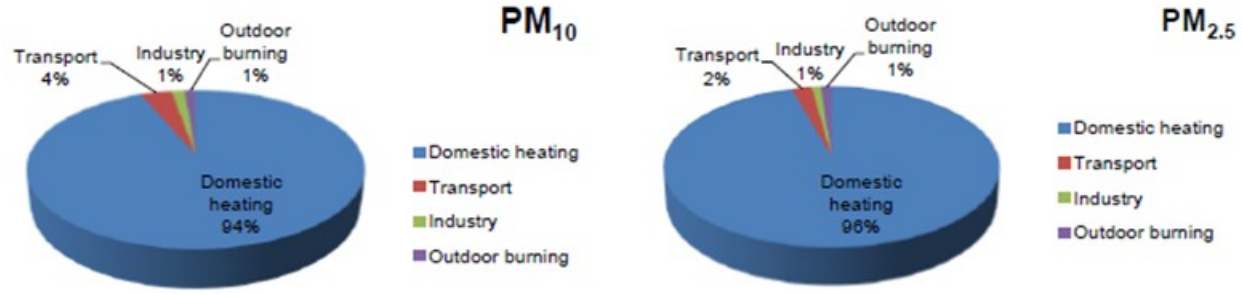


**Figure 2: Relative contribution of sources to daily winter $PM_{10}$ and $PM_{2.5}$ emissions.**

29. Annually domestic heating contributes 87% to $PM_{10}$ emissions and 91% of $PM_{2.5}$ emissions.

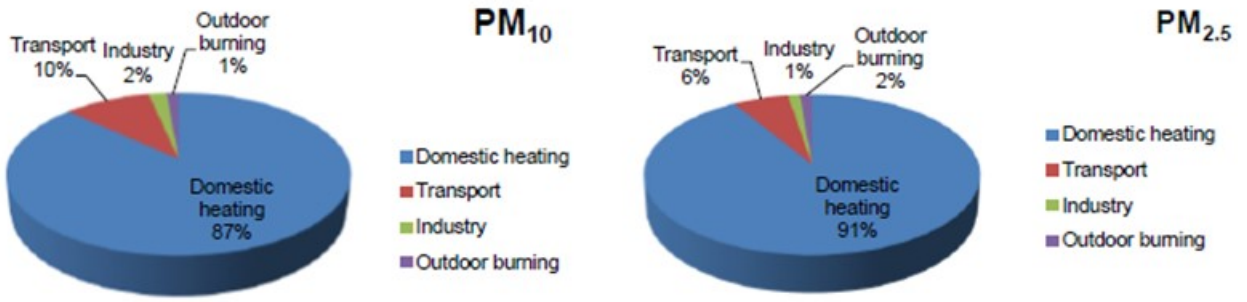


**Figure 3: Relative contribution of sources to annual $PM_{10}$ and $PM_{2.5}$ emissions.**

30. Trends in $PM_{10}$ emissions in Blenheim from 2005 to 2022 shows the estimated emissions have reduced by around 57% from 2005 to 2022, with the greatest reduction occurring from 2017 to 2022.

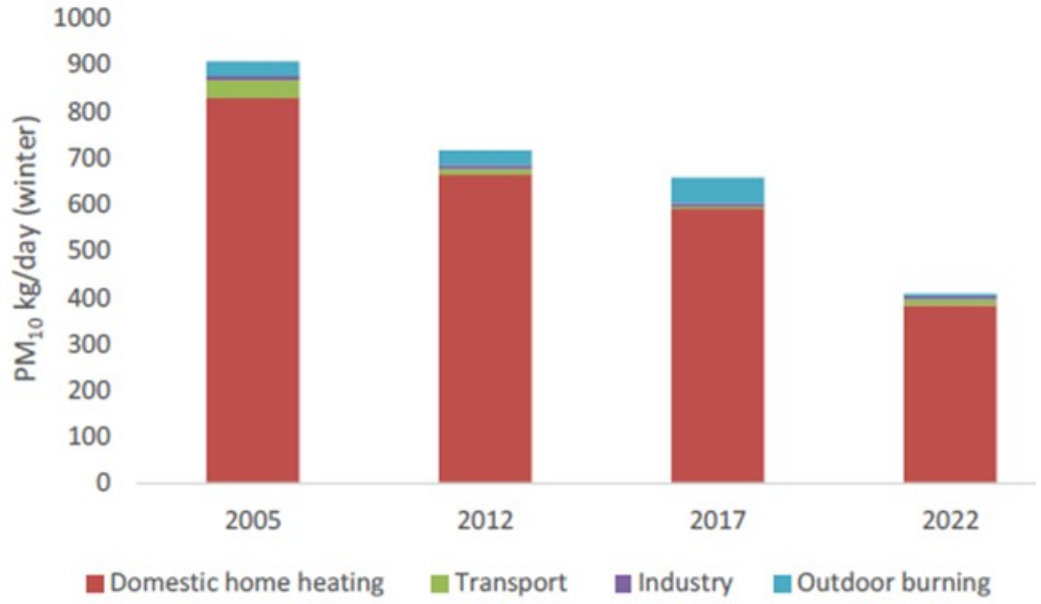


**Figure 4: Trends in daily winter $PM_{10}$ emissions**

31. Domestic home heating is also the main source of daily winter CO, and $CO_2$, while motor vehicles are the main source of daily winter NOx and industry is the main source of SOx.

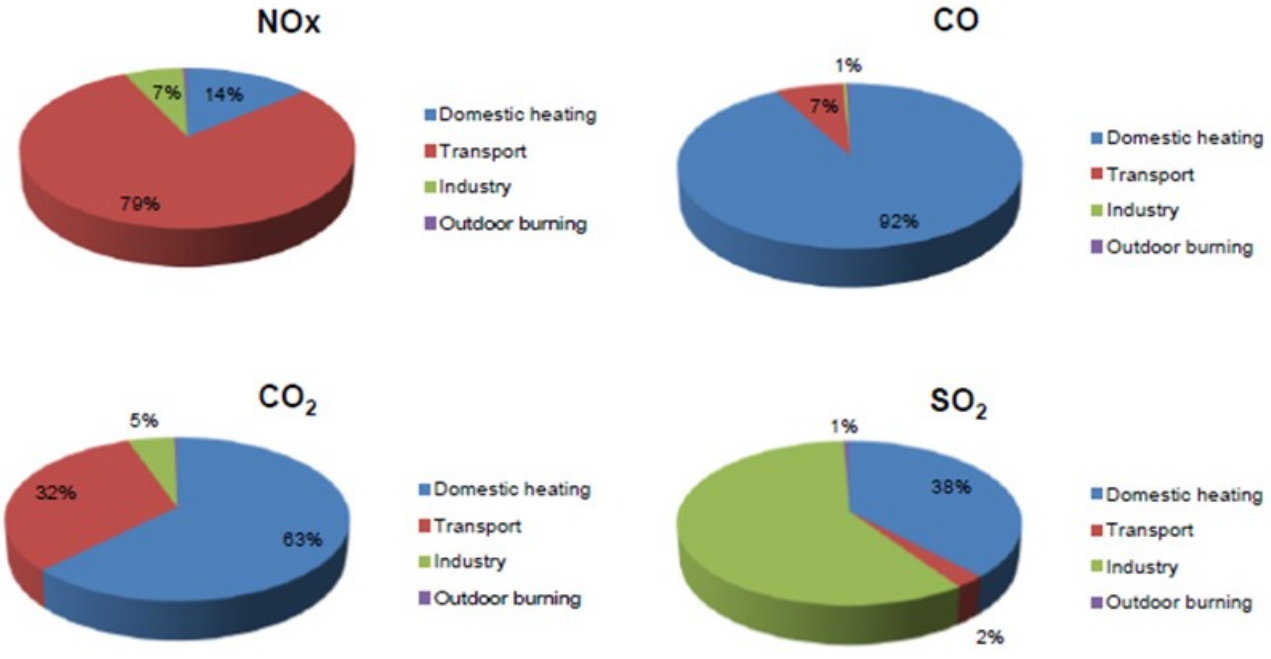


**Figure 5: Relative contribution of sources to daily winter contaminant emissions.**

## Next steps

32. To update the Council's website pages relating to air quality with the 2022 report.

## Presentation

A short presentation will be given by Sarah Brand (10 minutes).

## Attachment

**Attachment 1** – Blenheim Air Emissions Inventory 2022.

The above report is available on Council's website (refer to the following link https://www.marlborough.govt.nz/your-council/meetings

| | |
|---|---|
| Author | Sarah Brand, Strategic Planner |
| Authoriser | Hans Versteegh, Environmental Science & Policy Group Manager |

# 6. Surface Water Quality – Report Card 2022

**(Clr Hope) (Report prepared by Steffi Henkel)** **E375-001-001-03**

## Purpose of Report

1. To update the Committee on changes in regional river water quality.

## Executive Summary

2. Water Quality is monitored at 35 river and stream sites across the Marlborough region.
3. To assess the state of river water quality, the monitoring results over a period of three years are used for the calculation of a Water Quality Indices for each of the monitoring sites. This Index is a number between 0 and 100, with higher indices representing better water quality.
4. For the 2019-2021 period, most waterways had water quality in the good or fair category, representing acceptable river health.
5. For the majority of monitoring sites, changes in the Water Quality Index were very minor compared to the indices reported in the previous year.
6. At five sites, the Water Quality Index increased slightly, while seven sites had a slight decrease in the index. Decreases were mostly related to increases in dissolved nitrogen concentrations as a result of greater leaching losses due to rainfall.

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## RECOMMENDATION

**That the information be received.**

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## Background/Context

7. Healthy rivers and streams are an important part of a thriving region, socially, economically and culturally. River health has been a focal point of public interest in recent years with major legislative reforms on a national level. Regular reporting on river water quality provides valuable information for the public, but it is also essential for the development and evaluation of regulatory and non-regulatory resource management tools.
8. A full report on the state and trends of river water quality is published every three years. The last such report was presented to the Committee in 2020 and contained in-depth analysis of parameter results and changes over time. It included Water Quality Indices for the monitored sites as well as state analysis based on attribute limits within the National Policy Statement for Freshwater Management. The next full report is planned to be published in 2023.
9. In the years between full reports, annual report cards provide an update on changes in water quality using the Water Quality Index. This agenda item presents the report card for 2022.

## Next steps

10. The report card will be made available on the Council website.
11. A full report is planned for 2023.

## Attachment

**Attachment 1** – Report Card - Surface Water Quality 2022 Page [12]

| | |
|---|---|
| Author | Steffi Henkel, Environmental Scientist, Water Quality |
| Authoriser | Alan Johnson, Environmental Science & Monitoring Manager |

*Attachment 1*

MARLBOROUGH DISTRICT COUNCIL

# Surface Water Quality - Monitoring 2022

## Key Points

- Water quality of streams and rivers in the Marlborough region is monitored monthly at 35 sites.
- This Report Card is an update on the state of water quality.
- Three years of monitoring data is combined to calculate Water Quality Indices. These allow reporting using water quality categories, ranging from excellent to poor.
- For all sites, changes to the Water Quality Index compared to the Indices reported in the previous year were minor.
- A more in-depth analysis of river water quality can be found in the 2020 State of the Environment report available of the Council website.

## Surface Water Quality Monitoring

Marlborough District Council monitors 35 stream and river sites across the region on a monthly basis. The results of the monitoring are used to report on the State of the Environment as required by central government legislation. The monitoring also helps Council to assess the effectiveness of its management of natural resources through regional rules and non-regulatory methods.

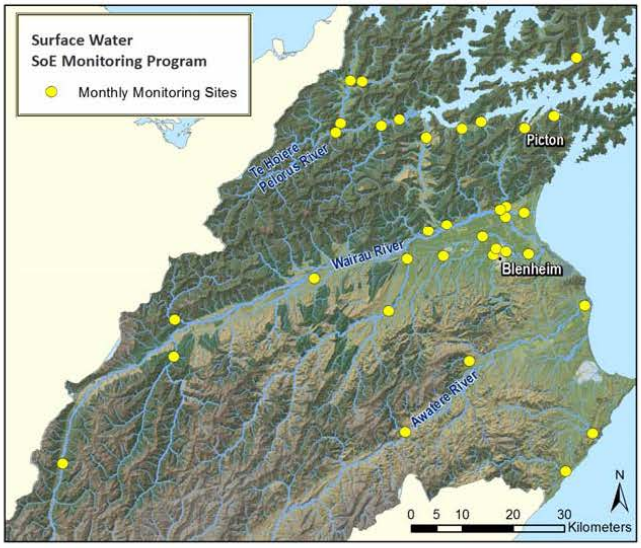


**Figure 1: Map of sampling sites.**

This Report card presents an update on the water quality of the region's rivers and streams using a Water Quality Index. A more in-depth analysis of states and trends as well as reporting on attributes of the National Policy Statement for Freshwater Management can be found in the *State of the Environment Surface Water Quality Monitoring Report 2020* available on the Marlborough District Council website.

## What We Measure and Why

At each site a number of parameters are monitored. Some parameters are measured in the field, while others are analysed from samples sent to an independent laboratory. Nine of these parameters are used for the reporting on the state of water quality:

- **Water Temperature** and **Dissolved Oxygen**
  High Water Temperatures and low Dissolved Oxygen levels effect the survival of aquatic insects and fish.
- **pH**
  Deviations from natural pH values can impact the growth and reproduction of fish, and in extreme cases cause fish kills.
- **E. coli concentration**
  E. coli are an indicator for faecal contamination, which has negative affects on aquatic ecosystems and presents a health risk to recreational users.
- **Dissolved Inorganic Nitrogen** and **Dissolved Reactive Phosphorus**
  These are the forms of Nitrogen and Phosphorus that are easily taken up by plants. High concentrations lead to excessive algae growth, which impacts aquatic habitat quality and oxygen levels.
- **Nitrate Nitrogen** and **Ammonia Nitrogen**
  High concentrations of these forms of Nitrogen are toxic to aquatic life.
- **Turbidity**
  Turbidity is a measure for sediment in the water. Fine sediment affects the growth of aquatic insects and fish. When sediment settles on river beds, it smothers habitats and degrades food sources. Reduced water clarity also impacts on the recreational values of rivers.

# The Water Quality Index

To report on the state of surface water quality, data from three consecutive years is used to calculate a Water Quality Index for each site. The index is a number between 0 and 100, with higher values representing better water quality. It allows categorisation of water quality into five classes. The classes "excellent", "good" and "fair" represent acceptable water quality. Streams and rivers in the "marginal" and "poor" categories require improvements. These waterways are included in the Catchment Care programme which aims to enhance water quality in collaboration with landowners.

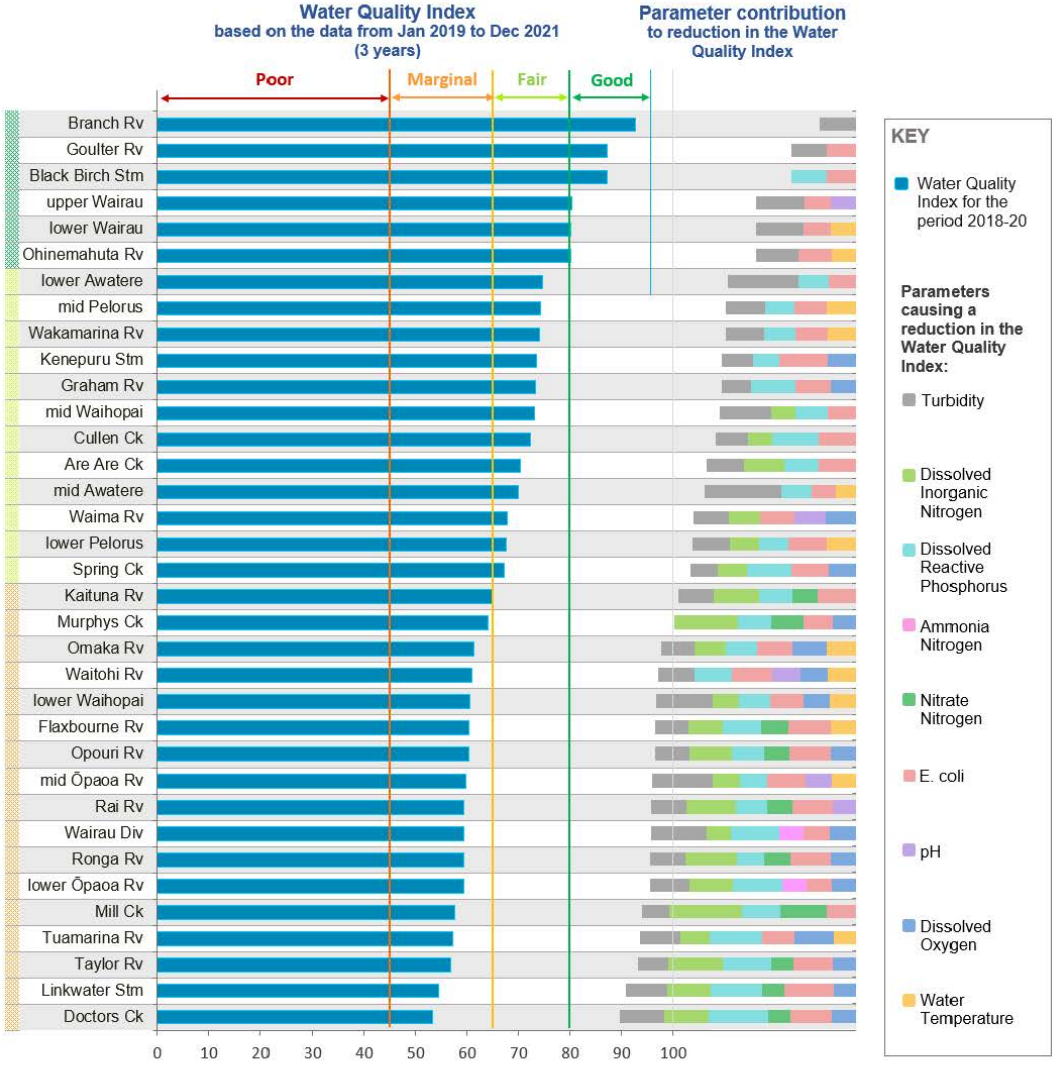


**Figure 2: Water Quality Indices for the period 2019-2021 and the parameters contributions to the reduction in the indices.**

Figure 2 shows the Water Quality Indices for the 2019-2021 monitoring period. Most rivers had good or fair water quality, but there are a number of waterways with Indices in the marginal category.

Water Quality Indices changed very little compared to the indices reported in the previous year. For all waterways the changes to the index were less than 7 points. In fact, for more than 60% of monitoring sites the index changed by less than 1 point. For the remaining sites, a slight improvement was observed at five sites, while at seven sites the Water Quality Index decreased somewhat. The majority of the reductions were due to an increase in nitrogen concentrations. These were caused by higher rainfall, which resulted in greater leaching losses.


August 2022
Ref. E375 –001-001-03


For more information on surface water quality go to
www.marlborough.govt.nz/environment/rivers-and-wetlands
Marlborough District Council
Seymour Square, Blenheim, Ph: 03 520 7400

# 7. Surface Water Quality in the Flaxbourne Catchment

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

**(Clr Hope) (Report prepared by Steffi Henkel)** **E375-010-001-01**

## Purpose of Report

1. To present a report on surface water quality in the Flaxbourne River catchment.

## Executive Summary

2. The Flaxbourne catchment is located in the South-East of the region in an area that receives comparatively little rainfall. Subsequently, river flows are low, and parts of the river and its tributary streams lose all surface flow during dry summers.

3. The dry climate and subsequent low flows cause the waterways in the Flaxbourne to be significantly more sensitive to contaminant inputs compared to other catchments within the region.

4. Very little native vegetation remains in the catchment. More than 80% of the catchment area has been converted to pasture, grazed by sheep and beef cattle. In the lower parts of the catchment, small areas of vineyard and cropping are also present.

5. State of the Environment monitoring of the Flaxbourne River has shown water quality to be degraded.

6. In order to better understand surface water quality in the catchment, the Flaxbourne River was sampled at several locations along its length. Some of the main tributary streams were also sampled. All samples were taken during baseflow conditions.

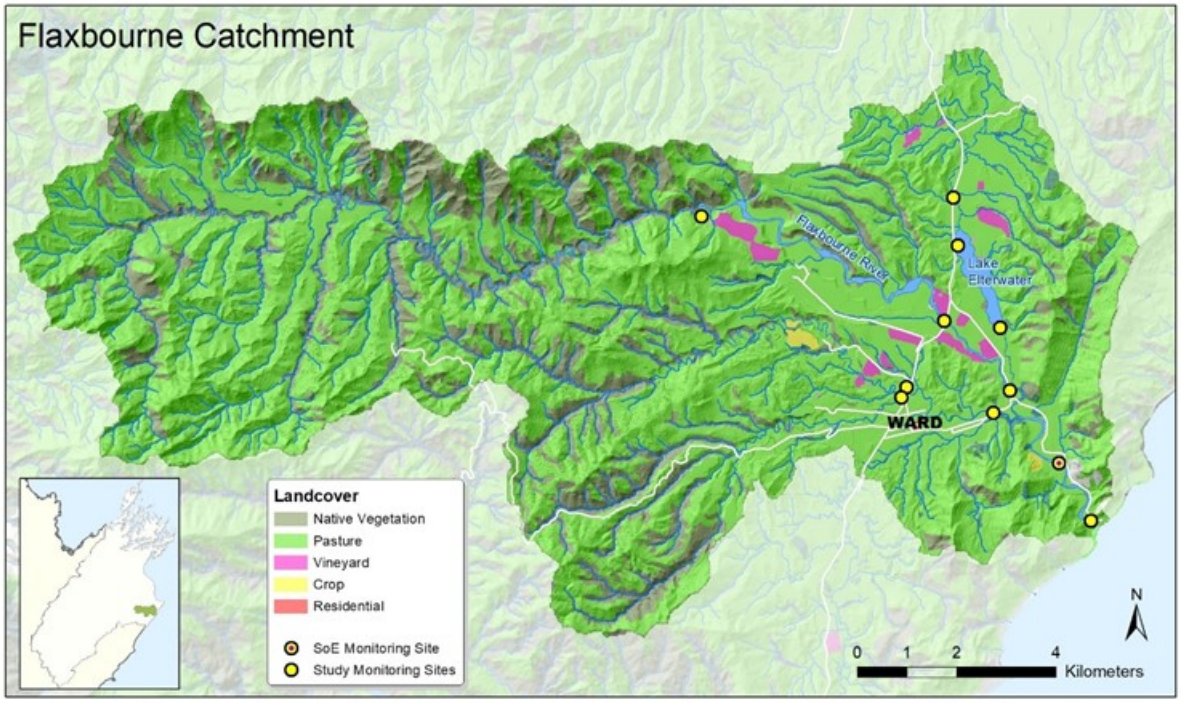


**Figure 1: Landcover in the Flaxbourne Catchment and Surface Water Quality Monitoring.**

7. Apart from higher concentrations of phosphorus and nitrogen at some of the tributary stream sites, the monitoring showed that water quality was comparable at all river and stream sites, including the most upstream location on the Flaxbourne River.

8. Although signs of livestock access were noticed at all sampling sites, livestock was not present during sampling of the additional sites. Sampling was cut short by a particularly dry weather period in 2021 causing the Flaxbourne River to lose surface flow for several months.

9. This means that the additional water quality monitoring might be underrepresenting the magnitude of the water quality problem. State of the Environment monitoring has shown that livestock stock access is contributing considerably to high E. coli concentrations as well as spikes in nutrient concentrations and turbidity during baseflow.

10. Still, the study did show that there are very few specific hot spots of poor water quality in the catchment. Rather, degraded water quality is a widespread problem.

11. Overall, livestock access and lack of shading riparian vegetation are two of the main causes for degraded water quality in the streams and river of the Flaxbourne catchment, particularly in the lower reaches.

12. Lake Elterwater was also monitored as part of the catchment study. The lake is located in the northern part of the catchment, near the coast. Lake Elterwater is shallow and has dried up completely in the past. Water quality of the lake had not been monitored before.

13. The study showed that the health of the lake is severely impacted with several parameters below the national bottom line of the NPS-FM. These include Total Nitrogen, Total Phosphors, E. coli and Chlorophyll-a.

14. A Catchment Care programme has already been initiated for the Flaxbourne River. Two catchment groups, one for the wider catchment and another specifically for Lake Elterwater, are meeting on a regular basis to discuss ways to improve water quality. Restoration action has already started, including the removal of willows and planting of native vegetation around Lake Elterwater.

15. The report presented here has the aim to provide information to these catchment groups to assist decisions on future action to improve the health of waterbodies within the Flaxbourne catchment.

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## RECOMMENDATION

**That the report be received.**

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## Background/Context

16. The Flaxbourne River has been monitored as part of the Surface Water State of the Environment programme since 2007. This monitoring has shown water quality to be consistently within the marginal category, which is indicative of degraded river health.

17. The National Policy Statement for Freshwater Management as well as the Marlborough Environment Plan require improvement of degraded waterways.

18. To assist improvement actions, an understanding of the causes and extent of degraded water quality was required.

19. In 2020 and 2021, additional monitoring of water quality in the river and streams withing the Flaxbourne catchment as well as Lake Elterwater were carried out. This report summarises the results of this additional monitoring as well monitoring as part of the State of the Environment programme.

## Next steps

20. The report card will be presented to the Flaxbourne catchment groups and then made available on the MDC website.

21. Council will continue to work with landowners on improving water quality in the Flaxbourne catchment, through the Catchment Care Programme as well as support outside of this programme. It is important to note, that improvements will not happen overnight, and some actions taken now will take time before their effects become measurable.

22. Council will continue to monitor the Flaxbourne River and Lake Elterwater as part of the State of the Environment programme.

## Presentation

A short presentation will be given by Steffi Henkel (15 minutes).

## Attachment

**Attachment 1** – Water Quality in the Flaxbourne River Catchment

The above report is available on Council's website (refer to the following link https://www.marlborough.govt.nz/your-council/meetings

| | |
|---|---|
| Author | Steffi Henkel, Environmental Scientist, Water Quality |
| Authoriser | Alan Johnson, Environmental Science & Monitoring Manager |

# 8. Soil Mapping Project Update

**(Clr Hope) (Report prepared by Matt Oliver)** **E355-004-008-06**

## Purpose of Report

1. To provide an update on progress on Council's and Manaaki Whenua Landcare Research's soil mapping project.

## Executive Summary

2. This project seeks to update the soil mapping for the lowland productive areas of Marlborough from 1960's mapping to more modern and finer-scale mapping.

3. Improvements in mapping are required to ensure soil data is adequate for modern landuse need such as irrigation allocation and nutrient management.

4. The project is behind schedule due to COVID and capacity constraints within Council and Manaaki Whenua Landcare Research (MWLR) however, a work plan is in place and the programme is expected to be on schedule by end of FY 22-23.

5. The programme is funded by pre-existing council budget and significant subsidy from Ministry for Primary Industry.

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## RECOMMENDATION

**That the information be received.**

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## Background/Context

6. Marlborough currently relies on soil mapping completed in the between the late 1940's through to the late 1960's. This mapping is of variable scale and reliability and site-specific data from these surveys is often no longer available.

7. A "Fundamental Soils Layer" was developed by combining historic soils data and the NZ Land Resource Inventory mapping around 2010. This layer plus some regional mapping is what is displayed on Council's website. A recent comment from MWLR stated: "*The FSL is a coarse interpretation of the old legacy data with*" a modern soil classification "*assigned to the central concept of the set. They should be used with caution at more detailed scales and acknowledgement of their lack of precision and accountability of much inherent soil variability*" (Ian Lynn Pers. Comm. 2022)

8. Council currently utilises soil data to assist decision making around water allocation (via Irricalc) and nutrient management. In the future improved soil data will be required to help guide landuse decision making for improved freshwater quality (surface and groundwater), erosion reduction, nutrient allocation, soil quality and to assist landowners improve productivity.

## Soil mapping project

9. Council is engaged with MWLR to improve soil mapping on the lowland more highly productive areas of Marlborough farmland. This project involves a combination of desktop GIs modelling work based on Council's recent LiDAR acquisitions and intensive field work to ground truth the desktop work.

10. Council has previously commissioned several soil characterisation studies in the region including the Kaituna, Pelorus, Rai, Linkwater, Koromiko and Upper Wairau Valley areas. These studies have identified the common soils of the area but did not extend to mapping the extent of these soils. This work has provided the basis of the desktop analysis.

11. The results of the mapping effort will be updates to the national soil mapping portal, S-Map https://smap.landcareresearch.co.nz/. This will see improved visual maps, improved soil attribute data, data available on factsheets for users.

12. One of the major outcomes from the project is a better understanding the attributes of a soil at any given point. These attributes will include data around texture, water holding capacity, soil carbon, nutrients etc. Previously, this type of data was not available or was assigned from other sources depending on the soil types. This type of data will be extremely important for future land use decision making.

13. The field work component is time-consuming and dependant on landowner permissions to sites. In combination with COVID and capacity issues both at Council and MWLR, the programme has fallen behind schedule. To address this additional field effort is being currently deployed, MWLR have engaged additional resources to complete work left uncompleted with the departure of the programme manager and undertaken to do an additional data upload (normally only one per year). The programme is expected to be on schedule by the end of FY 22-23.

14. The mapping effort is funded partly by Council contribution from pre-existing budgets and by a 2/3rds subsidy from Ministry of Primary Industries. This has enabled work to proceed at a much faster rate with completion of the target areas within 3-4 years (compared to 15 using only Council resources)

## Next steps

15. Continue with the mapping programme including upload of mapped areas as noted in the MWLR report attached.

    a) Rai/Pelorus/Kaituna/Linkwater maps currently being finalised.

    b) Koromiko Field work completed, maps to be completed

    c) Wairau Valley preliminary desktop work commenced, field work underway

16. Develop soil characterisation and landscape models for Blind River/Flaxbourne ahead of S-Map field work next year.

## Presentation

A short presentation will be given by Matt Oliver (10 minutes) and Dr Kirstin Deuss. (10 minutes).

## Attachment

**Attachment 1** – MWLR Marlborough EOY Progress Report FY22 Page [19]

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

*Attachment 1*

Manaaki Whenua
Landcare Research

6 July 2022

Marlborough District Council
PO Box 443
Blenheim
New Zealand
Contact: Matt Oliver (matt.oliver@marlborough.govt.nz

**Re: Soil mapping of Marlborough, contract 20-123 – Milestone report for FY22**

This report summarises work conducted during FY22, following-on from earlier detailed verbal briefings.

Milestone /Key activities – for FY22:

- Mapping completed for up-load to S-map in August 2022 (target 12,500 ha).

Status:

- There is a delay in the work programme due to the cumulative effects of lead surveyor leaving Manaaki Whenua, disruptions with the pandemic, and initial delay in the LiDAR availability.
- As a result, MWLR and MDC have discussed a revised workplan and schedule. This has been formalised as a draft contract variation which is currently with MDC for review.
- Fieldwork has been completed for Rai Pelorus, Kaituna and Linkwater mapping areas. GIS and database are ongoing, with these areas now scheduled for upload to S-map Online in December 2022. Gerard Grealish has been subcontracted to complete these areas. Gerard was the lead soil surveyor for MWLR that worked in these areas with MDC.
- Kirstin Deuss has been employed as the new pedologist at MWLR, and will be the lead MWLR soil surveyor for the remaining MDC areas. Additional technical support has also been recruited into the South Island office of MWLR to support Kirstin.
- Base GIS covariate layers have been compiled and prepared for the Koromiko and Wairau mapping areas. Relative elevation models (REMs) have been generated from LIDAR data and have proven to be particularly useful at identifying soil variability in the Koromiko Valley (Figure 1), as well as for identifying terraces in the Wairau Valley (Figure 2).
- Two field trips have been completed for the Koromiko mapping area. 120 observations have been made between March and June 2022 which cover the main valley floor and several side valleys (Figure 3). Previous observations completed by Iain Campbell have also been sourced and uploaded to assist with the mapping. A draft mapping legend has also been prepared. Focus is now drafting the GIS map of soil polygons. The Koromiko area is now scheduled for upload to S-map Online in December 2022.
- Planning has started for the Wairau survey area, with the 1st field trip scheduled early in FY23. Reconnaissance of Wairau Valley was undertaken in June 2022.
- MDC have contributed significant in-kind contribution, predominantly through Matt Olivers time, but also other staff. We note this contribution is in excess of the original estimate for securing MPI co-funding. MWLR would like to pass on their appreciation for the in-kind investment, and will highlight this to MPI in the August 2022 report.

Manaaki Whenua – Landcare Research | Private Bag 11052 | Manawatu Mail Centre, Palmerston North 4442, New Zealand
Riddet Road | Massey University Campus, Palmerston North 4472, New Zealand
T: + 64 6 353 4800 | F: + 64 3 321 9998 | www.landcareresearch.co.nz

Forward plans for FY23

- Two 2-week blocks of soil survey in the Wairau Valley (tentative dates 22 August – 4 September 2022 and again in late 2022/ early 2023).
- Mapping completed for Upper Wairau and Awatere for upload to S-Map in the August 2023 update
- Mapping underway for Blind River and Flaxborne, targeted for upload to S-Map in the August 2024 update
- Note that full LIDAR coverage of Awatere, Blind River and Flaxborne areas is due Q4 of the 2022 calendar year. MDC notes that LiDAR capture is complete and currently being processed ahead of LINZ QA procedures. It is expected that we will have full coverage available by end of the year (a non-QA version will be available sooner if it is necessary for planning). Depending on the arrival of LiDAR in relation to MWLR availability to do fieldwork, the order of mapping may have to be adjusted in consultation with MDC.
- The Blind River soil characterisation report and soil landscape model is also expected to be ready by the end of the year, as part of Matt Olivers Masters through Massey University. It will need to be extended to Flaxborne as part of the MWLR soil survey project.

Kind regards,

Kirstin Deuss

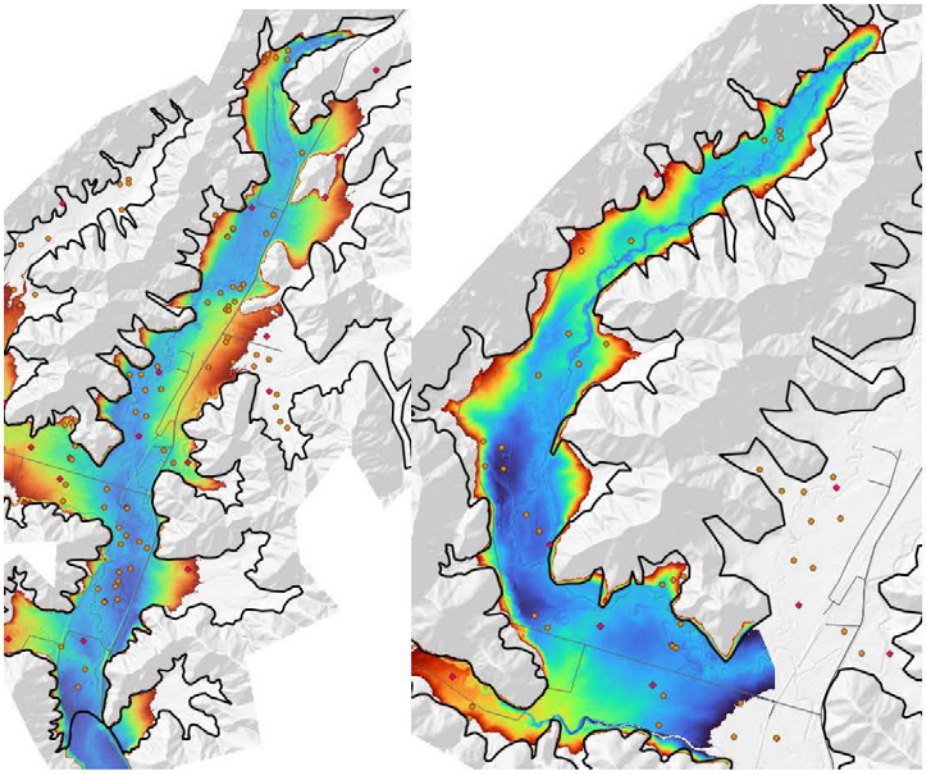

Figure 1. Relative elevation models generated for the Tuamarina River (left) and the unnamed river that flows down the Speeds Road valley (right)

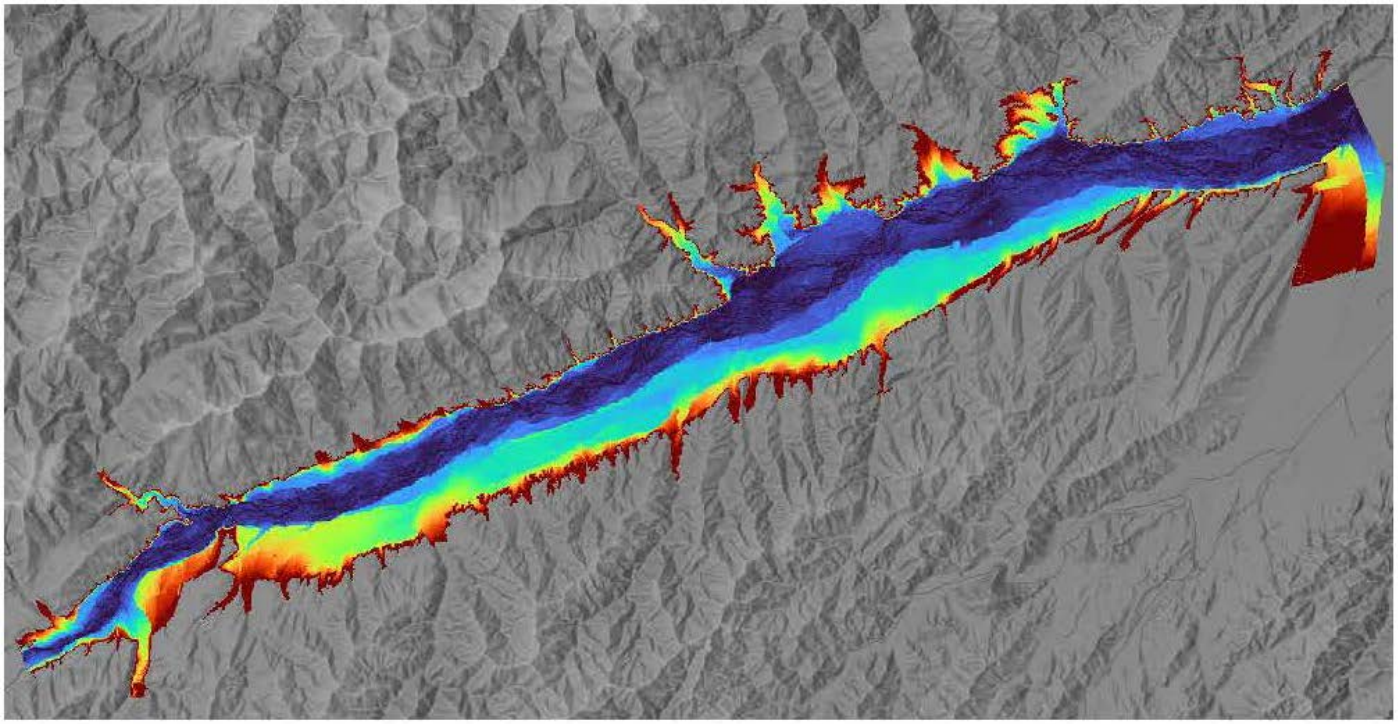

Figure 2. Relative elevation model generated for the Wairau River

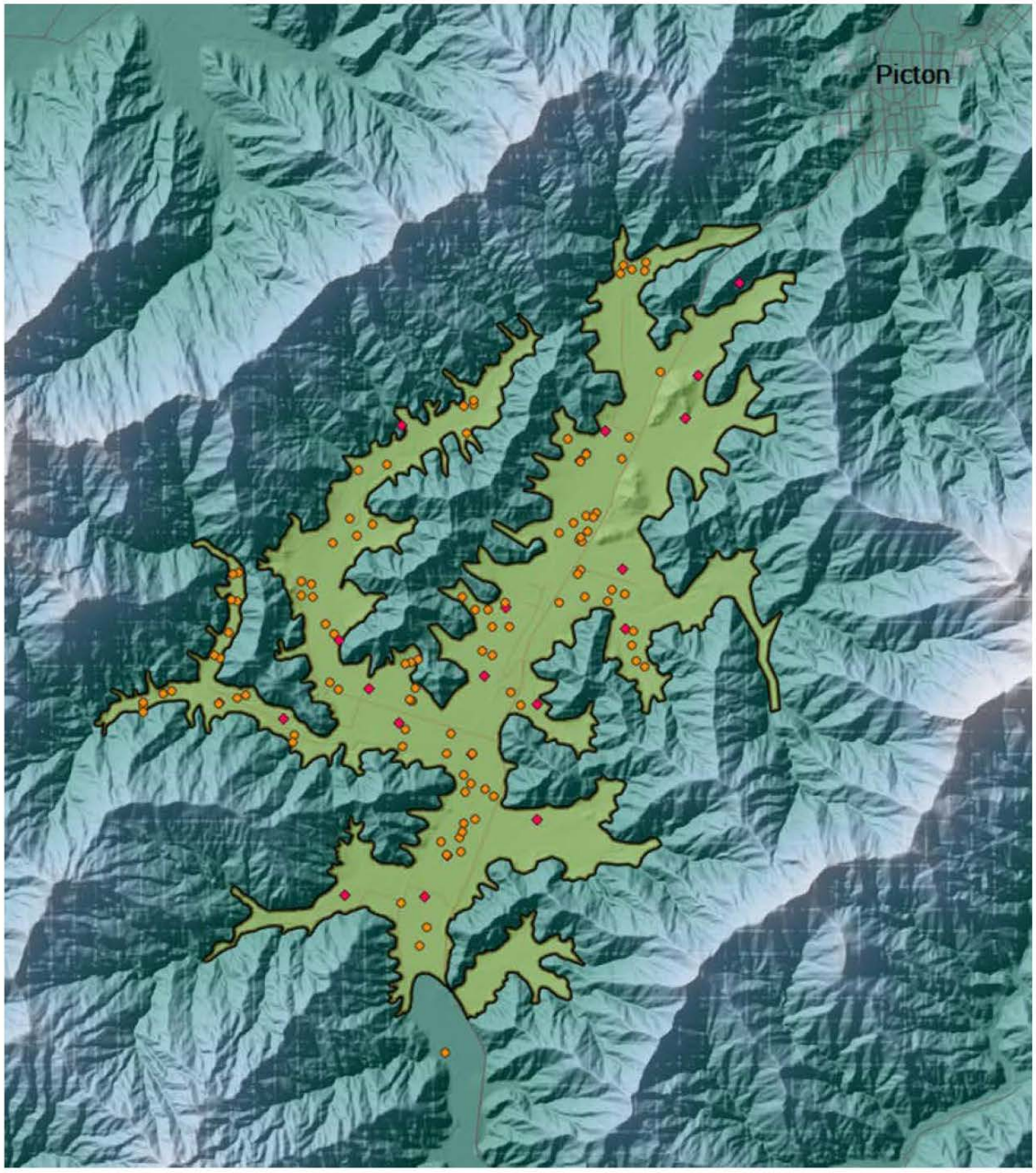


Figure 3. Soil observations across the Koromiko Valley as of July 2022, including 120 observations made under the current contract in 2022 (orange circles) and 21 observations made during previous work by Ian Campbell in 2014 (red diamonds).

# 9. Soil Quality Monitoring Review

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

**(Clr Hope) (Report prepared by Matt Oliver)** **E355-001-001-21**

## Purpose of Report

1. To provide a report on the review of Council's Soil Quality Monitoring Programme.

## Executive Summary

2. Council is required to monitor soil quality in the region under Section 35 of the RMA. Council's monitoring programme has been in operation for 22 years without significant review and with significant land use change having occurred during this time.

3. A review was requested from Landsystems Ltd to ensure the Soil Quality Monitoring Programme was fit for purpose and able to detect changes in soil parameters.

4. Results show that while the current programme is adequate, to ensure optimal detection of changes, the programme needs to expand from 91 active sites to 123 with sites added in particular landuses to allow for landuse changes.

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## RECOMMENDATION

**That the report be received.**

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## Background/Context

5. Council's Soil Quality Monitoring Programme (SQM) has been running since 2000. At the start of the programme, the monitoring sites were selected on the basis of representative combinations of soil orders and landuse. Since that time, landuses have changed with many sites having changed from pastoral uses to viticulture, some sites being withdrawn from the programme due to removal of landowner access provisions, and destruction of sites (such as burial of sites under water storage dams).

6. Such landuse change was thought to pose a risk of potentially skewing of the results away from certain landuse/soil order combinations and over-emphasis of others.

7. Landsystems Ltd was engaged to review the SQM programme. Dr Reece Hill from Landsystems Ltd is one of the original authors of the SQM guidelines, has been closely associated with the running of SQM at Waikato Regional Council and recently authored the National Environmental Standard for Soil Quality and Trace Element Monitoring. He is the subject matter expert in this field. Alistair Dunn from Ocean Environmental was subcontracted to do the statistical analysis.

## Soil Quality Monitoring review

8. The review was commissioned to provide an analysis of the existing soil quality and trace element monitoring programme including:

    a) a summary of the current monitoring programme,

    b) the minimum number of sites required for each land use / soil order combination, and the level of change and timeframe for detection,

    c) the number of additional sites of each land use /soil order combination that may be required,

    d) guidance on the frequency of sampling,

e) recommendations as to the most appropriate location of new sites,

f) statistically based recommendations on what to do with excess sites,

g) recommendations for removing or retaining sites, and

h) improvements for the programme going forward.

9. A power analysis was used on the existing programme data to assess the ability of the programme to optimally detect change in soil parameters to a suitable statistical level.

## Soil Quality Monitoring review outcomes

10. The monitoring programme follows nationally agreed methods.

11. The programme should aim to have an 80% probability of detecting a true 50% change in values given the 5 year sampling period for each landuse. To do so, and to keep resourcing requirements to a reasonable level the following scheme has been recommended:

    a) Intensive landuse (Cropping, dairy, viticulture) should have 25 sites spread across soil orders,

    b) Less intensive landuses (pasture, forestry) should have 20 sites spread across soil orders,

    c) Indigenous land use should have 8 sites to provide a more robust benchmark.

    d) The scheme should have 123 sites in total to provide a practical balance between resource requirements and statistical optimums (which would require 160 sites)

12. The landuse/soil order combinations from 2000 (at the start of the programme) were compared to current landuse/soil order combinations. This showed that some degree of change has occurred and that sites should be added to ensure landuse/soil order balance is restored:

    a) Cropping and exotic forestry should have 13 sites added

    b) Dairy and viticulture have sufficient sites

    c) Drystock pasture requires 3 additional sites

    d) Indigenous vegetation requires 4 additional sites

13. The landuse/soil order combination work was based on the last Landuse Cover Database edition (2018) and so there may have been changes since that time and field verification will be required to ensure landuse/soil order proportions are properly set.

14. These recommendations bring Marlborough SQM programme up to consistency with other regions with a regional density of one site per 101 $km^2$.

15. With the increased site numbers, there are now no excess sites and all current sites should be retained. Guidance is given around how old sites should be treated also, all such sites should be retained regardless of changes in landuse due to the very long-timeframes and high value of this scarce data around effects of landuse change on soil quality. This underlines the high value of such soil data but also implies that such soil quality monitoring programmes need to continue into the very long-term future while carrying all sites established. This implies that careful decision making around site selection is required and that such monitoring programmes will require increasing resources over the medium to long-term.

## Next steps

16. The SQM programme will continue on an annual sampling and reporting basis.

17. Over the next 5 years an additional 6-7 sites will be added annually. The location of each site will be carefully evaluated to ensure it meets the landscape/soil order combinations required. A GIS map of potential locations is provided alongside the report to aid identification of potential new site locations.

18. An issue has been identified that there needs to be some reordering of dairy sites. A large number of dairy sites were added at once in 2012 and this leads to sudden 'jumps' in data for dairy every 5 years as these are sampled on-mass. In 2025, these will be reordered to reduce these effects. At the same time 10 sites will need to be added to keep the annual sites sampled at an appropriate level.

19. The increased sampling requirements can be covered by existing budgets for the next 2-3 years but prior to the dairy reordering (Point 18) additional budget funding will need to be allocated to support the SQM Programme. This will be requested via the LTP at the appropriate time.

## Presentation

A short presentation will be given by Matt Oliver (10 minutes).

## Attachment

**Attachment 1** - MDC Soil Quality Monitoring review 2022 FINAL

The above report is available on Council's website (refer to the following link https://www.marlborough.govt.nz/your-council/meetings

| | |
|---|---|
| Author | Matt Oliver, Environmental Scientist - Land Resources |
| Authoriser | Peter Hamill, Team Leader Land and Water |

# 10. Dairy Shed Effluent and Stream Crossing Survey 2021/2022

**(Clr Hope) (Report prepared by Tonia Stewart)** **E330-001-004, E330-001-005**

## Purpose of Report

1. The purpose of this report is to inform the Council of the Compliance Group's monitoring of dairy shed effluent and stream crossings during the 2021/22 dairy season.

## Executive Summary

2. Council inspected 44 out of 44 dairy farms in 2021/22, (31 farms were inspected in the 2020/2021 season). All 44 of these farms were monitored against the PMEP or resource consent conditions. 35 of these were monitored against the activity standards within the PMEP that have legal effect. The percentage of farms that were rated as compliant with the PMEP was 91% (32 farms). This is a 5% decrease from last year.

3. Stream crossing elimination is continuing to progress. There are now just two farms with stream crossings remaining, which have reduced by half from last year's four farms. These farms have four and one stream crossing remaining respectively.

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## RECOMMENDATION

**That the information be received.**

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## Background/Context

4. The 2021/2022 season 100% of farms were inspected. Previous year inspections were priority based on risk and compliance history, with lower risk farms inspected every alternate year.

5. This season Council continued to complete a second compliance report which assessed the compliance against the PMEP rules for dairy shed effluent. A PMEP compliance report was completed for all farms that operate under the permitted activity standards or that operate under a resource consent that is due for expiry.

6. Stream crossings are also checked during the dairy shed effluent survey. All areas where dairy cattle walk through waterways must be eliminated. Those properties with remaining stream crossings are checked for progress toward elimination.

## Monitoring Undertaken

### *Dairy Shed Effluent in Marlborough*

7. A national criteria for assessing dairy effluent compliance has been created and Marlborough District Council work with this criteria. A traffic light system is utilised to indicate compliance with permitted activity rules of the PMEP or the respective resource consent conditions for each farm. Conditions or rules were assessed as:

   **Green** are compliant and no action is required;

   **Yellow** are technically non-compliant for minor breaches with no-adverse environmental effects;

   **Orange** are non-compliant where corrective or remedial action(s) may be required; and

   **Red** are significantly non-compliant, where a persistent or significant breach has occurred.

8. Dairy effluent inspections are undertaken using the 'cold calling' method as recommended by the national auditing guidelines.

### *Proposed Marlborough Environment Plan*

9. Within the PMEP the discharge of dairy farm effluent into or onto land is a permitted activity within the Rural Environment Zone and the Coastal Environment Zone. The discharge of dairy effluent is required to meet the permitted activity standards specific to the zone that the farm is located within.

10. This season Council continued to complete a compliance report for the PMEP plan rules for dairy shed effluent for the farms that operate under the permitted activity standards. The rules which do not have legal effect did not affect the farm compliance status. The PMEP compliance report was completed in order to provide the farmers with an indication of future compliance for the effluent system as it currently operates.

### *NES-FW*

11. New regulations controlling the volumes of synthetic Nitrogen that can apply to pastoral land of 20ha or more came into effect on 1 July 2021. Farmers now need to report their usage annually and the first report is due by 31 July 2022.

12. The amount of synthetic nitrogen fertiliser you can apply must not exceed 190 kilograms of Nitrogen per hectare, per year, averaged across your grazed land area.

13. Regional councils are working closely with the Ministry for the Environment, fertiliser suppliers and the dairy sector to help farmers meet these requirements.

## Monitoring Results

### *Resource Consent*

14. Following inspections 73% (8 farms) of farms operating under resource consent were rated as **Compliant**, 9% (1 farm) was rated as **Technically Non-Compliant** and 18% (2 farms) were rated as **Non-Compliant**. No farms were rated **Significantly Non-Compliant** again this year. (This is compared to 87%, 3%, 10% and 0% respectively compared to last year's figures).

15. The non-compliances observed during the 2021/22 survey were due to herd size exceeding the resource consent conditions and the technical non-compliance was due to farm effluent applied within 24 hours of any rain event and discharge area (indicated onsite) was larger than consented area.

16. The consent holder with a herd size exceedance has been advised they must apply for a variation to their resource consent as well as provide information on their farm effluent system in relation to the larger herd size as well as the increase to the discharge area. This information has been requested.

### *PMEP*

17. All farms are reported against the PMEP starting from this season.

18. Following the notification of the track-changed version of the PMEP there have been some changes to the dairy effluent discharge rules. Farms were monitored against the track-changed version of the PMEP for the 2021/22 monitoring period.

19. 35 farms were assessed under the PMEP permitted activity standards in line with the previous year reporting. Following the first inspection 91% (32 farms) of farms were rated as **Compliant** and 9% (3 farms) were rated as **Non-Compliant**. Non-compliance was due to ponding and discharging when soil moisture exceeds capacity. (This is compared to 96% and 4% respectively in last year's figures).

20. A total of 33 farms have a lined storage system. 10 farms do not have lined systems. There were 14 unlined ponds in the previous year.

21. All farms must have a lined system within 24 months after the PMEP becoming operative.

### *Overall Compliance Levels*

22. Overall compliance during the initial inspections for all 44 farms operating under both PMEP permitted activity standards and resource consent conditions during the 2021/2022 monitoring period was as follows:

    a) 38 farms (86%) were assessed as **compliant**.

    b) 1 farm (2%) was **technically non-compliant**.

    c) 5 farms (11%) were **non-compliant**.

    d) 0 farms were assessed as **significantly non-compliant**.

### *Stream Crossings*

23. It was expected that all stream crossings would have been eliminated by the end of December 2013 to coincide with Fonterra's condition of supply which required fencing and stream crossing elimination by that date.

24. Council's stream crossing survey shows that of the 229 stream crossings originally surveyed between 2002 and 2007, there are still five crossings remaining in 2021/22. All remaining stream crossings are low priority as they are not regularly utilised. Eleven stream crossings have been eliminated since the 2020/21.

25. The permitted activity standards within the PMEP restrict intensively farmed livestock from entering onto or passing across the bed of a river if there is water flowing in the river. Each farm has been advised that the crossings cannot be used when water is flowing and there will be a continued focus on eliminating the remaining stream crossings.

### *National Dairy Audit*

26. The National Dairy Audit was postponed this year until July/August 2023. It was confirmed that Covid19 had taken a huge toll on the capacity to complete inspections. Although a couple of councils have managed to complete all inspections, many have completed less than 50%, and some less than 10-15%. An audit of these low numbers would not fairly represent the work would not provide meaningful data.

## Future Activities

27. For the 2022/23 season Council will continue to monitor the discharge of dairy effluent to land. Council will prioritise monitoring of previously non-compliant farms and any farms that require improvements to be made.

28. Liaison with Fonterra and the local farmers is on-going to assist with the implementation and ongoing reporting of the NES-F.

## Attachment

**Attachment 1** – Dairy and Stream Crossing Survey 2021/22Snapshot page [29]

| | |
|---|---|
| Author | Tonia Stewart, Environmental Protection Officer |
| Authoriser | Glen McMurdo, Compliance Manager |

*Attachment 1*


## KEY POINTS

**44** dairy farms operate in Marlborough.

**35** farms operate under permitted activity status under the Marlborough Sounds Resource Management Plan.

**11** farms operate under Resource Consent.

**91%** (32 out of 35) and **73%** (8 out of 11) farms were compliant after follow up inspections were completed for PMEP and resource consents respectively.

**10%** (3 out of 31) farms were non-compliant after the follow up inspections.

**0** significant non-compliance was observed.

## Snapshot of the 2021/22 monitoring programme

### What was found during the 2021/22 inspections and annual monitoring

Marlborough District Council monitored all 44 dairy farms during the 2021/22 survey. Monitoring consists of conducting a site visit to the farm and assessing any records that are required to be provided by resource consent conditions.
This season 35 farms were assessed for compliance against the Proposed Marlborough Environment Plan (PMEP) rules for dairy shed effluent.

### Areas of Non-compliance:

- **Ponding in the effluent disposal field**
- **Overflowing / leaking storage pond**
- **Discharging effluent when soil moisture exceeds field capacity**
- **Herd size exceeding resource consent condition**
- **Discharge of effluent within 24 hours of a rain event.**

### NES Freshwater regulations

As well as inspecting dairy effluent Council has been requesting Nitrogen data from synthetic inputs from farmers ahead of the new NES Freshwater regulations coming into force for the following season (2022-2023). Although not directly linked to the effluent and stream crossing inspections the PMEP and resource consent conditions stipulate limits of synthetic nitrogen inputs, therefore this information will be captured in the same reports going forward.

It should be noted that there are requirements to report on total N inputs which includes synthetics (fertiliser) as well as irrigation and effluent disposal.

**NOTE**: No compliance reports were completed on the old Marlborough Sounds Resource Management Plan this year as we move towards gaining compliance with the Proposed Marlborough Environment Plan. Resource Consents were still monitored as usual. Two farms that operate under resource consent were identified as being likely to operate under the PMEP therefore received 2 reports this year.

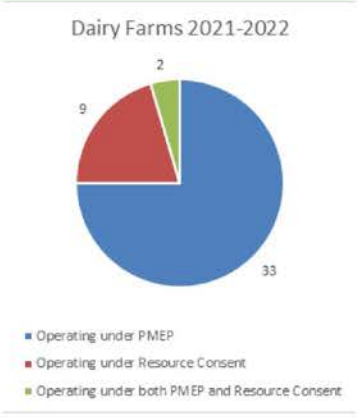
### Summary of Compliance Rating System

Results reported in this snapshot reflect the compliance of each permitted activity standard or resource consent condition, the lowest rated condition is the overall compliance level. For example a wastewater discharge consent could have 25 conditions of which 23 are rated compliant (green), 1 is rated minor non-compliance and 1 is rated significant non-compliance – the consent is rated significant non-compliance.

| Full Compliance | Technical non-compliance | Environmental non-compliance | Significant non-compliance |
|---|---|---|---|
| 100% compliance with all consent conditions/ permitted activity standards assessed | Non-compliance with condition which are considered to only have minor or no adverse environmental effects. E.g. failure to keep records | Breach of effects based/best practice conditions/rules that cause minor actual or potential environmental effects. E.g. ponding of wastewater remediated immediately. | Significant breach of effects based/best practice conditions/ rules that cause actual or potential environmental effects. E.g. multiple exceedances of parameters or wastewater reaching a waterway. |

## Compliance Levels over the last three seasons for Resource Consents

| | 2019/2020 Percentage | 2020/2021 Percentage | 2021/2022 Percentage |
|---|---|---|---|
| Full Compliance | 89% | 87% (27) | 73% (8) |
| Technical Non-Nompliance | 2% | 3% (1) | 9% (1) |
| Non-Compliant | 9% | 10% (3) | 18% (2) |
| Significant Non-Compliance | 0% | 0% | 0% |




## Compliance Levels over the last three seasons for the PMEP

| | 2019/2020 Percentage | 2020/2021 Percentage | 2021/2022 Percentage |
|---|---|---|---|
| Full Compliance | 94% | 96% (24) | 91% (32) |
| Technical Non-Nompliance | 0% | 0% | 0% |
| Non-Compliant | 6% | 4% (1) | 9% (3) |
| Significant Non-Compliance | 0% | 0% | 0% |

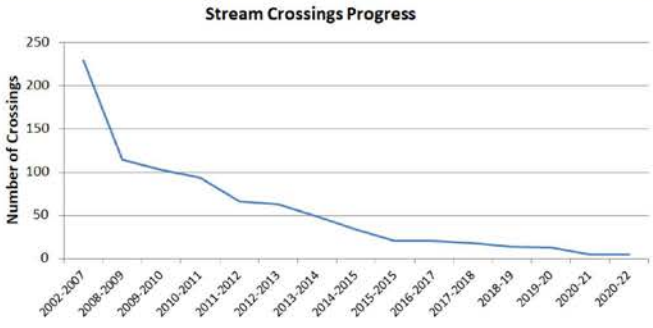
33 farms have effluent storage systems that are lined with an impermeable material.

10 storage systems are located within a Flood Hazard Area – 6 of these farms hold a resource consent to legalise the location, out of the remaining 4 farms 3 have lined systems.

5 farms have soil sensitive areas, only two spread effluent in these areas and hold a resource consent which permits this discharge of dairy effluent to land.

## Stream Crossing Progress Total

- There remains 5 stream crossings in the district and these are situated on 2 farms. This is the same as last year. Both farms have bridge building underway which was evidenced on site but these are not finalised so the figures remain the same for now. It is expected that after these bridges are installed only one stream crossing will remain.
- The permitted activity standards within the PMEP restrict intensively farmed livestock from entering onto or passing across the bed of a river if there is water flowing in the river. Farms are aware of these restrictions and there will be a continued focus on eliminating the remaining stream crossings, which they are actively working towards.




### For More Information

For more information on compliance and enforcement monitoring undertaken by Marlborough District Council, contact the Environmental Protection Group

**Phone:** 03 520 7400
**Email:** monitoring@marlborough.govt.nz
**Website:** www.marlborough.govt.nz

MARLBOROUGH DISTRICT COUNCIL

# 11. Dog Control Policy and Practices Annual Report 2021/2022

**(Clr Arbuckle) (Report prepared by Jamie Clark)** **E305-003-003-01**

## Purpose of Report

1. To receive the Annual Dog Control Policy and Practices Report.

## Executive Summary

2. This report covers the dog control activities for the 2021/22 financial year, 1 July 2021 to 30 June 2022.

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## RECOMMENDATION

**That the report be received.**

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## Background/Context

3. Section 10A of the Dog Control Act 1996 requires the Council to prepare an annual report on its administration of dog control policies and practices in respect of each financial year.

4. The report is required to contains information on the number of dogs registered, the number of dogs classified as dangerous and menacing, and the number of disqualified owners, the numbers of dog related complaints received, the number of infringement notices issues and the number of prosecutions taken by the Council under the Dog Control Act 1996.

## Next steps

5. The report will be made publicly available on the Marlborough District Council website and published in a local newspaper.

## Presentation

A short presentation will be given by Jamie Clark (10 minutes).

## Attachment

**Attachment 1** – Dog Control Policy and Practices Annual Report 1 July 2021 to 30 June 2022 Page [32]

| | |
|---|---|
| Author | Jamie Clark, Contract Manager (Animal Control) |
| Authoriser | Glen McMurdo, Compliance Manager |

*Attachment 1*

# Dog Control Policy and Practices Annual Report
# 1 July 2021 to 30 June 2022
# (Section 10A of the Dog Control Act 1996)

## Contents

## Background

The Marlborough District Council is required to manage and enforce provisions pursuant to the Dog Control Act 1996.

Section 10A of the Dog Control Act 1996 requires the Marlborough District Council (Council) to report annually on its Dog Control Policy and Practices and provide statistical information.

This report fulfils this statutory requirement for the financial year 1 July 2021 – 30 June 2022.

The objectives of this report are to:

- Report on Council's administration of dog control policies and practices; and
- Provide information on dog control activities.

This report will be available to the public on the Marlborough District Council website and published in a local newspaper.

## Operations

The Dog Control function has been contracted out to Maataa Waka Ki Te Tau Ihu Trust since 1998. Council and the contractor are parties to a contract, under which the contractor provides animal control services to the Council (current contract).

- Contract commencement date – 1st April 2022
- Expiry date - 31 March 2026
- Extension term three years
- Maximum contract term – 7 years

Council retains the administration of the contract, makes decisions on classifications of dog and owners, objections to classifications and infringements, and on decisions on whether or not to undertake prosecutions.

## Dog Control Policy

The Council first adopted a policy and bylaw which came into force on Monday 1 October 2012.

Council undertook a review of our Dog Control Policy and Dog Control Bylaw which is required to be undertaken every 10 years. The review looked at dog access to all public places and included new Council reserves which have been created since the bylaws were previously reviewed.

The new Marlborough District Council Dog Control Policy and Bylaw were adopted by full Council on 24 June 2021 and came into effect on 1 August 2021.

This policy deals with various matters, including dog areas, fees and education. Council must have regard to:

a) The need to minimise danger, distress and nuisance to the community generally.

b) The need to avoid the inherent danger in allowing dogs to have unimpeded access to public places that are frequented by children, whether or not the children are accompanied by adults.

c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and

d) The exercise and recreational needs of dogs and their owners.

Council's objective is to encourage responsible dog ownership that allows owners to enjoy their dogs without infringing on the enjoyment and safety of others. Good dog owners should:

a) Register their dogs and make sure they wear a current registration tag.

b) Keep their dogs under control.

c) Provide their dogs with care and attention.

d) Provide their dogs with proper and sufficient food, water, shelter, and exercise.

e) Not let their dogs be a nuisance to others.

f) Make sure their dogs do not injure, endanger, intimidate or distress any person or other animal or damage property.

g) Comply with the Act, any regulations, and the Dog Control Bylaw.

A copy of the new Dog Control Policy can be viewed on the Council's website:

https://www.marlborough.govt.nz/services/dogs-and-other-animals/dog-and-animal-laws/dog-control-policy

A copy of the new Dog Control Bylaw can be viewed on the Council's website:

https://www.marlborough.govt.nz/your-council/bylaws/dog-control-bylaw-2021

## Dog Exercise Areas

Dog areas are set out in Council's Dog Control Policy and Bylaw.

Dogs are allowed off leash in some areas, provided they are kept under control at all times.

There are a total of 32 dog off leash areas in the Marlborough district.

Dogs are prohibited from areas that have an intense public use, where dogs may compromise the enjoyment of the area, where ecological or economic values would be threatened, where space or slight lines is limited on narrow walkways and pedestrians may be threatened.

There are 48 dog prohibited areas in Marlborough, the majority being sports grounds, reserves, domains, and wetland areas. These are outlined in the new Dog Control Policy and Bylaw.

Dogs are allowed in any public area that is not identified as a dog prohibited area or dog off leash area but must be kept on leash and under control at all times. There are 84 public areas across the Marlborough district where dog are required to be on leash. These are outlined in the new Dog Control Policy and Bylaw

Blenheim Central Business District (CBD) and Picton Central Business District allows dogs on a leash.

Marlborough currently has one purpose-built dog park at Renwick which is a fenced dog exercise area with three separate areas: a large dog area, a small dog area and a quiet zone.

Planning is underway for the development of a second Dog Park in Blenheim..

## Fees

The registration categories and fee structure for the 2021/22 year are set out in the table below.

| Category | Annual Fee |
|---|---|
| **Dog registration – category One**<br>Each dog must be desexed and microchipped, and have no infringement notice or conviction under the Dog Control Act 1996 for the last 2 years i.e. since 1 July 2020. | **$60** |
| **Dog registration**<br>Any non-working dog that does not meet all of the Category One criteria. This includes any dogs that have been classified as 'menacing'. | **$90** |
| **Old Dog**<br>For dogs over 12 years (as of 1 July 2020) that were registered for the first time prior to 1 July 2008 (proof of registration is required). | **$45** |
| **Dangerous Dog**<br>This includes any dog classified as 'dangerous.<br>Dangerous dogs are excluded from the old dog and categories One & Two. | **$135** |
| **Working Dog** Includes farm dogs primarily used for herding stock,<br>**10 + working dogs** (for each extra dog). | **$20**<br>**$10** |
| **Disability assist dogs and Police dogs** | **No fee** |

Note: that late penalty fees were charged (50 percent of the applicable fee) for payments made after 31 July 2021.

## Funding

Dog Control is 80 percent funded from dog registration fees and 20 percent rates funded. The fees are set to cover the budgeted cost of the Dog Control function.

## Education

A dog safety education course is available to schools and groups of primary school and pre-school aged children. The purpose of this course is to promote safety around dogs as well as responsible dog ownership and care. This programme is provided free of charge. There were 31 presentations provided to pre-school and primary schools for the year 1 July 2021 to 30 June 2022.

There were also two presentations to adults on dog safety and dog behaviour.

Due to the continuation of COVID in the community a number of events that were programmed was cancelled to ensure public and staff safety.
An information insert on dog registration, responsible ownership and dog owner obligations was sent to all dog owners with their dog registration forms.
Information on relevant topics such as barking dogs and roaming dogs is distributed to owners of dogs that come to Animal Control's attention.

Animal Control is also involved in a collaborative interactive safety programme that has developed from within the Marlborough Child Safety Group and is based on the "Clued Up Kids" project developed in Strathclyde, Scotland (2001).

The pilot Marlborough Clued-Up Kids project was designed to instil confidence and develop life skills through the practical hands-on application of safety messages. Year 5/6 students from Marlborough Schools are taken in small groups on a 15 minute rotating circuit of safety sets around Bradshaw Park i.e. Police, St Johns, Rail Safety, Water Safety, Emergency Response, Personal Safety, Dog Safety, Cycle Safety, ATV Safety, Home Hazards and Fire Safety. This event goes for one week in November each year.

In 2021/22, due to the ongoing Covid pandemic and continuing lockdowns and restriction on group gatherings, Clued Up Kids was not held. Instead, an activity book was created for the children of the participating schools to be worked through within their class environment.

Interaction with the Public:

Each of the four Animal Control Officers undertook five hours per week of patrolling across the Marlborough district to monitor roaming dogs and other potential breaches of the Dog Control Act 1996 and Bylaws and take appropriate enforcement action.

The patrols are an opportunity for the Animal Control Officers to interact with the public to encourage compliance, responsible dog ownership, dog safety and to also check on doggie-doo stations and dog signage.

# Dogs and Owners

As at 30 June 2022, the Marlborough District had a total of 10,758 active dogs active* dogs (last year 10,639) which included 2823 dogs registered as working dogs (including disability assist dogs and Police dogs) (last year 2,816) and

7935 dogs registered as non-working dogs (last year 7,823).

*Active - means that the dog is alive and currently living at the address listed in the national dog database.

## Multiple Dog property Licence

The Marlborough District Council Dog Control bylaw requires that no owner shall keep more than two dogs on a property (not zoned rural) without being the holder of a Multiple Dog Property Licence issued by Council.

There are currently 255 current and active licences out of a total of 396 which have been issued over the years.

The table below shows that 31 Multiple Dog Property Licences were issued which is down on the previous year

| | 2018/19 | 2019/20 | 2020/21 | 2021-22 |
|---|---|---|---|---|
| Multiple Dog Property Licence Issued | 17 | 24 | 42 | 31 |

# Enforcement

## Disqualifications and Probationary Owners

There are no probationary owners in the Marlborough district.

There were no new disqualified owners in the Marlborough district in this reporting period.

There was one active disqualification which expired over the 2021/2022 reporting period. There are currently three active disqualified owners in the Marlborough district.

| Period of Disqualification | Expiry Date | Section |
|---|---|---|
| | | |
| 5 Years | 23 March 2025 | 25(1)(a) |
| 5 Years | 06 October 2025 | 25(1)(b) |
| 5 Years | 04 November 2025 | 25(1)(b) |

## Menacing and Dangerous Dogs

There are 5 new dogs which were classified as dangerous in the 2021/22 year in accordance with section 31 of the Dog Control Act 1996. A total of 13 dogs are classified as dangerous (last year there were 8).

There were 20 dogs classified as menacing. For the dogs classified as menacing, 18 were classified as menacing based on observed and reported behaviour in accordance with section 33A and 2 --were classified as menacing by breed or type listed in Schedule 4 in accordance with section 33C of the Dog Control Act 1996. Total dogs classed as menacing in Marlborough area 100 (last year there were 97)

## Infringements

A total of 220 infringement notices were issues in the 2021/22 year compared with 239 infringement notices issued in the 2020/2021 year.

| Infringements | Number Issued 2018/19 | Number Issued 2019/20 | Number Issued 2020/21 | Number issued 2021/22 |
|---|---|---|---|---|
| Total issued | 192 | 205 | 239 | 220 |

The most common infringement notice was failure to register dog with 146 infringements. The table below shows the sections that the infringement notices were issued under.

| Section | Breach | Number Issued 2018/19 | Number Issued 2019/20 | Number Issued 2020/21 | Number issued 2021/22 |
|---|---|---|---|---|---|
| 18 | Wilful obstruction of dog control officer or ranger | 2 | 3 | 2 | 0 |
| 19(2) | Failure or refusal to supply information or wilfully providing false particulars | 1 | 3 | - | 0 |
| 20(5) | Failure to comply with any bylaw authorised by the section | 7 | 3 | - | 3 |
| 32(2) | Failure to comply with effects of classification of dog as dangerous dog | 1 | 1 | - | 2 |
| 33EC(1) | Failure to comply with effects of classification of dog as menacing dog | 19 | 10 | 10 | 11 |
| 41 | False statement relating to dog registration | - | 1 | - | 0 |
| 41A(4) | Falsely notifying death of dog | 4 | - | 2 | 1 |
| 42 | Failure to register dog | 101 | 137 | 151 | 146 |
| 48(3) | Failure to advise change of ownership | - | - | 1 | 1 |
| 52A | Failure to keep dog controlled or confined | 45 | 30 | 22 | 24 |
| 53(1) | Failure to keep dog under control | 11 | 17 | 51 | 28 |
| 54(2) | Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise | - | - | - | 1 |
| 72(2) | Releasing dog from custody | 1 | - | - | 3 |

## Complaints

A total of 2532 complaints were received in the 2021/22 year. This is down on the total of 2,650 complaints received in the previous year. All complaints were attended to and investigated.

The majority of complaints received related to roaming, found or lost dogs or dog nuisance barking. The number of dogs that were reported to Animal Control as found in the 2021/22 was 595 which were down

from 629 in the previous 2020/21 year. It seems that a number of dogs that are found are posted onto social media sites to try and reunite the dogs with their owners before contacting Animal Control.

There were 87 complaints related to a dog attack, bite or rushing at a person/animal compared with 112 in the previous reporting period. These complaints are the most time consuming to investigate and determine what enforcement action should be taken.

| Type of complaint | Number 2018/19 | Number 2019/20 | Number 2020/21 | Number 2021/22 |
|---|---|---|---|---|
| Barking | 450 | 385 | 389 | 413 |
| Bylaws | 48 | 43 | 21 | 22 |
| Dog Attack/ Bite/ Rush Person | 47 | 53 | 64 | 38 |
| Dog Bite Other | 31 | 23 | 36 | 42 |
| Dog Nuisance | 23 | 34 | 49 | 67 |
| Dog Rush Other | 13 | 7 | 5 | 7 |
| Found | 519 | 778 | 629 | 595 |
| Fouling | 13 | 14 | 16 | 5 |
| General Request/Other | 96 | 622 | 634 | 597 |
| Lost | 229 | 326 | 302 | 265 |
| Roaming | 559 | 380 | 360 | 346 |
| Uncontrolled | 55 | 41 | 43 | 49 |
| Unregistered Dog | 38 | 59 | 64 | 71 |
| Welfare | 43 | 54 | 38 | 45 |
| Total | 2,164 | 2,819 | 2,650 | 2532 |

## Impounded/Unclaimed/Surrendered Dogs

A total of 157 dogs were impounded for the 2021/22 year which is down from the 193 (total on last years 10A report) dogs impounded for the previous 2020/21 year.

It appears that social media is increasingly being used by the public to report lost and found dogs to help reunite dogs with their owners with impounding by Animal Control being a last resort for some of the public.

Animal Control does try to return lost and found dogs to their owners without impounding the dogs if they are able to contact the owners provided that the dogs are registered, microchipped and they have no previous history of roaming.

Animal Control runs a Pound Hounds Facebook to advertise if any lost and found dogs have been impounded and they are unable to identify the owners as their dogs are not microchipped or wearing their dog registration tag and/or owners have not updated their contact details.

The majority of the dogs that were impounded were released to their owners. The dogs that were not claimed by their owners were sent to the SPCA, re-homed from the pound or euthanised, depending on temperament and characteristics.

All dogs unclaimed from the pound go through a temperament and characteristics test to make sure that they are suitable for re-homing to the SPCA or to members of the public. Members from the public who want to apply for a dog from the pound must complete an application form and have a background check of no previous breaches to the Dog Control Act 1996 to make sure they are suitable for Animal Control's rehoming programme.

There is a Care and Custody Agreement between Council and the SPCA with respect to the care and costs of caring for these dogs.

During 2021/22, a total of 18 dogs were rehomed from the pound. There were 13 dogs were rehomed to the SPCA and 5 dogs were rehomed to members of the public.

| Outcome for Impounded Dogs | Number 2018/19 | Number 2019/20 | Number 2020/21 | Number 2021/22 |
|---|---|---|---|---|
| Impounded dogs released to owner (% of total dogs released to owner) | 264 (88.6%) | 160 (83.3%) | 158 (81.8%) | 132 84.% |
| Impounded dogs rehomed (% of total dogs impounded rehomed) | 22 (7.4%) | 23 (12%) | 25 (13%) | 18 11.5 % |
| Impounded dogs euthanised (% of total dogs impounded euthanised) | 12 (4%) | 9 (4.7%) | 10 (5.2%) | 7 4.5% |

The table below shows the reason why dogs that were impounded were euthanised. All of the 7 dogs that were euthanised in 2021/22 had been involved in dog attacks on people, other dogs or stock or classified as Menacing or Dangerous. If court proceedings are taken for dogs attacking persons or animals and the court is satisfied that the dog has committed an attack as described in section 57 of the Dog Control Act 1996 and the dog has not been destroyed, the court must make an order for the destruction of the dog unless it is satisfied that the circumstances were exceptional and do not warrant destruction of the dog.

| Reason for Euthanasia | Number 2018/19 | Number 2019/20 | Number 2020/21 | Number 2021/22 |
|---|---|---|---|---|
| Classified dangerous/menacing (deed) | 2 | 1 | - | 2 |
| Menacing breed or type | 2 | 2 | - | 1 |
| Health or welfare issues | - | - | - | 0 |
| Failed temperament test | 4 | 4 | - | 0 |
| Surrendered to Animal Control after an attack | 4 | 2 | 7 | 4 |
| Court Ordered Destruction | - | - | 3 | 0 |
| % of all dogs euthanised as American Pit Bull Terrier | 16.6% | 22.2% | 0% | 14.3% |

## Prosecutions during 2021/22 under the Dog Control Act 1996

No prosecutions were taken during 2021/22

## Unregistered Dogs

Animal Control runs a project to identify and follow up any unregistered dogs, being the Unaccounted-for Dog Check Project. As part of this project dogs were found that had been previously registered, but not re-registered for the 2021/22 registration year.

Dog registration forms were sent out by the start of June 2021 and reminder letters were sent to all dog owners who had not paid their dog registration fees by mid-July 2021. Follow up included phone calls, emails and property visits to the last known address.

Dogs that were still in Marlborough and alive were correctly registered. Records were also updated for those dogs that had died, changed address or were gone with no contact address. Owners of unregistered dogs received an infringement notice under section 42 of the Dog Control Act 1996.

## Microchipping

In April 2021, the total number of dogs microchipped in the Marlborough district was 8,102. Working dogs or dogs born before 1 July 2006 are not required to be microchipped.

At the end of April letters were sent to the 874 dog owners that are legally required to get their dogs microchipped that were not currently showing as being microchipped.

For the month of May Animal Control held a *'$15 May Microchipping Special'* instead of the $25.00.

By 30 June 2021, the total number of dogs microchipped in the Marlborough district was up to 8,592 with 444 dogs still needing to be microchipped.

Due to the effects of COVID the follow up was placed on hold but a plan in place to follow up with the remaining dogs which are not microchipped that are required to be over registration period and when any property visits are undertaken as part of the unaccounted for dog checks.

# 12. Animal Control Sub-Committee

**(Clr Arbuckle)** **D050-001-A04**

1. The minutes of the Animal Control Sub-Committee meeting held on 14 July 2022 are **attached** for ratification by the Committee

## RECOMMENDATION

**That the minutes of the Animal Control Sub-Committee meeting held on 14 July 2022 be ratified.**

MARLBOROUGH DISTRICT COUNCIL

**Minutes of a Meeting of the**
**ANIMAL CONTROL SUB-COMMITTEE**
**held in the Council Chambers, District Administration Building, Seymour Street, Blenheim on THURSDAY, 14 JULY 2022 commencing at 9.30 am**

## Present

Clrs J A Arbuckle (Chairperson), B A Faulls and T P Sowman

## In Attendance

Jamie Clark (MDC Animal Control – Contract Manager), Maighan Watson (Project Manager Blenheim Dog Park) and Nicole Chauval (Committee Secretary)

## Apologies

**No apologies were received.**

Clr Arbuckle congratulated Jamie Clark on being appointed to the MDC Animal Control – Contract Manager role.

Members were advised that Maighan Watson has been appointed as the Project Manager for the Blenheim Dog Park development.

NB: The following item was brought forward from Item 2 on the agenda.

## Blenheim Dog Park

Clr Arbuckle introduced the item and noted the reasons for bringing the item forward in the agenda.

Jamie Clark reported there had not been a large volume of feedback received on the dog park. The comments were by and large what had already been considered. The feedback received was attached to the agenda item for members' information.

The feedback has been forwarded to the Designer for consideration/implementing, a draft design will be presented to the Committee for consideration.

Members did not support any additional water element other than drinking water for the dogs. Water outlets will be supplied in each designated area.

There was discussion on types of shelter for the park. It was noted that shelter needs to be appropriate for the site. Members would like shelter installed for when the park opens.

Maighan Watson advised that final information from the civil engineer has been forwarded to the Resource Consent Planner at Wilkes Resource Management. It was noted that the resource consent is for the whole of the Taylor River project. Maighan will meet with the planner to discuss any specific requirements for the dog park, eg water, to ensure it is covered in the consent. An update to be provided at the next meeting.

Clr Faulls raised whether there could be some consideration of an area for older dogs and whether there was any decision on a toilet facility for the park. In response it was noted that a toilet facility has been planned as part of the Taylor Park development with a location close to the carpark.

An estimated completion date for the Dog Park is the end of this summer. This will depend on whether there are any issues with the cap and contractor availability.

Maighan Watson will provide regular updates on the park as it is progressed.

Clr Arbuckle spoke on Carol Taylor's Remembrance Park annual plan submission. He noted that the Committee has investigated a number of options over the past five years and would like to see a Remembrance

Area incorporated with the dog park. The Committee envisaged that the area would have a remembrance plaque/board, seats and a name. It would be a place for reflection only, no burials.

Members requested that Maighan investigate options for including a remembrance area in the plan/design, in discussion with Parks and Open Spaces, and provide a draft proposal to Jamie Clark for consideration before bringing back to the Committee.

Carol Taylor's information to be forwarded to Maighan Watson for background.

It was noted there is a budget allocation of $150k for the park project.

ATTENDANCE: Maighan Watson withdrew from the meeting at the conclusion of the above item 1.34 pm.

1. Matters arising, action items & update from previous minutes – 10 March 2022.

## Actions

| | Description | Time Frame |
|---|---|---|
| 1. | Duncan Bay Residents Assn correspondence to be forwarded to Clr Faulls | No recent Okiwi Residents Assn meetings. Any issues identified at future meetings Clr Faulls will advise the Committee.<br><br>Correspondence from Bruce Hicks on Dog Control Bylaw was circulated following the meeting.<br><br>A legal opinion is being sort on the best way forward for areas that aren't currently covered by the Dog Bylaw. Jamie Clark will advise the Committee on the outcome. |
| 2. | Project Manager for Blenheim Dog Control Park | Maighan Watson has been appointed as the project Manager |
| 3. | Invite SPCA to attend a future meeting. | On going |
| 4. | Meet with Glyn Walters to discuss ways of seeking comment/feedback on the Blenheim Dog Park proposal. | Completed |
| 5. | Seek sign off from Parks and Open Spaces on the recommended site for the Pet Remembrance area. | As soon as practical |
| 6. | Including information on the Council page regarding MPI animal welfare. | MPI sent a draft plan in December/January.<br><br>MPI will be organising a meeting with Animal Control, SPCA, Four Paws and Council to outline functions and role. Date to be advised.<br><br>When the plan is available it will go on the Council's website.<br><br>Members noted that it is important to have these conversations up front to know what will happen in a disaster. Need to keep this as a continued action. |

## 1. Key Areas

### a) Bylaws (Jamie)

- Animal Control have identified an issue with Dog on Leash areas, Council is obtaining a legal opinion to get clarification on how best to deal with this.

  New signage has been put in the CBD. A schedule for signage installation was circulated to members prior to the meeting.

  The schedule will be expanded to include doggy doo station. It will be used to map doggy doo stations and any issues.

  Clr Sowman queried how much it cost to empy bins. Jamie Clark will investigate and report back to the Committee.

  It was noted that on their rounds Animal Control do investigate the bins to determine whether they are being emptied.

  Composting bags have been investigated but had not been progresed as Council was unable to compost the bags/contents.

- Reviewing some issues regarding on / off lead areas has been referred to Gina Ferguson. Policy and Bylaw defintions.

  Jamie Clark to follow-up and provide feedback to the Committee.

### b) Contractor (Jamie)

- The new Contract has been signed and commenced 1 April 2022. There has been an increase in the contract price.
- Some Animal Control Officer staffing changes. Richard Edwards started on 14 February. Gary Porter resigned but has returned. Milly is on maternity leave.
- Animal Control Office building relocation - Council is currently working with Maataa Waka and Council IT to ensure a smooth transition. No dates confirmed for the relocation yet.

### c) Registration - Curently in progress

- Dogs registered as of 12 July - 5447
- Dogs not registered - 5362
- Media release this week advising that as of 1 August penalities will be imposed.
- 3422 letters being sent out, this is on par to last year.
- Receiving 300-400 registrations each day.

### d) Review fees (Jamie)

- New fees came into effect on 1 July 2022
- Need to arrange public notice of the Annual Dog Registration fees as per section 37(6) of the Dog control Act 1996.
- Fees going up on 1 July have been publicly notified.

### e) Microchipping Update

- As of 7 March 2022, there were 8765 dogs microchipped and 440 dogs still to be microchipped (that are legally required to ie not working dogs or dogs born after 1/7/2006).

  Animal Control will check for microchips when they pick up dogs. Fees charged reduced to get them microchipped.

  Jamie Clark is reviewing the Animal Control SOPs.

- The March 2022 $20 microchipping special at Animal Control has been put on hold due to Animal Control working in two separate bubbles for Covid business continuity.

There is a NZ Companion Animal Register which holds registered pet information. This is a separate system to the National Dog Database. Currently educating vets that when a dog is microchipped that they let Animal Control know so it can be put on the National Dog Database as the two are not linked.

### f) Education Update

| Year to date from the 1 July 2021 | | | |
|---|---|---|---|
| Primary School Preschools | Teenagers Adults | Public Events | Presentations Total |
| 31 | 2 | 0 | 33 |

### g) Infrastructure - Pound

- A structural building report was completed by Davidson Group in December 2021 with some recommendations which need to be followed up.
- The driveway and gates will be fixed as part of regular maintenance.
- The building is not a major repair, just requires siliconing.
- Jamie Clark will undertaken an audit later in the year.

## 2. Dog Park Updates

- **Renwick** - Toilets not yet progressed due to some concerns from Assets & Services around gas.
- Suggestion that the area could be used as a site for Freedom Camping. This is outside the scope of the Committee.
- **Picton –** Currently on hold as the area identified as a potential dog park is to being used while the Port development is underway.
- **Rai Valley –** locals are utilising the area at Alfred and Brown.

## 3. Signage update

- New signage at entrances to reserves and parks eg Taylor River, A & P Park
- CBD signs upgraded to on leash
- Ongoing signage updates to come
  a) Ngakuta Bay
  b) Duncan Bay – being investigated as it is not currently covered in the bylaw

## 4. SPCA Update

No update.

## 5. Cat Management

- Jamie Clark is gathering information on cats and will have loaded to Council's website. It will include information on cat deterants that the public can use.
- Members noted that Selwyn District Council has recently introduced a bylaw on microchipping and registering cats. Jamie Clark to monitor and update the Committee as required.
- 4 complaints for cats have been received 3 sorted and 1 referred back to the landlord. Clr Arbuckle requested that Jamie Clark keep a record of the time and the number of queries/complaints he receives and deals with about cats.

## 6. General Business

- Animal Welfare – no further updates.
- Life time tags – Chch City, Kapiti, Hurunui, and Gisborne Council's have initiated the use of life time tags this year. Each tag cost $2.50 per dog which would equal $25k for Council to purchase tags vs $1300. Will keep a watching brief as next year tags won't be issued only renewal is required.

Next meeting date 1 September 2.00 pm.

There be no further business the meeting closed at 2.34 pm.

## Actions

| | Description | Person Responsible | Time frame |
|---|---|---|---|
| 1. | Update on meeting with Resource Consent Planner. | Maighan Watson | Next Committee meeting |
| 2. | Regular updates on the Blenheim Dog Park as it is progressed. | Maighan Watson | Ongoing |
| 3. | Provide Carol Taylor's submission information to Maighan Watson. | Nicole Chauval | Emailed 3 August 2022 |
| 4. | Provide a proposal for a Remembrance Area in the plan/design to Jamie Clark. | Maighan Watson | Before next meeting |
| 5. | Invite SPCA to attend a future meeting.<br><br>Will extend an invite when the new manager has been appointed. | Jamie Clark | On going |
| 6. | Cost to empty doggy doo stations. | Jamie Clark | Before next meeting |
| 7. | Provide update to the Committee on the outcome of issues regarding on / off lead areas - Gina Ferguson. | Jamie Clark | At next meeting |
| 8. | Record the time and the number of queries/complaints received about cats. | Jamie Clark | Ongoing |

Record No. 22153839

# 13. 2021/2022 Regulatory Budget Carryovers

**(The Chair) (Report prepared by Christine Leslie)** **R450-002-G01, F275-001-02**

## Purpose of Report

1. The purpose of this report is to request that the **attached** carryovers for the Regulatory Department be incorporated into the 2022/2023 budget.

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## RECOMMENDATION

**That the 2022/2023 budget be amended to incorporate the Regulatory Department 2021/2022 carryovers.**

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## Background/Context

2. A number of works scheduled for completion in 2021/2022 did not proceed (or were not completed) for a variety of reasons. In addition, operating expenses were less than budgeted, due to reduced staff training and development opportunities and delays in legal proceedings, due to Covid restrictions.

3. Details of these works are recorded on the schedule **attached**.

4. There is no rating impact arising from the “carryover” action.

## Attachment

**Attachment 1** – Request for Regulatory 2021 & 2022 Budget Carryovers to 2022 & 2023 page [49]

| | |
|---|---|
| Author | Christine Leslie, Business Unit Manager/Quality Controller |
| Authoriser | Hans Versteegh, Environmental Science & Policy Group Manager |

*Attachment 1*

# *Request for Regulatory 2021/2022 Budget Carryovers to 2022/2023*

| | |
|---|---|
| **Resource Consent** | |
| Consultancy and Resourcing | 190,000 |
| Water Accounting Project | 100,000 |
| | **290,000** |
| **Advocacy & Practice Integration** | |
| Regulatory Reform Programme | 250,000 |
| | **250,000** |
| **Dog Control** | |
| Signage for Bylaw | 20,000 |
| | **20,000** |
| **Health** | |
| Regional Noise Survey | 30,000 |
| Staff Resource/Light & Water Testing equipment | 34,000 |
| | **64,000** |
| **Compliance** | |
| Enforcement & Best Practice Manual update | 80,000 |
| Staff Resource/Spill equipment and PPE | 45,000 |
| | **125,000** |
| **Biosecurity** | |
| Wilding Pine funding | 13,100 |
| | **13,100** |
| **Environmental Review** | |
| Catchment Care | 423,115 |
| | **423,115** |
| **Harbours** | |
| Wake monitoring | 80,000 |
| ACDP Tory Channel Project | 70,000 |
| Navigational Safety | 45,000 |
| Data integration & visualisation | 350,000 |
| | **545,000** |

# 14. Appointment of Hearings Commissioners

**(Clr Oddie) (Report prepared by Sue Bulfield-Johnston)** **R450-004-02**

## Purpose of Report

1. The purpose of this report is to present Dr Ngaire Phillips for inclusion on the list of Hearings Commissioners.

## Executive Summary

2. Dr Ngaire Phillips is being submitted to serve as Independent Commissioners on matters such as hearings on applications for resource consent.

3. Ngaire is an Environmental Scientist specialising in freshwater and estuarine aquatic ecology and environmental toxicology. She is a co-owner of Streamlined Environmental Limited which provides advice on all aspects of fresh, estuarine and coastal ecology throughout New Zealand. Ngaire also regularly provides technical advice to unitary and territorial authorities, including reconciling current scientific knowledge with relevant policy provisions, assessing the adequacy of scientific evidence for applications for resource consent and contributing to the writing of s 42A reports for hearings.

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## RECOMMENDATIONS

**1. That the report be received.**

**2. That Dr Ngaire Phillips be appointed to act as a Hearings Commissioner as and when required and that they be advised accordingly.**

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## Background/Context

4. Under the Marlborough District Council Resource Management Act 1991 Instrument of Delegation Council may delegate its function as a consent authority to a Hearings Commissioner.

5. Hearings Commissioners can be called on to hear and determine applications for resource consent pursuant to section 34A of the Resource Management Act, 1991.

6. This list of Hearings Commissioners can be beneficially extended with the inclusion of Dr Ngaire Phillips. A list of current hearings commissioners is **attached**. (Refer Attachment 2).

7. Council has the discretion to decide who they employ as an independent Commissioner. The above person meets the accreditation requirements of section 39A of the Resource Management Act 1991 and is not a member of the Council or Council staff.

8. Any further expressions of interest to be included as a Council Hearings Commissioner will be forwarded to the Environment Committee for consideration.

9. Council is not bound to employ the services of a commissioner once they are appointed before Full Council.

## Dr Ngaire Phillips

10. Dr Phillips is highly qualified and widely expienced in her field of expertise. She obtained a Bachelor of Science majoring in Zoology from the University of Auckland in 1985. She followed this with a Masters Degree with Honours in Science – Zoology in 1987. Ngaire obtained her PhD in Environmental Ccience from Griffith University, Brisban in 1994.

11. Ngaire has accummulated over 30 years of experience working in scientific consultancy, research, management, educaiton and government roles in New zealand and Australia

12. Ngaire is accredited with the chairs endorsement under the Ministry for the Envronment Making Good Decisions Programme. She has served on hearing panels for applications for resource consent, and on panels for water conservation orders. She has been appointed by the Ministry for the Envronment to the role of Freshwater Commissioner to serve on hearing panels pursuant to the Resource Management Amendment Act 2020, Subpart 4 – Freshwater planning process. Ngaire is also a member of he Hazardous Substances and New Organisms (HSNO) Committee, delegated to make decisions on appllications under the HSNO Act 1996

## Next steps

13. If approved a contract for services will be provided to Dr Ngaire Phillips.

## Attachments



| | |
|---|---|
| Author | Sue Bulfield-Johnston, Administrator and Hearings Facilitator, Advocacy and Practice Integration |
| Authoriser | Barbara Mead, Advocacy and Practice Integration Manager |

## Education

PhD – Environmental Science, Griffith University, Brisbane, 1994

M. Sc (Hons) – Zoology, University of Auckland, New Zealand, 1987

B.Sc. – Zoology and Marine Biology, University of Auckland, 1985

GradDipT (Secondary) University of Waikato, 2012

PRINCE2 Practitioner Certificate in Project Management, 2016

Making Good Decisions: Certification as RMA Decision Maker, 2014; Recertification, 2017, 2020, Chair Endorsement, 2020.

Certificate in Company Direction, Institute of Directors, 2020

## Experience Highlights

- Freshwater Commissioner, MfE, 2020 - present
- HSNO Committee member, EPA, 2015 - present
- Director, Streamlined Environmental since January 2014
- Over 30 years' experience working in scientific consultancy, research, management, education and government roles in New Zealand and Australia
- 7 years as Research Programme Leader, NIWA
- 9 years as Group Manager/Scientist (Freshwater Ecology), NIWA,
- 9 months teaching experience at Liggins Institute (University of Auckland)
- 3 years as Principal Scientist, Aquatic Ecology, NIWA Australia, Brisbane,
- 3 years as Principal Conservation Officer (Aquatic Ecology and Planning), Queensland EPA, Brisbane,
- 5 years as a Senior Environmental Consultant, Natural Resource Assessments, Queensland

# Dr Ngaire R. Phillips, PhD.

*Independent Commissioner - Environmental Science Specialist*
*(Freshwater and Estuarine Ecology and Ecotoxicology)*

Dr Phillips is an experienced environmental scientist with specialist expertise in aquatic ecology and environmental toxicology. She is also co-owner of a specialist science consultancy. She has experience through roles in consulting, research, science management, project management and education. She has a wealth of knowledge based on practical and extensive experience in a wide range of scientific disciplines, including freshwater and estuarine ecology, customary fisheries management, water quality and land management associated with rivers, lakes and estuaries. Ngaire has considerable experience in leading and participating in multi-disciplinary teams. She is also a registered RMA Independent Commissioner (with Chair Endorsement) and is an appointed member of the HSNO Committee.

Specialty areas:

*Application of the RMA*

*Freshwater and estuarine ecology*

*Ecotoxicology (Environmental Toxicology)*

*Environmental Impact Assessment*

## Selected Examples of Relevant Experience

### *Experience on Decision Making Committees*

I am experienced decision maker under the RMA in roles as an Independent Commissioner and as a member of a Special Tribunal Panel established to consider a Water Conservation Order. I have certification under the "Making Good Decisions" certification programme, qualifying in 2014 and. I also have Chair Endorsement and am recertified until 2025. My experience as an Independent Commissioner includes appointment on panels to consider renewals of discharge consents within the Waikato Region, as well as for Nelson and Tasman District Councils, along with ministerial appointment to a 5-person Special Tribunal to consider a Water Conservation Order for a Hawkes Bay River. I am also an appointed member of the Hazardous Substances and New Organisms (HSNO) Committee, which makes decisions on applications under the Hazardous Substances and New Organisms (HSNO) Act 1996, a role which I have held since 2015. This role is comparable to that under the RMA but focused on hazardous substances and organisms new to New Zealand. I have also been appointed as a Freshwater Commissioner by the Ministry for the Environment, for an initial appointment of 3 years. In most cases, my role has been to provide technical expertise in my specialist area of aquatic science (water quality, ecology in rivers, lakes, estuaries and the coastal environmental) and ecotoxicology, as well as my broader environmental science knowledge, knowledge of the RMA and, where appropriate, insight into Mātauranga Māori.

Examples of my experience as an independent commissioner are presented below.

**Independent RMA Commissioner (Chair), NCC Suffolk Road Water Main application, Nelson City Council (2022).** Sole commissioner considering an application to install a thrust block and 3m of water main which will be within the root protection zone of a heritage tree. Responsible for reviewing application, planners report and recommending decision.

**Independent RMA Commissioner (Chair), Corder Park public toilet application, Nelson City Council (2021).** Sole commissioner considering an application for the construction of a toilet block in Corder Park. The key issue was that the park was within the coastal inundation layer.

**Freshwater Commissioner, Ministry for the Environment (2020 – ongoing).** Ministerial appointment under the Freshwater Planning process included as part of the RMA amendments. My role will be to sit on freshwater hearings panels, hearing submissions and making recommendations in accordance with Part 4 - Subpart 1 of the Resource Management Act 2020.

**Independent RMA Commissioner, Puke Coal Ltd discharge application, Waikato Regional Council (2020 – 2021).** Water quality expert on a 3 person panel considering an application by Puke Coal Mine Ltd to renew its discharge consents associated with operation of its coal mine in Huntly (Waikato). The principal technical issues considered were water quality discharge limits, odour and duration of consent. Chair: Philip Mitchell.

**Independent RMA Commissioner, NRSBU Bell Island Wastewater Treatment Plant reconsenting, Tasman District Council (2019-2020).** Water quality expert on a 3 person panel considering an application by Nelson Regional Sewerage Business Unit (NRSBU) to renew its discharge consents associated with operation of the Bell Island Wastewater Treatment Plant in Nelson. The principal technical issues considered were water quality discharge limits, odour and duration of consent. Chair: Sharon McGarry.

**Independent RMA Commissioner, Matamata Metals reconsenting, Waikato Regional Council (2018-2019).** Environmental science expert on a 3 person panel considering an application by Matamata Metals (J Swap) to renew its discharge consents (air quality, water, land) associated with operation of its Matamata quarry. The principal technical issues considered were water quality discharge limits and cultural values. Chair: Murray Kivell.

**Independent Commissioner, Special Tribunal for the Ngaruroro and Clive Rivers, Hawkes Bay (2017-2019).** I was appointed by the Minister for the Environment to a position on this 5 person Special Tribunal. The purpose of the tribunal was to consider an application for a Water Conservation Order (WCO) under the RMA on Hawke's Bay's Ngaruroro and Clive rivers. The application was made by New Zealand Fish and Game Council, Hawke's Bay Fish and Game Council, Ngāti Hori ki Kohupatiki, Whitewater New Zealand, Jet Boating New Zealand, and the Royal Forest and Bird Protection Society of New Zealand. This was a complex and challenging hearing, with more than 1000 submissions, with 100s wishing to be heard. The decision was made to grant a WCO over the upper part of the river, based on a range of outstanding values (including aesthetic, recreational and fisheries). Chair: Richard Fowler QC.

**Independent RMA Commissioner, Silver Fern Farms reconsenting, Waikato Regional Council (2016).** Environmental science expert on a 2 person panel considering an application by Silver Fern Farms to renew its discharge consents associated with operation of its Te Aroha meat processing plant. The principal technical issues considered were water quality discharge limits. Chair: Craig Shearer.

**Independent RMA Commissioner, Fonterra-Tirau reconsenting, Waikato Regional Council (2016).** Environmental science expert on a 2 person panel considering an application by Fonterra to renew its discharge consents associated with operation of its Tirau dairy facility. The principal technical issues considered were water quality and ecology, as well as duration of consent. Chair: Rob Van Voorthuysen.

**HSNO Committee member (2015-current)** - I am an appointed member of the Hazardous Substances and New Organisms (HSNO) Committee, which makes decisions on applications under the Hazardous Substances and New Organisms (HSNO) Act 1996. Decision Making Committees (DMC) are formed from a pool of 8 decision makers for each individual application. The types of resource management issues that I have been required to consider include the proposed introduction of biocontrol agents for pest or disease

control, the registration for use of a range of pesticides and fungicides, and the approval of alternative, more environmentally-friendly chemicals, such as vehicle heat transfer fluids. These are evaluated for potential risks to the environment, human health, the relationship of Māori to the environment, society, community, and to the market economy. Currently I am involved in several nationally significant applications associated with the timber industry.

## *Application of the RMA*

Much of my work is conducted within the RMA space, through my role providing technical support to regional and local council consenting officers (including reviewing the adequacy of scientific information provided in support of consent applications), preparing and presenting evidence on behalf of regional councils, developers, iwi, and undertaking scientific investigations in support of resource consent applications by industry and private developers. I regularly undertake technical reviews of resource consent applications for Waikato Regional Council and also provide this service to a range of councils throughout New Zealand. A selection of project examples is presented below.

**Technical review of Glencoal's Maramarua Mine Proposed Water Quality Monitoring Programme Changes, Waikato Regional Council (2021).** Reviewed the scientific justification to vary resource consent conditions associated with an existing lake monitoring programme and provided a recommendation to the Council officer.

**Ravensdown Fertiliser, Reconsenting of wastewater discharge consents for Ravensdown Napier plants, Napier (2020-current).** Freshwater ecology and ecotoxicology expert, responsible for scoping and conducting scientific investigations and producing a report that will contribute to an Assessment of Ecological Effects report.

**Technical review of the Napier marine wastewater outfall seepage resource consent, Napier City Council (2020).** Peer review of report detailing monitoring undertaken to assess the current and potential ongoing effects of a seepage from the Napier wastewater treatment plant marine outfall pipe. This report was prepared by Napier City Council as part of a variation to their resource consent.

**Kinleith Mill reconsenting, Tokoroa, Oji Fibre Solutions (2019-2021).** Project manager and freshwater expert for reconsenting Kinleith Mill's waste water discharge consents, coordinating investigations on mixing dynamics, stream ecology, water quality and contaminants in sediment and eel tissue. Responsible for drafting an Ecological Effects Report.

**Reconsenting of wastewater discharge consents for Motenui and Waitara Valley plants, Taranaki, Methanex Ltd (2020).** Aquatic (marine and freshwater) ecology and ecotoxicology expert, responsible for scoping and conducting scientific investigations. After initial investigations this project was discontinued as a consequence of the effects of Covid19 and the changing priorities of the client.

**Healthy Rivers Plan Change 1, Expert Witness on Shallow lakes, Hamilton, Department of Conservation (2019).** Prepared and presented evidence on the department's submission on the implications of the proposed plan change for the management and sustainability of Waikato's shallow lakes.

**Provision of support to s42a officer on potential ecological effects of expansion of Martha Mine, Waihi, Waikato Regional Council (2019).** Project included peer review of assessment of effects report submitted as part of resource consent applications, production of a report to assist development of the section 42a report. Also includes attendance at hearing to provide technical support to the Hearings Panel and contribution to consent conditions.

**Provision of support to s42a officer on potential ecological effects of accidental and overflow discharges of untreated sewerage to the Waimea Estuary, Nelson, Nelson City Council (2017 – 2018).** Project included peer review of assessment of effects report submitted as part of resource consent applications, expert conferencing and production of a report to assist development of the section 42a

report. Also included attendance at hearing as technical expert for Council, as well as review of consent conditions.

## *Freshwater and estuarine ecology*[1]

**Warkworth WWTP discharge consent - ecological assessment for short-term consent, Watercare Services Ltd (2021).** Undertook water quality trend analyses and drafted Ecological Effects report to support an application for resource consent forthe Warkworth WWTP discharge consents.

**Snells-Algies WWTP discharge consent - ecological assessment for variation to short-term consent, Watercare Services Ltd (2021 - 2021).** Undertook water quality trend analyses and drafted Ecological Effects report to support an application for a variation to the Snells-Algies WWTP discharge consents.

**Healthy Rivers Plan Change 1, Expert Witness on Shallow lakes, Hamilton, Department of Conservation (2019)** Prepared and presented evidence on the departments submission on the implications of the proposed plan change for the management and sustainability of Waikato's shallow lakes.

**SEV applicability to Waikato Regional Council Freshwater Ecosystem Services project, Waikato Regional Council (2018 - 2021)** Assessed the applicability of the Stream Ecological Valuation (SEV) methodology as a semi-quantitative framework from which to derive functional scores of Freshwater Ecosystem Services (FWES) using the Waikato Regional Council's (WRC) State of the Environment (SOE) monitoring data.

## *Ecotoxicology*[1]

**HSNO Committee member, 2015 - present.** As above

**Technical Audit – Ngāti Tūwharetoa Geothermal Assets (NTGA) – Discharge to Tarawera River, Bay of Plenty Regional Council (2020-2021).** Provided ecotoxicology expertise to s42a officer on an application to extend a consent to discharge spent geothermal fluids to the Tarawera River. My role was to review the ecotoxicological report supporting the application for adequacy, identify any information gaps and review any new information arising from my initial review. I also commented on proposed consent conditions.

**Reconsenting of wastewater discharge consents for Motenui and Waitara Valley plants, Methanex Ltd, Taranaki (2020).** Aquatic (marine and freshwater) ecology and ecotoxicology expert, responsible for scoping and conducting scientific investigations. After initial investigations this project was discontinued as a consequence of the effects of Covid19 and the changing priorities of the client.

**Chatham Rock Phosphate deep sea mining proposal, Expert Witness, Ngai Tahu (2014).** Ecotoxicology expert on a submission by Ngai Tahu (as submitter) on the application to mine phosphorite nodules on the Chatham Rise. Provided an assessment of potential ecotoxicity associated with the proposal, as well as a review of methods employed by the applicant to determine toxicity.

**Determining the contaminant health risk of kai moana, kai roto and kai awa, Health Research Council of New Zealand (2007-2011).** Lead investigator for a research project aimed at characterising the risks to Māori associated with consuming kai collected from rivers, lakes and coastlines. Using quantitative risk assessment methods, we developed guidelines for safe consumption of a range of aquatic fauna and flora species, focusing on potentially at-risk communities (Rotorua, Temuka) and employing culturally-focused methods. A large part of the role was in building and maintaining relationships with our iwi partners and participants.

[1] In addition to those listed under the Application of the RMA section.

**Publication list available on request**

# making good decisions

This certificate recognises that

*Ngaire Robyn Phillips (Dr)*

has successfully demonstrated the competencies required by the Making Good Decisions Programme.

Vicky Robertson
Secretary for the Environment

Dave Cull
President
Local Government New Zealand

CHAIRING ENDORSEMENT

Awarded on:
17/12/2020

This certificate is valid until:
31/12/2025

Ministry for the Environment
Manatū Mō Te Taiao

WSP

We are. LGNZ.

*Attachment 2*

| Legal | Planning | Māori | Science & Environmental |
|---|---|---|---|
| Mr John Maassen | Sharon McGarry | Mr Rawiri Faulkner | Emma Christmas |
| Mr Ron Crosby | Mary O'Callahan | Mr Reginald (Reg) Proffit | Craig Welsh |
| Mr John Milligan | Mr Gary Rae | Mr Murray Palmer | Dr Rob Lieffering |
| Mr Paul Rogers | Mr Mark St Clair | Mrs Glenice Paine | |
| Mr David Randal | Mr Roger Bannister | Ms Jennie Smeaton | |
| Cindy Robinson | Mr David McMahon | Liz Burge | |
| Julian Ironside | Mr Michael Durand | | |
| Mr David Caldwell | Mr Andrew Fenemor | | |
| Ms Andrea Halloran | | | |
| Mr Rob Enright | | | |
| Ms Helen Atkins | | | |
| Mr Martin Williams | | | |
| Mr John Mills | | | |
| Mr Simon Berry | | | |
| Mr Mark Christensen | | | |
| Ms Antoinette Besier | | | |
| Mr Don Turley | | | |

# 15. 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.

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## RECOMMENDATION

**That the report be received.**

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## 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.

## Hearings Update

4. Hearings are continuing to be scheduled during this current response phase to the Omicron virus. Where possible there has been a return to hearings with the parties present in the hearing venue. However, where appropriate 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. In this way a hybrid approach is being utilised, with flexibility in response to the changing Covid context. Since the last report to the e=Environment Committee there has been one hearing in June. This was attended by the parties both in person and remotely via Zoom. The hearing was conducted successfully, as if the parties were all present in chambers.

5. One of the hearings was the final two days on the application U190438 - The New Zealand King Salmon Company Limited. These two days were set aside for the Hearing Panel to put questions to the experts on benthic evidence, the results of the joint witness caucusing, and proposed conditions (on matters other than benthic). There remain other matters still to be covered in hearing, however the Panel is of the view that these can be dealt with on the papers, meaning that further days in chambers will not be necessary.

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

7. Zoom links are provided for every hearing. It is likely this service will be provided on an ongoing basis.

## Applications that have been scheduled for hearing

8. At the time of writing this report 12 hearings have been completed in the year commencing 1 July 2021. Decisions have been issued for all but one of these of these applications. A table listing these hearings is attached at Appendix 1.

9. The hearing which took place as scheduled on Tuesday 28 June has been adjourned with a Minute and Directions issued by Commissioner Welsh in respect of the provision of further information. The hearing will be reconvened on Wednesday 28 October 2022.

10. The following hearings have been scheduled for hearing:

| | | | | | |
|---|---|---|---|---|---|
| Tuesday 30 August | U080226 – Marlborough District Council | S136 application to transfer water permit | Glen Parker | Commissioner D Turley | Chart room, Scenic Hotel |
| Tuesday 13 September | U210154 – Hille Trustee Limited | Land use (Dam)<br><br>Water Permit (Dam Water)<br><br>Land Use (Land Disturbance)<br><br>Water Permit (Divert Water) | Cassandra Irvine | Commissioner D Turley | Council Chambers |
| Tuesday 20 September | U220381 – Marlborough District Council | Land Use (Activity) | Jenny Folster | Commissioner Burge | Council Chambers |
| Wednesday 26 October | U060329 – P J Woolley – reconvened hearing | S136 transfer of water permit | Glen Parker | Commissioner Welsh | Council Chambers |

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

| | | |
|---|---|---|
| U200055 – T G McLeod | Land Use (Building<br>Land Use (Activity) x2<br>Discharge Permit (To Land) | Glen Parker |
| 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<br>(For the Flaxbourne irrigation scheme project) | Water permit (Take water) x2<br>Land Use (Activity) x3<br>Land Use (River bed or Surface Activity)<br>Land Use (Gravel Removal)<br><br>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.<br>On 21 September 2021 the Applicant requested this application be suspended under s91A. No further | Matthew McCallum-Clark |

| | | |
|---|---|---|
| | date has been identified for this hearing. | |
| U220180 – G Wallace | Coastal Permit (Structure) | Fliss Morey |

## Next steps

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

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

*Appendix 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<br><br>Decision Issued |
| Wednesday 7 July | U201026 – Moetapu Bay Community Jetty Incorporated | Coastal Permit (Structure) | Sarah Silverstar | Commissioner S McGarry | Application Granted<br><br>Decision Issued |
| Wednesday 5 August | U190930 – Totaranui 250 Trust | Coastal Permit (Structure) x2<br><br>Land Use (Activity) | Sarah Silverstar | Commissioner Welsh | Application Granted in Part<br><br>Decision Issued |
| Wednesday 12 August | U201097 – Summerset Villages (Blenheim) Limited | Land Use (Activity) | | Commissioner Burge | Application Granted<br>Decision Issued |
| Tuesday 14 September | U200242 – Mac Holdings Limited | Water Permit (Take Water)<br><br>Water Permit (Use Water) | Glen Parker | Commissioner R Enright | Application Granted<br><br>Decision Issued |
| Tuesday 28 September | U210232 – Watson Development & Investment Limited | Subdivision (Allotment Creation)<br><br>Water Permit (Take water)<br><br>Water Permit (Use Water) | Ian Sutherland | Commissioner S Mcgarry | Application Refused<br><br>Decision Issued |
| Wednesday 9 February | U200673 – Te Iwingaro Trust | S357B Objection to Cost | Anna Eatherley | Commissioner Welsh | Objection Dismissed<br><br>Decision Issued |
| Wednesday 9 February | U200816 – G Goodsir | S357B Objection to Cost | Anna Eatherley | Commissioner Welsh | Objection Upheld in Part<br><br>Decision issued |
| Wednesday 16 February | U210437 – Tasman Pine | Land Use (Land | Fliss Morey | Clr J Arbuckle | Application Granted |

| Hearing Date | U Number and Name | Details | Planner | Commissioner/Committee | Status |
|---|---|---|---|---|---|
| | Forest Limited | Disturbance) | | Clr T Sowman<br><br>Clr B Faulls | Decision Issued |
| Wednesday 23 February | U210362 – Coolabah Family Trust | Subdivision (Allotment Creation) | Ian Sutherland | Commissioner Besier | Application Granted<br><br>Decision Issued |
| Tuesday 15 March | U200493 - Kuku Holdings Limited | Coastal Permit (Marine Farm) | Fliss Morey | Commissioner McGarry | Application refused<br><br>Decision Issued |
| Friday 12 April | U210573 / U210920 – M F & R M Doherty | Subdivision (Allotment Creation) & S221 Change to condition of consent notice | Tracey Hewitt | Clr J Arbuckle<br><br>Clr T Sowman<br><br>Clr B Faulls | Application Granted<br><br>Decision Issued |
| Tuesday 28 June | U060329 - p J Woolley | S136 application to transfer water permit | Glen Parker | Commissioner Welsh | Hearing adjourned, to be reconvened 26 October |

| | | | | | |
|---|---|---|---|---|---|
| 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. |

# 16. Information Package

## RECOMMENDATION

**That the Regulatory Department Information Package dated 1 September 2022 be received and noted.**