

MARLBOROUGH DISTRICT COUNCIL  
15 SEYMOUR STREET  
PO BOX 443, BLENHEIM 7240  
NEW ZEALAND

TELEPHONE (0064) 3 520 7400  
FACSIMILE (0064) 3 520 7496  
EMAIL [mdc@marlborough.govt.nz](mailto:mdc@marlborough.govt.nz)  
WEB [www.marlborough.govt.nz](http://www.marlborough.govt.nz)



**MARLBOROUGH  
DISTRICT COUNCIL**



Only Marlborough

15 July 2022

Record No: 22139463  
File Ref: D050-001-E01  
Ask For: Nicole Chauval

## **Notice of Committee Meeting – Thursday 21 July 2022**

A meeting of the Environment Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **21 July 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 Council Chambers, District Administration Building, Seymour Street,  
on THURSDAY, 21 JULY 2022 commencing at 9.00 am**

**Committee**

Mayor J C Leggett (Chairperson)  
Clr D D Oddie (Deputy)  
Clr G A Hope (Deputy)  
Clr J A Arbuckle  
Clr J D N Croad  
Clr B A Faulls  
Clr T P Sowman  
Iwi Representative (to be advised)  
Mr E R Beech (Rural representative)

**Departmental Head**

Mr H Versteegh (Environmental Science and Policy Group Manager)  
and Ms G Ferguson (Consents and Compliance Group Manager)

**Staff**

Nicole Chauval (Committee Secretary)

---

**In Public**

**Page**

1.	Apologies.....	1
2.	Declaration of Interests .....	1
3.	Marlborough Sounds Common Passage Plan Project.....	2
4.	Significant Marine Site – Operational Review of and 5-year Plan for the Ecologically Significant Marine Sites (ESMS) Programme (2022).....	3
5.	Review of National Rules for Piling and Deep Foundations to Prevent Damage to Wairau Pressurised Aquifers .....	5
6.	Working for Nature / Mahi mō te Taiao .....	7
7.	Update – Catchment Care for At-Risk Catchments in Marlborough .....	10
8.	Environmental Monitoring Network - Update .....	13
9.	Soil Quality Monitoring Report 2021.....	15
10.	Significant Natural Areas Programme Annual Report 2020/2021.....	18
11.	National Wilding Conifer Control Programme – 2021/2022 Season Overview.....	20
12.	Noise Control Contract Performance 2021/2022 .....	23
13.	Appointment of Hearings Commissioners.....	30
14.	Appeals Update .....	39
15.	Information Package.....	41

## **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. Marlborough Sounds Common Passage Plan Project

(Clr Oddie) (Report prepared by Jake Oliver)

H100-001-01

#### Purpose of Report

1. To brief Council on the proposed common passage plan project currently being undertaken in collaboration between the MDC Harbour Master, Port Marlborough, Interislander and StraitNZ.
2. To demonstrate the Transit Analyst software to Council so an appreciation can be gained of how data is being used to inform the project.
3. To demonstrate the MetOcean View software so an appreciation can be gained of where MDC's network of sensors around the region are feeding data to support informed decision making for mariners.

#### Executive Summary

4. The MDC Harbourmaster has a statutory role to regulate Navigation Safety within the Marlborough Harbour Limits. As ferries develop and vessel traffic of varying types increases, so the need for a common passage plan becomes more evident. This then entails promulgation of the plan so that the various activities within the water space which may potentially conflict with each have a mechanism to be deconflicted.

---

#### RECOMMENDATION

That the information be received.

---

#### Background/Context

5. The MDC Harbourmaster in consultation with Port Marlborough, Interislander and StraitNZ have begun the process of developing a common passage plan for the passage from Tory Channel/Kura Te Au entrance through to Picton and back out to sea.
6. The genesis of this project stems from a need to define the required water space for commercial shipping within the Sounds and from separate navigation risk assessments conducted for MDC and Interislander.
7. As part of this project the Harbourmaster has commissioned and had built a ship simulator model of the new Interislander ferries as part of this work to understand the amount of space required for manoeuvring larger vessels.

#### Next steps

8. That consultation continues with all parties to develop the common passage plan.

#### Presentation

A short presentation will be given by Jake Oliver. (15 minutes).

Author	Jake Oliver, Harbourmaster
Authoriser	Hans Versteegh, Environmental Science and Policy Group Manager

## **4. Significant Marine Site – Operational Review of and 5-year Plan for the Ecologically Significant Marine Sites (ESMS) Programme (2022)**

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

---

(Cllr Hope) (Report Prepared by Oliver Wade)

E325-002-004-01

### **Purpose of Report**

1. To present on the report accepted by the previous Environment Committee on 15 June entitled "The significant marine site survey number 7 and the expert panel review (2020-2021)".
2. To provide an update on the recently completed operational review of the Ecologically Significant Marine Site (ESMS) programme.

### **Executive Summary**

3. This report describes the findings and recommendations of the operational review of the ecologically significant marine site (ESMS) programme conducted by Pisces Consulting and Marlborough District Council (MDC) staff.
4. The operational review was informed by a review of work done to date under the ESMS programme, and interviews and workshops with MDC staff and consultants associated with the ESMS programme.
5. The review outlines a vision, goals and objectives for the ESMS programme.
6. The vision of the programme is identified as 'Significant marine biodiversity in the Marlborough coastal marine area (CMA) is protected.'
7. The five goals supporting this vision are:
  - a) The ESMS programme supports Council's marine biodiversity objectives, work programmes, and strategic priorities.
  - b) The ESMS programme increases public awareness and protection of marine biodiversity values.
  - c) The ESMS programme is scientifically robust and efficient, and programme data access is easy and appropriate for different users.
  - d) The assessment of sites is robust, transparent, efficient, and consistent over time and across the Marlborough CMA.
  - e) The ESMS programme supports biodiversity objectives and initiatives outside of MDC.
8. The review then assessed the current ESMS programme and whether it was fit for purpose to achieve the identified goals and objectives
9. The ESMS programme was split into a number of workstreams to do this and the main achievements and challenges are outlined for each.
10. In the final section five-year priority actions and KPI's are identified to transition to a fit-for-purpose ESMS programme.

---

## RECOMMENDATION

That the report be received.

---

### Background/Context

11. The Marlborough District Council (MDC) ESMS programme promotes the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Marlborough coastal marine area (CMA).
12. The core activities under the ESMS programme are the identification and monitoring of significant sites, the recognition of significant sites in the proposed Marlborough Environment Plan (PMEP) and their protection through policies and methods. At this time, 142 significant sites are recognised in the PMEP.
13. After ten years of running the ESMS programme, MDC wants to ensure the programme is robust, appropriately prioritised, and fit for purpose for the next phase, during which effective PMEP implementation will become a key driver of the programme.
14. Importantly, MDC staff recognised a need to extend the spatial coverage of the programme faster than what has been achieved to date to ensure appropriate protection of marine biodiversity values.

### Presentation

There will be a 15-20 minute presentation by Oliver Wade.

### Attachment

**Attachment 1** – Operational review of and 5-year plan for the Ecologically Significant Marine Sites (ESMS) programme (2022 Giles, Wade & Toy 2022).

The above report is available on Council's website via 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

## 5. Review of National Rules for Piling and Deep Foundations to Prevent Damage to Wairau Pressurised Aquifers

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

---

(Clr Hope) (Report prepared by Peter Davidson)

E345-007-001

### Purpose of Report

1. To present the report entitled: *Coastal Wairau Plain, Marlborough piling, excavation and foundation review*.

### Executive Summary

2. Few New Zealand councils have rules that deal with the risk of deep excavations on groundwater and most relate to dewatering rather than aquifer contamination or uncontrolled leakage of groundwater. It is currently not common practice for resource consent to be applied for piling activities.
3. Given the confined structure of the aquifers underlying the coastal Wairau Plain, their importance and potential risk of damage leading to uncontrolled waste or pollution of groundwater, more regulatory control over geotechnical systems by Council can be considered.

---

### RECOMMENDATION

That the report be received.

---

### Background/Context

4. Lower Wairau Plain infrastructure such as bridges (replacement State Highway bridge over Ōpaoa River) or large buildings (ASB theatre) require significant foundations given the liquefaction potential and proximity to Wairau Fault.
5. General practice in Blenheim for large structures following the Christchurch and Kaikōura earthquakes has been for foundations to rest on gravels which are least affected by seismic events. However, the depth to gravels in the Lower Wairau Plain (Blenheim eastwards to Te Koko-o-Kupe/Cloudy Bay coast) means any deep excavation works are likely to intercept pressurised groundwater contained in confined aquifers (Wairau Aquifer and Riverlands Aquifer).
6. There is always a certain level of risk when emplacing large structures into these pressurised aquifers of water flow becoming uncontrolled. A good example is the replacement Ferry Bridge over the Wairau River at Spring Creek in the mid 1990's that punctured the confined portion of the Wairau Aquifer resulting in leakage around the western most piles, that has continued ever since.
7. Uncontrolled leakage of groundwater is wasteful especially for the Wairau Aquifer which is currently exhibiting a long-term decreasing trend in level and is fully allocated, or the over-allocated Riverlands Aquifer.
8. The other potential risk associated with deep excavations is contamination of groundwater when holes are created in the confining layers capping these aquifers. This is less of an issue as pressurised groundwater means the hydraulic gradient is normally upwards making it less likely for surface contaminants to drain downwards under gravity.
9. There is a myriad of geotechnical structures used to support bridges and large buildings, both in terms of their design and construction. The subsurface geological environment is just as varied

from location to location. Combining these two factors together results in many permutations of risk and emplacement practice.

10. The attached Coastal Wairau Plain, Marlborough piling, excavation and foundation review provides information that highlights the risks associated with extraction and the installation of infrastructure that has the potential to damage confined aquifers.

## **Attachment**

### **Attachment 1 - Report: Coastal Wairau Plain, Marlborough piling, excavation and foundation review**

The above report is available on Council's website via the following link

<https://www.marlborough.govt.nz/your-council/meetings>

Author	Peter Davidson, Environmental Scientist Groundwater Quantity & Quality, Pere Hawes, Environmental Policy Group Manager
Authoriser	Alan Johnson, Manager Environmental Science & Monitoring Group



## 6. Working for Nature / Mahi mō te Taiao

(Clr Hope) (Report prepared by Zeke Hoskins)

E390-003-20-02

### Purpose of Report

1. To provide an update on the Mahi mō te Taiao/ Working for Nature grant 2021/22 upon its conclusion on 1 June.

### Executive Summary

2. The Working for Nature/ Mahi mō te Taiao grant for 2021/22 officially closed on 1 June.
3. Majority of the applicants succeeded in achieving their project goals prior to the 1 June cut-off.
4. Extensions for invoicing later into June were granted to several applicants due to limited plant availability, Covid-19, and a particularly dry planting season.
5. Two applicants have requested for their funds to be extended into the next financial year, yet to be confirmed by the Grant Committee.
6. Applications for the next grant round will be open from 1 August to 31 August 2022.

---

### RECOMMENDATION

That the information be received.

---

### Background/Context

7. The Working for Nature/Mahi mō te Taiao environmental grant was created to build on the success of the Tui to Town and Greening Marlborough programmes.
8. The \$90,000 grant allows landowners, businesses, and community organisations to apply for funding to help restore and protect native habitats. Projects can take place on public, private or Māori-owned land.
9. The grant is split into two categories:
  - 9.1 Habitat Marlborough focusses on restoring native habitats and improving biodiversity and freshwater quality. With priority being on planting lowland areas of South Marlborough where there is little native vegetation, as well as waterway and wetland margins. The Habitat Marlborough category consists of grants up to \$10,000 per applicant in any one year.
  - 9.2 Protecting Marlborough focusses on projects that aim to control animal and plant pests that are threatening native wildlife and habitats. The Protecting Marlborough category consists of grants up to \$15,000 per applicant in any one year.
10. The Working for Nature/Mahi mō te Taiao Environmental Grant attracted a great deal of interest with a total of 36 applications. 18 applications were received for the Habitat Marlborough component and 18 for the Protecting Marlborough. It was very pleasing to get such a large range of community-led environmental enhancement/protection projects included in the applications. The projects ranged from small scale plantings near vineyards to wide scale ungulate control in the Marlborough Sounds.
11. The requests for financial assistance of over \$253,825.62 greatly exceeded the \$90,000 allocated funding. Unfortunately, with the requested financial contributions greatly exceeding the budget, all the projects could not be supported with a grant. In order to spread the funding wider and to

support as many projects as possible, a number of the applicants did not receive the full amount that they were seeking and instead only received a proportion of the requested funding.

12. The Environment Grants Sub-committee assessed the applications and grants were allocated on the project's merits. Including level of biodiversity benefit, a clear project plan and outcomes, long term viability and community support.
13. Initial correspondence with all applicants was carried out in October to advise the outcome of their application.
14. Funding for one grant from the 2020-2021 round was carried through to this year's round and was completed prior to the 1 June deadline.

## Grant applications approved

15. The Environment Grants Sub-committee assessed the applications and grants were allocated to the following:

### *Habitat Marlborough*

Ganey Restoration.....	\$558.20
Naumai Natives .....	\$6,291.50
Northridge Native Restoration .....	\$6,000
Ōhinemahuta Revegetation Project .....	\$2,000
Ōpaoa Loop Restoration at Astrolabe Farm .....	\$5,000
Pukapuka Stream Restoration .....	\$5,910
Rau ora; restoring ancestral natives .....	\$500
Riparian planting 347 DLH .....	\$2,000
Riverbank planting.....	\$3,800
Salt Works Native Restoration .....	\$5,000
The Throne Stream Planting .....	\$3,000
Wairau Valley Wetland Restoration.....	\$1,600
Ward School Playground Redevelopment .....	\$1,000
<b>Total .....</b>	<b>\$42,659.70</b>

### *Protecting Marlborough*

Annual Bird Count and Trap Installation .....	\$2,000
Avon Valley Wilding Pine Eradication .....	\$3,000
Boons Valley Restoration .....	\$1,500
Extension Double Cove pest control .....	\$3,500
Havelock – Wattles Out Natives In .....	\$3,000
Maraetai Bay Pest Control .....	\$2,264.93
Marlborough East Coast Predator Control .....	\$2,000
Pest control Wairangi & Whakakitenga .....	\$2,000
Te Hoiere Bat Recovery Project.....	\$9,067.58
Ungulate control in the Sounds .....	\$10,000
Weed and Pest control – Kono Wines.....	\$5,000
Weed and Pest Control on Mabel Island.....	\$4,200
<b>Total .....</b>	<b>\$47,532.51</b>

### *Carried over from the 2021-2022 grant round*

Dumgree Swamp Restoration .....	\$4,500
---------------------------------	---------

16. Due to limited plant availability, COVID-19, and a particularly dry autumn season, ten applicants requested extensions on their applications. Eight of these were able to invoice Council in June, with work, and therefore Accountability Forms, being extended beyond the financial year.
17. Two grantees requested for their funds to be deferred to the next financial year. One project was delayed due to Covid-19 followed by the contractors undertaking other projects, and the other due

to a lack of locally sourced trees available at the nurseries. These will be taken to the grant sub-committee to decide.

18. The remaining grantees all succeeded in achieving their project goals. Those undertaking multiple year projects were able to complete their desired outcomes for this year outlined in their application for the grant.

### **Next Steps**

19. Meet with the Grant Committee to discuss and decide whether the funding for the two grants unable to be completed will be extended into the next financial year.
20. Awaiting the remaining Accountability Forms to conclude this year's grant round. Each have been given specific timeframes that provide sufficient time to complete their individual projects.
21. Preparation for the next grant round will begin, which is open from 1 August to 31 August. As the funding requests have far exceeded the available funds, additional funding has been provided to help support further projects throughout the region.
22. Discussions around the feasibility of running the grant from September through May, which has been problematic particularly for the Habitat Marlborough category, as Autumn plants are typically already being purchased by others well before the recipients have received notification on whether they have been successful through the Working for Nature grant.

### **Presentation**

A short presentation will be provided by Zeke Hoskins (5 minutes)

Author	Zeke Hoskins, Environmental Science Technician
Authoriser	Alan Johnson, Environmental Science and Monitoring Manager

## 7. Update – Catchment Care for At-Risk Catchments in Marlborough

(Cllr Hope) (Report prepared by Rachel Russell)

E355-021-04-06

### Purpose of Report

1. To provide an update on the Catchment Condition Surveys as part of the Catchment Care programme.

### Executive Summary

2. The 'Catchment Care for At-Risk Catchments in Marlborough' project is currently in the second year of a five-year programme.
3. In Year Two, the annual targets are to:
  - a) Complete a Catchment Condition Survey of Tuamarina catchment,
  - b) Support the formation of two catchment groups,
  - c) Complete two Catchment Enhancement Plans,
  - d) Implement 19km of fencing,
  - e) Plant 8,000 plants across 1.7 hectares and
  - f) Release ten packs of dung beetles.
4. Due to lower than expected engagement in Tuamarina catchment, Catchment Condition Surveys were started ahead of schedule in Flaxbourne. To date, 6,381 hectares has been surveyed across four catchments, 51% in Flaxbourne alone.
5. Mitigation work to improve water quality has started in all four catchments.

---

### RECOMMENDATION

That the information be received.

---

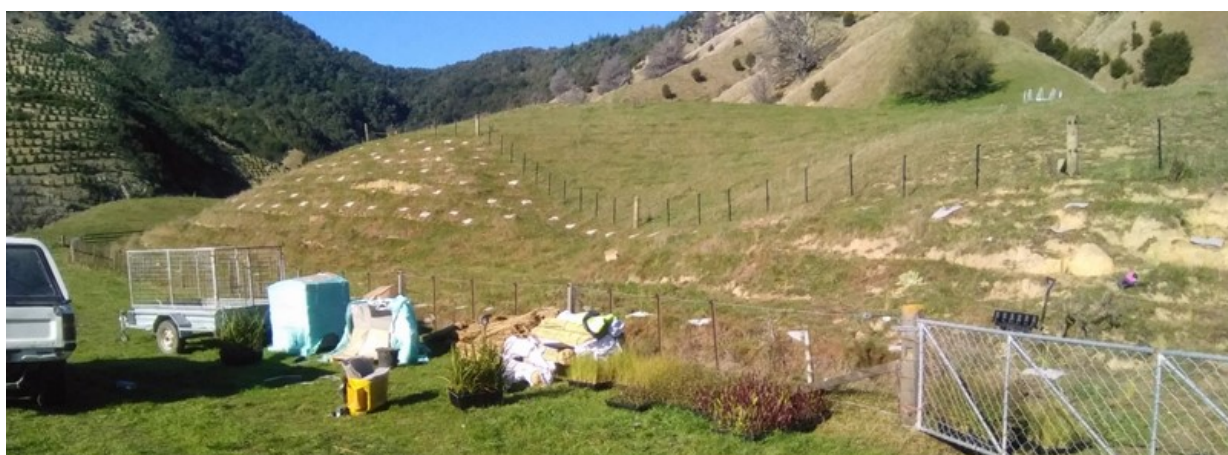
### Background/Context

6. The Catchment Care Programme is an outcome of the non-regulatory provisions prescribed in the Marlborough Environment Plan (pMEP) designed to develop a collaborative catchment enhancement plans in degraded catchments to help protect or improve water quality outcomes and to meet its legislative responsibilities for water quality.
7. The 'Catchment Care for At-Risk Catchments in Marlborough' project is currently in the second year of a five-year programme. Over the life of the project the goal is to complete 36.5km of fencing and establish 42,000 plants to protect riparian/wetland areas and improve water quality in four 'at-risk' catchments. The project also aims to support the development of catchment groups and Catchment Enhancement Plans for each catchment.
8. To date Catchment Condition Surveys have been completed across 6,381 hectares and they have identified 343km of waterways, 62% of these waterways are greater than one metre in width and are potentially subject to NES FW rules. Further analysis of these waterways determined that there are 105km unfenced on both sides and 61km of waterways fenced on one side only. This equates to 271km of fencing that may be required to improve water quality and meet the requirement of the recent Section 360 RMA Stock Exclusion Regulations.

**Table 1: Summary of the Catchment Condition Survey data**

	<b>Are Creek</b>	<b>Linkwater</b>	<b>Tuamarina</b>	<b>Flaxbourne</b>	<b>Total</b>
<b>Area surveyed (ha)</b>	1590	565	960.8	3264.9	6380.7
<b>Survey team hours</b>	128	55.5	89	164	436.5
<b>All waterways (km)</b>	98.13	22.72	74.15	148.2	343.2
<b>Waterways with streambed width &gt;1m (km)</b>	46.02	17.22	56.51	92.61	212.36
<b>Waterways with streambed width &lt;1m (km)</b>	52.11	7.2	17.65	55.59	132.55

9. Individual landowner meetings continue across all catchments to plan fencing, planting and other mitigation work. To date in Year 2 we have completed 7.8km of fencing. A further 5.05km has been agreed to be built but will be completed in Year 3.



10. This year's planting target was to get 8,000 plants in the ground, this autumn we finished with a total of 9,259 plants planted across properties in Are Are Creek and Tuamarina. In Year 3 (2022-23) we have 14,933 plants agreed to be planted, nearly three times the annual target. There are an additional 7,364 plants targeted for planting in Year 4 (2023-24). Ten dung beetle farm packs have been ordered, two of these farm packs have completed all releases and three have now completed their first releases. The next dung beetle releases will likely start in December as the beetles become available.

*Table 2: Summary of Mitigation Work, Year 2 (2021 – 22)*

<b>Type of Mitigation</b>	<b>Status</b>	<b>Are Are Creek</b>	<b>Linkwater</b>	<b>Tuamarina</b>	<b>Flaxbourne</b>	<b>Total</b>
<b>Fencing</b> (metres)  <i>Year 2 (2021-22)</i> <i>target 19km</i>	Completed	6,361	-	1,407	-	<b>7,768</b>
	Agreed or currently underway	-	-	-	-	-
	Agreed <i>To be completed Y3</i>	1,652	695	404	2,295	<b>5,046</b>

Type of Mitigation	Status	Are Are Creek	Linkwater	Tuamarina	Flaxbourne	Total
	Proposed <sup>1</sup>	-	-	348	-	348
<b>Planting</b> (no. of plants)  <i>Year 2 (2021-22)            target 8,000            plants</i>	Completed	4,725	-	4,534	-	9,259
	Agreed or currently underway	-	-	-	-	-
	Agreed <i>To be completed Y3</i>	5,280	14,825	962	-	21,067
	Proposed <sup>1</sup>	4,172	-	3,024	-	7,196
<b>Dung Beetles</b> (no. of farm packs)  <i>Year 2 (2021-22)            target 10 farm            packs</i>	Release completed	-	2	-	3 <sup>2</sup>	5
	Agreed & ordered	-	-	-	5	5
	Proposed <sup>1</sup>	-	-	-	-	-

11. Work with catchment groups is ongoing. A community meeting was held in Tuamarina on 12 May, supported by Landcare Trust and the MDC Rivers Department, to discuss flooding and riverbank erosion concerns. In the Flaxbourne we continue to attend meetings to support the development of their catchment group. Shaun Forgie from Dung Beetle Innovations attended a meeting in Flaxbourne on 26 May to talk about the benefits of dung beetles.
12. We have now engaged a consultant to develop a long-term Erosion and Sediment Management plan for Are Are Creek.

## Presentation

A short presentation will be given by Rachel Russell (15 minutes).

Author	Rachel Russell, Catchment Care Officer
Authoriser	Alan Johnson, Environmental Science & Monitoring Manager

<sup>1</sup> 'Proposed' means discussion with landowner is ongoing or awaiting a signed landowner agreement

<sup>2</sup> First releases have occurred, three more releases to follow

## 8. Environmental Monitoring Network - Update

---

(Cllr Hope) (Report prepared by Mike Ede)

E365-000-002

### Purpose of Report

1. To present an update on the operation and status of the Council's environmental monitoring network over the period 1 July 2021 and 30 June 2022.
2. To provide a status report on the achievement of annual plan performance targets for the year.

### Executive Summary

3. The Marlborough District Council's Environmental Monitoring Team operates an environmental network comprising around 200 sites. This is a combination of continuous monitoring stations and sites where discrete, or samples or measurements are taken either on routine frequency i.e. monthly or ad hoc one off samples.

---

### RECOMMENDATION

**That the information be received.**

---

### Background/Context

4. The Council has a monitoring network that comprises of around 200 sites that provides a range of continuous and static data for measuring the state of the environment of our regions Freshwater, Air, Land and Coastal resources.
5. The environmental monitoring has a performance target to have 99% of the data available from the real time monitoring network for the year. Unfortunately, this was not achieved with 98.62% of the data available for the year. This was due to the July 2021 flood damaging five stations. By the end of December 2021, the sites had been reinstated and the data availability from the network for the remainder of the year was 99.69% above the performance target for that period.
6. Five stations were damaged during the July 2021. The damage was subject to an insurance claim and stations have been reinstated and repaired during the year. An upgrade is still outstanding for the Tuamarina at Boat Point station. This expected to be upgraded this financial year to deal with the higher water levels experienced during the flood should they occur again.
7. A new monitoring station was installed at Lake Elterwater during the year. This station measures lake level and the following climate parameters rainfall, air temperature, humidity, wind speed and direction and barometric pressure.
8. A total of 270 river flow gaugings were completed for the year of which 265 were at river level stations and 5 at non-station locations. These gaugings are undertaken to enable the development of 'rating curves' so we can derive continuous river flow data from river level data.
9. Discrete water quality sampling samples were collected across the freshwater, groundwater and coastal domains. Unlike the previous year the COVID19 level restrictions did not prevent samples being collected this year and all samples were collected as scheduled.
10. An additional 12 discrete water quality monitoring sites were added to the network in the year taking the total to 47 sites sampled. This is in response to the monitoring requirements under the National Policy Statement for Freshwater. This also included an expansion in monitoring lakes for the first time with two lakes being sampled.

11. The environmental monitoring team have implemented electronic field sheets using the ESRI ArcGIS product Survey 123 during the year. This interfaces directly with the Hilltop Data Management System with field observations and sites inspection now automatically uploaded. This has seen efficiency gains and reducing in errors with the removal of manual transfer of data and no longer using paper-based systems.
12. The implementation of the National Environmental Monitoring Standards (NEMS) is expanding and has resulted in a general increase in the quality of information collected from the network. Areas of focus for NEMS are in the continuous water quality area with the installation of the continuous water quality sites as part of the NPS for Freshwater reporting requirements.

## Presentation

A short presentation will be given by Mike Ede (15 minutes).

Author	Mike Ede, Team Leader Environmental Information
Authoriser	Alan Johnson, Environmental Science & Monitoring Manager



## 9. Soil Quality Monitoring Report 2021

(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 receive the report on Soil Quality Monitoring for 2021.

### Executive Summary

2. In this investigation, soils were sampled from 23 monitoring sites that included one pasture site, three native bush sites and 19 dairy sites. These sites represented seven different soil types from two soil orders.
3. This year's results are consistent with all previous years. While many sites show good soil quality, most soils show the effects of human land use. Soil compaction, excessive levels of nitrogen and phosphorus and loss of soil carbon remain the consistent theme of this work. Hot water carbon (HWC) testing introduced last year showed that 39% of samples failed to reach the target; indicating Marlborough soils may have low microbial activity and face risks of structural degradation.
4. The Soil Quality Monitoring Programme has been operating for 22 years now. This is now a nationally significant dataset. This data has documented clear downward trends in soil quality.
5. A set of guidelines has been developed to address the soil quality issues of concern for each land use.

---

### RECOMMENDATION

That the report be received.

---

### Background/Context

6. Regional councils (and unitary councils) have a responsibility for promoting the sustainable management of the natural and physical resources of their region. Under Section 35 of the Resource Management Act (1991), one of the physical resources that we have a duty to monitor and report on is soil. Specifically, to report on the "life supporting capacity of soil" and to determine whether current practices will meet the "foreseeable needs of future generations". To help meet these goals, the Council undertakes a soil quality monitoring programme that involves collecting soil samples from a network of sites that represent the main land use activities and soil types within the region and analysing these samples for a suite of soil physical, biological and chemical properties that have been shown to be robust indicators of soil quality. The aim of this report is to summarise both the current state of, and the long-term trends in, soil quality in the Marlborough region as determined by the results of soil analysis from sampling across a range of land use activities and soil types.

### Soil Quality Monitoring

7. In this investigation, soils were sampled from 23 monitoring sites that included one pasture site, three native bush sites and 19 dairy sites. These sites represented seven different soil types from two soil orders.
8. This year's results are consistent with the previous 21 years' worth of results. While many sites show good soil quality, most soils show the effects of human land use with soil quality indicators for many of these falling outside target ranges. 70% of sites reported soil compaction measurements outside the target range. These results put these soils at risk of poor aeration and impeded

drainage which may potentially affect pasture production and predispose the soil to surface runoff, nutrient loss, erosion and flooding. While soil compaction may not be permanent, it clearly should be avoided and remediated where necessary. A range of beneficial management options to prevent and remediate soil compaction are outlined in the report.

9. A new soil quality test was introduced in 2020. Hot Water Carbon (HWC) measures the easily available sources of carbon in the soil and provides indications on the level of microbial activity within the soil. In addition, HWC can help understand what risks are posed to soil structure, nutrient availability and water retention from a loss of this soil carbon fraction. A provisional target of >1900 mg/kg has been set. This year, four of the 23 samples failed to reach this target. This was expected as the majority of sites sampled this year were dairy sites that should have good HWC. Although more samples are required, Marlborough soils may have low microbial activity and face risks of structural degradation.
10. The long-term analysis introduced in 2016 has been repeated this year. The results from a new set of samples confirm the concerns outlined in the 2016, 2017, 2018, 2019 and 2020 reports that soil compaction, soil organic matter loss and loss of nutrients to water are significant problems for Marlborough. This is consistent with national trends.
11. A new addition to the soil quality report this year is specific guidance for landowners on how to improve soil quality. Each land use that has an identified poor trend in soil quality data now has a guidance note that can be used to:
  - 11.1 Understand when soil quality is compromised; and
  - 11.2 What actions should be taken to rectify poor soil quality.

## Education Programme

12. Last year staff undertook to develop an education programme to help improve soil management targeted at industries and activities with documented soil quality issues. COVID and workload has slowed progress on this, but staff are currently engaging presenters to deliver 2-3 on-farm workshops. These workshops will partner with industry (viticulture, arable and dairy) to provide practical hands-on methods to reduce impacts on soil quality on-farm. This programme is expected to commence in 2023 and be funded using existing budgets.

## Programme Review

13. A review of the Soil Quality Programme is currently underway. As the programme is now 22 years old, Marlborough has seen a great deal of landuse change during this time. This has been reflected in the SQM programme with 20 from 96 sites (21%) changing landuse from pastoral farming to vineyards (11 of the original 25 sites have changed -44%). This means that the SQM programme now has large numbers of vineyard sites and reduced numbers of other landuses. This has led to duplicate landuse/soil order combinations and insufficient sites for some combinations.
14. The review by Dr Reece Hill of Landsystems Ltd is seeking to:
  - 14.1 Identify duplicates and decide if they should be kept or archived.
  - 14.2 Evaluated the geographical spread of sites to identify if there are any unmonitored landuse/soil order combinations.
  - 14.3 Balance the landuse/soil order combinations to ensure each is fairly represented statistically without excessive cost.
  - 14.4 Ensure the programme meets the recommendations made by the Parliamentary Commissioner for the Environment in his 2019 report – Focussing on Aotearoa New Zealand's environmental reporting system and is consistent with the NEMS (National Environmental Monitoring Standards).
15. The results of the review will lead to change in the SQM programme. The aim of these changes is to retain the valuable data the SQM programme has captured over 22 years and ensure the

programme maintains its applicability into the next decades. The details of this change will be reported to the next Environment Committee.

### **Next Steps**

16. Implement the recommendations of the SQM review prior to the 2022 sampling round in October.
17. Implement an education programme targeted toward improving soil management.

### **Presentation**

A short presentation will be given by Matt Oliver (15 minutes).

### **Attachment**

#### **Attachment 1 – Soil Quality in the Marlborough Region 2021**

The above report is available on Council's website via the following link

<https://www.marlborough.govt.nz/your-council/meetings>

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

## 10. Significant Natural Areas Programme Annual Report 2020/2021

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

(Cllr Hope) (Report prepared by Mike Aviss)

E310-006-001

### Purpose of Report

1. To update the Committee on the results of the Significant Natural Areas Programme 2021/2022.

### Executive Summary

2. This report records the outputs of the Significant Natural Areas (SNA) programme over the 2021/22 year, including new sites surveyed, the restoration or management of threats in SNAs and the monitoring of their condition. It also reports on the results of associated projects, such as native seed collection and publicity.

---

### RECOMMENDATION

That the report be received

---

### Background/Context

3. Through the Resource Management Act 1991 and pursuant to the Biodiversity Chapter in the Marlborough Environment Plan, the Council has a role in maintaining and protecting indigenous biodiversity and significant natural areas in the Marlborough region.
4. Since 2001 the Council has implemented the SNA programme, which has involved extensive field based ecological survey work and a subsequent protection and monitoring programme.
5. The 2021/22 SNA report is attached to this report which provides an overview of activities and projects undertaken during the year.

### Programme Highlights

6. The total number of SNA sites mapped in our database is now 771.
7. The survey programme of SNAs is ongoing as landowners agree to provide access to their land. 13 new SNA sites were identified, documented and mapped during 2021/22.
8. A Landowner Assistance Programme provides assistance to landowners to help protect and restore SNA sites. There are currently 32 projects active, with \$194,192 of Council funding spent on managing sites during this reporting period. With other contributions, including from landowners, this amounts to \$332,046.
9. Funding assistance has been provided to 143 sites since 2003. Over those 18 years, \$1,375,106 has been allocated and this has leveraged another \$2,420,865 from landowners and others.
10. The SNA monitoring programme which was affected last year was by unavailability of our Ecologist, is bouncing back with a new Ecologist recently engaged. We visited 19 sites, 8 Managed and 11 Un-Managed. As expected, managed sites were in better condition and trend than un-managed sites, however the overall condition and trend of all sites was very pleasing.
11. Modification of the coast by the 2016 earthquake uplift and the subsequent increased access by vehicles into the coastal environment is an ongoing issue effecting indigenous ecosystems and species. Restoration of indigenous biodiversity along the coast has become an important focus.

## Next Steps

12. That the SNA report will be made available on the website.

## Presentation

A short presentation will be given by Mike Aviss (15 minutes).

## Attachment

**Attachment 1** – Summary Report on the Results of the Significant Natural Areas Project 2021-22.

The above report is available on Council's website via the following link

<https://www.marlborough.govt.nz/your-council/meetings/report>

Author	Mike Aviss, Biodiversity Coordinator
Authoriser	Peter Hamill, Team Leader Land & Water

# 11. National Wilding Conifer Control Programme – 2021/2022 Season Overview

(Clr Croad) (Report prepared by Jono Underwood)

E315-019-001-01

## Purpose of Report

1. To provide the Committee with an overview of the wilding conifer control programmes delivered over the 2021/2022 season in Marlborough.

## Executive Summary

2. Since 2016, Council has been managing additional Central Government investment into wilding conifer management in Marlborough through the National Wilding Conifer Control Programme (NWCCP).
3. In the 2021/2022 season, the four programmes receiving NWCCP funding were implemented successfully, despite continued challenges and disruptions from the Covid-19 pandemic.
4. While there is another significant season pending in 2022/2023, there is building concern and uncertainty regarding future NWCCP funding levels from 2023/2024 onwards, including the likely loss of significant progress made in many areas since 2016.

---

## RECOMMENDATION

That the information be received.

---

## Background/Context

5. Since 2016, Council has been managing additional Central Government investment into wilding conifer management in Marlborough through the National Wilding Conifer Control Programme (NWCCP) rolled out by Biosecurity New Zealand in primary partnership with regional councils/unitary authorities across the country.
6. In the early years, the modest investment focussed on Rangitahi/Molesworth. However, as part of Budget 2020 under the broader Jobs for Nature banner, the NWCCP received \$100M of funding over four years.
7. This level of funding enabled both a significant lift in investment into the Rangitahi/Molesworth programme along with three additional programmes – Waihopai, Sounds and a community project across the Te Hau/The Ned & Awatere areas.
8. Since 2020/2021, Council has acted and both funds manager and contract principle for two of the programmes – Rangitahi/Molesworth and Waihopai. The Sounds programme has continued to be managed by the Marlborough Sounds Restoration Trust and Te Hau/The Ned/Awatere programme managed by the South Marlborough Landscape Restoration Trust.
9. Funding agreements between Council and Trusts facilitated the NWCCP funding so Council maintained a large degree of accountability (and liability) for these programmes. However, this also meant Council has been able to hold clear oversight over all the programmes receiving funding and report back to Biosecurity New Zealand with accurate information.

10. An oversight of the 2021/2022 season gone is outlined in Tables 1 and 2 below:

**Table 1. Financial Overview of the 2021/22 Wilding Programmes Receiving NWCCP Funding.**

	Planned expenditure			Actual expenditure		
Management Unit	NWCCP funding	Other funding	Total	NWCCP funding	Other funding	Total
Rangitahi / Molesworth	\$3,578,250.00	\$245,000.00	\$3,823,250.00	\$3,578,250.00	\$222,224.91	\$3,800,474.91
Waihopai	\$437,500.00	\$109,000.00	\$546,518.00	\$437,500.00	\$100,147.92	\$546,647.92
Sounds	\$375,740.00	\$167,200.00	\$542,940.00	\$375,740.00	\$126,711.52	\$502,451.52
Te Hau / The Ned / Awatere	\$117,400.00	\$25,000.00	\$142,400.00	\$117,400.00	\$29,040.32	\$146,440.32
Total	\$4,508,890.00	\$546,200.00	\$5,055,090.00	\$4,508,890.00	\$478,124.67	\$4,987,014.67

**Table 2. Operational activity Overview of the 2021/22 Wilding Programmes Receiving NWCCP Funding.**

Management Unit	Control work activities (hectares)				
	Aerial Foliar Spray	Aerial Basal Bark	Aerial Spot Spray	Ground Control	Comments
Rangitahi/Molesworth	293	61,926.5	-	1,067	
Waihopai	39.84	9,889.16	-		
Sounds	-	-	-	1,309	
Te Hau/The Ned/Awatere	-	-	19,304	445.69	
Total	332.84	71,815.65	19,304	2,821.69	

## Next steps

11. Final planning for the coming 2022/2023 season is almost complete, including endorsement for the full range of partners and stakeholders across these four programmes.
12. Next years' programme across Marlborough is based around ~\$5.2M of NWCCP funding and an additional ~\$480k of local funding, making it the largest season of activities to-date.
13. There remains a significant amount of building uncertainty for 2023/2024 onwards given Central Government funding for the NWCCP drops to baseline amount of \$10M nationally.
14. While a baseline is valuable, at that investment level, it is almost certain that many programmes, including those in Marlborough, will not get infestations to maintenance levels where long-term locally managed control is feasible.

## Presentation

A short presentation will be given by Jono Underwood (15 minutes).

Author	Jono Underwood, Biosecurity Manager
Authoriser	Alan Johnson, Environmental Science & Monitoring Manager



## 12. Noise Control Contract Performance 2021/2022

(Clr Faulls) (Report prepared by Karen Winter)

E350-007-009-02

### Purpose of Report

1. The purpose of this report is to update the Committee on the performance of the Noise Control Contractor from 1 July 2021 to 30 June 2022 and explain how they perform their function.

### Executive Summary

2. Council's Noise Control Contractor has continued to provide the required service to ensure any noise complaints are dealt with professionally and promptly.

---

### RECOMMENDATION

That the information be received.

---

### Background/Context

3. Under the Resource Management Act 1991 (RMA), Council has the ability to deal with Excessive Noise.
4. Excessive noise is defined in the RMA as any noise that is under human control and unreasonably interferes with the peace, comfort or convenience of a person. It includes noise emitted by a musical instrument, electrical appliance, machine or people.
5. On receipt of a complaint, a Noise Control Officer goes on site to assess whether the sound is excessive or not. The Officer will undertake a subjective assessment and determine if the noise is excessive. The level of noise that is acceptable varies according to location of neighbours, time of day, zone you live/work in, presence of sound barriers and the type of noise. Officers do not use any monitoring equipment to determine if the noise is excessive (as it is not based on plan noise limits) but use a matrix that provides a scoring system. If the noise is deemed to be excessive, an Officer will serve a written direction to reduce noise, which is in force for up to 72 hours. Failure to obey the direction can result in equipment seizure, an infringement fee of \$500 or a conviction for an offence and liability up to \$10,000.
6. An Abatement Notice to cease creating a noise nuisance can also be issued to the occupier of the premises or dwelling if there are ongoing occurrences of excessive noise. If the occupier fails to comply with the Abatement Notice, the Officer (with the assistance of the Police) can remove or disable the equipment that is causing the noise immediately, without the need to first issue an Excessive Noise Direction.

### Comments

7. There were 869 complaints received regarding excessive noise from 1 July 2021 to 30 June 2022. This is a reduction of 241 from the previous year.
8. From 1 July 2021 to 30 June 2022 there were 102 Excessive Noise Directions issued and 4 seizures of equipment. Two of the items seized were disposed of while the other two continue to be held for the six month period required to see if they will be claimed after all appropriate fees are paid.
9. There were no Noise Abatement Notices issued during this period.
10. Armourguard trains their Officers on how to respond to noise complaints. This training is supported by the Environmental Health Team when required.

11. Monthly meetings are held with the local Armourguard manager to discuss any developing issues or concerns.
12. Information brochures are available to inform people on the process involved when a noise complaint is received and their rights if they have noise equipment seized.

### **Next Steps**

13. There will be continued monitoring of this contract and training of Officers to ensure consistency of excessive noise assessment.
14. There will be continued development of educational material for members of the public to help inform them on noise related matters.

### **Presentation**

A short presentation will be given by Karen Winter on the management of excessive noise under the RMA and contractor performance for 2021/2022 year. (10 minutes).

### **Attachments**

Attachment 1 – Record of Noise Complaint	Page [25]
Attachment 2 – Excessive Noise – A Guide to Noise Control brochure	Page [26]
Attachment 3 – Excessive Noise Direction Brochure	Page [28]

Author	Karen Winter, Team Leader Environmental Health
Authoriser	Gina Ferguson, Consents & Compliance Group Manager

CRM No: \_\_\_\_\_

**MARLBOROUGH  
DISTRICT COUNCIL**ISO9001  
Document Number  
LAD0002-CI2084**Record of Noise Complaint**

Date Received: \_\_\_\_\_ Time Received: \_\_\_\_\_

**Complainant Details** Name \_\_\_\_\_ MALE ☐ FEMALE ☐

Contact Number \_\_\_\_\_

Address \_\_\_\_\_

**Complaint about:** \_\_\_\_\_

Location of noise: \_\_\_\_\_

**Armourguard Officer Details** Name: \_\_\_\_\_

Arrival on site: \_\_\_\_\_ Departure from site: \_\_\_\_\_ ID Number: \_\_\_\_\_

**Investigation Report****Assessed from:** at/within callers address ☐ outside property making noise ☐ other ☐ \_\_\_\_\_**Noise Source:** Band/Stereo ☐ Vehicle ☐ People ☐ Other ☐ \_\_\_\_\_**Noise Matrix  
Assessment  
Score**(if total score  
7 or more  
issue an END  
notice)

<b>Volume</b>	No noise or noise is hard to hear	0
	Noise is clearly heard - can hear lyrics of songs or hear people talking	2
	Loud noise - a level that would cause annoyance in all circumstances ie people yelling, loud music	6
<b>Tone</b>	No bass	0
	Can hear some bass	2
	Loud bass or annoying noise such as screeching	3
<b>Time of Day</b>	7.00 am to 10.00 pm	1
	10.00 pm to midnight	2
	midnight to 7.00 am	3
<b>Multiple Complainants</b>	More than one person complaining within 24 hours (from different addresses)	2
<b>TOTAL</b>		

Choose one result below:

<b>Excessive Noise</b> <input type="checkbox"/>	1 <sup>st</sup> Excessive Assessment	END Issued <input type="checkbox"/> Notice No: _____
	2 <sup>nd</sup> Excessive Assessment (within 72 hours)	Seizure <input type="checkbox"/> Notice No: _____ From END No _____ issued date _____ time _____

or

**Non Excessive Noise** ☐

or

**Unlocated** ☐

or

**No Noise** ☐

General Comments: \_\_\_\_\_

(carry on back of page if required)



## What is excessive noise?

Like all areas, Marlborough can be noisy - it is a fact of living in a community as you work or play - but there are limits.

Excessive noise is any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person.

Examples of excessive noise may include a loud party, stereo, band practices, audible alarm or machinery.

### Noise facts

- The level of noise that is acceptable varies according to location of neighbours, time of day, zone you live/work in, presence of sound barriers and the type of noise.
- The same noise levels during the day may not be acceptable at night.

### How is noise controlled?

Under the Resource Management Act 1991, Marlborough District Council has the power to control excessive noise. Noise Control Officers are trained and warranted under the Resource Management Act 1991.

Noise from moving vehicles such as aircraft, boats, trains and cars is not under the control of the Marlborough District Council. For noise complaints relating to motor vehicles, please contact the Police or the New Zealand Transport Authority and the Civil Aviation Authority for aircraft noise complaints.

### What happens when Noise Control is called out?

If a Noise Control Officer is called out to investigate the noise they will undertake a subjective assessment and determine if the noise is reasonable or not. Noise Control Officers do not use any monitoring equipment to determine if the noise is excessive. If the noise is deemed to be excessive, the Officer may serve a written direction to reduce noise, which is in force for up to 72 hours. Failure to obey the direction can result in equipment seizure, an infringement fee of \$500 or a conviction for an offence and liability up to \$10,000.

### Noise control procedure

Please see diagram on back page.

### What time can I complain?

You can complain about excessive noise at any time of the day or night, but it is important to phone when the noise is occurring so that action can be taken.

### What happens if the noise continues?

If the noise continues, you will need to ring back to advise that the noise is still disturbing you and to find out what action has been taken by a Noise Control Officer and lodge a further complaint.

### Will my details be confidential?

Yes, we do not divulge who has complained.

### Ongoing problems with noise

Further investigation or action may be required to deal effectively with some noise sources such as noise from industrial or commercial sites. If the problem is of a technical nature, an Environmental Noise Specialist or Environmental Health Officer may need to use noise-monitoring equipment. In this case, time is required to fully investigate the noise and bring the issue to a conclusion.



## How to be a good neighbour

There is no permit you can get to make noise for a party, or to play your stereo on full, or to use that musical skill, but there are a few things you can keep in mind:

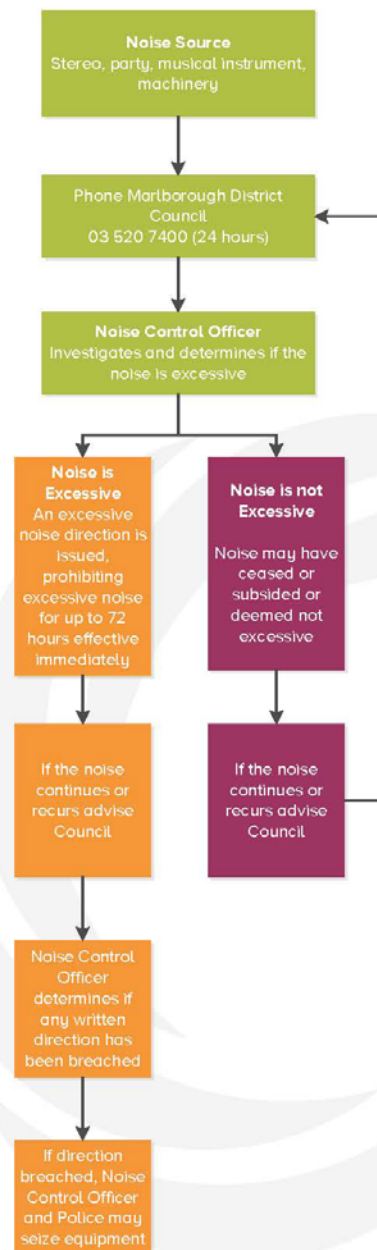
- be considerate of your neighbours
- ensure burglar alarms are automatically reset after a reasonable period of time
- ensure car alarms are installed correctly and are not overly sensitive or faulty
- inform neighbours in advance about a party or invite your neighbours
- advise neighbours of planned work on your section that may be noisy
- minimise noise travelling from your property by keeping doors or windows closed
- turn down the noise at a reasonable hour at night
- don't start up any noisy equipment such as chain saws early in the morning or late in the evening.

## What do I do if equipment is seized?

If your equipment is seized, it is held by Marlborough District Council. The equipment may be returned if the Marlborough District Council is satisfied that it will not be used to create further noise problems. To ensure that the equipment is returned to the rightful owner, please bring proof of identity and the original copy of the seizure notice to Marlborough District Council. You will need to pay all costs of the call outs, storage and administration.

## What if I feel the complaints are unjust?

It is important to contact the Environmental Health Team to discuss your concerns so they can investigate.



## Find out more

For further advice or information regarding any of these issues, please contact the Marlborough District Council on 520 7400

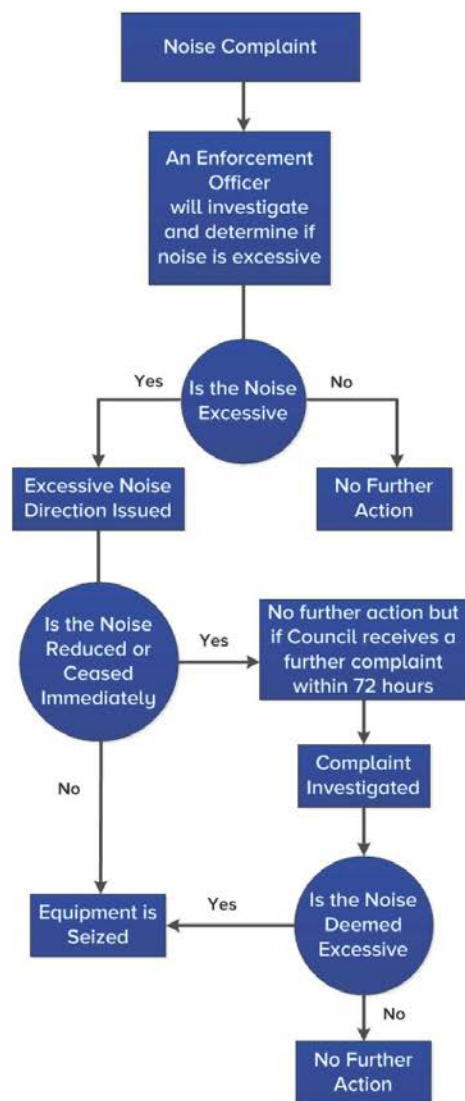


15 Seymour Street  
PO Box 443  
Blenheim 7240  
NEW ZEALAND

Ph: +64 3 520 7400  
Fax: +64 3 520 7496  
Email: [environmentalhealth@marlborough.govt.nz](mailto:environmentalhealth@marlborough.govt.nz)  
[www.marlborough.govt.nz](http://www.marlborough.govt.nz)

ISO 9001  
MIB0012-CI2093  
February 2019





Find out more


**MDC**

15 Seymour Street  
 PO Box 443  
 Blenheim 7240


Phone     03 520 7400  
 Fax        03 520 7496


Email: [mdc@marlborough.govt.nz](mailto:mdc@marlborough.govt.nz)  
[www.marlborough.govt.nz](http://www.marlborough.govt.nz)

ISO 9001  
MIB0008-C11608

# Excessive Noise Direction

What you need to know when you are issued an Excessive Noise Direction




**MARLBOROUGH  
DISTRICT COUNCIL**

### What is Excessive Noise?

Excessive noise is any noise under human control and defined as noise of "such nature as to unreasonably interfere with the peace, comfort and convenience" of any person.

Examples of excessive noise may include a loud party, stereo, band practices or a car alarm.

---

### How is Excessive Noise Assessed?

Under the Resource Management Act 1991, Marlborough District Council has the power to control excessive noise. All Enforcement Officers are trained and warranted under this Act.

After receiving a complaint, an Enforcement Officer will determine if the noise is excessive or not. This is a subjective assessment and a sound measurement isn't carried out.

The level of noise that would be considered acceptable varies according to location of neighbours, time of day, presence of barriers and type of noise that is being made.

---

### I Have Been Served an Excessive Noise Direction - What Does this Mean?

The noise you are responsible for has been deemed to be excessive. The Direction requires you to reduce the noise to a reasonable level **immediately**. This direction remains in place for 72 hours.

---

### What Happens if I Don't Comply with the Direction?

If you do not comply with the direction **immediately** or you make noise which is considered excessive again within 72 hours, the Enforcement Officer (with the assistance of the Police) can, without further notice, either:

- Seize and remove the item that is producing or contributing to the noise, or
- Remove any part of the item to ensure it can no longer work, or
- Lock or seal the item so that it is no longer usable.

You could also receive an Infringement Notice for \$500.00 for failing to comply with the Direction.

Council also has the ability to prosecute for failing to comply with an Excessive Noise Direction. The fine for this offence, on conviction, is up to \$10,000 plus \$1,000 for every day the offence continues.

---

### What Happens if my Noise Equipment is Seized?

Council will determine whether you should receive your equipment back or not, depending on your history of Excessive Noise Directions.

If Council decides that you should not get your equipment back it can be disposed of.

If you are able to have your equipment back then you will first be required to pay any seizure costs.

### What Can Happen if I Keep Receiving Excessive Noise Directions?

If there is a history of Excessive Noise Directions being issued for a property, an Abatement Notice may be issued.

The Abatement Notice would require the occupier of the property to reduce the volume of noise to a reasonable level immediately. The notice remains in place for a defined period unless it is cancelled.

If there is an incidence of excessive noise while an Abatement Notice is in place, an Enforcement Officer (with the assistance of the Police) can immediately seize the noise equipment without the need to first issue an Excessive Noise Direction.

---

### Any Other Questions

If you would like to know any more regarding Excessive Noise Directions, please contact the Environmental Health Team at Council.

## 13. 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 Hilke Giles and Ma-Rea Clayton for inclusion on the list of Hearings Commissioners.

### Executive Summary

2. Hilke Giles and Ma-Rea Clayton are being submitted to serve as Independent Commissioners on matters such as hearings on applications for resource consent.
3. Hilke Giles is an Environmental Scientist specialising in coastal, marine and systems science. Her expertise includes assessing, monitoring and (adaptively) managing environmental effects of anthropogenic activities.
4. Having worked in the RMA environment since 1996, Ma-rea has a depth of experience including resource allocation, hearing committee membership, and RM Plan creation. Ma-rea will bring extensive cultural expertise to the Commissioner list.
5. These two individuals will be a beneficial addition to the Commissioner list as they will widen the marine biology and cultural expertise available to us from within the sub group of Commissioners that serve in this capacity.

---

### RECOMMENDATIONS

1. That the report be received.
  2. That Hilke Giles and Ma-Rea Clayton are appointed to act as a Hearings Commissioner as and when required and that they be advised accordingly.
- 

### Background/Context

6. 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.
7. Hearings Commissioners can be called on to hear and determine applications for resource consent pursuant to section 34A of the Resource Management Act, 1991.
8. This list of Hearings Commissioners can be beneficially extended with the inclusion of Hilke Giles and Ma-Rea Clayton.
9. Council has the discretion to decide who they employ as an independent Commissioner. The above people meet the accreditation requirements of section 39A of the Resource Management Act 1991 and are not members of the Council or Council staff.
10. Any further expressions of interest to be included as a Council Hearings Commissioner will be forwarded to the Environment Committee for consideration.
11. Council is not bound to employ the services of a Commissioner once they are appointed before Full Council.



## Hilke Giles

12. Hilke has a Master of Science (First Class Honours) and a PhD in Marine Biology, both obtained through Waikato University. In addition, she holds a Master of Science in Applied Systems Science obtained through the Environmental System Research Institute, University of Osnabruck, Germany.
13. Hilke has extensive scientific knowledge in coastal and marine science, including amongst other things aquaculture interactions, sediment and water quality ecology.
14. Hilke has over 15 years' experience in this field, covering roles in regional council, research, and consulting. She is the Director of Pisces Consulting Limited which provides an independent consultation service.
15. Hilke has worked with Marlborough District Council as a consultant on coastal projects. She wrote a report titled "The Marlborough Coastal Marine Area: Environmental issues and scientific information needed for environmental management" which she presented to the Environment Committee June 2021. Hilke is also currently finalising an operational review of the ecologically significant marine sites programme. Finally, Hilke is also assisting Council's Senior Environmental Planner, Peter Johnson, on the assessment of the resource consent application and evidence for the Blue Endeavour salmon farm lodged by the New Zealand King Salmon (U1907438). This application is in the final stages of a prolonged hearing phase with the final round of reply evidence, revised conditions, and responses currently underway.

## Ma-rea Clayton

16. Ma-rea has a Bachelor of Applied Science in Environmental Management. She has been involved in resource management for more than 20 years commencing with her role in the Kaupapa Taiao unit of Te Rūnanga o Ngāi Tahu. Ma-rea has worked with Environment Canterbury (Ecan) / Canterbury Regional Council on water policy and allocations for resource consents. She was a member of the Hearing and Applications Committee for the Kaikōura District Council tasked with the hearing of applications for resource consents to the Kaikōura District Plan.
17. Ma-rea served on the panel to create the Kaikōura District Plan, a process that took eight years to complete. She also served on the panel tasked to hear and determine a request to vary the Kaikōura District Plan in respect of a proposed change in zoning to residential over an area with outstanding landscape values.
18. Ma-rea has also represented different iwi/hapū in the Kaikōura affected by environmental issues.
19. Finally, Ma-rea recently served as a member of the MDC panel tasked to hear and make a recommendation on the East Coast Beach Vehicle Bylaw. The hearing is now closed and at the time of writing this report the panel's report on the Bylaw is pending.
20. Ma-rea has been highly recommended to me as a commissioner with a depth of knowledge of te ao Māori and tikanga, but also able to consider matters beyond her cultural expertise.

## Next steps

21. If approved a contract for services will be provided to Hilke Giles and Ma-rea Clayton.

## Attachments

**Attachment 1** – Summary CV of Hilke Giles

page [32]

**Attachment 2** – Summary CV of Ma-Rea Clayton

page [34]

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



## Dr Hilke Giles

Independent Commissioner – Environmental Science Specialist  
(Coastal, marine, and systems science)

### Education

PhD (Marine Biology), University of Waikato, 2006

Diploma in Law, University of Waikato, 2020

Postgraduate Diploma in Management Studies, University of Waikato, 2010

MSc (Marine Biology), First Class Honours, University of Waikato, 2002

MSc (Applied Systems Science), Environmental Systems Research Institute, University of Osnabrück, Germany, 2001

Making Good Decisions Foundation Programme, 2022

### Experience and expertise highlights

Over 15 years professional experience in research, regional council, and consulting. Since 2018 independent consultant and Director of Pisces Consulting Limited.

Extensive scientific knowledge in coastal and marine science, including aquaculture environmental interactions, sediment and water quality, ecology, contaminants, land-sea interactions, climate change, and cumulative effects.

Scientific expertise in field and laboratory research, numerical modelling, data analysis, environmental monitoring, science communication, and applied science.

Experience in researching, assessing, monitoring, and managing effects of activities on the coastal environment.

Hilke Giles is an experienced environmental scientist with specialist expertise in coastal, marine, and systems science, and a strong focus on assessing, monitoring, and (adaptively) managing environmental effects of anthropogenic activities.

Hilke has gained her experience through roles in research (NIWA, University of Waikato), regional council (Waikato Regional Council), and consulting, and through education in New Zealand and Germany. To complement her scientific expertise and improve her effectiveness in working across the science-legal-planning interface, Hilke has also completed a Diploma in Law.

Her diverse background provides Hilke with a robust, broad, and practical understanding of New Zealand's coastal environment, national and regional environmental issues, policies, plans, and regulations, RMA processes, and industry, community, local and central government perspectives.

Hilke works for commercial clients, regional and central government, in scientific research projects, and is available as an independent hearing commissioner.

### Examples of experience in RMA hearings

Hilke has participated in RMA resource consent and private plan change hearings as expert witness for regional councils, including:

#### ***Resource consent application by Horowhenua District Council for the discharges of the Levin Wastewater to land (2019)***

Provided coastal science expertise to support Horizons Regional Council, specifically, conducted site visit, prepared a s42A report, attended hearing, and attended expert conferencing.

#### ***Section 127 application by The New Zealand King Salmon Co Limited to change consent conditions at two salmon farm sites (2020)***

Provided expertise on seabed and water quality effects to support Marlborough District Council, specifically prepared a s42A report and presented at hearing.

#### ***Resource consent application by The New Zealand King Salmon Co Limited for new salmon farms located north of Cape Lambert, North Marlborough (Blue Endeavour)***

Provided expertise on benthic effects monitoring and management and proposed consent conditions to support Marlborough District Council, specifically prepared a s42A report and addendums, presented at hearing, and, upon direction by the hearing panel, facilitated expert caucusing (benthic experts and modelling experts).

hilke@piscesconsulting.co.nz 027 4488856

### Relevant work history

- Managing Director – Pisces Consulting Ltd, Hamilton: Mar 2018 – Present
- Team Leader – Coastal Science, Waikato Regional Council: Sep 2015 – Mar 2018
- Team Leader – Coast, Land and Wetlands (secondment), Waikato Regional Council: Apr 2014 – Sep 2015
- Coastal Scientist, Waikato Regional Council: Feb 2010 – Apr 2015
- Scientist (Sediment Biogeochemist), National Institute of Water and Atmospheric Research (NIWA): Apr 2008 – Feb 2010
- Post-doctoral fellow (Development of numerical model of organic matter decomposition in coastal sediments to assess the environmental impacts of finfish aquaculture), National Institute of Water and Atmospheric Research (NIWA): Aug 2006 – Apr 2008
- Research fellow, National Institute of Water and Atmospheric Research (NIWA): 2006

### Relevant achievements

- Elected as President of the New Zealand Marine Sciences Society (2016-2018; Council member since 2010)
- Elected co-chair of the technical sub-group of the Coastal Special Interest Group (CSIG, 2015-2017)
- Senior Science Advisor for Ministry for the Environment Our Marine Environment 2019 report
- Member of the MfE Natural and Rural Reference Group and Environmental Limits Working Group supporting the Resource Management Review Panel (2019/2020)

### Selected peer reviewed publications

- Giles H, Barton B (2020). Adaptive management under the RMA: the tension between finality and flexibility. *New Zealand Journal of Environmental Law* 24:1-33.
- Jones HFE, Özkundakci D, Hunt S, Giles H, Jenkins B (2020) Bridging the gap: A strategic framework for implementing best practice guidelines in environmental modelling. *Environmental Science & Policy* 114, 533–541.
- Giles H (2019) Adaptive management under the RMA: seeking guidance for practitioners. *Resource Management Journal* April: 19-25.
- Özkundakci D, Wallace P, Jones H, Hunt S, Giles H (2018) Building a reliable evidence base: Legal challenges in environmental decision-making call for a more rigorous adoption of best practices in environmental modelling. *Environmental Science and Policy* 88: 52-62.
- Hawes I, Giles H, Doran P (2014) Estimating photosynthetic activity in microbial mats in an ice-covered Antarctic lake using automated oxygen microelectrode profiling and variable chlorophyll fluorescence. *Limnology and Oceanography* 59(3):674-688.
- Giles H, Broekhuizen N, Bryan K, Pilditch CA (2009) Modelling the dispersal of biodeposits from mussel farms: the importance of simulating biodeposit erosion and decay. *Aquaculture* 291: 168-178
- Giles H (2008) Benthic impacts of fish farming: Using Bayesian networks to identify reliable monitoring parameters. *Aquaculture* 274:181-195.
- Giles H, Pilditch CA, Nodder SD, Zeldis J, Currie K (2007) Benthic oxygen fluxes and sediment properties on the northeastern New Zealand continental shelf. *Continental Shelf Research* 27(18): 2373-2388.
- Giles H, Pilditch CA, Bell DG (2006) Sedimentation from mussel (*Perna canaliculus*) culture in the Firth of Thames, New Zealand: Impacts on sediment oxygen and nutrient fluxes. *Aquaculture* 261(1): 125-140.

### Selected reports

- Giles H (2022) Ecology and coastal water quality assessment of the proposed Te Arika Tahi Sugarloaf Wharf upgrade. Prepared for Arika Tahi Sugarloaf Wharf Limited.
- Giles H (2019) Environmental management of New Zealand aquaculture: the science perspective. Pisces Consulting. Accessible at <http://www.piscesconsulting.co.nz/publications.html>.
- Giles H (2021) Technical review of previous assessments of a proposed AMA in Onapua Bay, Tory Channel, Marlborough Sounds. Prepared for Marlborough District Council.
- Giles H, Baxter A, Taylor D, Elvines D, Neale D, Jorgensen E, James M, Bunce M, Broekhuizen N, Wade O, Ford R, Cumming S, O'Connell-Milne S, Hart S-R, Hampton B (2021) Best practice guidelines for benthic and water quality monitoring of open ocean finfish culture in New Zealand. New Zealand Aquatic Environment and Biodiversity Report No. 278. Fisheries New Zealand.

# CURRICULUM VITAE

---

## Ma-rea Andrea Clayton

592 Kincaid Road, Hapuku, Kaikōura 7371

Mobile: 027 499 4087

Email: [ma-rea.clayton@ccsdisabilityaction.org.nz](mailto:ma-rea.clayton@ccsdisabilityaction.org.nz)

Date of Birth: 2<sup>nd</sup> September 1971

Citizenship: New Zealand Māori

## PEPEHA

---

Ko Aoraki te Maunga;

Ko Waitaki te Awa;

Ko Ngai Tahu, Ko Taranaki, Ko Ngati Porou nga Iwi Katoa;

Ko Ngati Huirapa toku Hapu;

Ko Kaikoura Te Kaingaturu;

Ko Horomona Pohio toku Tipuna;

Ko Jack Rickus toku Poua;

Ko Wikitoria Nopera toku Taua;

Ko Maui Tikitiki Otaraka Rickus rawa Ko Katherine Unahi oku Matua;

E toru nga Tamariki;

Ko Manaia Ramana Mahuri-Hemi Clayton taku Mokopuna;

Ko Peter Clayton toku Tane;

Ko Ma-rea Clayton ahau;

Kei te mihi mahana nui kia koe ka timata te hikoi o to mahi a Te Hunaga Haua Mauri mo Nga Tangata Katoa;

## WHAINGA (OBJECTIVE)

---

I am currently employed for CCS Disability Action where I have held the position of a Service Co-ordinator for a number of years. Prior to this I was employed by Ngāi Tahu Development Corporation to create, implement and train the new integrated electronic / hardcopy filing system. My career objective is to obtain a position working with a client where I can put into practice the skills I have gained from my professional and personal experiences. I am looking for employment which strives for excellence in its field which can provide me with a supportive, yet intellectually challenging environment with the objective of achieving my full potential. I can offer an employer a person who is committed to achieving the best possible results who is not shy of hard work or thinking outside the square.

## HITORI MAHI (CAREER HISTORY)

---

Ma-rea Clayton

Email: [ma-rea.clayton@ccsdisabilityaction.org.nz](mailto:ma-rea.clayton@ccsdisabilityaction.org.nz)

Page 1 of 4

- Client Support;
- Supervision
- Facilitation
- Task achievement
- Operational Management;
- Project Management;
- Advise, Guide & Support Regional leadership to ensure organisation has a cohesive approach to Māori;
- Māori Advisor;
- Planning and Reporting;
- Funding Management;
- Communication;
- Self-Management;
- Relationship Management;
- Community Management;
- Liaison for Te Rūnanga o Ngāi Tahu;
- Up-holding the kaupapa 'Māori Disability Framework'
- Liaison for He Oranga Pounamu / Te Putahitanga ki Te Waipounamu;
- Kai Mahi Whānau Implementation, Management & Monitoring;

- Creation of filing system for Ngāi Tahu Development Corporation;
- Implementation of Filing System (Electronic and Hardcopy);
- Staff Training;
- Budget Processing;
- Reporting and Presenting to Senior Management;
- Relationship Management;
- Strategic Development;

- Creation of Filing System for Clearwater Resort Resource Management Division;
- Implementation of filing system;
- Staff Training;
- Budget Processing;
- Reporting to Senior Management;
- Resource Management Processing;
- Resource Consent Processing;
- Communicating with local hapū and Iwi;

- Researching needs of the Resort;

## ROPU (ASSOCIATIONS)

---

- Member – Te Rūnanga o Kaikōura;
- Member – Takahanga Marae;
- Member – Kaikōura Netball Centre;
- Co-ordinator – Kaikōura Netball Umpires;
- New Zealand Netball Assessor – Kaikōura Netball Centre;
- Secretary – Kaikōura Te Ahikaaroa Netball Club;
- Member – Te Rūnanga o Kaikōura;
- Member – Te Parinui ō Whiti Kapahaka;
- Member – Arowhenua Rūnanga;

## NGA NGAKAU NUITANGA (INTERESTS)

---

<i>Netball</i>	<i>Kapahaka</i>
<i>Touch Rugby</i>	<i>Māori Development</i>
<i>Environment Management</i>	<i>Politics</i>
<i>Child Development</i>	<i>Education</i>
<i>Reading</i>	<i>Socialising with Friends and Family</i>

## KAITAUTOKO (REFEREES)

---

### *Professional Referee*

**BJ Clark**  
National Manager Access and Infrastructure  
National CCS Disability Action  
Mobile: (027) 296 5505  
Email: [bj.clark@ccsdisabilityaction.org.nz](mailto:bj.clark@ccsdisabilityaction.org.nz)

### *General Referee*

**Vania Pirini**  
Contracts Advisor  
Te Putahitanga o Te Waipounamu  
Phone: (03) 974 0071  
Mobile: (021) 911 163  
Email: [Vania.Pirini@teputahitanga.org](mailto:Vania.Pirini@teputahitanga.org)

### *Professional Referee*

**Geoff Giller**  
Community Investment Advisor  
Ministry of Social Development  
Phone: (03) 961 6444  
Mobile: (029) 200 3599  
Email: [Geoffrey.Giller002@msd.govt.nz](mailto:Geoffrey.Giller002@msd.govt.nz)



## **TAUAKI KATI (CLOSING STATEMENT)**

---

My achievements have seen me in a number of positions of responsibility, from Secretary of a sports club to a member of various organisations. I am highly motivated and enjoy developing projects and event management. As a result of my many experiences I have developed numerous skills throughout my life.

These include the ability to deal with and relate to people of any ethnicity, age or gender. This was further developed in my work at CCS Disability Action and Whale Watch Kaikōura where the clientele was enormously varied. I have become multi-skilled because of the different structures that I have belonged too. With the support of my family behind me, they have given me the courage to go head to head with any challenge that comes towards me.

**He aha te mea nui o te ao**

*What is the most important thing in the world?*

**He Tangata, He Tangata, He Tangata**

*It is the people, it is the people, it is the people*

## MA-REA A CLAYTON

592 Kincaid Road  
Hapuku, RD 1, Kaikōura 7371  
Phone: 027 499 7087  
Email: ma-rea.clayton@ccsdisabilityaction.org.nz

---

Tena koe

I would like to register my interest on the position for the above vacancy.

I have many years professional experience I have been involved in various environmental projects with Te Runanga o Ngai Tahu and Te Runanga o Kaikōura and as an independent commissioner.

I have worked in the Resource Management space for over 20 years. My first encounter with the requirements of the Resource Management Act was with Te Runanga o Ngai Tahu under the Kaupapa Taiao unit.

I have completed a Bachelor of Applied Science in Environmental Management

In previous years I worked with Environment Canterbury (Ecan) previously known as Canterbury Regional Council. The context of that work was with the water policy and allocations for resource consents. I was a member on the Hearing and Applications Committee for the Kaikōura District Council for hearing of resource consents within the Kaikōura District Council area with the authority to approve or decline any submitted application under the RMA and Kaikōura District Plan.

For eight years I was a member on the panel to create the Kaikōura District Plan and once it became operational, I continued for the variation of the Kaikōura District Plan for an area of outstanding landscape to become residential. I was also a commissioner for KDC on a notified consent in a commercial area for a tourism operation (café/bar) by the slipway. Also, as a commissioner to create the flood hazard zones for the Kaikōura District Plan.

I have created and submitted for different environmental issues that effected iwi/hapū in the Kaikōura area and provided supporting commentary.

Recently a commissioner for the Marlborough District Council for the introduction the East Coast Beach vehicle bylaw.

I have much to offer in the way of diversity of experience and profession in that I have worked in various industries in Kaikōura, Nelson, Blenheim and Christchurch. Within these industries I have had the opportunity to learn procedures and the protocol necessary to enforce them ethically and without liability. From my work with CCS Disability Action, in which I have a degree in Management I have sharpened my organisational skills, attention to detail and my ability to work with speed and accuracy. As you will see from my curriculum vitae I meet all the required competencies and could provide exceptional leadership for the betterment of our people.

It is my sincere hope that I have provided you with enough information to consider this application positively and look forward with anticipation to discussing this with you in the near future.

Heoi anō



Ma-rea Clayton  
Independent Cultural Commissioner  
Te Wai Pounamu



## 14. Appeals Update

(Clr Oddie) (Report prepared by Barbara Mead)

R450-004-22

### Purpose of Report

1. The purpose of this report is to provide an update as to the current Court proceedings (excluding prosecutions) managed by the Advocacy and Practice Integration Team as at 6 July 2022.

### Executive Summary

2. Presently Council is engaged in eight proceedings either as respondent or s274 party (excluding Abatement Notice appeals and enforcement proceedings).

---

## RECOMMENDATION

That the information be received.

---

### Background/Context

3. Outlined below is a brief summary and update as to these appeals:
  - a. ***EDS v Otago Regional Council (Plan appeal – MDC as s274 party) – Policy***

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

The Supreme Court heard the matter on 11 and 12 May 2022. The parties await the decision.
  - b. ***Woolley (Transfer application appeal) - Consents***

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

The parties attended mediation on 4 March 2021 however the matter is proceeding to hearing. A hearing date is yet to be set.
  - c. ***NZKS Ltd v MDC (Application for declaration) – Compliance/Consents***

This application for declaration relates to the interpretation of monitoring conditions for two aquaculture resource consents. All documentation (including submissions) has been filed. The parties await the decision from the Court on the papers or for a direction to set the matter down for hearing.
  - d. ***NZKS Ltd v MDC (Consent decision appeal) - Consents***

This matter relates to the decline of an application to vary conditions in respect of two aquaculture resource consents that would vary the monitoring conditions. The Court have placed the proceedings on hold to await the outcome of the declaration proceedings referred to in ‘c’ above. Thereafter the matter will be set down for mediation.
  - e. ***Kuku Holdings Ltd v MDC (Consent decision appeal) - Consents***

This appeal relates to the decline of an application for resource consent which would enable the expansion of a mussel farm. The issues principally related to natural character, landscape and visual amenity effects and effects on the king shag and its habitat. The matter is set down for hearing on 14 November 2022 (4 days).
  - f. ***Trustees of Cherrybank Trust (MBIE Determination appeal) - Building***

This appeal relates to a determination by MBIE finding that pool covers are not lawful pool barriers. The appellant is a property owner and is appealing the determination. This matter has been set down for a back up fixture on 21 September 2022.

g. ***Goodsier v MDC (Costs Objection Appeal) - Consents***

Following the hearing of an application for resource consent, the appellant lodged an objection as to costs. The objection was heard and in large part, refused. The appellant lodged an appeal against the objection decision. The parties reached a settlement agreement and subsequently the appeal was withdrawn.

h. ***Te Iwingaro Trust v MDC (Costs Objection Appeal) - Consents***

Following the hearing of an application for resource consent, the appellant lodged an objection as to costs. The objection was heard and in large part, refused. The appellant has now lodged an appeal against the objection decision. The parties reached a settlement agreement and subsequently the appeal was withdrawn.

## **Next steps**

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

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

## 15. Information Package

---

---

### RECOMMENDATION

That the Regulatory Department Information Package dated 21 July 2022 be received and noted.

---