



**Minutes of a Meeting of the
ENVIRONMENT & PLANNING COMMITTEE
held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 24 NOVEMBER 2022 commencing at 9.00 am.**

Present

Councillors G A Hope (Chairperson), B A Fauls (Deputy), J A Arbuckle, A R Burgess, R J Innes, B J Minehan, T P Sowman, and Mayor N P Taylor (from 9.22 am)

Also Present

Councillors S R W Adams, S J Arbuckle, J D N Croad, J C Rosene and Mr Simon Harvey

In Attendance

Mr H R Versteegh (Environmental Science and Policy Group Manager) and Ms G Ferguson (Consents and Compliance Group Manager) and Nicole Chauval (Committee Secretary)

Apologies

No apologies were received.

E&P-1122-171 Declaration of Interests

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No interests with items on the agenda were declared.

E&P-1122-172 Introduction of Additional Item

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Cllrs Hope/Fauls:

That the following additional item be considered (under Standing Order 9.12) for reason of the urgent nature of the business and insufficient time being available to include the item on the original Agenda and Meeting Notice:

In Open Meeting:

Rural Representative – Environment & Planning Committee 2022-25

Carried

**E&P-1122-173 Rural Representative – Environment & Planning
Committee 2022-25**

D050-001-E01

Members noted that the purpose of the report was seek approval to appoint Mr Simon Harvey as the Rural Representative on the Environment & Planning Committee for the 2022-25 triennium.

Mr Harvey was introduced to members and the Chair provided a synopsis of Mr Harvey's experience in the rural sector.

Cllrs Fauls/Hope

That the Environment & Planning Committee agree that Mr Simon Harvey be appointed as the Rural Representative on the Environment & Planning Committee for the 2022-25 triennium.

Carried

ATTENDANCE: Mr Robert Foitzik, Council's General Counsel, was present for the following item.

E&P-1122-174 Approval of Revised Terms of Reference (ToR) for Environment & Planning Committee

L150-016-38-03

Mr Foitzik reported that the purpose of the report was to seek approval of the revised Terms of Reference for the Environment & Planning Committee and once final to be published on Council's website. The draft Terms of Reference were attached to the agenda for members' information.

Clr Arbuckle queried whether further consideration needed to be given to point 11 under Powers as it appears any committee or sub-committee would have the ability to perform the responsibilities of another committee. He noted that currently the power to perform the responsibilities of another committee has previously only been applied to the now Economic, Finance & Community Committee or Council.

After some discussion members agreed that point 11 of the Terms of Reference be reviewed.

Cirs Sowman/Fauls:

That the Terms of Reference for the Environment & Planning Committee be adopted once Point 11 (Powers) is reviewed and ratified at the next Council meeting.

Carried

Postscript: The updated ToR for this Committee were amended following the meeting and are attached as Attachment 1.

E&P-1122-175 Animal Control Sub-Committee

D050-001-A04

The minutes of the Animal Control Sub-Committee meeting held on 1 September 2022 were presented for ratification by the Committee.

Clr Fauls provided members with an update on the Blenheim Dog Park and advised that a review of the manageable space is currently being undertaken. Once that has been completed a revised plan will be brought back to the Sub-Committee for consideration.

Cirs J Arbuckle/Sowman:

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

Carried

ATTENDANCE: Mr Pere Hawes, Council's Manager Environmental Policy, was present for the following two items.

E&P-1122-176 Appeals on the PMEP

M100-09-01

Mr Hawes noted that the Appeals on the PMEP report will be a standing item for this Committee as the Environmental Policy functions have been transferred to this Committee from the previous Planning, Finance & Community Committee.

In summary Mr Hawes noted that 51 notices of appeal on the PMEP were lodged with the Environment Court. Mediation on all topics except for Topic 2: Water Allocation and Use and Topic 13: Water Quality have now occurred. Mediation on Topic 2: Water Allocation and Use and Topic 13: Water Quality is scheduled for February to April 2022.

To date, well over half of all appeal points to the PMEP have been considered through formal mediation.

Good progress has been made in resolving appeals. Since the last report to the Planning, Finance and Community Committee, 10 further consent memoranda have been submitted to the Environment Court and 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.

Mr Hawes reported that as mediation is confidential it is not possible to report the nature of any negotiated outcome to the Committee. The outcome will become public information when a Consent Memorandum is lodged with the Court.

Mr Hawes advised that the Chair of this committee will be involved in the appeal resolution process.

Cirs J Arbuckle/Burgess:
That the report be received.

Carried

E&P-1122-177 Decision of Minister of the Environment on a Combined Plan for Te Tau Ihu L150-019-R01

Mr Hawes reported that central government had proposed adopting the Randerson Report recommendation for there to be a single NBA plan for Marlborough, Nelson and Tasman, however, after a process of engagement, the Minister has decided that Marlborough will prepare its own Spatial Plan and NBA plan.

It was noted that this decision will be reflected in the Spatial Planning Bill and the Natural and Built Environment Bill currently being introduced to the House. The two Bills will go through the Select Committee process, including public submissions which will close 30 January 2023.

Members were advised that the submission period will fall between Committee meeting dates and it is proposed that a sub-committee be established to approve any Council submission on the Bills. It was agreed that a sub-committee be formed consisting of the Mayor, the Chair and Deputy Chair.

Members noted that there is merit in supporting the proposal for standalone planning by way of Council's submission as it further 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.

Cirs J Arbuckle/Fauls:

- 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.**

Carried

ATTENDANCE: The Mayor joined the meeting at 9.22 am at the start of the following item.

ATTENDANCE: Sarah Brand, Council's Strategic Planner, was present for the following item.

E&P-1122-178 Giving Effect to the National Policy Statement for Freshwater Management – Implementation Work Programme Update N100-001-04-01

Ms Brand noted that the purpose of the report was to provide an update to the Committee on the work programme for the implementation of the National Policy Statement for Freshwater Management (NPSFM).

To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 22249883).

By way of background members were advised that 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).

It was reported that Happen Consulting undertook an audit of the Essential Freshwater package against the PMEP in May 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.

Ms Brand advised that a detailed work programme was developed and 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.

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.

Members were advised that 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.

It was noted that 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.

Cirs Innes/Sowman:

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

Carried

ATTENDANCE: Mr Pere Hawe's, Council's Manager Environmental Policy, was present for the following four items.

E&P-1122-179 Variation 2 to the Proposed Marlborough Environment Plan – Ecologically Significant Marine Sites

M100-11-07

Following a brief discussion members agreed that items 8, 9, 10 and 11 be dealt with collectively as they were all seeking to adopt variations and approval to proceed with the variations to public notification in accordance with Schedule 1 of the Resource Management Act 1991 (RMA).

Members were advised that for the four items a Section 32 report has been prepared and consultation with iwi authorities and statutory parties has occurred and advice received. The next step is for the variation to proceed to public notification.

Mr Hawes noted that it is recommended that the period for making submissions is 20 working days as required by the RMA.

Circulated separately, and prior to the meeting, were the combined maps that were part of the report that went with Item 8 - Variation 2 to the Proposed Marlborough Environment Plan – Ecologically Significant Marine Sites. Paper copies were available at the meeting.

Cirs J Arbuckle/Faulls:

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.

Carried

**E&P-1122-180 Variation 3 to the Proposed Marlborough
Environment Plan – Meretoto/Ship Cove
Heritage Resource**

M100-11-07

Cllrs J Arbuckle/Fauls:
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.

Carried

**E&P-1122-181 Variation 4 to the Proposed Marlborough
Environment Plan – Road Stopping Rezoning of
Land**

M100-11-11

Cllrs J Arbuckle/Fauls:
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.

Carried

**E&P-1122-182 Variation 6 to the Proposed Marlborough
Environment Plan – East Coast Uplift Rezoning**

M100-11-07

Cllrs J Arbuckle/Fauls:
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.

Carried

ATTENDANCE: Mr Tonia Stewart, Council's Environmental Protection Officer, was present for the following item.

E&P-1122-183 Winery Wastewater & Grape Marc Monitoring Report

E360-006-02

Members noted that the purpose of the report was to provide information to 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.

To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 22249888).

Ms Stewart advised that 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.

It was reported that 22 wineries operate under permitted activity standards; 18 wineries operate under resource consent and 38 wineries assessed to date and reported on.

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. 5 non compliant have since been rectified – 4 under PMEP rule and 1 Resource Consent. Ms Stewart noted that the areas of non compliance have been repetitive over the last couple of years and the Compliance Team will be working with the wineries to ensure better management in these areas.

Cllrs Hope/Minehan:
That the information be received.

Carried

ATTENDANCE: Scott Adams withdrew from the meeting at 10.12 am at the conclusion of the above report.

ATTENDANCE: Mr Mathew McCormick, Council's Environmental Protection Officer, Rob Besaans and Mark Spencer, GeoInsight, were present for the following item.

E&P-1122-184 Forestry Monitoring Report

E335-003-002-01

Mr McCormick reported that the purpose of the report was to inform the Committee of the Compliance Group's monitoring programme of forestry activities for the period 1 July 2021 – 30 June 2022. A Compliance Snapshot was attached to the agenda item for members' information.

To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 22249887). The GeoInsight Team also provided a powerpoint presentation showcasing their technology and system for forestry monitoring (presentation filed in CM Record No. 22249889).

In summary Mr McCormick advised that 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%. 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.

It was noted that 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.

Cllrs Minehan/Fauls:
That the information be received.

Carried

ATTENDANCE: Cllr S Arbuckle withdrew from the meeting at 10.43 am at the conclusion of the above item.

ATTENDANCE: The meeting adjourned 10.43 am and resumed at 11.01 am.

ATTENDANCE: Ms Georgia Murrin, Council's Environmental Health Officer, was present for the following item.

E&P-1122-185 Environmental Health Activity Summary for 2021/2022 and Review of Survey Results

E350-004-009-02

Ms Murrin noted that the purpose of the report was 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.

To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 22249886).

Members were advised that the Environmental Health Team have 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.

It was noted that surveys are sent to Council's registered operators after inspection (Health Act) or verification (Food Act). This year 10 survey responses were received with the overall mean result for satisfaction was 10 out of 10 and 40 responses were received on Food Act verification surveys with the overall mean result being 9.90 out of 10.

At the conclusion of the presentation it was raised that as a number of establishments may no longer have gaming machines that a review of the Gaming Machine policy may be appropriate. It was noted that there may be a sinking lid clause within the policy and staff to confirm whether that is the case.

It was noted that the Gaming Machine Policy had been reviewed three years ago and is not due for review again until 2024.

Cllrs J Arbuckle/Sowman:
That the information be received.

Carried

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

E&P-1122-186 Biosecurity - Operational Plan Report 2021/2022

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

Mr Underwood, Council's Biosecurity Manager presented the Biosecurity Operational Plan Report for 2021/2022 for approval.

To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 12249885).

Members were advised that the report was completed at the end of the financial year and covers the activities of Council's Biosecurity Section. A review of the Biosecurity Operational Plan 2018-2028 was also carried out by staff on 30 August 2022 and no amendments are proposed because of the 2022 review.

It was noted that 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.

Mr Underwood noted that the emphasis being placed on good data collection continues to help shape up both long term trends and shows how the strategic species-led programmes are progressing. It was noted that this

information can assist in decisions needed around resourcing or even operational techniques to respond to any trends observed.

Cllrs Faulls/Minehan:

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.

Carried

ATTENDANCE: Ms Charlotte Thomlinson, Council's Environmental Scientist - Hydrology, was present for the following item.

E&P-1122-187 Hydrology - Marlborough Flood Event Report, 16 20 August 2022 E375-000-001

Ms Thomlinson, Council's Environmental Scientist – Hydrology presented the hydrological information from the Marlborough flood event, 16-20 August 2022.

To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 22249884).

Cllr Burgess extended her thanks and appreciation to Ms Thomlinson and the Environmental Monitoring team for the mahi in capturing and providing the data to those that needed it during this event.

In response to a query on whether there was any data available on the incidences of land slips in relation to vegetation type. Mr Alan Johnson, Council's Environmental Science & Monitoring Manager, advised that for the August event GNS are currently undertaking a categorisation study for the Marlborough Sounds and a report is anticipated to be available to Council in 2023.

Cllr Burgess/Mr Harvey:

That the report be received.

Carried

ATTENDANCE: Cllr Adams re-joined the meeting at 11.50 am during the following item.

E&P-1122-188 Information Package -

Cllr J Arbuckle requested a copy of the swimming pool decision.

Cllr Croad declared an interest in the Pool Compliance for 2022 report as an affected party.

The Mayor/Cllr Hope:

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

Carried

The meeting closed at 11.57 am.

Record No: 22249892

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	The quorum as per clause 11.1 of the Standing Orders 2022 for a meeting of the Committee is: (a) half of the members physically present, where the number of members (including vacancies) is even; and (b) a majority of the members physically present, where the number of members (including vacancies) is odd.
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 priorities
 and 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

1. 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
- ~~2. 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.~~

2. **Associated decision:** If a matter 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.
3. **Referral of decisions:** The Committee may, from time to time, refer matters which it would ordinarily consider, to another Committee, if it considers the matter/project would be better dealt with by that other Committee.
4. **Referral for urgency:** The Committee Chair is authorised to refer urgent matters to the Council for decision, where this Committee would ordinarily have considered the matter. The Chairperson must make this referral in writing stating reasons for the referral.

Delegation Limits (if any)

1. 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 the Environment and Planning Committee at the next Council meeting following each committee meeting.