

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
WEB www.marlborough.govt.nz



**MARLBOROUGH
DISTRICT COUNCIL**



18 November 2022

Record No: 22233767
File Ref: D050-001-E01
Ask For: Nicole Chauval

Notice of Committee Meeting – Thursday 24 November 2022

A meeting of the Environment & Planning Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **24 November 2022 commencing at 9.00 am.**

BUSINESS

As per Agenda attached.

MARK WHEELER
CHIEF EXECUTIVE



**Meeting of the ENVIRONMENT & PLANNING COMMITTEE
to be held in the Council Chambers, District Administration Building, Seymour Street,
on THURSDAY, 24 NOVEMBER 2022 commencing at 9.00 am**

Committee

Clr G A Hope (Chairperson)
Clr B A Faults (Deputy)
Clr J A Arbuckle
Clr A R Burgess
Clr R J Innes
Clr B J Minehan
Clr T P Sowman
Mayor N P Taylor
Rural representative (TBC)
Iwi representative (TBC)

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

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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. Approval of Revised Terms of Reference (ToR) for Environment & Planning Committee

(The Mayor) (Report prepared by Robert Foitzik)

L150-016-38-03

Purpose of Report

1. To approve the revised Terms of Reference for the Environment & Planning Committee, which will be published on Council's website.

RECOMMENDATION

That the Committee review and approve the attached revised Terms of Reference or approves the revised Terms of Reference with amendments or changes as deemed appropriate to accurately reflect the purpose, scope and authority of the Committee.

Background/Context

2. The Council delegates to committees those powers necessary for it to carry out its responsibilities, except for those matters which cannot legally be delegated under the Local Government Act 2002 or which the Council has elected not to delegate.
3. The business to be transacted by the Council and its committees is large and wide-ranging, dealing with the details of many Acts and Regulations, the Council's plans, bylaws, and a range of Council activities and services.
4. Delegations given by the Council reflect the principles of subsidiarity to allow the Council to delegate its powers and functions to the most efficient and effective levels. The committee to which powers are delegated will usually exercise the delegated power but is not obliged to do so. The most common circumstances where the committee with the delegation might choose not to exercise it are when the matter has become a matter of public notoriety, or the issues are contentious and finely balanced. A decision made by a committee under delegation from the Council has the same effect as if it were made by the Council itself.
5. In accordance with section 41A(3)(b) of the Local Government Act 2002, the Mayor has the power to establish the committees and appoint the chairperson of each committee.
6. For committees and sub-committees to exercise their delegated powers responsibly and transparently, most councils have adopted detailed terms of reference setting out the purpose, scope and authority of each committee. In that respect, ToRs should comply with and be reflective of the following elements of good governance:
 - **Accountable and transparent:** decision-making structures should enable citizens to understand who is accountable for decisions made and the reasons behind those decisions;
 - **Responsive:** the structure should be able to respond to issues brought to the council's attention without unnecessary delay;
 - **Participation and diversity:** decision-making structures should facilitate direct engagement between elected members and members of the public and the expression of diverse views;
 - **Strategic focus:** decision-making structures should be designed so that elected members' ability to consider strategic matters is not "crowded out" by the urgent and reactive;
 - **Equitable and inclusive:** decision-making structures should be accessible to all communities;

- **Efficient and effective:** decision-making structures should enable decision to be made in a timely manner, without unnecessary duplication.

7. Legal Services have reviewed all of Council's current committee and sub-committee ToRs and propose to replace them with updated and revised ToRs. For the Environment & Planning Committee those revised and updated ToRs are **attached**.
8. It is recommended that the Committee reviews the attached ToR and either approves them as is or approves them with changes and amendments as deemed appropriate to correctly reflect the delegated powers of the Committee and the way it intends to operate and make decisions during its term. The attached ToR include feedback from the previous Chair of the Environment Committee. Once approved, the ToR will be published on Council's website.

Attachment

Attachment 1 – Draft Terms of Reference Environment Committee

page [4]

Author	Robert Foitzik, General Counsel
Authoriser	Mark Wheeler, Chief Executive

Terms of Reference

Environment and Planning Committee (Previously Environment Committee)

Chair	Gerald Hope
Deputy Chair	Barbara Faulls
Membership	Jamie Arbuckle Allanah Burgess Raylene Innes Ben Minehan Thelma Sowman Mayor Nadine Taylor Rural Representative (to be advised) Iwi Representative (to be advised)
Quorum	_____
Meeting Cycle	6 weekly
Reports to	Full Council

Responsibilities

Purpose

1. To oversee the development, implementation, and review of Council's:
 - a) Environmental strategies, policies, plans, programs, and initiatives to address environmental issues in the region (including issues in the areas of land management, regional natural resources, compliance, monitoring, enforcement, coastal marine environment, maritime navigations and safety, biosecurity, and biodiversity).
 - b) Regulatory systems, processes, and tools to meet Council's related legislative responsibilities.

Specific responsibilities

2. The Committee's environmental responsibilities include the areas of land management, regional natural resources, compliance, monitoring, enforcement, coastal marine environment, maritime navigation and safety, biosecurity, and biodiversity.
 - a) Oversee the development and review of Council's:
 - i) Environmental strategies, policies, plans, programmes, and initiatives
 - ii) Regional resilience prioritiesand recommend these matters (and variations) to Council for adoption.
3. Review periodically the effectiveness of implementing and delivering Council's:
 - a) Environmental strategies, policies, plans, programmes, and initiatives
 - b) Regional resilience priorities.

4. Consider regional, national, and international developments; emerging issues and impacts; and changes in the legislative frameworks for their implications for Council's:
 - a) Environmental strategies, policies, plans, programmes, and initiatives
 - b) Regulatory systems, processes, and tools.
5. Recommend to Council changes to improve the effectiveness of Council's:
 - a) Environmental strategies, policies, plans, programmes, and initiatives
 - b) Regional resilience priorities
 - c) Regulatory systems, processes, and tools.
6. Ensure that the Committee's decision making:
 - a) Considers climate change-related risks (mitigation and adaptation)
7. The committee is responsible for appointing independent commissioners to carry out the council's functions or delegating the appointment power.
8. The committee is responsible for regulatory policy and bylaws. Where the committee's powers are recommendatory, the committee or the appointee will provide recommendations to the relevant decision-maker.
9. Recommending bylaws and charges to the Council for consultation and adoption

Activity areas:

- Environmental science and monitoring
- Monitoring of consents
- Enforcement and prosecution policies
- Biosecurity
- Animal control
- Building control
- Noise Control
- Resource consent processing
- Alcohol Licence
- Fencing of swimming pools
- Food and health monitoring
- Harbour management

Relevant legislation includes but is not limited to:

- All Bylaws
- Biosecurity Act 1993
- Building Act 2004
- Dog Control Act 1996
- Fencing of Swimming Pools Act 1987
- Health Act 1956
- Land Transport Act 1998
- Local Government Act 1974
- Local Government Act 2002
- Maritime Transport Act 1994

- Psychoactive Substances Act 2013
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Waste Minimisation Act 2008

Powers

10. All powers necessary to perform the committee's responsibilities, including:
 - a) approval of a submission to an external body
 - b) establishment of working parties or steering groups
11. The committee has the powers to perform the responsibilities of another committee, where it is necessary to decide prior to the next meeting of that other committee.
12. If a policy or project relates primarily to the responsibilities of the Environment and Planning Committee, but aspects require additional decisions by the Animal Control Sub-Committee, or Climate Change Sub-Committee, or Hearing Sub-Committee, and/or Working for Nature Grants Sub-Committee, then the Environment and Planning Committee has the powers to make associated decisions on behalf of those other committee(s). For the avoidance of doubt, this means that matters do not need to be taken to more than one of these committees for decisions.

Delegation Limits (if any)

13. The committee does not have:
 - a) the power to establish sub-committees
 - b) powers that the Council cannot delegate or has retained to itself.

Procedure

The Chairperson will report back to Council with recommendations of Environment and Planning Committee at the next Council meeting following each committee meeting.

4. Animal Control Sub-Committee

(Cllr Arbuckle)

D050-001-A04

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

RECOMMENDATION

That the minutes of the Animal Control Sub-Committee meeting held on 1 September 2022 be ratified.



**Minutes of a Meeting of the
ANIMAL CONTROL SUB-COMMITTEE
held at CPR Café, 43 High Street, Blenheim on
THURSDAY, 1 SEPTEMBER 2022 commencing at 1.00 pm**

Present

Clr J A Arbuckle (Chairperson) and T P Sowman

In Attendance

Jamie Clark (MDC Animal Control – Contract Manager), Kathryn Watson (Animal Control) and Nicole Chauval (Committee Secretary)

Clr Arbuckle welcomed everybody to the meeting and took the opportunity to thank everyone for their mahi over the last three years. He also acknowledged the work that Jane Robertson had undertaken particularly in respect of the Dog Control Bylaw review. He noted that the Committee has made good progress over this term with a good foundation in place for the future.

Apologies

Cirs B A Faulls, Glen McMurdo (MDC Compliance Manager) and Maighan Watson (Projects/Contracts Manager)

1. Matters arising, action items & update from previous minutes – 14 July 2022

Actions

	Description	Update
1.	Blenheim Dog Park - Update on meeting with Resource Consent Planner. (Maighan Watson)	No update available. Maighan has met with the Resource Consent Planner and Landscape Architect since the last meeting to confirm requirements as discussed at the last Animal Control sub-committee meeting. Both parties are working through their respective tasks.
2.	Regular updates on the Blenheim Dog Park as it is progressed. (Maighan Watson)	Ongoing Refer 1
3.	Provide Carol Taylor's submission information to Maighan Watson.	Completed - emailed 3 August 2022
4.	Provide a proposal for a Remembrance Area in the plan/design to Jamie Clark. (Maighan Watson)	Before next meeting Refer action item 1
5	Invite SPCA to attend a future meeting. Will extend an invite when the new manager has been appointed. (Jamie Clark)	Made phone contact with SPCA but went to voice mail. Will continue to try to make contact. Kathryn Watson noted that there is an extension number to get to the Renwick Centre as the phone number that Jamie Clark has goes to the call centre in Auckland. Kathryn to forward to Jamie.

	Description	Update						
		<p>Members noted that having a representative from the SPCA attend the meeting is of benefit to everyone.</p> <p>Four Paws is picking up the slack which is not an ideal situation.</p> <p><i>Postscript: Good news. Jamie Clark met the new SPCA Manager Suzanne Owens. The meeting was very productive and future meetings will be scheduled. It is hoped that Suzanne will be able to attend Animal Control meetings.</i></p>						
6	Cost to empty doggy doo stations. (Jamie Clark)	<p>This is covered by Reserves. As waste costs have risen, Parks and Open Spaces section has been reducing bin numbers around parks and not putting bins in new parks. Using pack in pack out signage.</p> <p>Empty costs and dog bags are included as part of litter collection in our parks contract so no cost to Animal Control. Most bins are emptied on Mondays and Fridays.</p> <p>A bag dispenser is approximately \$800 and an additional \$800 to install.</p> <p>Bag and bin are about \$2600 and \$800 to install.</p> <p>Doggie Doo bag locations have been marked on Council's Smart Maps and then correlated with dog on/off lead. A student will be employed to go out to monitor.</p>						
7	Provide update to the Committee on the outcome of issues regarding on / off lead areas - Gina Ferguson. (Jamie Clark)	To change the bylaw would require going through the consultation process. Gauging how big a problem this is as there is still a requirement for owners to have their dogs under control. No further complaints received.						
8	Record the time and the number of queries/complaints received about cats. (Jamie Clark)	<p>Since 2018 there have been 26 complaints received.</p> <table border="0"> <tr> <td>2018 – 4</td> <td>2019 – 14</td> <td>2020 – 3</td> </tr> <tr> <td>2021 – 2</td> <td>2022 – 3</td> <td></td> </tr> </table> <p>The majority of complaints received are for multiple cats on a property.</p> <p>A work in progress.</p>	2018 – 4	2019 – 14	2020 – 3	2021 – 2	2022 – 3	
2018 – 4	2019 – 14	2020 – 3						
2021 – 2	2022 – 3							

5. Key Areas

a) Bylaws

- Action point 7
- Clause 7.1 The Council may make temporary changes to schedule 1, 2 and 3 of the Marlborough District Council Dog Control Policy – application needs to be made. Delegation for approval rests with Compliance Group Manager, Compliance Manager and Contract Manager.

b) Contractor

- Staffing - advertising for Admin Officer and 2 Animal Control officer

- Renovations continuing
 - Gary Porter has resigned (again) last day of work will be 21 September 2022. Two officer vacancies, one is a fixed term position to cover maternity leave. Interviews are being scheduled.
- Postscript: Both positions filled and up to strength as of 19 September 2022.*
- Hayden, who was assisting over the dog registration period, is now working in the reception/admin area, this is on a trial basis.
- Jacki Jenkins taking over as Education Officer, some bookings have been arranged. The Once Committee is confirmed following the Elections she Jacki will be invited to attend a meeting. Jamie Clark advised that there is consideration being given to videoing education sessions as a stand in for face to face sessions if required.
 - Kathryn Watson provided members with an update on the renovations for the Animal Control office – Kathryn is liaising with IT. When completed invite Council/Committee members to view/attend opening.

c) **Review fees**

- Status quo

d) **Dog Registration Update as of 30 August 2022**

- Registered: 10157
- Outstanding: 593
- Total: 10750

Members were advised that phone calls will commence to follow up on outstanding fees. This is currently behind due to staffing levels.

It was noted that payment schemes are considered on a case by case basis and this option is not advertised on the application form as it is preferred that people to pay the registration fee by the due date.

e) **Education Update**

Year to date from the 1 July 2022			
Primary School Preschools	Teenagers Adults	Public Events	Presentations Total
1	0	0	1

f) **Microchipping Update**

- Follow up of any outstanding dogs not registered or microchipped as first roll out of follow-up.
- Will start issuing infringements with an option of waiving the fine if the dog is microchipped within 14-28 days of receiving the notice.
- Jamie Clark will receive regular updates.

g) **Infrastructure – Pound**

- **26 July 2022** : Damage caused to **pound fencing / cages** as result of dog owner breaking into Pound and releasing two dogs. Police attended and later apprehended offender who was charged. Repairs to fencing being undertaken - \$1932.00 – completed.
- **December 2021**: Repairs to **Block wall** Quote - \$2272.00
- Cracking – driveway is being investigated. All cracking inside the Pound has been repaired.
- It was raised whether there needed to be a review of the pound to ensure it is fit for purpose. Jamie Clark noted engineers have recently checked the premises with a couple of issues identified. The premises will continue to be biennially assessed for maintenance etc.

6. **Discussion for the Blenheim Dog Park**

- Action Points 1 - 4

7. **Renwick Dog Park Update**

- Action point 1

8. Signage update

- a) Signage for **Pollard Park** – currently being designed by Comms and IT. There will be signs (6) and stickers placed at appropriate places around the Park.
- b) Review of **Sheps Park** Public Notice to Comms for review once application received, November possibly.
- c) Dog signage will be consistent throughout the region. Budget has been allocated and covers Blenheim Dog park and Remembrance Area.

9. SPCA Update

- Action Point 5

10. Cat Management

- Action point 8

11. General Business

No items.

Actions

	Description	Person Responsible	Time frame
1.	SPCA extension number to Jamie Clark	Kathryn Watson	Asap
2.	Once new Committee is confirmed invite Jacki Jenkins, Education Officer, to attend a meeting.	Jamie Clark	Next meeting following establishment of the new committee.
3.	Invitation to Council/Committee members to view Animal Control officers once renovations are complete.	Jamie Clark	

There being no further business the meeting closed at 1.46 pm.

Record Number: 22186106

5. Appeals on the PMEP

(The Chair) (Report prepared by Pere Hawes)

M100-09-01

Purpose of Report

1. To inform the Committee of progress with resolving appeals made to the Environment Court on the PMEP.

Executive Summary

2. 51 notices of appeal on the PMEP were lodged with the Environment Court.
3. Mediation on all topics except for Topic 2: Water Allocation and Use and Topic 13: Water Quality has now occurred.
4. Mediation on Topic 2: Water Allocation and Use and Topic 13: Water Quality is scheduled for February to April 2022.
5. To date, well over half of all appeal points to the PMEP have been considered through formal mediation.
6. Good progress has been made in resolving appeals. Since the last report to the Planning Finance and Community Committee on 8 September 2022, 10 further consent memoranda have been submitted to the Environment Court.
7. Since the last report to the Planning, Finance and Community Committee on 8 September 2022, the Court has issued nine consent orders. These consent orders are for the Natural Hazards, Heritage, Energy, Landscape, Transportation, Climate Change, Nuisance and Utilities topics.

RECOMMENDATION

That the report be received.

Background/Context

8. The PMEP Hearings Panel publicly notified their decision on the PMEP on 22 February 2020.
9. The Environment Court received 51 notices of appeal. The list of appellants is attached as Attachment 1. The full notices of appeal are available on the Council website:
<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/appeal-process/appeals-received>.
10. A significant number of Section 274 notices have been lodged with the Environment Court. This allows parties that have an interest in an appeal that is greater than the general public interest, or parties that originally submitted on the same provision subject to the appeal, to join the proceedings. The large number of Section 274 parties will make the process of reaching mediated agreements more complex.
11. The Environment Court manages all appeal processes in accordance with their Practice Note 2014. There are typically three options. The matters subject to appeal can be resolved between the parties (informal mediation), they may be resolved through Court assisted mediation (formal mediation), or they may proceed to Court hearing (in which case the Environment Court determines the outcome). Appellants may also withdraw their notice of appeal.
12. In accordance with Council's Instrument of Delegation, any agreed settlement between the parties achieved through mediation must be approved by either the Manager of Environmental Policy or the Manager of Environmental Policy, Science and Monitoring, or otherwise deferred back to the

Committee. The Managers are required to consult with the Chair as part of the process of reaching agreement.

13. Given the number of appeal points (approximately 1200), the resolution of appeals has been a focus of the work programme of the Environmental Policy Group for some time and will continue to be so.
14. A structure, process and timeline for managing the mediation of appeals was proposed by the Council and confirmed by the Environment Court in December 2020. Appeals have been structured according to topic and topics have then been grouped for scheduling reasons. All groups and topics have been scheduled. Progress with mediation is set out below.
15. An agreement to resolve appeals from either formal or informal mediation is referred to as a “consent memorandum”. If the Court agrees to the mediated agreement, it confirms the agreement by way of a Court decision called a “consent order”.

MEP Appeals Version

16. An appeals version of the PMEP has been produced, identifying provisions that are subject to appeal. This is available on the Council website: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/appeal-process/appeals-version-of-the-pmep>. The PMEP Appeals Version is being updated on an ongoing basis as appeals are resolved and consent orders are issued by the Environment Court.

Progress with resolution of appeals

17. To date, eight appeals have been resolved in full and four appeals have been withdrawn. The status of all appeals is recorded in Attachment 1. There are a total of 39 notices of appeal remaining.
18. Since the last update on 8 September 2022, a further 10 consent memoranda have been submitted to the Environment Court for their consideration. Another consent memorandum is in preparation and will be submitted to the Court shortly.
19. All future consent orders issued by the Environment Court will be reported to the Committee through subsequent updates.
20. Discussions during mediation have been positive and outcome focussed, and substantial progress has been made on resolving appeals. A total of 714 appeal points have been considered through mediation to date, with most appeal points being resolved. This represents good progress in the context of 1200 appeal points (i.e., well over half of all appeal points have been considered). This is especially so considering that there are typically many parties involved in each appeal point (given the extensive nature of the Section 274 notices).

Environment Court Mediation

21. Matters discussed during mediation are confidential to the parties to allow discussions to occur on a without prejudice basis. For this reason, an update on progress with resolution of the specific appeal points or the detail of the resolution is unable to be provided to the Committee as part of this agenda item. As per the Council delegation, the Chair of the Planning Finance and Community was briefed about the general course of the mediation to date and on the specific agreed outcomes from that mediation.
22. With the Environmental Policy Group now reporting to the Environment and Planning Committee, the Chair of this Committee will now be involved in the appeal resolution process.
23. The mediation process is overseen by an Environment Court Commissioner.
24. Mediation has now occurred on 20 of the 22 topics.

25. The last update on PMEP appeals was to the Planning, Finance and Community Committee on 8 September 2022. This report contains additional background on the process of mediation to the usual update to bring the Committee up to speed with progress with resolution of appeals.
26. All consent orders issued by the Environment Court referenced in this report can be accessed here: <https://eservices.marlborough.govt.nz/programmes/ListProgrammeEvents?id=2621046#info-2677877>.
27. As recorded above, all consent orders are incorporated into the PMEP Appeals Version.

Natural Character

28. Mediation on the Natural Character has involved lengthy mediation and discussions between the parties since February 2021, as set out in previous reports to the Committee.
29. Most appeal points have been agreed and a consent memorandum has been prepared for the agreed matters.
30. Discussions continue on the appeal points not currently agreed or, in some cases where agreement has been reached, the agreement is dependent upon satisfactory resolution of related appeal points in other topics.

Landscape

31. All but two of the appeals in this topic were resolved in a consent order issued by the Environment Court on 25 March 2022.
32. Agreement has now been reached on one of the two outstanding appeal points relating to the landscape overlays in Cook Strait. A consent memorandum for this matter was lodged with the Environment Court on 26 August 2022. The Environment Court issued a consent order resolving this appeal point on 10 October 2022.
33. There is now one unresolved appeal point on which discussions continue.

Indigenous Biodiversity

34. Mediation on the Indigenous Biodiversity has involved lengthy mediation and discussions between the parties since June 2021.
35. Progress was made on some sub-topics. A consent memorandum was submitted to the Court on 26 May 2022 for appeal points on which agreement was reached.
36. For appeal points not agreed, the Council was required to provide a report to the Court on provisions it could support. This report was provided to the Court on 2 May 2022. Other parties were required to respond with their own position on Council's promoted provisions. A schedule for the exchange of evidence was agreed to by the parties and endorsed by the Court.
37. After receiving the feedback from the parties, it was clear that there were matters on which the Council and parties agreed and other matters where the parties are closer to agreement than they were previously. For this reason, the Council sought the suspension of the timetable for exchange of evidence and requested further mediation. The Court agreed to this request and the mediation occurred on 6-8 September 2022. The mediation achieved further progress in resolution.
38. At the Commissioner's suggestion, the Council withdrew the previous consent memorandum and consolidated this with the matters agreed at the September mediation. This new consent memorandum is in preparation and will be submitted to the Court shortly.
39. The parties have also requested further mediation on appeals to Appendix 3, criteria for ecological significance. Although progress was made on appeals on the appendix at the September mediation, there remain differences between some of the parties.

40. A separate schedule for the exchange of evidence was also determined by the Environment Court for appeals related to King Shag habitat and Important Bird Areas.
41. In the meantime, the parties to the King Shag Class A appeals (which apply to breeding sites) reached agreement and a consent memorandum was lodged with the Environment Court on 25 July 2022.
42. Two of the appellants have decided not to pursue the relief sought in the remainder of their appeal on King Shag habitat and/or Important Bird Areas. There is now only one outstanding appeal relating to Important Bird Areas. A timetable for the exchange of evidence is in place and is being implemented.

Heritage

43. Most of the appeals in this topic were resolved in a consent order issued by the Environment Court on 25 July 2022.
44. Agreement on the last outstanding appeal point has now been reached and a separate consent memorandum was submitted to the Court on 4 August 2022. The Environment Court issued a consent order resolving this appeal point on 3 November 2022.
45. All appeals in this topic have now been resolved and the heritage provisions can be treated as operative in accordance with Section 86F of the RMA.

Utilities

46. Agreement has been reached on all but three of the appeal points. A consent memorandum was lodged with the Environment Court on 22 June 2022 on the agreed matters. The Environment Court issued a consent order resolving this appeal point on 6 October 2022.
47. Discussion continues between the relevant parties on the outstanding appeal points.

Transportation

48. Agreement has been reached on most of the appeal points. A consent memorandum was lodged with the Environment Court on 22 June 2022 for the agreed matters. The Environment Court issued a consent order resolving these appeal points on 6 October 2022.
49. There are dedicated workstreams that stem from the mediation aiming to progress matters not agreed. Two of the appeal points have since been resolved. A consent memorandum was lodged with the Environment Court on 3 August 2022 for the maintenance of the Main North Railway Line. The Environment Court issued a consent order resolving this appeal point on 6 October 2022. A consent order is in preparation of the other resolved appeal point on rail safety setbacks.
50. Progress is being made on the remaining workstreams.

Natural hazards

51. Agreement has been reached on all but three of the appeal points. A consent memorandum on the agreed matters was lodged with the Environment Court on 22 June 2022. The Environment Court issued a consent order resolving this appeal point on 3 November 2022.
52. Discussion continues between the relevant parties on the outstanding appeal points relating to the flood hazard overlays at Tuamarina and the status of maimai.

Air quality

53. Agreement was reached on all appeal points at mediation and a consent memorandum was lodged with the Environment Court on 17 May 2022. The Environment Court issued a consent order resolving this appeal point on 25 July 2022.

Energy and Climate Change

- 54. Agreement was reached on all Climate Change appeal points and a consent memorandum was lodged with the Environment Court on 17 May 2022. The Environment Court issued a consent order resolving this appeal point on 6 October 2022.
- 55. Agreement has now been reached on all Energy appeal points and a consent memorandum was lodged with the Environment Court on 11 August 2022. The Environment Court issued a consent order resolving this appeal point on 14 October 2022.

Nuisance

- 56. Agreement was reached on all points either at mediation or post mediation workstreams. A consent memorandum was submitted to the Court on 13 August 2022 and the Court issued a consent order on 6 October 2022.

Waste and discharge of contaminants to land

- 57. Agreement was reached on all but two matters at mediation. A consent memorandum on the matters agreed at mediation was submitted to the Court on 7 October 2022 and a consent order is pending.
- 58. There are two dedicated workstreams that stem from the mediation aiming to progress matters not agreed. One is on hold pending mediation on the Water Quality topic in the New Year.

Soil quality and land disturbance

- 59. Agreement was reached on all but three matters at mediation. A consent memorandum on the agreed matters is in preparation.
- 60. There are three dedicated workstreams that stem from the mediation and is progressing matters not agreed at mediation.

Rural

- 61. Mediation on the Rural Topic occurred on 2-4 August 2022. There were 38 appeal points considered at mediation for this topic.
- 62. Agreement was reached on all but one of the appeal points at mediation. A consent memorandum on the matters agreed at mediation was submitted to the Court on 7 October and a consent order is pending.
- 63. Discussion continues between the relevant parties on the outstanding appeal point and progress is being made.

Forestry

- 64. Mediation on the Forestry Topic occurred on 23-25 August 2022. There were 27 appeal points considered at mediation for this topic.
- 65. Agreement was reached on all but one of the appeal points at mediation. A consent memorandum on the matters agreed at mediation was submitted to the Court on 1 November 2022 and a consent order is pending.
- 66. The remaining appeal points are on hold pending the gazettal of the NPS for Indigenous Biodiversity.

Coastal

- 67. Mediation on the Coastal Topic occurred on 20-22 September 2022. There were 69 appeal points considered at mediation for this topic.
- 68. Agreement was reached on all appeal points with the exception of the appeals on coastal occupancy charge provisions. A consent memorandum was submitted to the Court on 1 November 2022 and a consent order is pending.

69. The parties have committed to workstreams to either narrow or resolve the appeals on coastal occupancy charges.

Zoning

70. Mediation on the Zoning Topic occurred on 25 October 2022. There were 3 appeal points considered at mediation for this topic.
71. Agreement was reached on two of the three appeal points. The parties have committed to workstream to resolve the outstanding appeal.

Miscellaneous

72. At the time of writing, mediation on the Miscellaneous Topic was occurring and is to be completed 8-10 November 2022. There are 25 appeal points considered at mediation for this topic.

Next steps

73. As set out above, the Court has issued 10 consent orders since the last report to the Committee. A total of 10 consent memorandum are now with the Environment Court for their consideration and a further consent memorandum is in preparation. Any resulting consent order issued by the Court will be reported to the Committee through future updates.
74. Mediation is yet to occur for the following topics, and these are scheduled as set out below:
- Water Quality (February 2023)
 - Water Quantity (March/April 2023)
75. Further mediation may also now occur for unresolved Indigenous Biodiversity appeal points in February 2022.
76. A timetable for the exchange of evidence for the remaining appeal point for Important Bird Areas is in place and is being implemented.
77. Informal mediation on other outstanding matters is ongoing. The results will be reported to the Environment Court in accordance with the Court's directions.
78. Progress with the resolution of appeals will continue to be regularly reported to the Committee through future agenda items.

Author	Pere Hawes, Manager Environmental Policy
Authoriser	Hans Versteegh, Manager of Environmental Policy, Science and Monitoring

Attachment 1

Appellant		Environment Court Reference	Status
Dominion Salt Limited v Marlborough District Council		ENV-2020-CHC-21	Resolved
GJ Gardner v MDC		ENV-2020-CHC-31	Resolved
Timberlink New Zealand Limited v MDC		ENV-2020-CHC-30	Withdrawn
Talley's Group Limited v MDC		ENV-2020-CHC-32	Resolved
Nelson Marlborough Fish and Game v MDC		ENV-2020-CHC-35	
Chorus New Zealand Limited and Spark New Zealand Trading Limited v MDC		ENV-2020-CHC-37	Resolved
Okiwi Bay Ratepayers Association v MDC		ENV-2020-CHC-38	Resolved
Te Rūnanga a Rangitāne o Wairau v MDC		ENV-2020-CHC-39	Resolved
Minister of Conservation v MDC		ENV-2020-CHC-42	
Aroma (N.Z.) Limited and Aroma Aquaculture Limited v MDC		ENV-2020-CHC-45	
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu v MDC		ENV-2020-CHC-46	
McGuinness Institute v MDC		ENV-2020-CHC-48	
Matthew Burroughs Broughan v MDC		ENV-2020-CHC-52	
Port Marlborough New Zealand Limited v MDC		ENV-2020-CHC-49	
Trustpower Limited v MDC		ENV-2020-CHC-50	
The New Zealand King Salmon Co. Limited v MDC		ENV-2020-CHC-51	
Jennifer Susan Cochran v MDC		ENV-2020-CHC-53	
One Forty One (previously Nelson Forests) v MDC		ENV-2020-CHC-54	
Colonial Vineyard Ltd v MDC		ENV-2020-CHC-59	Withdrawn
Villa Maria Estate Limited v MDC		ENV-2020-CHC-61	
New Zealand Transport Agency v MDC		ENV-2020-CHC-56	
Transpower New Zealand Limited v MDC		ENV-2020-CHC-68	
Royal Forest and Bird Protection Society of New Zealand Incorporated v MDC		ENV-2020-CHC-64	
KiwiRail Holdings Limited v MDC		ENV-2020-CHC-57	
J V Meachen v MDC		ENV-2020-CHC-69	
Te Runanga o Ngāti Kuia Trust v MDC		ENV-2020-CHC-70	
Brentwood Vineyards Limited and others v MDC		ENV-2020-CHC-66	
BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy		ENV-2020-CHC-72	Resolved

Appellant		Environment Court Reference	Status
Limited v MDC			
Horticulture New Zealand v MDC		ENV-2020-CHC-72	
Rebecca Light v MDC		ENV-2020-CHC-79	
East Bay Conservation Society Incorporated v MDC		ENV-2020-CHC-78	
Minister of Defence v MDC		ENV-2020-CHC-76	
Levide Capital Ltd v MDC		ENV-2020-CHC-65	Withdrawn
Delegat Limited v MDC		ENV-2020-CHC-75	
AJ King Family Trust and SA King Family Trust v MDC		ENV-2020-CHC-73	
Environmental Defence Society Incorporated v MDC		ENV-2020-CHC-67	
Federated Farmers of New Zealand v MDC		ENV-2020-CHC-58	
Sanford Limited v MDC		ENV-2020-CHC-60	
Friends of Nelson Haven and Tasman Bay Inc		ENV-2020-CHC-33	
Omaka Valley Group Inc		ENV-2020-CHC-34	
Heritage New Zealand Pouhere Taonga		ENV-2020-CHC-36	Resolved
HARO Partnership		ENV-2020-CHC-40	
KPF Investments Limited and United Fisheries Limited		ENV-2020-CHC-41	
Te Ātiawa o Te Waka-a-Māui Trust		ENV-2020-CHC-43	Withdrawn
Beleve Limited, RJ Davidson Family Trust and Treble Tree Holdings Limited		ENV-2020-CHC-44	
Goulding Trustees Limited and Shellfish Marine Farms Limited		ENV-2020-CHC-47	
Clearwater Mussels Limited and Talley's Group Limited		ENV-2020-CHC-55	
Oldham and Others		ENV-2020-CHC-62	
Apex Marine Farm Limited		ENV-2020-CHC-63	
Marine Farming Association Incorporated and Aquaculture New Zealand		ENV-2020-CHC-74	
Just Mussels Ltd, Tawhitinui Greenshell Ltd and Waimana Marine Ltd		ENV-2020-CHC-77	

6. Decision of Minister of the Environment on a Combined Plan for Te Tau Ihu

(The Chair) (Report prepared by Pere Hawes)

L150-019-R01

Purpose of Report

1. To inform the Committee of the decision of the Minister of the Environment with respect to the proposal for a combined plan for Te Tau Ihu under the Natural and Built Environment Bill.

Executive Summary

2. Central government was proposing to adopt the Randerson Report recommendation for there be a single NBA plan for Marlborough, Nelson and Tasman.
3. After a process of engagement, the Minister has decided that Marlborough will prepare its own Spatial Plan and NBA plan.
4. This decision will be reflected in the Spatial Planning Bill and the Natural and Built Environment Bill to be introduced to the House before the end of the year.

RECOMMENDATIONS

1. That the information be received.
2. That a sub-committee consisting of the Mayor, and the Chair and Deputy Chair of the Environment and Planning Committee be established to approve any Council submission on the Natural and Built Environments Bill and the Spatial Planning Bill.

Background/Context

5. Central government has had a programme of resource management reform. In February 2021, the government announced that the RMA is to be repealed and replaced with three new pieces of legislation, as follows:
 - **Natural and Built Environments Act (NBA)** which is the primary replacement for the RMA to protect and restore the environment while better enabling development
 - **Spatial Planning Act (SPA)** will help coordinate and integrate decisions made under relevant legislation, and require the development of long-term regional spatial strategies
 - **Climate Adaptation Act** will address complex issues associated with managed retreat and funding and financing climate adaptation.
6. Much of the reform is based on the recommendations contained in the Randerson Report.¹
7. The Randerson Report recommended that the current system of regional and district plans be replaced with combined NBA plans, predominantly based on regional council boundaries. The combined plans would sit under a National Planning Framework and Regional Spatial Plans, the former prepared by central government and the latter prepared by the councils and others.

¹ The Randerson Report was a report on a review of the resource management system in New Zealand. The report was focussed on reorienting the system to focus on delivery of specified outcomes, targets and limits in the natural and built environments. The review was conducted by the independent Resource Management Review Panel chaired by retired Court of Appeal Judge, Hon Tony Randerson, QC.

8. Unlike the arrangement for other unitary councils, the Randerson Report recommend that there be a single NBA plan for Marlborough, Nelson and Tasman. The Report did not contain any justification or analysis for this recommendation.
9. The Council was opposed to the proposal due to the following reasons:
 - The geographic separation of Marlborough from Nelson and Tasman;
 - The resulting variation in the nature of the environment and community in Marlborough, compared to Nelson and Tasman;
 - The lack of evidence that the proposal would result in improved resource management planning or improved environmental outcomes;
 - The risk to the local economy of changing the means of allocating public resources historically used in Marlborough; and
 - The lack of cost-benefit analysis or community engagement on the proposal.
10. In summary, the Council considered it essential that Marlborough retain the ability for self-determination in the management of natural and physical resources.
11. NCC and TDC also opposed the proposal and sought to retain the ability to prepare their own respective integrated plans.
12. The three Mayors collectively wrote to the Minister for the Environment to express their view on the proposal. At the request of the three councils, the Ministry engaged with the three councils to explore the effectiveness and efficiency of the proposal relative to the status quo (i.e., each council retaining the ability to prepare a NBA plan).
13. In June 2021 central government released an exposure draft of part of the NBA for public comment. Although the exposure draft was silent on the proposal for the Top of the South, the Council took the opportunity to express its opposition to a combined plan via its submission on the exposure draft in August 2021. This included the then Mayor Leggett and the author presenting to the Select Committee on the proposal.
14. The Ministry engaged with the three councils, Te Tau Ihu iwi and Ngāi Tahu earlier this year. This included the Ministry presenting a range of structural options for planning in the Top of the South. The options included the status quo, the recommendations of the Randerson Report, variations on both options and finally an option presented by Ngāi Tahu for the NBA plans to be based on the Ngāi Tahu takiwa boundary.
15. The Council continued to advocate for self-determination in its response to the Ministry.

Minister's decision

16. The Minister has recently made a decision on planning for Top of the South under the SPA and NBA. This was contained in a letter written to the three Mayors and CEO's on 1 November 2022. A copy of the letter is appended for your information.
17. The Minister has decided that NCC and TDC should prepare a combined Spatial Plan and a combined NBA plan, but Marlborough should prepare its own Spatial Plan and NBA plan.
18. The determination by the Minister relies on the geographic separation of Marlborough from Nelson and Tasman.

Next steps

19. The NBA and SPA were being introduced to the House at the time of writing this report. The two Bills will go through the Select Committee process, including public submissions.

20. There is merit in supporting the proposal for standalone planning by way of Council's submission. This provides the opportunity for Council to continue to argue for self-determination in the event of submissions seeking a combined plan with NCC and TDC.
21. The submission period is currently not known. It is possible that the submission period will close prior to the next Committee meeting. It is therefore recommended that a sub-committee be established to approve any Council submission on the Bills. The sub-committee could consist of the Mayor, the Chair and Deputy Chair.

Attachment

Attachment 1 – Letter from the Minister for the Environment

Page [23]

Author	Pere Hawes, Manager Environmental Policy
Authoriser	Hans Versteegh, Manager of Environmental Policy, Science and Monitoring

Attachment 1

Hon David Parker BCom, LLB

Attorney-General
Minister for the Environment
Minister for Oceans and Fisheries
Minister of Revenue
Associate Minister of Finance



1 November 2022

Te Taihū Mayors and iwi and Ngāi Tahu

Tēnā koutou katoa

Proposed SPA and NBA planning arrangements for Te Taihū (Top of the South)

I would like to extend my congratulations to Mayors King, Smith and Taylor on your recent electoral success, and also to new and returning councillors. I wish you all well for the important work needing to be done in your communities over the next three years.

I also extend my warm greetings to Te Taihū iwi and Ngāi Tahu.

As you will be aware, the Government is reforming the Resource Management Act 1991 (RMA). The RMA will be replaced by the Spatial Planning Act (SPA) and the Natural and Built Environment Act (NBA). These Acts will require regions to prepare Regional Spatial Strategies (RSS), which will be spatial and strategic planning documents; and Natural and Built Environment Plans (NBA plans), which will be the primary replacement for RMA plans.

RSS and NBA plans will be prepared by Regional Planning Committees (RPC). There will be 15 of each across the country.

Ahead of introducing the new legislation, I want to update you on the Government's proposal for future planning arrangements in Te Taihū.

The Resource Management Review Panel chaired by Hon Tony Randerson KC, and upon whose 2020 report the reform is based, considered Te Taihū to be one region for the purposes of plan-making – with the consequence that Marlborough District Council (MDC), Tasman District Council (TDC) and Nelson City Council (NCC) would prepare a combined RSS and a combined NBA plan.

The Government considered this option and four others:

- MDC, TDC and NCC prepare their own RSS and NBA plans within their unitary authority boundaries
- The Ngāi Tahu northern Takiwā boundary form the southern planning boundaries for TDC and MDC
- MDC, TDC and NCC prepare a joint RSS; and MDC, TDC and NCC prepare their own NBA plans within their unitary authority boundaries
- MDC prepare its own RSS and NBA plan, and TDC and NCC prepare a joint Nelson/Tasman RSS and a joint Nelson/Tasman NBA plan.

The Government favours the last option, and will provide for this in the new legislation.

TDC and NCC working together in this way recognises the benefit spatial planning will provide to Tasman and Nelson, and the existing commonalities between the district and the city.

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand
+64 4 817 8710 | d.parker@ministers.govt.nz | beehive.govt.nz

In this regard, I note the work NCC, TDC and iwi have undertaken to develop the Nelson Tasman Future Development Strategy, the councils' cooperation in the Joint Committee of Tasman District and Nelson City Councils, and the high level of shared services between the councils.

Producing a joint RSS and a joint NBA plan for Nelson/Tasman should contribute particularly to the reform objective of improving system efficiency and effectiveness, and reducing complexity, while retaining appropriate democratic input.

Given Marlborough's physical separation from Nelson and Tasman by the Richmond Range, there does not appear to be a similarly strong case for requiring the preparation by MDC, TDC and NCC of a combined RSS and a combined NBA plan.

The Marlborough, Nelson and Tasman communities will be able to provide input into the making of RSS and NBA plans through their respective councils, and by making submissions as processes proceed.

I intend to introduce the Spatial Planning Bill and the Natural and Built Environment Bill to Parliament soon. There will be a full select committee process for the Bills that you will be able to make submissions to.

Newly elected members may not have been involved in previous discussions on resource management reform with my officials. I would be happy to meet with elected members and iwi to discuss the reform. My office will be in contact to arrange this.

Ngā mihi



Hon David Parker
Minister for the Environment

Sent to:

Nelson City Council Mayor and CE

Tasman District Mayor and CE

Marlborough District Mayor and CE

Te Waka a Māui Secretariat

Ngāti Kuia (Kurahaupō) Chair and GM

Rangitāne o Wairau (Kurahaupō) Co-chairs and GM

Ngāti Apa ki te Rā Tō (Kurahaupō) Chair, GM and Taiao Advisor

Ngāti Koata (Tainui) Chair, Interim GM and Board Secretary

Ngāti Toa Rangatira (Tainui) Chair and CEO

Ngāti Rarua (Tainui) Chair and CEO

Te Āti Awa o Te Waka-ā-Maui (Taranaki) Chair and CE

Ngāti Tama ki Te Tau Ihu (Taranaki) Chair and GM

Te Rūnanga o Ngāi Tahu Chair and CEO

7. Giving Effect to the National Policy Statement for Freshwater Management – Implementation Work Programme Update

(Clr Burgess) (Report prepared by Sarah Brand)

N100-001-04-01

Purpose of Report

1. To provide an update to the Committee on the work programme for the implementation of the National Policy Statement for Freshwater Management (**NPSFM**).

Executive Summary

2. The Essential Freshwater package, introduced by central government in 2020, creates additional requirements for the Council in respect of freshwater management and protecting freshwater ecosystem health. This includes substantial changes to the NPSFM that the Council is required to give effect to through the Proposed Marlborough Environment Plan (**PMEP**).
3. Happen Consulting undertook an audit of the Essential Freshwater package against the PMEP in May 2021. Reported to the Planning and Finance Committee in June 2021, the MDC Essential Freshwater Audit report concluded that the current PMEP structure and provisions provided a suitable framework to begin the implementation of the NPSFM requirements.
4. The Audit report suggested a two-phase approach to the NPSFM implementation and resultant PMEP variation which is required to be notified by 31 December 2024.
5. A detailed work programme was developed which was reported to the Planning and Finance Committee in September 2022. The work programme is built around three rounds of engagement based on the process steps required by the National Objectives Framework (**NOF**). These will be undertaken between late 2022 through to late 2024.
6. The first round of engagement will look to confirm the FMU's for Marlborough and gather both the community's and tangata whenua's long-term visions and values for the region's freshwater.
7. Engagement with tangata whenua has begun and final preparations for community engagement are being completed including new Freshwater Management pages for the Council website with interactive mapping and surveys. Meetings with community groups, local industry groups and national groups will follow.
8. The first round of community engagement will run from the beginning of December 2022 through to the end of February 2023. After which results will be collated, analysed, and used to form the basis of undertaking the next NOF steps and subsequent rounds of engagement.

RECOMMENDATION

That the work programme update for the implementation of the NPSFM be received.

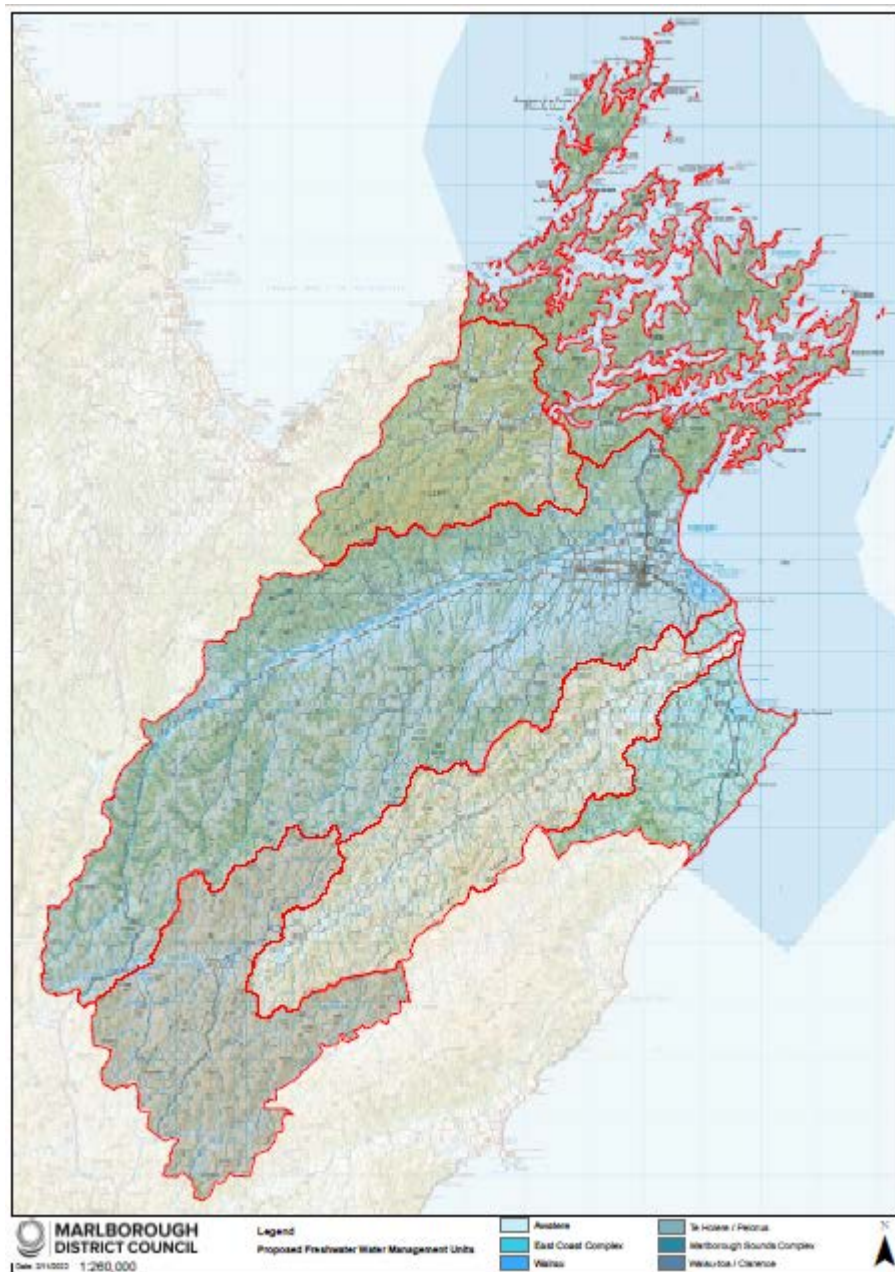
Background/Context

9. In August 2020, central government released the Essential Freshwater package which represents a fundamental shift in the management of freshwater. Full details on the package are available from the Ministry for the Environment website: <https://environment.govt.nz/what-government-is-doing/areas-of-work/freshwater/e/freshwater-reform/>

10. The Essential Freshwater package aims to:
- Stop further degradation of freshwater;
 - Start making immediate improvements so water quality improves within five years; and
 - Reverses past damage to bring waterways and ecosystems to a healthy state within a generation.
11. The package includes the National Policy Statement for Freshwater Management 2020 (NPSFM), which replaces the National Policy Statement for Freshwater Management 2017.
12. The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises:
- First, the health and well-being of water bodies and freshwater ecosystems.
 - Second, the health needs of people (such as drinking water).
 - Third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.
- This is known as the hierarchy of obligations (clause 3.1).
13. The NPSFM Policies (clause 2.2) require that freshwater is managed in a way that gives effect to Te Mana o te Wai, and that tangata whenua are actively involved in freshwater management which is done in an integrated way considering effects on a whole of catchment basis with emphasis on freshwater habitat, aquatic life and ecological processes.
14. The NPSFM requires every council to develop long-term visions for freshwater in its region and include these as objectives in its regional plan (clause 3.3). Long-term visions, which can be at Freshwater Management Unit (**FMU**), sub-FMU or catchment level, must set goals that are ambitious but reasonable (that is difficult to achieve but not impossible) and identify a timeframe to achieve those goals.
15. Long-term visions must be developed through engagement with communities and tangata whenua and be informed by an understanding of the history and environmental pressures on the FMU. Ultimately, they are an expression of what the communities and tangata whenua want the FMU to be like in the future.
16. A step-by-step process for implementing the NPSFM is detailed in the National Objectives Framework (NOF), separated into six steps (clause 3.7). At each step Council must engage with communities and tangata whenua and apply the hierarchy of obligations.
- i. Identify FMUs in the region (clause 3.8).
 - ii. Identify values for each FMU (clause 3.9).
 - iii. Set environmental outcomes for each value and include them as objectives in regional plans (clause 3.9).
 - iv. Identify attributes for each value and set baseline states for those attributes (clause 3.10).
 - v. Set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes (clauses 3.11, 3.13, 3.16).
17. The legislative timeframe requires councils to notify a variation/plan change by 31 December 2024. However, the timeframe for action to achieve attribute target states is a long-term process set by councils in consultation with their communities.

Marlborough's Situation and Engagement Work Programme

18. The PMEP was notified in 2016 and gave effect to the NPSFM 2014. There were amendments made to the NPSFM 2014 in 2017. The Hearings Panel took the opportunity provided by submissions to update the notified provisions where considered necessary. However, there are parts of the NPSFM 2020 that the PMEP does not give effect to and there is potential for conflict between the policies of the two documents.
19. The Council sought external advice on giving effect to the requirements of the NPSFM from Happen Consulting who undertook an audit of the PMEP against the Essential Freshwater package. The "Marlborough District Council Essential Freshwater Audit" was reported to this Committee in June 2021.
20. The Audit report reached a conclusion that the current PMEP structure and provisions provided a suitable framework to begin the implementation of the NPSFM.
21. Section 11 of the Audit report set out a potential work programme divided into several different workstreams and financial years through to June 2025 and then beyond, with the focus on public notification of a variation/plan change to the PMEP by December 2024.
22. The Audit report recommended two phases to the work programme. The first being engagement with tangata whenua iwi and the community to establish visions, values (including mahinga kai and tangata whenua values) and setting outcomes for each Freshwater Management Unit.
23. The second phase involved the setting of attribute baselines and target states consistent with the environmental outcomes established in Phase 1 and then assessment of the current PMEP provisions to establish the extent to which those provisions achieve the community visions and outcomes.
24. An engagement work programme has been developed building on the Audit centred around undertaking engagement on the steps detailed in the NOF and to enable the notification of the plan variation by the deadline of the 31 December 2024.
25. The engagement work programme has divided the NOF steps and Plan variation into three rounds of public engagement.
 - Engagement 1 – FMU Boundaries, Visions and Values – December 2022 to February 2023
 - Engagement 2 – Environmental Outcomes, Baseline and target states for value attributes, environmental flows and levels. - September to October 2023.
 - Engagement 3 – Draft rules and Action Plans - June to July 2024.
26. The first round of engagement focuses on confirming the division of the region's freshwater into FMU's for the purpose of the NPSFM and determining community and tangata whenua visions and values for these FMUs (NOF steps 1 and 2). This will provide the foundation for the remaining NOF steps through understanding the values that are important for each FMU which then forms the basis for setting environmental outcomes and ultimately the freshwater objectives in the pMEP.
27. Council have proposed six draft FMUs which correspond to Marlborough's main river catchments. These are Marlborough Sounds Complex, Te Hoihere/Pelorus, Wairau, Awatere, East Coast Complex and Waiau toa/Clarence. More details for these six FMUs will be provide through the engagement process.



Draft map of the proposed six Freshwater Management Units for Marlborough

28. In the NPSFM there are now four compulsory values required to be established for each FMU;
- 28.1 Ecosystem health – freshwater ecosystems are healthy and able to sustain the indigenous aquatic life with a focus on water quality, water quantity, habitat, aquatic life, and ecological processes.
 - 28.2 Human contact – people can connect with water through a range of activities.
 - 28.3 Threatened species – critical habitats and conditions necessary to support a population of threatened species and recovery of that species; and
 - 28.4 Mahinga kai – kai is safe to harvest and eat, providing a range of desired species plentiful enough for long term harvest.
29. Another nine values must also be considered.
- Natural form and character.

- Drinking water supply.
 - Wai tapu.
 - Transport and Tauranga waka.
 - Fishing.
 - Hydro-electric power generation.
 - Animal drinking water.
 - Irrigation, cultivation, and production of food and beverages.
 - Commercial and Industrial use.
30. The first round of engagement will look to capture as much information as possible from everyone who lives, works and visits the region in relation to those freshwater values and gain an understanding of the community's long-term visions for region's freshwater. This round of engagement is proposed to be run from December 2022 through to the end of February 2023.
31. Once finished all the data collected will be analysed and reported back to the community and be used as the basis for the next NOF steps and following rounds of engagement. A similar process will be used for all following engagements.

Community Engagement

32. Engagement and information provision will make use of the Council's website functionality and new Freshwater Management pages are in the final stages of development. These will provide users with information as to the NPSFM requirements and details about the proposed FMUs including their physical characteristics, current state of the environment and any challenges they face.
33. For the first round of engagement, the website will utilise GIS mapping tools to allow users to pin-point places that are of importance to them, how they use these locations and what they value about them.
34. A survey will also be used for a more in-depth enquiry into how people value freshwater and what they would like to see for the long-term future of freshwater in Marlborough.
35. During the engagement period there will also be face-to-face meetings held, seeking input from the region's primary industry groups, environmental groups, community groups and other organisations. The aim being to engage with as many people and groups as possible.
36. Several webinars are also likely to be undertaken to give those who do not wish to attend a face-to-face meetings the ability to gain an understanding of this work and be involved and have their say.
37. Council staff had a presence at the recent Garden Marlborough Fete to start community awareness and discussions on freshwater values and visions for Marlborough. There was good community interest and staff talked with and received feedback from the community throughout the day. Undertaking similar community events occurring through the engagement periods are being considered because of this successful event.

Tangata Whenua Engagement

38. While anyone can be involved in the public engagements, Council is also working separately with tangata whenua to understand and establish tangata whenua values including, but not limited to, Te Mana o te Wai (the fundamental health of water), ki uta ki tai (from mountains to sea, integrated management) and mahinga kai in a local Marlborough context.
39. This process involves two tangata whenua groups;

- Te Tau Ihu Iwi where Council is involved in an initiative with Tasman District Council and Nelson District Council in a Top of South working group known as Te Puna Kōrero ki Te Taihu (TPK).
 - Council has a separate working relationship with Ngāti Kuri and Ngāi Tahu.
40. Hui and korero with both tangata whenua groups are being undertaken on a regular basis and the proposed Freshwater Management Units have been presented to Iwi. However, further work is required to ensure these proposed FMUs are appropriate in a cultural context.
41. Council will continue to build our relationship with tangata whenua and work with them throughout the implementation phases and through all engagements, to the extent that they wish to be involved.

Option assessment

The NPSFM sets out prescriptive steps councils must take to implement the legislation. These are detailed within the NOF and require engagement with communities and tangata whenua at every stage. No other options have therefore been assessed.

Attachment

Attachment 1 – NPSFM Implementation Work Program as at November 2022. Please note this work programme may change in response to the ongoing engagement process. page [31]

Author	Sarah Brand, Strategic Planner
Authoriser	Pere Hawes, Manager of Environmental Policy

Attachment 1

NPSFM Implementation Engagement Work Programme as at November 2022

Please note these timescales and engagement rounds may change as the process is worked through.

Black text – Internal work, Green text – Work to be undertaken with Iwi, Blue text – Community engagements

NOF Step Activity	2022		2023					2024				
	Aug - Nov	Dec	Jan - Feb	Mar	Apr - Aug	Sep-Oct	Nov - Dec	Jan – May	Jun - Jul	Aug	Sep - Nov	Dec
1 & 2 FMUs and their Visions and Values	Prep work for Community Engagement 1 - Website development. - FMUs - draft boundaries, State of the environment, Current values, and Summary characteristics.	FMU, Visions and Values Community Engagement 1	Engagement 1 • Analysis • Results publicly reported	Combining community and Iwi Visions and Values								
	Separate engagement with Iwi – FMU boundaries, freshwater visions, cultural values incl. mahinga kai	Reporting to Iwi on results of Engagement 1 & combining of community and Iwi visions and values.										
3 to 6 Environmental outcomes Value attributes and their baseline and target states Environmental flows, and levels					Engagement with Iwi on environmental outcomes for each value, identifying value attributes and their baseline and target states, environmental flows, and levels. Prep work for Community Engagement 2 - Drafting environmental outcomes & objectives. - Identify Value attributes and their baselines and target states - Environmental flows and levels	Environmental outcomes, Value attributes and baseline and target states, Environmental flows, and levels Community Engagement 2	Engagement 2 • Analysis • Results publicly reported					
						Reporting to Iwi on results of Engagement 2						
PMEP Variation - Rules and Action plans							Engagement with Iwi on draft rules and action plans Prep work for Engagement 3 - Drafting rules. - Action plan requirements.	Draft Rules and Action Plans Engagement 3	Engagement 3 • Analysis • Results publicly reported Reporting to Iwi on results of Engagement 3	Final Plan drafting in partnership with Iwi	Notify Plan by 31 Dec 2024	

8. Variation 2 to the Proposed Marlborough Environment Plan – Ecologically Significant Marine Sites

(also refer to separate attachment)

(The Chair) (Report prepared by Louise Walker)

M100-11-07

Purpose of Report

1. To receive the Section 32 report for a variation to amend existing and include new Ecologically Significant Marine Sites in the proposed Marlborough Environment Plan (PMEP) and to recommend the reports adoption.
2. To recommend adoption of the variation and seek approval to proceed with the variation to public notification, in accordance with Schedule 1 of the Resource Management Act 1991 (RMA).

Executive Summary

3. A Section 32 report has been prepared evaluating the most effective and efficient methods to manage and protect newly identified Ecologically Significant Marine Sites (ESMS) and existing sites that require adjustments within the planning framework. Consultation with iwi authorities and statutory parties has occurred and advice received from parties. The next step is for the variation to proceed to public notification as required by the RMA.
4. The Committee must adopt the variation in order for it to be publicly notified. If adopted, public notice will occur early in the new year.
5. It is recommended that the period for making submissions is 20 working days, as is required by the RMA.
6. Several minor variations will be collectively notified and progress through the Schedule 1 process as a package.

RECOMMENDATIONS

That Council:

1. **Adopt the variation and the accompanying Section 32 report for the purposes of public notification.**
2. **Approve the public notification of the variation in accordance with Schedule 1, RMA as soon as practicable.**
3. **Approve a 20 working day timeframe for notification.**
4. **Confirm that the public notice be placed in the Marlborough Express, Blenheim Sun, Nelson Evening Mail, Dominion Post and Christchurch Press.**

Background/Context

7. The PMEP currently identifies 142 Ecologically Significant Marine Sites (ESMS) and subsites through Volume 4 (maps). Through application of provisions in Volume 1 (objectives, policies, methods) and Volume 2 (rules) the mapping of ESMSs provide for the protection of the indigenous biodiversity values at the sites. This protection is a matter of national importance as required by Section 6(c) of the Resource Management Act 1991 (RMA).
8. When an ESMS is identified, its tolerance to benthic disturbance is assessed and a category assigned. Sites that required a greater degree of protection are categorised as A or B. Through PMEP provisions, seabed disturbance activities are restricted at these sites in order to protect the indigenous

biodiversity values. Less vulnerable sites fall under category C. Terrestrial sites (such as King Shag roosting sites) do not have a category as benthic disturbance restrictions are not required.

9. In order to ensure seabed disturbance doesn't impact fragile sites, a further protection measure is provided by way of a buffer area. Those sites with a buffer are listed in Appendix 27, Volume 3 of the PMEP which trigger rules requiring additional seabed activity restrictions.
10. The ESMSs currently mapped in the PMEP were identified through the 2011 publication and the survey and monitoring programme established in 2014/15 by Marlborough District Council and the Department of Conservation and meet the criteria for significance as set out in Appendix 3 of the PMEP. The programme collects data on biodiversity values at significant sites on an annual basis using a detailed range of agreed survey protocol. The results of monitoring in the form of annual monitoring reports are reported to the Environment Committee. Typically, the reports recommend changes to the boundaries of existing ESMS or the creation of new ESMS.
11. There have been 7 monitoring surveys undertaken since the adoption of the programme:
 - Year 1: 2014-2015 Eastern Marlborough Sounds.
 - Year 2: 2015-2016 Croisilles Harbour and D'Urville Island
 - Year 3: 2016-2017 Croisilles to Waitui Bay, outer Sounds
 - Year 4: 2017-2018 Central Pelorus Sound
 - Year 5: 2018-2019 Pelorus, Tory Channel, and Catherine Cove.
 - Year 6: 2019-2020 Queen Charlotte Sound, Tory Channel and Port Underwood
 - Year 7: 2020-2021 Port Underwood, Queen Charlotte Sound and Pelorus Sound
12. The year 1 results were incorporated into the notified version of the PMEP. With the inclusion of the year 2 results being sought through a Council submission to the plan process. The PMEP decision was released on 21 February 2020 confirming the year 1 and 2 survey sites, with some amendments.
13. Appeals were then filed against the PMEP decision, including on aspects of the ESMS sites, buffers and related provisions. There are currently several outstanding appeals on these matters. However, the outcome of the appeals should not make a material difference to the management framework being applied for the inclusion and amendment of the sites forming this variation.
14. The boundary adjustments, category changes and new sites and subsites that form the basis of this ESMS variation have been identified through the survey and monitoring undertaken between 2016 and 2021 (years 3 to 7) by Davidson Environmental Limited and recommended by an Expert Panel after reviewing the survey findings.
15. Wildlife Management International issued a report titled *Population assessment during the breeding season of King Shag in the Marlborough Sounds, February 2020*. This report identified three sites that were not referenced in the ESMS programme as significant sites. Council's Environmental Scientist, Oliver Wade, has recommended the addition of these king shag roosting sites through the variation.
16. The key aspect of the variation being proposed are:
 - (a) Adjustments to the spatial boundaries of approximately 43 ecologically significant marine sites and sub-sites currently identified in the PMEP;
 - (b) Amendment to the category or buffer on 33 existing sites;
 - (c) The inclusion of approximately 64 new ecologically significant marine sites and sub-sites;
 - (d) A category change to 1 existing site;
 - (e) A buffer change to 1 existing site.

17. To commence this variation process, approval was sought from the Environment Committee at the 15 June 2022 meeting. Approval was granted and ratified at Full Council.
18. Schedule 1 of the RMA sets out the process through which a variation (when a plan is proposed) or a plan change (when a plan is operative) is to progress. As an overview of the process, Council is required to consult on the variation with iwi authorities and statutory parties, produce an evaluation report under Section 32, publicly notify the variation, receive submissions, summarise submissions, publicly notify the summary, draft a Section 42A report evaluating submissions and further submissions before progressing to a hearing.
19. A Section 32 report – a report evaluating the appropriateness of options in achieving the purpose of the Resource Management Act – was then drafted and consultation undertaken with iwi authorities and relevant statutory authorities. The Section 32 report also records the advice received from those parties.

Consultation

20. Consultation has progressed in accordance with Schedule 1, RMA.
21. Two hui have been held to discuss the variation with iwi authorities. The advice provided from iwi at the hui has been considered and summarised in the Section 32 report. No formal advice post-hui was submitted for inclusion in the report.
22. Letters were also sent to the relevant ministers. The Minister for Oceans and Fisheries requested consultation with MPI but did not raise any specific issues.
23. Other parties were consulted, for example the Marine Farming Association and Inshore Fisheries New Zealand.

Public Notification

24. The next step in the process is to publicly notify the variation. This provides an opportunity for any person or group, including those parties that have already been consulted, to make submissions on the proposal. Those submissions are then summarised and all parties are provided an opportunity to further submit on submissions. (The submission summary will be provided to the Environment and Planning Committee recommending adoption prior to it being notified.)
25. The intention of notification is to engage with as many interested parties as possible in the process and to receive feedback for consideration. Due to the content of this variation, and the other variations it will be packaged with, a public notification spanning the Christmas period was considered to be a less effective method of achieving engagement. Therefore it is proposed to delay the public notification until the New Year.
26. The RMA requires a minimum period of 20 working days is provided to allow parties to submit on the variation. I do not propose to extend this as the variation content is restricted and under these circumstances a longer period can result in dis-engagement with the process.
27. Aside from the public notices recommended to be published in newspapers, notification of the variations will also be advertised on the Council website and on other social platforms where appropriate.

Option One (Recommended Option) – Proceed with variation

28. Proceed with the variation to public notification.

Advantages

29. Adding the sites in the plan ensures significant marine sites are protected. Their inclusion will give effect to the New Zealand Coastal Policy Statement and is in line with the direction provided in our own region's planning framework.

Disadvantages

30. There are not considered to be any disadvantages.

Option Two – Status Quo

31. Not proceed with the variation

Advantages

32. There are not considered to be any advantages.

Disadvantages

33. The sites will not have protection afforded to them under the provisions of the PMEP and Council is not giving effect to its existing planning framework, the NZCPS or directions under the RMA.

Attachment

Attachment 1 – Section 32 Report – Variation 2 – Ecologically Significant Marine Sites is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Louise Walker, Strategic Planner (Resource Management)
Authoriser	Pere Hawes, Manager Environmental Policy

9. Variation 3 to the Proposed Marlborough Environment Plan – Meretoto/Ship Cove Heritage Resource

(also refer to separate attachment)

(The Chair) (Report prepared by Louise Walker)

M100-11-07

Purpose of Report

1. To receive the Section 32 report for a variation to include Meretoto/Ship Cove and the Island of Motuara as a Heritage Resource in the proposed Marlborough Environment Plan (PMEP) and to recommend the reports adoption.
2. To recommend the adoption of the variation and seek approval to proceed with the variation to public notification, in accordance with Schedule 1 of the Resource Management Act 1991 (RMA).

Executive Summary

3. A Section 32 report has been prepared evaluating the most effective and efficient methods to manage and protect the heritage values of Meretoto/Ship Cove and Motuara Island. Consultation with iwi authorities and statutory parties has occurred and advice received from parties. The next step is for the variation to proceed to public notification as required by the RMA.
4. The Committee must adopt the variation in order for it to be publicly notified. If adopted, public notice will occur early in the new year.
5. It is recommended that the period for making submissions is 20 working days as is required by the RMA.
6. A package of minor variations will be collectively notified and progress through the Schedule 1 process as a package.

RECOMMENDATIONS

That Council:

1. **Adopt the variation and the accompanying Section 32 report for the purposes of public notification.**
2. **Approve the public notification of the variation in accordance with Schedule 1, RMA to occur as soon as practicable.**
3. **Approve a 20-working day timeframe for notification.**
4. **Confirm that public notices will be placed in the Marlborough Express, Blenheim Sun, Nelson Evening Mail, Dominion Post and Christchurch Press.**

Background/Context

7. Heritage New Zealand Pouhere Taonga (HNZPT) entered the Meretoto/Ship Cove and Motuara Island site into the New Zealand Heritage List/Rārangi Kōrero as a 'Historic Place Category 1' (List number 9900). The Category 1 type listing identifies sites as being of special or outstanding historical or cultural significance or value. As HNZPT have listed Meretoto/Ship Cove as a Category 1 site Council needs to consider its inclusion in the PMEP in order to give effect to RMA direction which is further defined in PMEP policies.

8. Resource Management Act 1991(RMA), Section 6(f) requires the protection of historic heritage from inappropriate subdivision, use and development. The PMEP achieves this through provisions in the plan restricting activities at sites of significance.
9. The significance of Meretoto/Ship Cove is already recognised in a Marlborough context through non-regulatory methods including the erection of pouwhenua, to mark the location, and storyboards to provide additional information to those visiting the area. The commentary on the site generally pertains to its connection with Captain Cook and iwi occupation at that time but there is a greater historic story to be told about this site and its extensive importance iwi.
10. The area identified by HNZPT for the Meretoto/Ship Cove listing is also the location of another HNZPT listing (List number 9780), identifying this site as Wahi Tupuna/Tipuna.
11. Volume 1, Chapter 10: Heritage Resources and Notable Trees of the proposed Marlborough Environment Plan (pMEP) contains the objectives, policies and methods to protect Marlborough's heritage values. The heritage rules in Volume 2 manage activities in and around heritage sites and Volume 3, Appendix 13 lists Significant Heritage Resources and Sites and Places of Significance to Marlborough's Tangata Whenua Iwi. These sites are then spatially mapped in Volume 4. The recommended option in the Section 32 report does not seek to amend the existing provisions in Volume 1 or 2 but rather to give effect to them through the adoption of a new heritage resource.
12. The PMEP is currently under appeal, however, appeal points on heritage resource sites have been resolved through mediation, with a consent order being issued by the Environment Court on 25 March 2022. When considering the variation against the planning framework, this means the PMEP can be given full weight and rules can be treated as operative.
13. To commence this variation process, approval was sought from the Environment Committee at the 15 June 2022 meeting. Approval was granted and ratified at Full Council.
14. A Section 32 report – a report which considers several options and recommends the one evaluated (through its efficiency and effectiveness) as being the best method to achieve the purpose of the Resource Management Act – was then drafted and consultation undertaken with iwi authorities and relevant statutory authorities. The Section 32 report records the advice received from those parties.
15. Schedule 1 of the RMA sets out the process through which a variation (when a plan is proposed) or a plan change (when a plan is operative) is to progress. As an overview of the process, Council is required to consult on the variation with iwi authorities and statutory parties, produce an evaluation report under Section 32, publicly notify the variation, receive submissions, summarise submissions, publicly notify the summary, draft a Section 42A report evaluating submissions and further submissions before progressing to a hearing.

Consultation

16. Consultation has progressed in accordance with Schedule 1, RMA.
17. Two hui have been held to discuss the variation with iwi authorities. The advice provided from iwi at the hui has been considered and summarised in the Section 32 report. No formal advice was provided post hui.
18. An historical account of the site is being compiled by kurahaupō iwi and will be incorporated in the process when it becomes available.
19. Letters were also sent to the relevant ministers. None sought additional consultation on the variation occur with their crown agency.

Public Notification

20. The next step in the process is to publicly notify the variation. This provides an opportunity for any person or group, including those parties that have already been consulted, to make submissions on the proposal. Those submissions are then summarised and all parties are provided an opportunity to

further submit on submissions. (The submission summary will be provided to Environment and Planning Committee recommending adoption prior to it being notified.)

21. The intention of notification is to engage with as many interested parties as possible in the process and to receive community feedback for consideration. Due to the content of this variation, and the other variations it will be packaged with, a public notification spanning the Christmas period was considered to be a less effective method of achieving engagement. Therefore it is proposed to delay the public notification until the new year.
22. The RMA requires a minimum period of 20 working days is provided to allow parties to submit on the variation. I do not propose to extend this as the variation content is restricted and under these circumstances a longer period can result in dis-engagement with the process.
23. Aside from the public notices recommended to be published in newspapers, notification of the variations will also be advertised on the Council website and on other social platforms where appropriate.

Option One (Recommended Option)

24. Proceed with the variation to public notification.

Advantages

25. Adding the site gives effect to the existing planning framework's requirement to identify and include important heritage values in the plan and affording them the protection provided by the PMEP provisions. Further, it highlights the historic importance of this site to Marlborough's tangata whenua iwi and the wider community which provides a number of benefits including contributing to our environmental quality and the regional sense of well-being.

Disadvantages

26. The cost of a Schedule 1 process and non-regulatory costs associated with information gathering for the sites history. The sites inclusion has the potential to unnecessarily restrict cultural activities at the site – although no activities have yet been identified.

Option Two – Status Quo

27. Not proceed with variation.

Advantages

28. Would not have the potential to restrict cultural activities at the site that tangata whenua may wish to undertake.

Disadvantages

29. Would not give effect to the PMEP provisions requiring protection of heritage values through the policy framework. Potential for other activities to create adverse effects at the site.

Attachment

Attachment 1 – Section 32 Report Variation 3 Meretoto Ship Cove is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Louise Walker, Strategic Planner
Authoriser	Pere Hawes, Manager Environmental Policy

10. Variation 4 to the Proposed Marlborough Environment Plan – Road Stopping Rezoning of Land

(also refer to separate attachment)

(The Chair) (Report prepared by Louise Walker)

M100-11-11

Purpose of Report

1. To receive and recommend the adoption of the Section 32 report for a variation to zone currently unzoned land in the proposed Marlborough Environment Plan (PMEP).
2. To recommend the adoption of the variation and seek approval to proceed with the variation to public notification, in accordance with Schedule 1 of the Resource Management Act 1991 (RMA).

Executive Summary

3. A Section 32 report has been prepared evaluating the most effective and efficient zoning option to manage activities occurring on small areas of land previously identified as road reserve. Consultation with iwi authorities and statutory parties has occurred. The next step is for the variation to proceed to public notification as required under the RMA.
4. The Committee must adopt the variation in order for it to be publicly notified. If adopted, public notice will occur early in the New Year.
5. It is recommended that the period for making submissions is 20 working days as is required by the RMA.
6. Several minor variations will be collectively notified and progress through the Schedule 1 process as a package.

RECOMMENDATIONS

That Council:

1. **Adopt the variation and the accompanying Section 32 report for the purposes of public notification.**
2. **Approve the public notification of the variation in accordance with Schedule 1, RMA to occur as soon as practicable.**
3. **Approve a 20-working day timeframe for notification.**
4. **Confirm that public notices will be placed in the Marlborough Express, Blenheim Sun, Nelson Evening Mail, Dominion Post and Christchurch Press.**

Background/Context

7. Road stopping can occur when a section of road is no longer considered necessary. The road stopping process removes the public road status and designation status, leaving the land unzoned. The unzoned land means activities cannot be appropriately managed through the provisions in the PMEP. It is more effective (and efficient) to have a regulatory framework apply to the land in order to provide certainty to the landowner as to what can occur on land as a permitted activity and apply management where necessary to other activities.
8. The zoning of land ensures there is a management framework in place to guide the sustainable use and development of land as required by Section 5 of the Resource Management Act.
9. The road stopping process removes the management framework by taking away the designation status. In order to give effect to the RMA, new zoning is required to be applied to the sites. A variation

will allow for the consideration of what zoning would be most appropriate given the circumstances at each location.

10. The variation will be prepared in accordance with Schedule 1 of the RMA.
11. To commence this variation process, approval was sought from the Environment Committee at the 15 June 2022 meeting. Approval was granted and ratified at Full Council.
12. A Section 32 report – a summary report evaluating the most effective and efficient method of achieving the purpose of the Resource Management Act – was then drafted and consultation undertaken with iwi authorities and relevant statutory authorities. The Section 32 report records the advice received from those parties.
13. Schedule 1 of the RMA sets out the process through which a variation (when a plan is proposed) or a plan change (when a plan is operative) is to progress. As a very rudimentary overview of the process, Council is required to consult on the variation with iwi authorities and statutory parties, produce an evaluation report under Section 32, publicly notify the variation, receive submissions, summarise submissions, publicly notify the summary, draft a Section 42A report evaluating submissions and further submissions before progressing to a hearing.

Consultation

14. Consultation has progressed in accordance with Schedule 1, RMA.
15. Two hui have been held to discuss the variation with iwi authorities. No advice was provided by iwi on this variation either during or after the hui.
16. Letters were also sent to the relevant ministers. No further consultation was requested.

Public Notification

17. The next step in the process is to publicly notify the variation. This provides an opportunity for any person or group, including those parties that have already been consulted, to make submissions on the proposal. Those submissions are then summarised and all parties are provided an opportunity to further submit on submissions. (The submission summary will be provided to Environment and Planning Committee recommending adoption prior to it being notified.)
18. The intention of notification is to engage with as many interested parties as possible in the process and to receive community feedback for consideration. Due to the content of this variation, and the other variations it will be packaged with, a public notification spanning the Christmas period was considered to be a less effective method of achieving engagement. Therefore it is proposed to delay the public notification until the new year.
19. The RMA requires a minimum period of 20 working days is provided to allow parties to submit on the variation. I do not propose to extend this as the variation content is restricted and under these circumstances a longer period can result in dis-engagement with the process.

Option One (Recommended Option)

20. Proceed with the variation to public notification.

Advantages

21. Land can be provided with a suitable zoning to manage the activities that can be undertaken at each site.

Disadvantages

22. There is a financial cost of proceeding with the variation. However, this is minimal given the bundling of variations for public notification.

Option Two – Status Quo

23. Do not proceed with the variation to public notification.

Advantages

24. No additional cost to Council or ratepayers.

Disadvantages

25. Activities on land are not appropriately managed through plan provisions.

Attachment

Attachment 1 – Section 32 Report – Variation 4 - Road Stopping is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Louise Walker, Strategic Planner (Resource Management)
Authoriser	Pere Hawes, Environmental Policy Manager

11. Variation 6 to the Proposed Marlborough Environment Plan – East Coast Uplift Rezoning

(The Chair) (Report prepared by Louise Walker)

M100-11-07

Purpose of Report

1. To approve the preparation and consultation for a variation to the proposed Marlborough Environment Plan (PMEP) to amend zoning of land uplifted by the Kaikōura earthquake.

Executive Summary

2. Approval is sought to proceed with the preparation of a variation to amend the zoning of land that was uplifted (above mean high water) as a result of the 2016 Kaikōura earthquake. Currently the subject land is zoned as 'Coastal Marine', a zoning used to manage activities occurring below mean high water.
3. The preparation of the variation will include consultation with relevant parties, including tangata whenua, any customary marine title groups in the area, Minister of Ocean and Fisheries, Minister for Primary Industries, Minister for the Environment and Minister of Conservation.
4. The final draft of the proposed variations will be brought back to the Environment and Planning Committee to approve the variation for notification in due course.

RECOMMENDATION

That Council approve the preparation and consultation on a variation to the proposed Marlborough Environment Plan to amend the zoning of land uplifted by the 2016 Kaikōura earthquake.

Background/Context

5. On 14 November 2016, a 7.8 magnitude earthquake struck the coast with an epicentre 15 km north-east of Culverden. From the earthquake hypocentre, the ground ruptured north towards Seddon. In some places the upheaval of land was as much as 6.5 metres and 0.5-2.5 metres of uplift in the area between the mouths of the Awatere and Waima/Ure Rivers². As a result of the massive shift in land mass, sections of land that were either previously underwater, or in the tidal zone have been exposed and are now situated above mean high water. Around 130km of coastline was affected by the quake, stretching from south of Kaikōura to up past Seddon, with the high tide mark moving as much as 200 metres in some places.
6. The section of coastline that forms part of this variation runs from the Marlborough District Council boundary, just south of Tirohanga Stream to the southerly extent of White Bluffs/Te Parinui o Whiti.
7. The altered landscape resulting from the uplift of land has fundamentally changed the types of activities that can potentially take place on the exposed areas. The PMEP zoning of the newly formed land areas has not been changed since the quake and is still defined as Coastal Marine zone. This outdated zoning provides a policy framework based on the understanding that the area is situated either under water or in the tidal zone reaching up to mean high water.

Assessment/Analysis

8. The current Coastal Marine zoning of the subject land manages activities that are below the mean high water mark. In order for the proposed Marlborough Environment Plan to give effect to the

² Marlborough's East Coast – Technical Report. 1 November 2019

requirements of Section 5 of the Resource Management Act, appropriate zoning needs to be applied to manage activities on land.

9. An evaluation will be undertaken to ascertain what zoning would be most appropriate to give effect to the s5 RMA purpose of sustainable management. A Section 32 report summarising the evaluation will be drafted and brought back to the Environment and Planning Committee for adoption, along with the variation itself, before further progressing with a Schedule 1 variation process.
10. Mapping of the sections of land that will form part of this variation is currently underway and will also form part of the Section 32 report once complete.
11. The variation will be prepared in accordance with Schedule 1 of the RMA.
12. The tangata whenua who may be affected, through iwi authorities, will be consulted, as will any customary marine title group in the area.
13. The Ministers of the Crown who may be affected will also be consulted. These include the Minister of Ocean and Fisheries, Minister for Primary Industries, Minister for the Environment and Minister of Conservation.

Author	Louise Walker, Strategic Planner
Authoriser	Pere Hawes, Manager Environmental Policy

12. Winery Wastewater & Grape Marc Monitoring Report

(Clr Minehan) (Report prepared by Tonia Stewart)

E360-006-02

Purpose of Report

1. To inform the Committee of the Compliance Group's ongoing monitoring of the discharge of winery wastewater and grape marc to land for the period 1 June 2021 – 31 May 2022.

Executive Summary

2. Council reported on 38 out of 39 wineries that discharge winery waste to land within the rural environment for the 2021/2022 monitoring period. One winery did not provide their reports/information to council on time.
3. For the 2021/2022 monitoring period 13 wineries (34%) were assessed as fully compliant, 6 wineries (16%) were technically non-compliant and 19 Wineries (50%) were assessed as non-complaint.

RECOMMENDATION

That the information be received.

Background/Context

4. Council has been monitoring the land application of winery wastewater annually since 1999 with reports being produced since 2005.
5. The 2022 New Zealand Winegrowers Annual Report indicates that nationally the 2022 harvest of 532,000 tonnes had increased on the 370,000 tonnes crushed in 2021. The value of New Zealand wine exports reached \$1.95 billion for 2022 (increased from \$1.87 billion in 2021).
6. In 2022 Marlborough had a 77% proportion of the grapes harvested in New Zealand; with 29,415 producing hectares (compared to 28,883 producing hectares in 2021) and a total of 414,649 tonnes processed (increased from 269,521 tonnes in 2021), a 54% increase in total tonnage compared to 2021 vintage.
7. Liquid waste from the winemaking process predominantly consists of water used for cleaning floors, equipment, fermentation tanks and barrels. Liquid waste is typically seasonal in nature, with the greatest volume generated at vintage time.
8. Winery wastewater can contain some constituents that are an environmental concern. Poor management of the land application of winery wastewater can lead to contamination of surface and ground water and adversely affect soil and plant health.
9. Grape marc is the solid end product once grapes have been pressed for juice. It contains seeds, stems, skins and pulp.

Where Monitoring was Undertaken

10. There are 39 wineries in Marlborough that discharge winery wastewater to land in the 2021/2022 monitoring year. 33 wineries are located in the Wairau Plains, one is located north of Blenheim and five are located in the Awatere area.
11. The wineries within the Riverlands and Cloudy Bay industrial zones that discharge directly to trade waste, and three wineries in the rural zone that have their wastewater taken offsite, were not monitored for this monitoring period.

Proposed Marlborough Environment Plan

12. The PMEP Hearings Panel issued their decision on the Proposed Marlborough Environment Plan on 21 February 2020. The relevant rules controlling winery waste management in the PMEP now have legal effect and must be complied with.
13. All permitted activity monitoring completed for the 2022 period was assessed against the appeal version of the PMEP, the discharge of winery wastewater rules are not subject to appeal.
14. The PMEP states that the discharge of agricultural waste, making or compost/storage of agricultural waste and storage of compost must not occur within a Soil Sensitive Area. There are two wineries that have discharge areas or compost pads within a Soil Sensitive Area.
15. The wineries that have discharge areas or compost pads within a Soil Sensitive Area will need to apply for Resource Consent which will assess the environmental effects and determine what measures need to be put in place for the discharge to continue. There are two wineries that require a resource consent to legalise and continue the discharge within a Soil Sensitive Area. One winery applied for a consent and was subsequently granted resource consent in October 2022.

How Monitoring was Undertaken

16. The 39 wineries that discharge wastewater to land are monitored according to Resource Consent conditions and/or the permitted activities standards under the PMEP. Inspection templates were forwarded to wineries prior to vintage highlighting what information and records are required from them to demonstrate compliance with Resource Consent conditions and/or PMEP permitted activity standards. For this reporting period, 38 wineries have been assessed to date and are reported on.
17. There are currently 22 wineries assessed under the permitted activity standards and 18 wineries assessed under Resource Consent.
18. 23 onsite inspections were completed for the 2022 period. These inspections were completed in March and April 2022.
19. Resource Consent conditions for discharge of winery wastewater to land are imposed based on the individual wastewater system and local environments; therefore, conditions vary for each winery.
20. The PMEP permitted activity standards for discharge of winery wastewater include: pH level parameters; nitrogen loading to the land; no ponding or anaerobic soil conditions; buffer zones to boundaries, water bodies and bores; no use of a high rate discharge system onto land with a slope greater than 7 degrees; and no discharges into surface water bodies, within a Soil Sensitive Area or within a Groundwater Protection Area.
21. Additional monitoring is undertaken for the wineries that compost and/or spread grape marc directly to land to ensure appropriate location, leachate collection and compliance with the PMEP standards or Resource Consent conditions.
22. A traffic light system is used to determine the compliance with consent conditions or the permitted activity plan rules. 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 a breach of a condition or rule which may cause an actual adverse effect or potential environment effect; and

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

Monitoring Results

23. 38 wineries submitted information (e.g. Annual Reports, wastewater and/or soil sample results) and data (e.g. records of daily wastewater volumes, discharge dates, disposal area sizes, pH records) to demonstrate compliance. Follow up was required with some wineries in order to clarify the information and/or data provided. One winery is still to provide the information.
24. There is a large range in processing capacity from the smallest rural winery which crushed 17 tonnes, to one of the largest rural wineries which processed just over 39,500 tonnes.
25. This year, five wineries (13%) operating under Resource Consent and eight wineries (21%) operating under the permitted activity standards were assessed as compliant.
26. Nine wineries (24%) operating under Resource Consent and ten wineries (26%) operating under the permitted activity standards were assessed as non-compliant.
27. Overall results this year were
 - Thirteen (34%) wineries (down from 16 (40%) in 2021) were fully compliant with all conditions or rules and were assessed as **compliant**
 - Six (16%) wineries (down from thirteen (32.5%) in 2021) were assessed as **technically non-compliant**
 - Nineteen (50%) wineries were assessed as **non-compliant** (up from 10 (25%) in 2021)
 - Fourteen of these wineries (37%) had only one condition or rule assessed as **non-compliant** (down from seven in 2021)
 - Five wineries (13%) had two or more conditions or rules assessed as **non-compliant** (up from three (8%) wineries in 2021).
 - No wineries were assessed as **significantly non-compliant**. Down from one winery (3%) in 2021.
28. The areas of non-compliance for this monitoring period were due to exceeding the pH range, wastewater ponding, discharge within a Soil Sensitive Area and exceeding wastewater/soil sampling set limits.
29. It is concerning to note the significant increase in non-compliant winery wastewater discharges for the 2021/2022 monitoring period, this is likely a result of winery wastewater systems and management not being sufficient to respond to the size of the 2021/2022 harvest and further exacerbated by labour shortages due to COVID restrictions.
30. Enforcement action decisions for non-compliant wastewater discharges are yet to be determined, and will go through Council Enforcement Policy process.
31. As part of monitoring, information regarding grape marc disposal is required to be provided. Twelve (12) wineries compost their grape marc on site and then spread it under vines as a soil conditioner. Twelve (12) wineries spread their grape marc directly to land. Fifteen (15) wineries have their grape marc transported offsite for compost, stock feed and/or spreading to land.

Future Activities

32. For the 2022/2023 monitoring period Council will continue to focus on education about the criteria required for consent conditions, plan rule standards and achieving compliance. This is to ensure accurate data and records are provided to Council to demonstrate compliance and avoid any adverse effects from winery discharges.

33. For the 2023 vintage the wineries will continue to be monitored and site visits will be conducted based on the size and compliance history of the wineries.

Comments

34. Based on the information provided to date for Council's compliance reports for the 2021/2022 season, several wineries need improved record keeping for the entire reporting period, not just the vintage period. Pounding is an area that requiring better management and three wineries exceeded their consented grapes authorised to crush. The 2022 harvest was a challenging year for wineries in terms of Covid, labour shortages, weather events and high volumes of grapes. Winery wastewater systems and management processes need to be sufficient for the wastewater qualities received, this requires advance planning and upgrading of systems to accommodate projected volumes with additional contingencies in place.
35. Grape marc is an industry issue which requires careful management to ensure that there are no adverse environmental effects.

Summary

36. The Compliance Group is continuing to take a proactive and constructive partnership approach to monitoring the discharge of winery wastewater and grape marc with education, relationship building and graduated enforcement when required with the key objective being the mitigation of adverse environmental effects.

Presentation

A short presentation will be given by Tonia Stewart (10 minutes).

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

COMPLIANCE SNAPSHOT

Rural Winery Wastewater and Grape Marc Monitoring



MARLBOROUGH
DISTRICT COUNCIL

KEY POINTS



77%

Proportion of grapes harvested in NZ



414,649

Tonnes of grapes processed in 2022



54%

Increase in total tonnage compared to vintage 2021



39

Wineries discharge to land in the rural area



38

Wineries were monitored



0

Winery assessed as significantly non-compliant



34% (13 wineries)

Of wineries complied with all consent conditions and standards



50% (19 wineries)

Of wineries were rated non-compliant.

Winery Wastewater

Winery wastewater consists of water used for:

- Cleaning floors
- Equipment
- Fermentation tanks and barrels



Grape Marc

Grape Marc is the seeds, skins and stalks left once the juice is squeezed from the grapes.



Snapshot of the 2022 monitoring programme

What was found during the 2022 inspections and Annual Report monitoring

Marlborough District Council monitors all wineries which discharge wastewater to land under the permitted activity standards or Resource Consent. 23 wineries were inspected on-site during the 2022 vintage period (March and April 2022).

The wineries are monitored according to Resource Consent conditions and/or the permitted activity standards under the Proposed Marlborough Environment Plan (PMEP) for the discharge of liquid and solid agricultural waste to land.

Following harvest, many wineries are required to provide an Annual Report which discusses the compliance of each consent condition. A compliance report is provided to all wineries detailing the compliance status for each consent condition or plan rule.

34% of winery waste discharges (13 wineries) were rated as compliant with all conditions/rules.

16% of wineries (6 wineries) were rated technically non-compliant;

37% of wineries (14 wineries) were rated non-compliant with 1 condition/rule; and

13% of wineries (5 wineries) were rated non-compliant with 2 or more conditions/rules;

0% of wineries were rated significantly non-compliant

Common Areas of Non-compliance:

- pH parameters exceeded
- Sampling frequency for wastewater or leachate
- Parameters missed from sample analysis
- Wastewater/soil parameters exceeded
- Information reported to Council late
- Tonnes crushed over consented amount (3)

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/standard 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 technically non-compliant (yellow), and 1 is rated non-compliant (orange) – the consent is rated non-compliant.

Full Compliance	Technical non-compliance	Non-compliant	Significantly Non-compliant
100% compliance with all consent conditions/ permitted activity standards assessed	Non-compliance with conditions 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 SNAPSHOT

Rural Winery Wastewater and Grape Marc Monitoring



MARLBOROUGH
DISTRICT COUNCIL

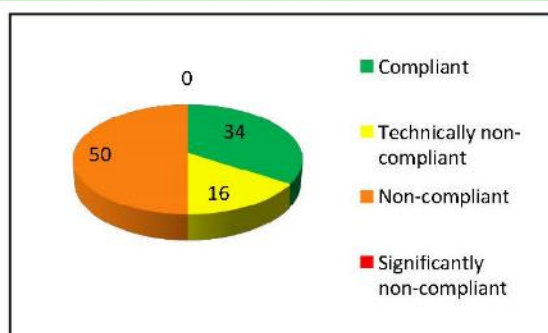
Compliance snapshot

Monitoring for the 2021/22 monitoring period was a combination of site inspections (to 23 wineries) and a desktop exercise, both of which relied on each winery to provide detailed and sufficient records to demonstrate compliance.

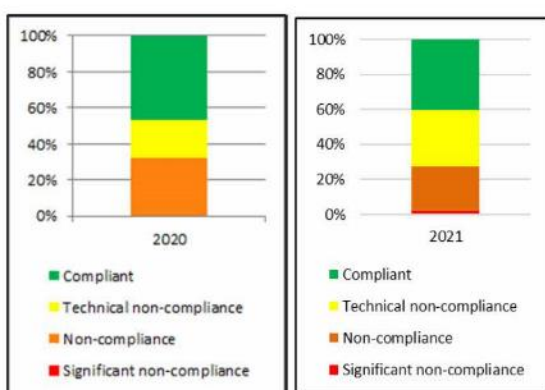
The types of wastewater systems vary throughout Marlborough due to the range in production sizes at each winery. The systems vary from basic settling systems to complex systems using automotive aeration and microorganism selection for treatment.

Wastewater is spread in a variety of locations including in wood lots, under grape vines or in pastoral paddocks. Grape marc is stored in a 'compost' type facility on site at the winery, spread immediately under vines or in pastoral lots, or it is sent to other rural locations.

Compliance Levels 2022 vintage



Compliance Levels over the last two vintages



Wastewater Spread to Land - examples of compliance and non-compliance from previous surveys



Overwatering causing ponding



Low rate application



Monitored application

Grape Marc Storage



Grape marc stored to land with no leachate collection



Sealed storage area with leachate collection

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

13. Forestry Monitoring Report

(Clr Minehan) (Report prepared by Mathew McCormick)

E335-003-002-01

Purpose of Report

1. The purpose of this report is to inform the Committee of the Compliance Group's monitoring programme of forestry activities for the period 1 July 2021 – 30 June 2022.

Executive Summary

2. This report provides an overview of where the Compliance Group monitored, how monitoring is undertaken and the rating system used to determine compliance status with the Resource Management Act 1991, Plan Rules, the National Environmental Standards for Plantation Forestry and resource consents.
3. It discusses the results of the monitoring programme and outlines any observations or improvements noticed during monitoring inspections.
4. The report also outlines developments and changes to the forestry monitoring programme and strategy.

RECOMMENDATION

That the information be received.

Developments

5. The National Environment Standard for Plantation Forestry (**NES-PF**) came into force during the 2017/2018 monitoring period on 1 May 2018. The NES-PF provides national regulation for forestry activity. The NES-PF separates forestry into the following activities:
 - Afforestation;
 - Pruning and thinning to waste;
 - Earthworks;
 - River crossings;
 - Forestry quarrying;
 - Harvesting;
 - Mechanical land preparation;
 - Replanting;
 - Ancillary activities, slash traps, indigenous vegetation clearance, non-indigenous vegetation clearance; and,
 - General provisions, discharges, disturbances, diversions, noise, vibration, dust, indigenous bird nesting, fuel storage and refuelling.
6. Most of these activities can be carried out as permitted activities under the NES-PF in Marlborough, excluding where Council has applied more stringency than the NES-PF. Compliance's role is to assess the forestry activities being carried out against the NES-PF permitted activity regulations or any resource consents required if the permitted activity regulations cannot be met. Harvest Plans and Earthworks Management Plans are also required to be prepared by the forestry companies/managers under the NES-PF. Compliance against these plans is also assessed.

7. At the time of compiling this report, 363 notifications for forestry operations to be carried out under the permitted activity regulations of the NES-PF have been received by Council since they were introduced, including **64** during this reporting period.
8. In August 2019 Council signed a contract with GeoInsight Limited to carry out forestry monitoring as a contractor. The monitoring carried out by GeoInsight Limited is carried out predominately by use of drone. High quality orthomosaic (aerial imagery), 3D imagery and 360 degree images are provided to Compliance staff to carry out a desktop compliance assessment of forestry activities. 18 Forestry block inspections were carried out in the 2021/2022 period by GeoInsight, compared to 30 inspections in the 2020/2021 period. This reduction in inspection is principally due to COVID lockdown's.

Background

Where monitoring occurred

9. Forestry is included as a priority monitoring activity in the Group's active strategic monitoring programme.
10. In addition to inspections undertaken by GeoInsight a further 8 forestry blocks were inspected by Compliance staff. A total of **26** monitoring inspections were carried out during the 12-month reporting period. This is **18** less inspections than the previous reporting period. However, a further **15** consultation or complaint related site visits inspections were undertaken this period.

How monitoring is undertaken

11. Forestry related land disturbance and harvesting consents and forestry related activities permitted under the NES-PF were monitored.
12. The resource consent conditions and permitted activity standards monitored in each forestry block included:
 - Harvest plans for skid sites (harvest processing areas), road and track placement;
 - Water control (culverts, water tables) installation and effectiveness;
 - Erosion and sediment controls;
 - Land stability (slash placement and recovery, skid benching and drainage);
 - Waterway blockages (woody debris in waterways and setbacks); and,
 - Stream crossings.
13. The number of monitoring inspections required in each forestry block depends on the size and duration of the harvesting operation and whether or not significant issues that require ongoing monitoring are detected. Council also carry out inspections as a result of complaints.
14. Compliance staff encourage the involvement of forestry owners/managers during the monitoring process. The owners/managers are invited to accompany Compliance staff during inspections for effective monitoring outcomes.
15. Forestry blocks are inspected against a set of parameters that align with resource consent conditions and NES-PF regulations. Each skid site is individually inspected for remedial works. All inspected aspects (including the skid sites, roading, tracking, waterway setbacks, and stream crossings etc.) are combined and the forestry block is assigned a compliance status. So effectively, a block may have several compliant skid sites but could still require remedial action due to issues such as a blocked culvert, tensions cracking, lack of water controls etc.
16. All GeoInsight inspections generate electronic data which is viewable on their website: www.remotehq.co.nz. Data is initially only visible by Council compliance staff through a secure login. That information is then assessed for compliance against the relevant resource consent(s) and/or NES-PF regulations and a pdf report generated. Once the report is finalised the information becomes available for the forest manager / public to view through the RemoteHQ website. A copy of the pdf report which includes details of any required remedial works is then emailed to the forest manager / owner.

17. For Council staff inspections, the route the inspection takes along roads and tracks is logged with GPS apps on an iPhone / iPad and compared against consented harvest plans or up to date GoogleEarth imagery. The new RemoteHQ app on mobile devices is used to record and photograph all skid sites utilised during the harvesting operation. Council now as a result of the app has access to most of the same components used for report creation on 'RemoteHQ' as the Geolnsight personnel have, meaning our inspection information can be uploaded to the same portal, and the reports produced in the same format as a Geolnsight report. This provides industry a consistent report.
18. A traffic light system is used for determining the compliance status of a forestry operation after our initial monitoring inspection. **Green** is compliant and no action is required, **Yellow** is technical non-compliance where a minor technical matter with no environmental effects implications has occurred; such as, missing a deadline for providing information, **Orange** means non-compliance where corrective actions are required to achieve compliance and address minor environmental effects and **Red** is significantly non-compliant i.e. significant remedial actions are required or non-compliance has resulted in significant adverse environmental effects. The traffic light system is further described and displayed in the following table with examples of each type of non-compliance.

Full Compliance	Technical non-compliance	Non-compliant	Significantly Non-compliant
100% compliance with all permitted activity regulations or consent conditions assessed	Non-compliance with regulations which are considered to have no adverse environmental effects. E.g. failure to notify a material amendment, or meet a timeframe	Breach of effects based/best practice regulations that cause minor actual or potential environmental effects. E.g. minor issues with unstable fill, slash management, water controls, stream crossings, or erosion and sediment controls that can be easily remedied through corrective works.	Significant breach of effects based regulations that cause actual or potential environmental effects. E.g. skid site or road failures caused by failures to install adequate water controls, large volumes of wood left in streams or rivers, significant discharges of sediment

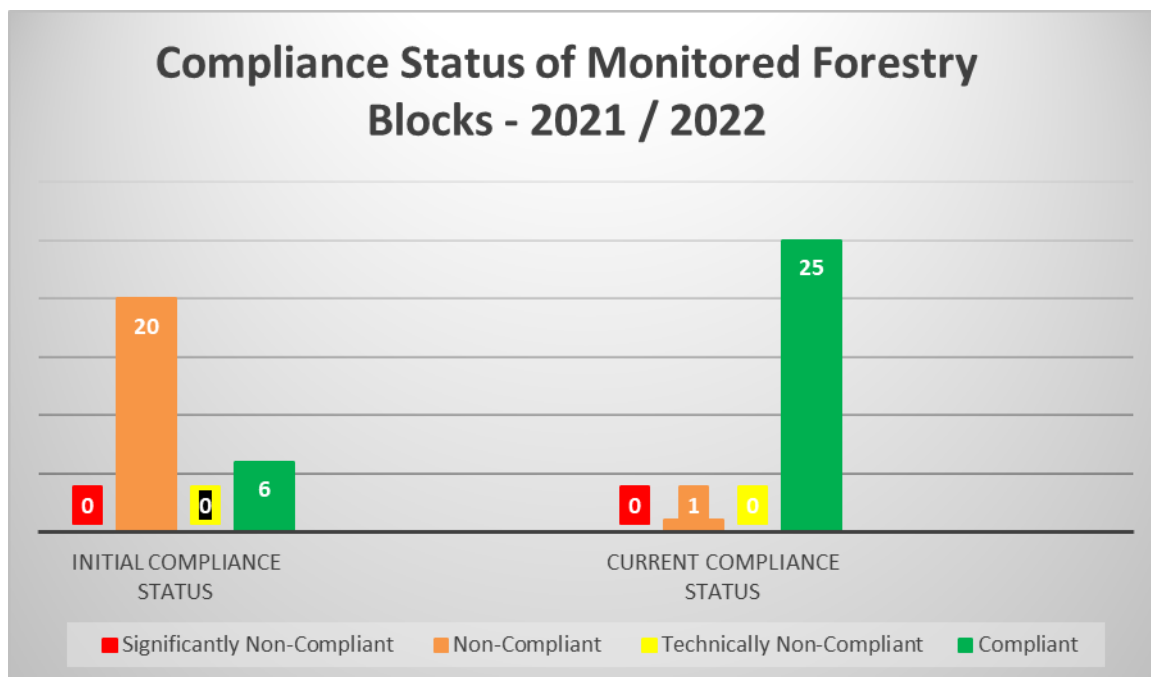
Figure 1 Traffic light system used for determining the compliance status of a forestry operation.

19. A snapshot report for forestry monitoring is also completed each year and is provided below.

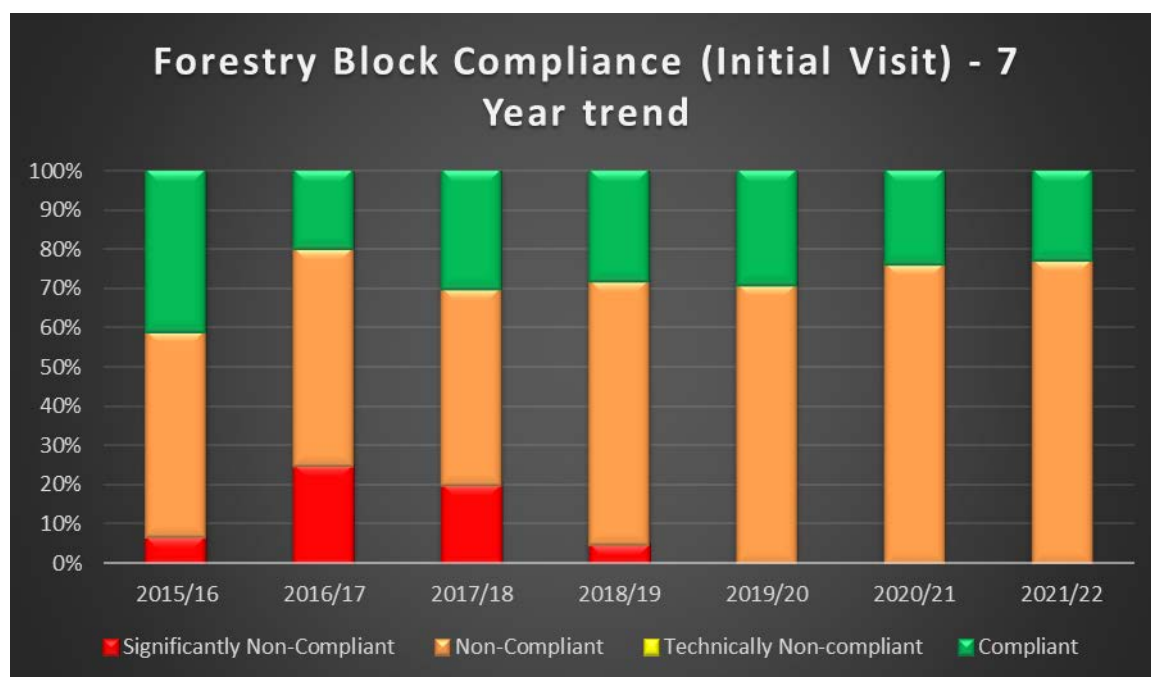
Discussion

Monitoring results

20. Of the **26** forestry blocks, **four** were monitored under a resource consent while the other **22** were monitored under the permitted activity (NES-PF) conditions. Of the blocks monitored, **six (23%)** were **fully compliant** after the first monitoring visit and required no remedial works or further inspections, **20 (77%)** of the forestry blocks were rated **non-compliant** and **none** of the forestry blocks were assessed as being **significantly non-compliant** or **technically non-compliant**. Of the non-compliant blocks, **19** had achieved compliance by the end of the monitoring period, **one** block was remaining with non-compliant status following remedial works and will continue to be monitored to ensure compliance is achieved. The following graph shows the percentage of forestry blocks with each compliance status as monitored in 2021/2022.

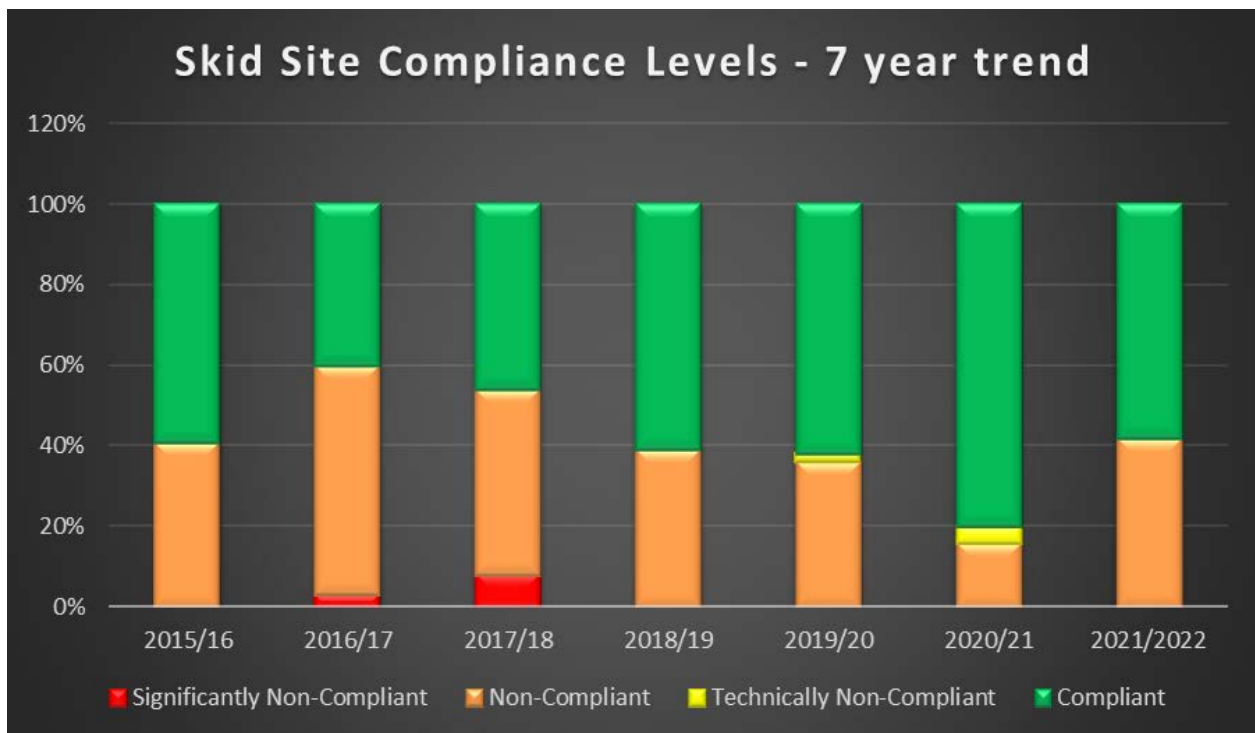


21. The 2021/22 monitoring period resulted in a 1% lower number of blocks being judged as Compliant at the first inspection compared to the 2020/2021 year. No blocks were assessed as significantly non-compliant during the 2021/22 monitoring period which is the same as the previous two years. The following graph shows the trend of compliance status results for the last seven years of monitoring.



22. During this reporting period, a total of **83** skid site inspections were undertaken within the **26** forestry blocks. Some skid sites were monitored more than once if remedial works were required to bring them into a compliant state. A total of **48 (58%)** of skid site inspections were assessed as **compliant**, **35 (42%)** were assessed as **non-compliant** and there was **zero technical non-compliance** or **significant non-compliance**.

23. The level of compliance for skid sites decreased by **22%** from last year's monitoring period. Skid site compliance had been on an upward trend for the last four years until this period, two very wet June/July's are likely to have attributable to this decreased compliance of skid sites.



24. The installation of water tables with culverts or cut-offs on both forestry roads and tracking is now becoming more of a common practice upon initial site visits by monitoring personnel. Remedial works were often required where sections of track or road had been missed during the installation of this infrastructure around the block, or to adjust those in place to make them larger / more effective.
25. Two formal warnings have been issued during this reporting period as well as standard issuing of remedial work orders following a non-compliant monitoring inspection, and completion of these measures set and enforced within a one-month period. The majority of non-compliances observed have been minor to moderate in nature and promptly rectified within the four week period requested, upon the forestry company being notified of the issue. All remaining non-compliances are being continually monitored and worked through to a resolution.

Observations and examples

26. Over recent years, monitoring and compliance staff have noticed an improved standard of post-harvest works on skid sites and this continued during 2021/22. However with more adverse weather becoming prominent it has been a focus for compliance staff during the reporting period to maintain the highest of standards around skids sites.
27. The common issues Compliance staff continue to observe are around water control management along tracks and roads, including diverting the run-off towards the water table to prevent the rilling erosion of track surfaces, and making sure tracks have enough cut outs along with sediment traps prior to the run off discharging to the environment. Growing awareness of issues regarding slash in waterways, and waterway protection as a whole, is resulting in some forestry operations managing their operations around waterways to a very high standard.
28. Examples of good practices observed at **compliant** forestry blocks are shown in the following figures.



Figure 2: Compacted and seeded berm.



Figure 3: Protection of waterways in the block

29. Examples of issues observed at **non-compliant** or **significantly non-compliant** blocks are shown in the following figures.



Figure 4: track constructed close to stream,



Figure 5: Lack of Cut-outs along steep track.

The Forestry Monitoring Strategy

30. Council monitoring staff have carried out an assessment to prioritise Council's resource consent compliance monitoring programmes including forestry, dairy farms, water takes, winery wastewater, marine farms, subdivisions, municipal infrastructure, industrial discharges, clean fills, and quarries. The monitoring programmes were ranked by factors such as actual and potential adverse environmental effects, scale of the activity across the region, public interest, number of complaints received, and economic importance of the industry to the region. Forestry has been assessed as being the highest priority monitoring programme. As a result of this prioritisation, it will be important that monitoring and the resources directed to monitor forestry activities are increased over the coming years.
31. Council's forestry monitoring strategy aims to:
- assist the forestry industry in achieving the purpose of the Resource Management Act 1991;
 - promote and achieve compliance; and,
 - promote continued improvement in environmental performance.
32. The forestry monitoring strategy aims to do this by:
- **Engaging** with the forestry industry through onsite interactions and other interactions such as attendance at meetings and workshops;
 - **Educating** contractors, managers and forest owners. Education may take place during site visit discussions by providing written advice or other informational resources to those in the forestry industry;
 - **Enabling** the forestry industry to achieve compliance and good environmental outcomes by promoting good environmental practices (often carried out along with engagement and education during site inspections);
 - **Enforce** Compliance staff will take appropriate and proportionate punitive and directive enforcement action in situations where that enforcement action is necessary and warranted.
33. The forestry monitoring strategy recognises that it is not practical or necessary to monitor every forestry block during every phase of the forestry cycle. The strategy aims to take a risk based approach to monitoring by taking into account the following factors:
- **Sensitivity and importance of the receiving environment** - coastal margins, wetlands, rivers, significant ecological areas, proximity to dwellings;
 - **Vulnerability of the forestry site** - the Erosion Susceptibility Classification of the sites, previous observations of extensive erosion or failures;
 - **Scale of the forestry activity** - woodlot vs large scale harvesting operation;
 - **Risk of significant non-compliance** - consistent failure to comply at the site or by the contractor or manager, ongoing non-compliances or significant environmental issues at the forestry block.
34. Monitoring is carried out by Council Environmental Protection Officers and/or GeoInsight. Self-monitoring by forestry contractors or managers is also promoted, especially where minor remedial works are to be completed and photographs of these works can be provided to Compliance staff. The Monitoring Strategy recognises that it will not always be practical to assess compliance with all sections of the Resource Management Act 1991, NES-PF permitted activity regulations, and resource consent conditions during every inspection; as such, monitoring will focus on site specific risks.
35. Monitoring is usually carried out at the following times:
- During harvesting or earthworks activities;
 - Following completion of post-harvest remediation;

- Following a directive to carry out remedial works;
- Following receipt of a complaint;
- In years following completion of post-harvest remediation; and,
- By request of the land owner or forest manager.

This will be based on the assessed risk for each forestry operation and will be proportional to the scale of the forestry activity.

36. For the reporting period, Council received 6 forestry related complaints. Of these complaints, 3 (50%) were related to flooding issues from storm events, 1 (16.6%) was regarding potential boundary discrepancies with neighbouring properties, two (33.3%) related to their compliance with NES-PF activities. Four (66.6%) of these complaints were found to be compliant and require no further action upon investigation, one (16.6%) resulted in two formal warnings being issued, and one (16.6%) remains open currently under investigation.
37. During the previous reporting period, Council decided to implement a new reporting technique, on trial basis. This involved rating a forestry block with only minor non-compliances or remedial measures being identified during the monitoring inspection, to 'Remedial Work Required' rather than 'Non-Compliant' on the RemoteHQ database. Council will still record the items identified as non-compliant to the NES-PF or resource consent, however the forestry company will then have a maximum of 4 weeks to rectify the minor non-compliances under this status on the publicly available website of RemoteHQ.
38. This has been undertaken in consultation with industry, whereby they felt a public status of non-compliant on their operations for very minor findings was not justified or workable. For example, on a block where the only required action may be to install an extra one or 2 sediment traps, and the remainder of the block being of a compliant standard, would not be labelled as 'Remedial Work Required' on the public forum and given 4 weeks to rectify this minor issue.
39. Council agreed that forestry managers and contractors are the only / first major industry in the region to be displayed on this level of scrutiny in the public domain, and that we would adopt this measure as a trial after listening to and accepting their concerns. It has been made explicitly clear to the industry however, that this new status is not 'a given' but will be used at the discretion of the monitoring officer assessing the block. The grading process has continued into the 2022 year and generally has been received well. Figure 6 below shows an example comparison of how a minor non-compliant monitoring report would be issued under this method.

Status: Non-Compliant	
Report: Forestry Monitoring	10 Mar 2021
Consent/NES Number:	U190359
Forest Name:	Canantor
Monitoring Officer:	Simon Smith
Contact Person:	Patrick Wilkins
Earthworks Contractor:	I
Harvesting Contractor:	I
Inspector:	Mark Spencer, GeoInsight Ltd.
Inspection Date:	04 Feb 2021
Status of work and area inspected: A full inspection of the site was undertaken by GeoInsight on 4 February 2021. No debris was identified within the Fuller Creek located at the base of the slopes of the block and it was clear that harvesting activities had considered the potential impacts on the creek and the need to protect it. Double sediment traps and culvert pipes and fluming have been used at the block to help treat and carry the run-off water appropriately. Some minor remedial works are needed at the block to address some tension cracking, as well as a couple of blocked or damaged culvert pipes east of Skid Site 2 (13). Waterways or ocean in/bordering block: Fuller Creek and associated tributaries run through and adjacent to the block	

Status: Remedial Work Required	
Report: Forestry Monitoring	10 Mar 2021
Consent/NES Number:	U190359
Forest Name:	Canantor
Monitoring Officer:	Simon Smith
Contact Person:	Patrick Wilkins
Earthworks Contractor:	Mike Edridge Contracting
Harvesting Contractor:	Kelly Logging
Inspector:	Mark Spencer, GeoInsight Ltd.
Inspection Date:	04 Feb 2021
Status of work and area inspected: A full inspection of the site was undertaken by GeoInsight on 4 February 2021. No debris was identified within the Fuller Creek located at the base of the slopes of the block and it was clear that harvesting activities had considered the potential impacts on the creek and the need to protect it. Double sediment traps and culvert pipes and fluming have been used at the block to help treat and carry the run-off water appropriately. Some minor remedial works are needed at the block to address some tension cracking, as well as a couple of blocked or damaged culvert pipes east of Skid Site 2 (13). Waterways or ocean in/bordering block: Fuller Creek and associated tributaries run through and adjacent to the block	

Figure 6: Examples of the first page of a minor non-compliant report using the reporting change

40. From the beginning of calendar year 2021, NES-PF permitted activity notifications were incorporated into the role of the compliance monitoring team to the officer who manages the forestry monitoring portfolio. This was seen as an opportunity for that officer to see through forestry projects from start to finish for better understanding and service to the industry, and to identify priority monitoring blocks. This monitoring period, **64** notifications have been processed by the compliance monitoring officer and resulted in **nine** consultation site visits.

Summary

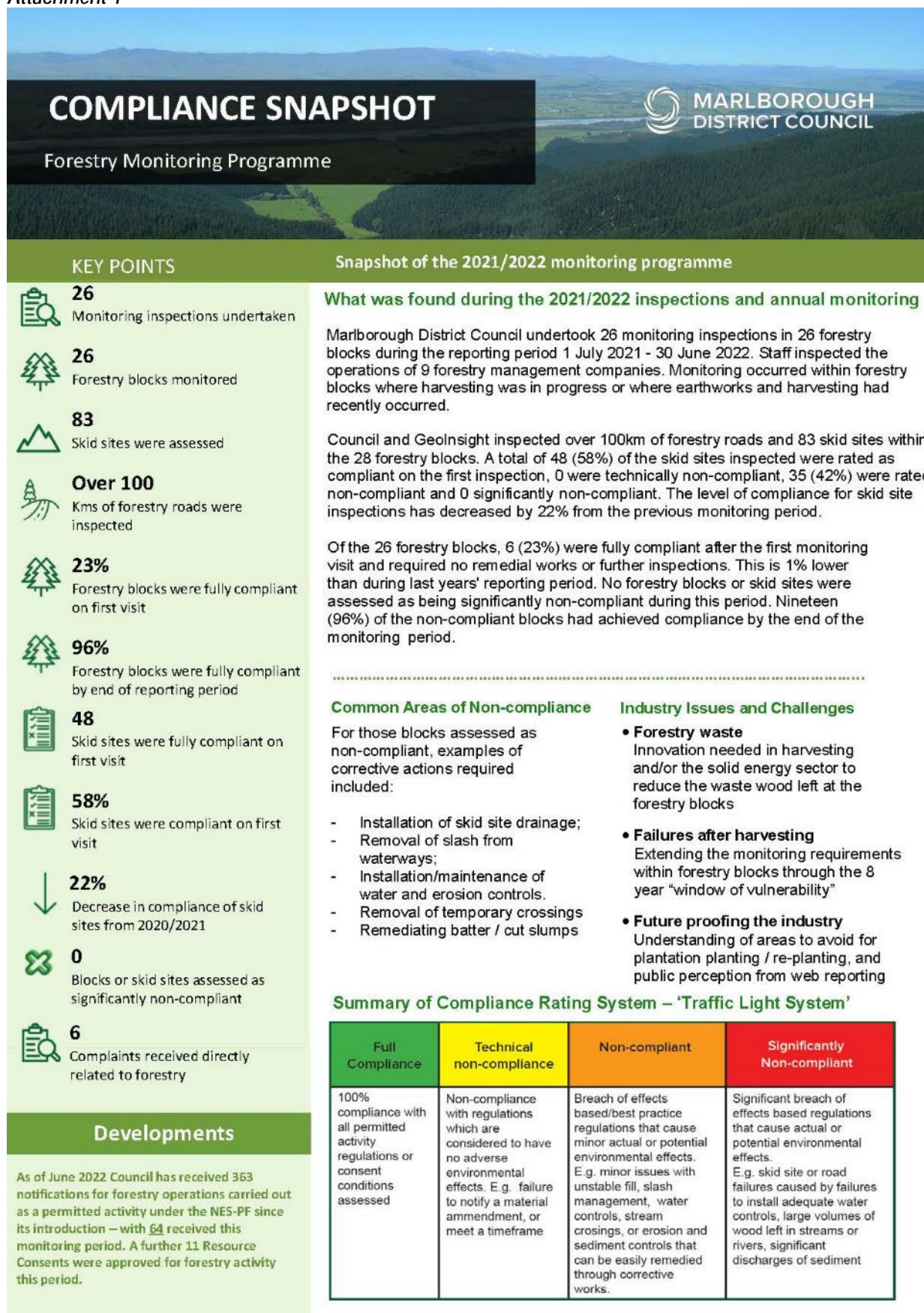
41. The 2021/22 results show a reduced number of compliant blocks on the initial monitoring visit compared to the previous monitoring period, but a continuation of no significantly non-compliant blocks being identified from last year. The overall compliance levels (following the completion of monitoring and remedial measures required) was 96%.
42. Skid site compliance levels did not continue the trend of increased compliance.
43. During this monitoring period, Compliance staff observed issues around water control management along tracks and roads, including diverting the run-off towards the water table to prevent the rilling erosion of track surfaces, and making sure tracks have enough cut outs along with sediment traps prior to the run off discharging to the environment. Improvements are required to address these issues at the point of the initial monitoring inspection.
44. Growing awareness of the issues regarding slash in waterways, and waterway protection as a whole from previous years' of monitoring findings, is resulting in some forestry operations managing their operations around waterways to a very high standard.
45. Compliance staff will continue to monitor the resource consent conditions and NES-PF permitted activity regulations associated with the harvesting of Marlborough's forests in accordance with the forestry monitoring strategy.

Attachments

Attachment 1 - Forestry Compliance Snapshot 2020-2021

page [59]

Author	Mathew McCormick, Environmental Protection Officer
Authoriser	Glen McMurdo, Compliance Manager



COMPLIANCE SNAPSHOT

Forestry Monitoring Programme



Compliance snapshot

Forestry blocks are inspected against a set of parameters that align with the resource consent conditions, National Environmental Standard for Plantation Forestry regulations and the Resource Management Act 1991. Each skid site is also individually inspected for any remedial works required.

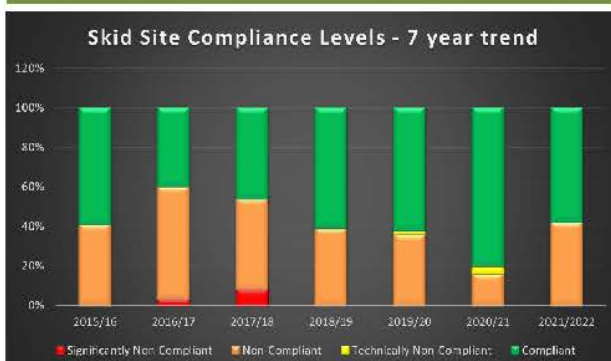
All inspected aspects (including the skid sites, roads, tracking, waterway setbacks etc.) are combined and the forestry block is assigned a compliance status, reflecting the conditions seen at this point in time. So, effectively a block may have several compliant skid sites but could still be rated as non-compliant due to a minor issue such as a blocked culvert.

The number of monitoring inspections required in each forestry block depends on the size and duration of the harvesting operation. Recurrent visits are undertaken in the larger blocks or in blocks where issues are not readily resolved or continue to occur.

Forestry block compliance over last seven years



Skid site compliance over last seven years



The tracking of the compliance levels of regional forestry blocks can be found at: <https://remotehq.co.nz/>

The Good



Compacted and seeded berm



Protection of waterways in the block

The Bad



Track constructed close to stream



Lack of cut-outs

Compliance action taken

Two formal warnings have been issued and all other action has been in the form of Education during this reporting period with the issuing of remedial work orders following a non-compliant monitoring inspection, and completion of these measures set and enforced within a one-month period.

Mid-way through the 2020/2021 period a new reporting system was trialed and implemented. This system allows a block to have its non-compliances recorded, but is given a status of 'Remedial Works Required' on the publicly available 'RemoteHQ' database, while it completes them within a 4 week period. Failure to complete these works within this period will automatically default the block back to 'Non-Compliant' on the database.

For More Information

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

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



**MARLBOROUGH
DISTRICT COUNCIL**

14. Environmental Health Activity Summary for 2021/2022 and Review of Survey Results

(Cllr Sowman) (Report prepared by Georgia Murrin and Sasha Gardiner)

E350-004-009-02

Purpose of Report

1. The purpose of this report is to provide the Environment Committee with a brief overview of the activities undertaken by the Environmental Health Team for the 2021/2022 registration year and detail the results of our customer surveys.

Executive Summary

2. The Environmental Health Team continues to work towards ensuring the residents of Marlborough and visitors to the district have confidence that they live and stay in an environment that is safe.
3. Quality of inspections and audits is managed through consistency by the inspectors and on-going professional development.
4. The Environmental Health Team has achieved all performance targets for the 2021/2022 year apart from the Market and Events target. This has been due to Covid-19 impacts with many of these markets/events being cancelled or postponed.
5. Survey results reflect a customer focus of the Environmental Health team and the positive relationships that have been built with our customers.

RECOMMENDATION

That the information be received.

Background/Context

6. Environmental Health Group activities include:
 - Ensuring all required premises are registered under the Health Act 1956.
 - Register Food businesses under the Food Act 2014 and conduct the verification of those businesses registered with a S39 Template.
 - Inspect various events and markets for food and alcohol legislation compliance.
 - Undertake inspections of all other premises registered under the Health Act 1956.
 - Investigating complaints under the Health Act 1956 and the Marlborough District Council Bylaws.
 - Perform the role of a Food Safety Officer to investigate complaints under the Food Act 2014.
 - Investigating complaints of excessive and unreasonable noise pursuant to the Resource Management Act 1991 and Health Act 1956.
 - Monitoring and enforcement of the provisions of the Sale and Supply of Alcohol Act 2012.
 - Educate and inform on supply of safe drinking water and waste systems.
 - Perform the role of an Enforcement Officer under the Hazardous Substances and New Organisms Act 1996.

- Provide education and advice for good practice in minimisation of health impacts in regards to food, disease and disaster management.
- Assessing/granting Class Four Gaming Machine consent applications.

7. The above list is quantified and reported as performance measures under the Annual and Long Term Plans.

Comments

Verification of businesses registered under the Food Act 2014

8. A verification is carried out for operators and premises who have registered a Template Food Control Plan under the Food Act 2014. This requires verifiers to check that the operator has completed their Food Control Plan and the associated recording requirements. It also involves a visual check of the premises to ensure the business is operating in accordance with their documented Plan.
9. Council's Environmental Health Officers conducted 271 verifications under the Food Act 2014 in the 2021/22 registration year.
10. During verifications, requirements of the Plan are assessed and given a result of performing, conforming, non-conforming, non-compliant, or not applicable.
11. Corrective Action Requests (CARs) are provided for any improvement required. This can often be for record keeping such as temperatures of cooked, cooling or delivered food. Timeframes are given for the improvements to be completed.
12. Overall outcomes for a verification are either acceptable or non-acceptable. These outcomes result in changes for the operator's verification schedule. A business that has received two consecutive acceptable verification outcomes is verified less often however an un-acceptable verification outcome will result in more frequent verifications.
13. The Ministry for Primary Industries (MPI) monitor our performance in the Food Act space and provide routine updates on how we are performing against national trends.
14. We provide quarterly newsletters to our food businesses on topical issues and best practice in regard to food safety.

Inspections of Other Premises

15. Environmental Health Officers also carry out an annual inspection of all Hairdressers, Funeral Directors and Camping Grounds which are required to be registered under the Health Act 1956.

Number of Hairdressers Registered and Inspected During the 2020/21 Registration Year	Number of Funeral Directors Registered and Inspected During the 2020/21 Registration Year	Number of Camping Grounds Registered and Inspected During the 2020/21 Registration Year
62	2	28

16. The Annual Plan 2020/21 performance target is that 100% of other registered premises are inspected at least once per annum. This performance target was achieved.

Complaints

17. The Environmental Health Team investigates complaints regarding food and food premises, along with nuisances under the Marlborough District Council Bylaws, Unreasonable Noise, Sale of Alcohol concerns and unsanitary or unsuitable housing.
18. Complaints received from 1 July 2021 to 30 June 2022: Total 973
 - Food safety or concern regarding food premises operation.....32*
 - Sale of alcohol issues 11*
 - Hairdressers conduct and registration issues..... 2*
 - Nuisance (vermin insects or rubbish accumulation) 24*
 - Excessive noise 869*
 - Unreasonable noise 26*
 - Unsanitary/Unsuitable housing 7*
 - Hazardous Substances Management..... 4*
19. Of the 32 complaints received regarding food safety, nine of these received enforcement action in the way of being issued improvement notices under the Food Act 2014.
20. There were no infringements or prosecutions in the 2021/22 year.

Alcohol

21. In 2021/22 Environmental Health Officers carried out 129 compliance checks of the 139 On-licensed premises selling alcohol. This includes checking a duty manager is on site, availability of free water, no-alcohol and low-alcohol drinks, food availability, transport options and signage.
22. The Licensing Inspectors, in the 2021/22 registration year have a performance measure of checking compliance for 90% of on-licensed premises with the Sale and Supply of Alcohol Act 2012. This target has been met in that financial year (93%).
23. Licensing Inspectors in conjunction with the Blenheim Policing Team and Public Health Officers carried out one Controlled Purchase Operations (CPO) in the period of 1 July 2021 to 30 June 2022. These operations use volunteers to test licensed operators on whether they will sell to persons under the legal purchase age. There were two premises that failed.

Market Inspections

24. The Annual Plan 2021/22 performance target is for 12 or more market and events to be inspected annually. This performance target was not met with a total of 5 inspections undertaken. This was due to many of these markets/events being cancelled or postponed.

Survey Results

25. Surveys have continued to be undertaken in the 2021/22 registration year.
26. Surveys are sent to our registered operators after inspection (Health Act) or verification (Food Act).
27. Within the survey, questions are asked around the process, how easy the documents were to follow, and the performance of the Environmental Health Team.
28. The survey information is used to help improve our systems and communication with our customers.
29. Survey responses are given on a scale of 1-10 with 10 being the option for most satisfied.
30. We received 10 responses to our Health Act inspection survey and the overall mean result for satisfaction with the Environmental Health Team was 10 out of 10.

31. 40 responses were received on the Food Act verification survey with the overall mean result for satisfaction with the Environmental Health Team as 9.90 out of 10.

Presentation

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

Author	Georgia Murrin and Sasha Gardiner, Environmental Health Officers
Authoriser	Karen Winter, Team Leader Environmental Health

15. Biosecurity - Operational Plan Report 2021/2022

(also refer to separate attachment)

(Clr Faulls) (Report prepared by Jono Underwood)

E315-002-005-10, E315-002-005-11

Purpose of Report

1. For Council approval of the Biosecurity Operational Plan Report for 2021/2022.

Executive Summary

2. A final report has been prepared on the Biosecurity Operational Plan at the completion of the 2021/2022 financial year, covering the activities of Council's Biosecurity Section.
3. A review of the Biosecurity Operational Plan 2018-2028 was also carried out by staff on 30 August 2022. No amendments are proposed because of the 2022 review.
4. It has been a successful year with almost all the operational targets set achieved. There continues to be no establishment of all the pests under exclusion programmes within the Regional Pest Management Plan and most other programmes are meeting respective objectives set.
5. The emphasis being placed on good data collection continues to help shape up both long term trends and clearly showing how the strategic species-led programmes are progressing. This can assist in decisions needed around resourcing or even operational techniques to respond to any trends observed.

RECOMMENDATIONS

1. That the report be received.
2. That the annual report on the Biosecurity Operational Plan for the 2021/2022 financial year be approved by the Council in accordance with section 100B(2) of the Biosecurity Act 1993.

Background/Context

6. Council's Biosecurity function and the community deliver a wide range of services with respect to the management of invasive species threats. This is mandated by section 12B of the Biosecurity Act 1993 where Council provides leadership for pest management within its region.
7. A major instrument used by Council is the making of a Regional Pest Management Plan (RPMP) prepared under the Biosecurity Act 1993. This is a regulatory instrument which outlines several programmes targeting the most strategic threats to our region. These range from high threat species not in our region but elsewhere in NZ (e.g. wallabies, fanworm), high threat/low incidence species already in our region (numerous pest plant species), high threat/widespread and manageable species (e.g. nassella tussock).
8. Other key environmental services (non-regulatory) include oversight or involvement in specific projects such as the National Wilding Conifer Control Programme, biological control agent research initiatives, community led initiatives. In addition, Biosecurity staff are continually keeping up to date on, assessing or investigating new potential threats.
9. The Biosecurity Operational Plan 2018-2028 was prepared to meet the requirement under section 100B of the Biosecurity Act 1993 in relation to the Regional Pest Management Plan. However, given the Biosecurity Section's range of services plans a lot wider than just the RPMP, it also outlines plans for those other components of work delivered by the Biosecurity Section.
10. In accordance with section 100B(2) of the Biosecurity Act 1993, a management agency implementing a RPMP must prepare a report on the Operational Plan and its implementation not later than five

months after the end of each financial year. This report on the Operational Plan is intended to meet this obligation.

Highlights

11. As outlined in the report, the biosecurity work in 2021/22 is wide-ranging and has continued to be of high quality. This has been in both way the programmes have been delivered, community outputs and that of outcomes of the programmes themselves.
12. For Exclusion programmes such as wallabies and Mediterranean fanworm – there continues to be no evidence of these highly invasive species being established in Marlborough.
13. For numerous pest plant programmes where the long-term objective is to suppress populations to low levels – these are tracking very well and in many instances, trending downwards.
14. Council has continued to fulfil its leadership role in implementing the National Wilding Conifer Control Programme here in Marlborough. The total scale of the programme was ~\$5M in 2021/22 with active operations spanning from Rangitoto ki te Tonga/D'Urville Island through to Molesworth Station.
15. The new programmes targeting willow-leaved hakea and woolly nightshade on Rangitoto ki te Tonga/D'Urville Island have also been progressing very well in partnership with landholders and Council's delivery contractor. The initial control phase for hakea is now complete with the programme moving into the long 'tail' phase.
16. In accordance with sections 100B(1)(b) and (c), the Operational Plan must also be reviewed annually, and a decision made on appropriate amendments, if necessary.
17. Biosecurity staff conducted a review of the Operational Plan on 30 August 2022 and no proposed amendments were identified. The review and any outcomes are contained within the annual report.

Option One (Recommended Option)

18. Council approves the Operational Plan Report 2021/2022.

Advantages

19. Council will be meeting the requirements of sections 100B(1)(b) and 100B(2) of the Biosecurity Act 1993.

Disadvantages

20. Nil

Option Two

21. Council does not approve the Operational Plan Report 2021/2022.

Advantages

22. Nil

Disadvantages

23. Council will not be meeting the requirements of sections 100B(1)(b) and 100B(2) of the Biosecurity Act 1993.

Next Steps

24. If approved, the Biosecurity Operational Plan Report 2021/2022 will be made publicly available on the Council website. The existing Operational Plan 2018-2028 will remain on the website unchanged.

Presentation

A short presentation will be given by Charlotte (10 minutes)

Attachment

Attachment 1 – Biosecurity Operational Plan Report 2021/2022 is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

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

Summary of decision-making considerations			
Fit with purpose of local government			
The proposal enables Council to fulfil statutory obligations under sections 100B(1)(b) and 100B(2) of the Biosecurity Act 1993.			
Fit with Council policies and strategies			
	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	✓	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Infrastructure Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Social well-being	<input type="checkbox"/>	<input type="checkbox"/>	✓
Economic development	<input type="checkbox"/>	<input type="checkbox"/>	✓
Environment & RMA Plans	✓	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	✓
Land transport	<input type="checkbox"/>	<input type="checkbox"/>	✓
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	✓
This proposal contributes to the implementation of Council's Biosecurity Strategy, Regional Pest Management Plan and Proposed Marlborough Environment Plan.			
Nature of the decision to be made			
The options do not involve a significant decision in relation to land or a body of water.			
Financial considerations			
There are no known financial implications.			
Significance			
The decision is considered of low significance under Council's Significance and Engagement Policy.			
Engagement			
No engagement is proposed.			
Risks: Legal / Health & Safety etc			
There are no known significant risks or legal implications as the annual reporting and review requirements are statutory requirements under the Biosecurity Act 1993.			
Climate Change Implications			
There are no known climate change implications to this decision.			

16. Hydrology - Marlborough Flood Event Report, 16-20 August 2022

(also refer to separate attachment)

(Clr Burgess) (Report prepared by Charlotte Tomlinson)

E375-000-001

Purpose of Report

1. To provide hydrological information from the Marlborough flood event, 16-20 August 2022.

Executive Summary

2. MetService first warned of a potentially significant rainfall event in Northern Marlborough on Friday the 12 August, showing moderate confidence for heavy rain on Tuesday 16 and Wednesday 17 August.
3. A Heavy Rain Watch was issued on Sunday 14 August for the Marlborough Sounds and Richmond Range, including the Rai Valley. This was upgraded to an Orange Heavy Rain Warning on Monday 15 August, expecting 350-500 mm of rain about the ranges, and 150-250 mm about the Sounds.
4. On Tuesday 16 August, an anticyclone lay to the north-east of New Zealand, scooping up damp air from the tropics, while a low-pressure system lay over the Tasman Sea. This created a 'squash zone' and fed large amounts of rain to the top of the South Island in an 'atmospheric river'. The high-pressure system to the north-east of New Zealand was slow moving, blocking the low from moving through and leading to multiple days of heavy rainfall in Marlborough.
5. Prior to the event, rainfall over winter had been high with most rainfall monitoring sites in the region recording approximately twice the average monthly rainfall in July. Subsequently the Marlborough region was particularly susceptible to the effects of a significant rain event. Regional soils were at field capacity, with soils in Northern Marlborough and the Sounds in a moisture surplus.
6. The first band of rain fell from midday on 16 August to midnight on the 17 August, and was concentrated on Northern Marlborough, including the Rai, Ronga, Tunakino, and Opouri Valleys, as well as Tennyson Inlet and Okiwi Bay. At this point in time the Tunakino rain gauge in Marlborough had recorded 318 mm of rain in less than 24 hours, with the forecast expecting a further 31 hours of heavy rainfall.
7. The second band of rain fell throughout the 18 August and into the early morning on the 19 August. Again, this rainfall was concentrated on Northern Marlborough, with the Wairau Valley receiving less rain at this time than was forecasted.
8. On Thursday 18 August, an additional Orange Heavy Rain Warning was issued for Northern Marlborough for 24 hours from midday Friday to midday Saturday, expecting an additional 140-190 mm about the ranges, and 70-110 mm elsewhere.
9. The final band of rain from 6.00 am on the 19 August through to midnight on the 20 August moved further south, resulting in a wider distribution of heavy rainfall, including the south bank of the Wairau with 8-10 hours of high-intensity rainfall in the upper Branch and Waihopai catchments.
10. Of all rainfall monitoring sites in the Top of the South, the site with greatest rainfall significance was the Marlborough District Council raingauge in Tunakino Valley. During the five day storm event 1, 126 mm of rain fell, which is 5.2 times more rainfall than an average month, or equivalent to almost six months of average rainfall.
11. The Rai River had its largest flood on record since the site was established in 1979, with a return period of 60 years. The Pelorus River at Bryants experienced its fourth largest flood on record, with a flow of 1,700 m³/s.
12. The most significant rainfall in the Wairau catchment came in the third band of rain on 19 and 20 August. Total rainfall over the five days at Top Valley on the north bank was upwards of

350 mm, with a return period of 60 years, while total rainfall at the Branch site on the south bank was 236 mm, with a return period of 50 years.

13. In the Wairau River at Tuamarina, the largest flood peak was on 20 August at 1.00 pm. This was the third largest flood at this site since records began in 1960, with a peak flow of 4,200 m³/s. The average recurrence interval (ARI) of this flood is 25 years.
14. In comparison to the July 2021 Wairau flood, the August flood had approximately 1,000 m³/s less flow at the Wairau at Tuamarina site, and less contribution from the Northbank tributaries than in July 2021.
15. The flood model operated by the rivers department was able to estimate peak flow to within 12%. This model is a significant improvement to what was used in the July 2021 flood.

RECOMMENDATION

That the report be received.

Presentation

A short presentation will be given by Charlotte Tomlinson (10 minutes).

Attachment

Attachment 1 – Marlborough Flood Event Report, 16-20 August 2022 is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Charlotte Tomlinson, Environmental Scientist - Hydrology
Authoriser	Alan Johnson, Environmental Science and Monitoring Manager

17. Information Package

RECOMMENDATION

That the Regulatory Department Information Package dated 24 November 2022 be received and noted.
