

MARLBOROUGH DISTRICT COUNCIL TELEPHONE (0064) 3 520 7400
15 SEYMOUR STREET FACSIMILE (0064) 3 520 7496
PO BOX 443, BLENHEIM 7240 EMAIL mdc@marlborough.govt.nz
NEW ZEALAND WEB www.marlborough.govt.nz



10 November 2023

Record No: 23234853
File Ref: D050-001-E01
Ask For: Nicole Chauval

Notice of Committee Meeting – Thursday 16 November 2023

A meeting of the Environment & Planning Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **16 November 2023 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, 16 NOVEMBER 2023 commencing at 9.00 am**

| | |
|--------------------------|--|
| Committee | Clr G A Hope (Chairperson) Clr B A Faults (Deputy) Clr S J Arbuckle Clr A R Burgess Clr R J Innes Clr B J Minehan Clr T P Sowman Mayor N P Taylor Mr S Harvey (Rural Representative) Iwi Representative (to be advised) |
| Departmental Head | Mr H Versteegh (Environmental Science and Policy Group Manager) and Ms G Ferguson (Consents and Compliance Group Manager) |
| Staff | Nicole Chauval (Committee Secretary) |

| In Public | Page |
|--|-------------|
| 1. Apologies..... | 1 |
| 2. Declaration of Interests | 1 |
| 3. Coastal Water Temperature Trends Report Card 2015 – 2023..... | 2 |
| 4. Te Hoiere Project Update | 7 |
| 5. Catchment Care for At-Risk Catchments in Marlborough..... | 10 |
| 6. National Wilding Conifer Control Programme – update | 11 |
| 7. Marlborough Landscape Group Disestablishment..... | 14 |
| 8. National Pesticide in Groundwater Report – National Survey of Pesticides, Emerging Organic Compounds and PFAS in Groundwater 2022..... | 18 |
| 9. Appeals on the PMEP | 20 |
| 10. Submission to Review of the Canterbury RPS..... | 28 |
| 11. Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023 | 35 |
| 12. Winery Wastewater & Grape Marc Monitoring Report..... | 45 |
| 13. Forestry Monitoring Report..... | 51 |
| 14. Environmental Health Activity Summary for 2022/2023 and Review of Survey Results | 62 |
| 15. Marlborough Residual Noise Survey..... | 66 |
| 16. Animal Control Sub-Committee..... | 69 |
| 17. Information Package..... | 76 |

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. Coastal Water Temperature Trends Report Card 2015 – 2023

(Clr Innes) (Report prepared by Katie Littlewood)

E325-000-001

Purpose of Report

1. To present the annual Coastal Water Quality Report Card prepared by Pauline Mitterwallner.

Executive Summary

2. The coastal water quality was monitored monthly at 22 sites across Tōtaranui/Queen Charlotte Sound and Te Hoiere/Pelorus Sound.
 3. As a result of several remarkably intense heatwaves in the Cook Strait, the Marlborough Sounds have experienced unusually warm ocean temperatures in recent years. Our monitoring data shows that both Pelorus Sound and Queen Charlotte Sound exhibit record-breaking high temperatures in 2022 and 2023.
 4. Using monitoring data from the past eight years, statistical analysis revealed a highly significant upward trend in water temperatures for especially outer- and mid- Pelorus sites. Moreover, temperature anomaly trends show that most Queen Charlotte Sound sites have warmed significantly from 2015 to 2023.
 5. Warming temperatures in the Sounds can have devastating effects on marine species and habitats.
-

RECOMMENDATION

That the information be received.

Background/Context

6. Long-term monitoring is essential to identify any changes in the water quality over time and to determine how water quality is affected by inputs from different sources.
7. In July 2011 the Marlborough District Council initiated a regular water-quality monitoring programme for Queen Charlotte Sound and Tory Channel. From July 2012, this was extended to include Pelorus Sound.
8. The coastal water quality has been monitored monthly at 11 stations in Queen Charlotte Sound/Tory Channel and at 11 stations in Pelorus Sound using a CTD (conductivity-temperature-depth) device and associated fluorometer, yielding vertical profiles for temperature and other parameters.
9. An unprecedented increase in global sea surface temperatures in the past decade necessitates a closer look at temperature trends across the Marlborough Sounds. This might provide a better understanding of local-scale changes in the coastal marine community composition, phytoplankton distributions and fish migration patterns.

Assessment/Analysis

10. Our monitoring data shows that both the Pelorus Sound and Queen Charlotte Sound exhibit record-breaking high temperatures in 2022, with annual averages reaching approximately 15.7°C (maximum: 20.4°C) for Pelorus and 14.7°C (maximum: 20.8°C) for Queen Charlotte.
 11. Trend analysis based on temperature anomalies and Sen-slope estimates indicate that the persistent heatwave in the Cook Strait has led to a highly significant increase of temperatures across all outer Pelorus sites.
-

12. The ongoing heatwave in the Cook Strait has not only impacted surface waters but is also affecting deeper ocean layers across the outer Pelorus Sound.
13. A slower increase of ocean temperatures across inner Pelorus sites indicates that freshwater inflows might help counterbalance the influx of warm oceanic water.
14. Our data also suggests that most sites of the Queen Charlotte Sound have warmed significantly from 2015 to 2023. However, warming has been slower for most of these sites in comparison to the Pelorus Sound, most likely due to strong tidal currents through the Tory channel/the northern entrance.

Next steps

15. Continued monitoring of coastal water quality to assess any further changes in water temperatures (and associated variables) for both Sounds.
16. Continue to collect and report on nutrient concentrations and phytoplankton distributions to establish baseline data.
17. Identification of marine ecosystems/marine species that are most at risk from climate change through the Ecologically Significant Marine Sites (ESMS) programme.
18. The above work can be carried out within the existing budget and resources.

Presentation

A short presentation will be given by Katie Littlewood

Attachment

Attachment 1 – Coastal Monitoring Report Card

page [4]

| | |
|------------|---|
| Author | Katie Littlewood, Principal Coastal Scientist |
| Authoriser | Hans Versteegh, Manager of Environmental Policy, Science and Monitoring |



Key Points

- Council has an ongoing monitoring programme to determine water quality and temperature in the Sounds
- The past seven years show a significant increase in annual ocean temperatures for both Queen Charlotte and Pelorus Sounds
- Pelorus Sounds water temperatures have been influenced by a prolonged heat wave in the Cook Strait
- Strong tidal currents in the Tory channel may compensate for climate-induced elevated sea-surface temperatures
- Consistently high temperatures can impact species distributions and abundances.

What is Marlborough District Council doing?

The council has a state of the environment programme monitoring coastal water quality at 11 sites (Figure 1) in both the Queen Charlotte Sound/Tōtaranui (monthly since 2011) and Pelorus Sound/Te Hoiere (monthly since 2012). Long-term monitoring like this identifies changes in water parameters over time. Monthly monitoring gives a good indication of natural seasonal changes and catchment influences, and the data enables us to identify irregularities and determine their causes. At each site, we take field measurements of water quality using an electronic sensor called a sonde. This measures biophysical parameters like temperature, salinity and Chlorophyll a throughout the water column



Figure 1: Map of sampling sites.

Overall temperature trends from 2015 to 2022

The past decade has witnessed an unprecedented increase in global sea surface temperatures (SST) due to human-induced climate change. As a result of several remarkably intense heatwaves in the Cook Strait (Fig. 2A), the Marlborough Sounds have experienced unusually warm ocean temperatures in recent years. Our monitoring data shows that both the Pelorus Sound and Queen

Charlotte Sound exhibit record-breaking high temperatures in 2022, with annual averages reaching approximately 15.7°C (maximum: 20.4°C) for Pelorus and 14.7°C (maximum: 20.8°C) for Queen Charlotte (Fig. 2B).

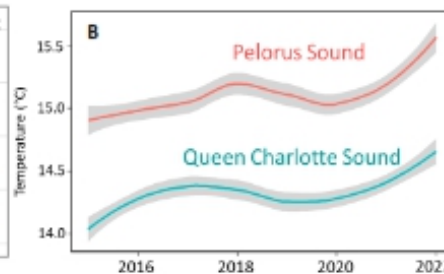
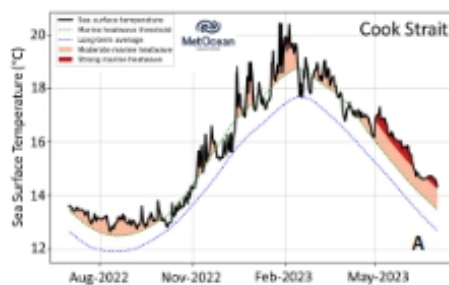


Fig 2A: Sea surface temperatures at Cook Strait over the past 12 months. Red shading appears when temperatures are above the marine heatwave threshold, e.g., seawater temperatures are warmer than the 90th percentile of the local long-term (25-year) average for at least five consecutive days. Fig 2B: Smoothed trend line (LOESS) of annual average water temperatures from 2015 to 2022 at Pelorus Sound and Queen Charlotte Sound.

Fine-scale temperature patterns

Pelorus Sound: Outer- and mid- Pelorus Sound areas have exhibited a noteworthy upward trend in annual average water temperatures from 2015 to 2023. Due to its proximity to the Cook Strait, the Pelorus Sound is potentially more exposed to additional heat transfer from the Strait. The enduring heatwave in the Cook Strait has not only affected surface waters but has also extended its influence to deeper ocean layers in the outer reaches of Pelorus Sound (Fig 3A). A less pronounced temperature trend in the inner Pelorus sites suggests that freshwater inflows from the Te Hoiere and Kaituna catchments may counterbalance the influx of warm water into the inner Pelorus Sound (Fig 3A). It is important to note that, although there is strong evidence of greater warming in waters immediately outside the Sound, maximum temperatures still tend to be lower in comparison to the innermost and more sheltered sites (Fig 3A).

Queen Charlotte Sound: Overall, our data suggests that most sites of the Queen Charlotte Sound have warmed significantly from 2015 to 2023 (Fig. 3B). However, temperature trend magnitudes inferred from Sen-Slope estimates indicate that warming has been slower for most of these sites in comparison to the Pelorus Sound. This discrepancy is likely attributed to the strong tidal currents coursing through the Tory channel and northern entrance, which facilitate continuous interchange with deeper, cooler oceanic waters throughout the year. Maximum temperatures in the innermost and more sheltered areas are markedly higher when compared to those in the Tory channel and northern entrance sites (refer to purple and blue values in Fig. 3B).

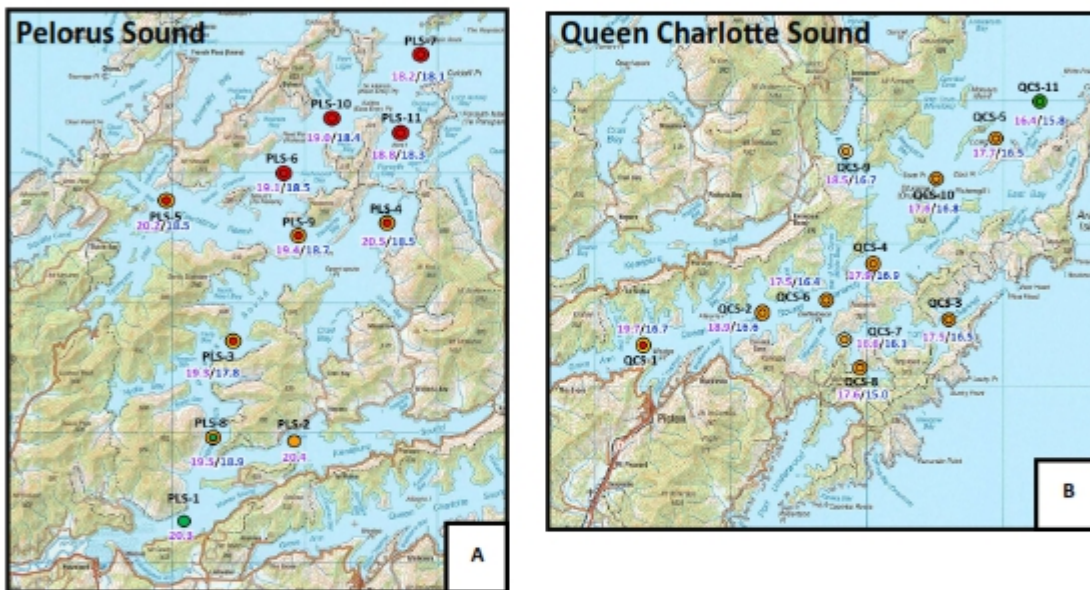


Fig 3: Sampling site locations in the Pelorus Sound (Map A) and Queen Charlotte Sound (Map B). **Red circles:** highly significant increase of temperatures from 2015 to 2023 (based on Sen-slope estimates of temperature anomalies). **Orange circles:** significant increase of temperatures from 2015 to 2023. **Green circles:** no significant change of temperatures within this time span. **Small circles:** temperature trend at 1m depth, **large circles:** temperature trend at 20m depth. **Blue/purple numbers** indicate maximum temperatures measured at each site for the year 2023 at 1m and 20m depth (**purple:** 1m, **blue:** 20m)

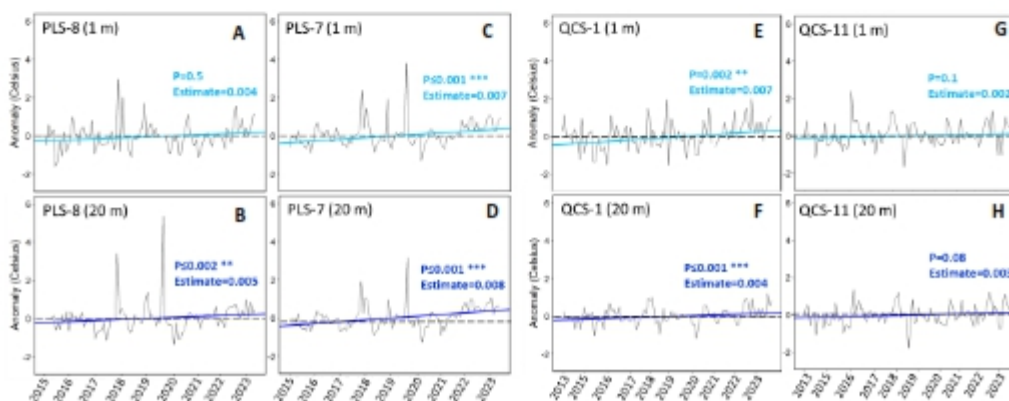


Fig 4: Temperature anomalies (i.e. differences from the long-term median of the temperature data for the calendar month) and the estimated Sen-slope trend-line with p-value and slope estimates at 1m depth (light blue line) and at 20m depth (dark blue line) for PLS 8 (Fig 3 A+B; innermost sampling location) and PLS 7 (Fig. C+D; outermost sampling location), as well as for QCS 1 (Fig 3 E+F; innermost sampling location) and QCS 11 (Fig. G+H; outermost sampling location).

Potential effects of warming ocean temperatures on marine species and habitats in the Marlborough Sounds

- **Seaweed:** Warming waters and increased herbivory from sea urchins have caused declines of temperature-sensitive ecosystem engineers like kelp and other algae species across the Marlborough Sounds. Monitoring studies from 2022 revealed that the red algae *Adamsiella*, a formerly abundant habitat-forming species in the Queen Charlotte Sound, has almost disappeared. Ongoing high temperatures, in concert with more frequent marine heatwaves, may lead to further retreat and regional extinctions of important macroalgae species.
- **Fish:** The distribution and abundance of certain fish species are expected to undergo fundamental changes in the Marlborough Sounds. Fish species with narrow temperature ranges, such as blue cod and kahawai, may redistribute southwards or to deeper waters. In aquaculture, heatwaves can lead to increased mortality of fish stocks as adult feed intake can become suppressed during anomalously warm summer periods over 18 degrees.
- **Sponge communities:** Recent research has documented widespread, temperature-induced bleaching and mortality of sponge communities along New Zealand's coasts. As sponges play a crucial role in the food chain, there could be serious consequences for fish populations and other marine organisms if sponge communities start to disappear.
- **Shellfish:** Warmer waters can create favourable conditions for shellfish pathogens, leading to increased disease outbreaks and mortality among green-lip mussels and Pacific oysters. Moreover, the rising water temperatures are expected to promote proliferation of harmful algae blooms. These blooms produce toxic compounds that accumulate in the tissue of shellfish. More frequently, toxic algae blooms have caused many harvesting closures of green-lip mussel farms in the Pelorus Sound. If climatic conditions continue to change, blooms may become a substantial concern for the shellfish industry in the Marlborough Sounds.



Image 1: Water Quality Monitoring, September 2023.



Image 2: Algae Bloom in Double Cove, August 2023

For more information on coastal water quality go to
www.marlborough.govt.nz/environmental/coastal

Marlborough District Council
Seymour Square, Blenheim, Ph: 03 520 7400

4. Te Hoiere Project Update

(also refer to separately attached report)

(Clr Burgess) (Report prepared by Rachel Russell)

E355-021-01-001

Purpose of Report

1. To present the 2022-23 Te Hoiere Restoration Project Annual Report to the Committee and provide an update on upcoming objectives.

Executive Summary

2. Te Hoiere Restoration Project is a multi-partner project which aims to address land use derived issues alongside wider conservation goals. Over the last year work has continued on both private and public land to improve water quality through fencing, planting and pest control.

RECOMMENDATION

That the information be received.

Background

3. Te Hoiere/Pelorus catchment was identified as an exemplar catchment as a part of the Ministry for the Environment's At Risk Catchments' programme and by DOC as one of its 14 Ngā Awa priority rivers.
4. Te Hoiere/Pelorus Restoration Project (Te Hoiere Project) is a partnership working together to restore the mauri of Te Hoiere.
5. Te Hoiere Kaitiaki Charitable Trust provide governance for the project with five trustees – Waihaere Mason (Ngāti Kuia), Barbara Faulls (MDC), Riki Palatchie (Rangitāne), Barbara Richmond (community trustee) and one vacant trustee role.
6. Marlborough District Council provides management services and is the fund holder for the Trust.
7. Alongside the Trustees and the community there is a growing team of project partners including Ngāti Kuia, Rangitāne, Marlborough District Council, Department of Conservation, Ministry for the Environment, Forest & Bird, NZ Landcare Trust, Top of the South Wood Council, Fonterra, Waka Kotahi, Havelock Community Association and Ministry for Primary Industries.
8. The project currently has four government funds supporting objectives outlined in the Integrated Catchment Enhancement Plan (ICEP). The majority of this funding finishes at the end of June 2025, with one fund continuing until June 2026. A fourth smaller Department of Conservation fund is currently ongoing.

Project Update

9. Over the last six months there has been a focus on communication, in particular the development of a website. This work has been led by Steph Flores supported by the MDC IT team. We now have a central point of contact and information about the project. Alongside our other communication tools including social media and newsletters we hope that this will improve connection with the wider community.

Table 1: Summary of key metrics achieved to date through Te Hoiere Project.

| Metric | Project Target | Achieved to date |
|--|-----------------------|-------------------------|
| Length of fencing (km) | 198.5 | 50.42 |
| Area of weed control (ha) | 56 | 26.42 |
| Area of plant released (ha) | 56 | 25.76 |
| No. of plants planted | 85,192 | 106,433 |
| Area of wetland or riparian planting (ha) | 81.7 | 28.3 |
| No. of people hours | 234,024 | 50,196 |
| No. of fish passage barriers assessed | 78 | 149 |
| No. of fish passage barriers remediated | 39 | 0 |
| No. of historic or cultural sites maintained | 3 | 1 |
| Catchment Condition Survey completed (ha) | 12,000 | 9,753 |
| No. of workshops | 15 | 13 |
| No. of dung beetle packs released | 50 | 17 |
| No. of on farm biodiversity plans completed | - | 5 |

Key activities for 2023-24

10. Te Hoiere Project has engaged Scarlatti to support a project review in November. The purpose of the review is to ensure that as a partnership we achieve the activities funded over the next 18 months but also to start planning what the project might look like beyond the current funding.
 - a) Continued communication of project activities through our website, social media and other communications tools.
 - b) Monitoring programme implemented (including sediment, water quality, freshwater fish & invertebrates, ground water, rare ecosystems and mātauranga Māori monitoring).
 - c) Catchment group support.
 - d) Continued events, workshops, talks.
 - e) Education programme implemented.
 - f) Cultural mapping led by Ngāti Kuia.
 - g) Continued actions to improve water quality. Over the next month this will equate to approximately 37,000 plants in the ground and during the drier summer months, the focus will move to getting riparian and wetland areas fenced, this year we have a target of 60km of fencing.
 - h) Continue fish passage assessments and support mitigation of priority barriers.

- i) Five projects led by Te Hoiere forestry group including land transition, sediment monitoring, ungulate exclusion, riparian planting and access/forestry database.
- j) Geospatial tools development.
- k) River management plan.
- l) Construction of Native Nursery (Ngāti Kuia).
- m) Weed control on Public Conservation Land (Forest & Bird).
- n) Predator control at Carluke and Ronga reserves (Forest & Bird).

Next Steps

To continue maintaining a delivery focus for the Te Hoiere Restoration Project.

Attachment

Attachment 1 - Te Hoiere Project Annual Report 2023 – report is available on Council’s website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

| | |
|------------|--|
| Author | Rachel Russell, Te Hoiere Programme Manager |
| Authoriser | Alan Johnson, Environmental Science and Monitoring Manager |

5. Catchment Care for At-Risk Catchments in Marlborough

(Clr Burgess) (Report prepared by Rosanne Homewood)

E345-007-001

Purpose of Report

1. To provide an update on the Catchment Care programme for At-Risk catchments in Marlborough.

Executive Summary

2. The Catchment Care programme is in year 4 of a 5-year programme aimed at improving water quality in degraded/at risk of degradation catchments in Marlborough. Catchment Care supports the Are Are Creek, Flaxbourne, Linkwater and Tuamarina catchments.
3. The Catchment Care programme is jointly funded by MfE, MDC and landowners. This funding supports landowners in implementing mitigation strategies aimed at improving water quality, including fencing of waterways, riparian planting, and the release of dung beetles as a biological method of improving stream and pasture health.
4. So far, there has been a total of 13.32km of fencing funded, approximately 30,000 plants planted, and 12 dung beetle packs released (10 Farm Packs and 2 Lifestyle packs). The programme is on track to meet its targets for fencing and planting at this stage with a further 11,000 plants and 4km of fencing planned for Year 4. Dung beetle releases, however, are behind schedule.
5. Other areas of progress are an updated Catchment Care website section, which will fit into the new Marlborough Rural Hub – a restructured part of the Council website that aims to provide pertinent information in a more accessible way to our rural communities. This will also support landowners in their development of Freshwater Farm Plans, with Are Are Creek being the first catchment to be “turned on” and the other At-Risk catchments following shortly after. A long-term erosion and sediment plan for Are Are Creek has faced delays but this, alongside catchment enhancement plans, will be a goal to work towards this year.
6. Notable successes of the programme so far include the progress made towards key targets and that landowners beyond the early adopters are engaging in the programme, often based on word-of-mouth endorsements from landowners that have had work supported by the programme. Many of the Freshwater Farm Plan requirements also align with the Catchment Care objectives, which will allow Council to more closely support the implementation of Freshwater Farm Plans in the At-Risk Catchments.
7. Some of the challenges that the programme faces include that many of the successes (regarding meeting key targets) is highly dependent on a few key landowners in each catchment doing a lot of the work. This means that although targets are being met, in some cases, key contributors to poor water quality in the area have not improved. Also, whilst word-of-mouth buy-in from landowners is increasing, this engagement is occurring as the end of funding approaches, which is an unfortunate intersection. Finally, some landowners indicate a sense of overwhelm at the number and type of regulations they are having to meet at a time of financial pressure, which can mean that their capacity to engage with the programme is limited.

RECOMMENDATION

That the information be received.

Presentation

A short presentation will be given by Rosanne Homewood (10 minutes)

| | |
|------------|--|
| Author | Rosanne Homewood, Catchment Care Advisor |
| Authoriser | Alan Johnson, Environmental Science & Monitoring Manager |

6. National Wilding Conifer Control Programme – update

(Clr Faults) (Report prepared by Jono Underwood)

E315-019-001-01

Purpose of Report

1. To provide the Committee with an update on the National Wilding Conifer Control Programme (NWCCP), on-ground programmes in Marlborough and a recent [one-off] funding announcement.

Executive Summary

2. Since 2016, Council has been managing additional Central Government investment into wilding conifer management in Marlborough through the NWCCP.
3. Since the Budget 2020 announcement, four on-ground programmes have been receiving NWCCP funding and the 2022/2023 was the largest delivered to-date.
4. As anticipated, the current 2023/2024 season has seen a significant drop in NWCCP funding levels.
5. As announced in late October 2023, a one-off investment of \$7M originating from the Department of Conservation has been passed to NWCCP with an aim of minimising the 'lost gains' and addressing a significant amount of deferred maintenance.

RECOMMENDATION

That the information be received.

Background/Context

6. Since 2016, Council has been managing additional Central Government investment into wilding conifer management in Marlborough through the National Wilding Conifer Control Programme (NWCCP) rolled out by Biosecurity New Zealand in primary partnership with regional councils/unitary authorities across the country.
7. In the early years, the modest investment focussed on Rangitahi/Molesworth. However, as part of Budget 2020 under the broader Jobs for Nature banner, the NWCCP received \$100M of funding over 4 years.
8. This level of funding enabled both a significant lift in investment into the Rangitahi/Molesworth programme along with three additional programmes – Waihopai, Sounds and a community project across the Te Hau/The Ned & Awatere areas.
9. Since 2020/2021, Council has acted as both funds manager and contract principle for two of the programmes – Rangitahi/Molesworth and Waihopai. The Sounds programme has continued to be managed by the Marlborough Sounds Restoration Trust and Te Hau/The Ned/Awatere programme managed by the South Marlborough Landscape Restoration Trust.
10. Funding agreements between Council and Trusts facilitated the NWCCP funding so Council maintained a large degree of accountability (and liability) for these programmes. However, this also meant Council has been able to hold clear oversight over all the programmes receiving funding and report back to Biosecurity New Zealand with accurate information.
11. An oversight of the previous 2022/2023 season is outlined in Tables 1 and 2 overleaf:

Table 1. Financial Overview of the 2022/2023 Wilding Programmes Receiving NWCCP Funding.

| Management Unit | NWCCP funding | Other funding | Total |
|------------------------|-----------------------|----------------------|-----------------------|
| Rangitahi/Molesworth | \$4,322,560.00 | \$195,000.00 | \$4,517,560.00 |
| Waihopai | \$571,000.00 | \$109,000.00 | \$680,000.00 |
| Sounds | \$380,000.00 | \$34,942.57 | \$414,942.57 |
| Te Hau/The Ned/Awatere | \$132,600.00 | \$47,589.66 | \$180,189.66 |
| Total | \$5,406,160.00 | \$386,532.23 | \$5,792,692.23 |

Table 2. Operational activity Overview of the 2022/2023 Wilding Programmes Receiving NWCCP Funding.

| Management Unit | Control work activities (hectares) | | | | Comments |
|------------------------|---|--------------------------|--------------------------|-----------------------|-----------------|
| | Aerial Foliar Spray | Aerial Basal Bark | Aerial Spot Spray | Ground Control | |
| Rangitahi/Molesworth | 517.20 | 63,582.49 | 65.10 | 1,884.34 | |
| Waihopai | - | 12,287.24 | - | 323.6 | |
| Sounds | - | - | 176.09 | 1,124.95 | |
| Te Hau/The Ned/Awatere | 20.41 | 14,464.33 | - | 400.53 | |
| Total | 537.61 | 90,334.06 | 241.19 | 3,733.42 | |

12. For the upcoming 2023/2024 season, the NWCCP funding dropped back to the baseline level of \$10M per annum. After careful strategic planning within the regions and in conjunction with programme staff, this resulted in all programmes in Marlborough still receiving a degree of funding (be it significantly lower than what is needed to protect the gains). Fortunately, the likes of Sounds programme was able to increase other sources of funding through successful applications being made to third party funders by the Marlborough Sounds Restoration Trust.
13. A summary of the 2023/2024 programme in Marlborough is outlined in Table 3 below:

Table 3. Financial Overview of the 2023/2024 Wilding Programmes in Marlborough (pre DOC funding announcement).

| | Planned expenditure | | |
|------------------------|-----------------------|---------------------|-----------------------|
| Management Unit | NWCCP funding | Other funding | Total |
| Rangitahi/Molesworth | \$776,428.00 | \$210,866.00 | \$987,294.00 |
| Waihopai | \$140,590.00 | \$109,000.00 | \$249,590.00 |
| Sounds | \$85,000.00 | \$253,175.00 | \$338,175.00 |
| Te Hau/The Ned/Awatere | \$50,000.00 | \$20,000.00 | \$70,000.00 |
| Total | \$1,052,018.00 | \$593,041.00 | \$1,645,059.00 |

14. At the time of writing this report, for the new one-funding for 2023/2024, it is anticipated \$913,000 of the \$7M will be directed to Marlborough targeting areas where maintenance has been deferred in the most vulnerable landscapes.
15. Because of this, it is likely these additional funds will be directed to the Molesworth and Waihopai programmes, although discussions are still being finalised with local stakeholders and the national programme team at MPI.

Next steps

16. All contracts and funding agreements are in place for the core 2023/2024 programmes and operational are already underway across all the management units.
17. With the new funding, final details are still being confirmed but when these are confirmed, there will be a range of new contract variations made to facilitate the boost to the respective programmes.

Presentation

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

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

7. Marlborough Landscape Group Disestablishment

(Clr Innes) (Report prepared by Alan Johnson and Bev Doole)

C230-001-M05

Purpose of Report

1. To notify Council of the intention to disestablish the Marlborough Landscape Group (MLG).
2. To consider redirecting the MLG annual funding of \$20,000 to the Mahi mō te Taiao Grant Scheme

Executive Summary

3. The Marlborough Landscape Group (MLG) was established by Council in 2002 in response to community concern about rapidly changing land use on the Wairau Plains.
4. MLG is an advisory group to Council comprising volunteers with expertise in Te Ao Māori, primary industries, resource management, landscape design and environmental protection. The group had early input into policy for the Marlborough Environment Plan and was also the driver for the Wairau River Regional Park proposal.
5. It advises on how to protect and enhance Marlborough's landscape, and also worked to increase public awareness of the landscape. The MLG has achieved many outcomes since 2002 which should be acknowledged. Some of these key achievements have included planting projects such as the Taylor River Reserve, Grove Road business frontages, and initiating the Greening Marlborough funding to encourage native plantings on vineyards.
6. The MLG has undertaken a strategy review of the scope and relevance of the group. This review highlighted that the recent outputs from the Group has less relevance now to some of Council strategic direction which called into question the ability of the group to be effective.
7. The review concluded in September 2023 that a decision to disestablish the MLG was appropriate.
8. The redirection of the MLG remaining budget of \$20k per annum will enable the Council to increase the Mahi mō te Taiao Grant Scheme and provide additional opportunity for community biodiversity action to help manage pest threats such as predators.

RECOMMENDATIONS

That Council:

1. **Approve the Marlborough Landscape Group's decision to disestablish.**
2. **Redirect the \$20K Landscape Group annual funding to the Working for Nature/Mahi mō te Taiao grant scheme.**

Background/Context

History and Purpose of the Group

9. The Marlborough Landscape Group (MLG) is a Council-appointed advisory group. Its function was to act as a conduit between the Council, industry and the wider community to provide comment and guidance to the Council on landscape issues.
10. The Marlborough Landscape Group was set up in 2002 after community concern about the effects on landscape from the rapid increase in vineyards on the Wairau plains. Impacts included the loss of wetlands, shelterbelts and historic trees. Over time the MLG focus widened to include broader rural issues, urban landscaping, forestry harvesting and other impacts on public and private land.
11. Members are volunteers and represent tangata whenua, winegrowing, forestry, farming, resource management, landscape design and environmental groups. Council staff from Rivers, Reserves and

Environmental Science departments attended meetings. MLG offered advice to Council on policy to protect our landscapes, works to raise awareness in the community about valuing our landscapes, and encourages and facilitates landscape projects (planting and weed control) to improve the look and ecology of our region.

12. Until a strategy review in 2018 the Group received an annual budget of \$100K, most of which was allocated to planting and enhancement projects, advised and managed by the Rivers and Reserves staff. Following the review, this funding was reduced to \$20K and the MLG strategy refocused to advocacy and education. The remainder of the funding (\$80k) was allocated to the Mahi mō te Taiao Grant Scheme.
13. Five work streams evolved from the 2018 review:
 1. Climate Change – Advocate for more tree planting to mitigate the effects of climate change: capturing carbon, providing shade and protecting biodiversity. Proposal for an urban forest.
 2. Te Ao Māori – connections with the Māori world: Promote ways for MLG to connect with and respond to iwi projects and processes.
 3. Advocacy – connect with industry groups: MLG representatives work as conduits enabling flow of information, concerns and solutions with Forestry, Farming and Winegrowing industry groups.
 4. Wairau River Regional Park – Be part of the Community Advisory Group appointed by Council's Rivers Department to develop a Wairau River Regional Park.
 5. Go Green not Brown – reduce sprayed areas: Campaign to encourage alternatives to weed spray and reduce the visual and ecological impact of brown-sprayed areas on Council reserves, vineyards, roadsides etc.

MLG Key achievements

14. The Marlborough Landscape Group since 2002 provided a forum of different perspectives for Council to call on and there is substantial knowledge and experience at the table. This expertise has led to a number of successful projects:
 - Taylor River Reserve and Ralph Ballinger Arboretum: an extensive planting programme within the Taylor River Reserve driven by the Marlborough Landscape Group. Achieved by building closer links between Council Reserves, Rivers and Environmental Science departments to create a recreational reserve alongside an important floodway. Strong community buy-in with planting days and now a popular walkway, cycleway and dog exercise area.
 - Greening Marlborough grant scheme: This dollar-matching grant scheme was focused on increasing native plantings on vineyards. The loss of landscape values and biodiversity due to vineyard development has been an ongoing issue for MLG. Little progress was made until a financial incentive was offered through the Greening Marlborough scheme, along with on-site advice and review from MLG members. NZ Winegrowers provided marketing support. Greening Marlborough ended when the programme was redirected to create Council's Working for Nature/Mahi mō te Taiao grant scheme.
 - Established areas of plantings achieved through MLG funding including Kahikatea Reserve in Spring Creek, Grove Road business frontage plantings, Blenheim School landscaping.
 - Engaged with the Council policy team to help develop MEP Landscape and Notable Trees chapters/policy. Also provided feedback for 2009 Landscape Study, and the 2020 MDC Tree Policy.
 - A successful 2022 field day at The Throne, hosted by the Landscape Group aimed at the farming community to show the aesthetic and economic benefits of growing trees
 - Wairau River Regional Park: Working with Rivers and Environmental Science staff, MLG was the initial driver behind this Council project, which will enhance landscape and recreational opportunities as well as help manage dumping and stopbank vandalism.

2023 Strategy review

15. The MLG Strategy Review in 2018 resulted in a mission statement to: Provide leadership and inspire the community and stakeholders to protect and enhance Marlborough's landscape through education and advocacy, in partnership with Council strategies.
16. However the loss of planting budget led to a drop in Council staff engagement and difficulty in getting traction with industry and the community. Work Streams were established but no progress was made with Council on issues such as the removal of airport trees, protection of notable trees and efforts to find a site for an urban forest.
17. The 2023 Strategy Review canvassed three questions and the outcomes are summarised below:
 - a) Is the MLG still relevant?
 - Council staff are seeking advice from consultants and other groups rather than the Landscape Group.
 - Environmental and landscape awareness has become more mainstream since the MLG was formed over 20 years ago and there is now some overlap of organisations and advisors. There are groups such as NZ Landcare Trust, the Biodiversity Forum, catchment groups and Council groups such as Small Townships and Smart & Connected, that are all doing things that the Landscape Group was set up to do.
 - There is increasing environmental awareness and some sections within industries that are working to improve landscape outcomes. It is probably up to them to bring the influence that the MLG has not been able to achieve.
 - The MEP has been through the appeals process. There are now increased protections for biodiversity and these regulatory mechanisms go some way to achieving what the Landscape Group was set up to do.
 - Other MLG work has been superseded by National Policy Statement for Indigenous Biodiversity, strategies and Council policies.
 - b) Is there an appetite among Council staff and Councillors to engage with the Landscape Group?
 - Council staff and Councillors are now working with consultants and other organisations and there is a desire to avoid duplication.
 - A couple of issues in the past two years have resulted in the loss of engagement between Council and MLG. There has been some frustration that advice provided by Landscape Group membership not been valued by Council.
 - In terms of Council support and engagement the focus is now more on biodiversity rather than landscape.
 - c) Should the Marlborough Landscape Group continue?
 - There is strong expertise around the table but it may need to be more closely aligned with groups that Council prefers to engage with to get traction on landscape issues.
 - MLG members such as Forest & Bird and the Marlborough Environment Centre could continue to advocate for projects, eg urban forest, Wairau River Regional Park.
 - It was agreed that it is OK to come to an end point as times and attitudes change.

MLG Motion to disband

18. The following motion was approved by the Group on September 4, 2023:

That the Marlborough Landscape Group notifies Council that, following a strategy review, members have resolved it is time to dissolve the Group. While proud of past achievements, the role as a community advisory group to Council has been superseded by other organisations and consultants and the implementation of the National Policy Statement on Indigenous Biodiversity.

Moved Tim Newsham, Seconded Clr Innes.

Funding reallocation

19. The disbandment of the MLG requires council to reconsider the allocation of the remaining \$20k per year to either the Mahi mō te Taiao Grant Scheme or be offered as a potential budget saving. The Council will be aware that The Mahi mō te Taiao Grant Scheme provides opportunities for the community and landowners to seek funding to support action on the ground to protect or restore of biodiversity relating to freshwater or flora and fauna. The Grant scheme has been oversubscribed since its inception and an opportunity exists for Council increase the entire funding allocation. An increase in additional funding along with a review of the funding criteria could help to enable community biodiversity action to manage threats such as predators (Feral cats, stoats and possum etc).
20. The Council will be aware that the Jobs for Nature scheme is about to finish in 2024/25 and it is likely many community led environmental groups that will be seeking options to exist. While Council would not have the resources to supplement all the needs of these groups, an option exists for an expanded Mahi mō te Taiao Grant Scheme category that could provide some leverage funding for groups that implement predator control activities. It would be envisaged that a funding category could allow funding to be apportioned over a three-year term instead of annualised funding which would provide an avenue to these community groups to sustain a backbone of these programmes.

Presentation

A short presentation providing photos of the achievement of the Group will be provided (5 minutes)

| | |
|------------|---|
| Author | Alan Johnson Environmental Science and Monitoring Manager |
| Authoriser | Hans Versteegh Environmental Science and Policy Manager |

8. National Pesticide in Groundwater Report – National Survey of Pesticides, Emerging Organic Compounds and PFAS in Groundwater 2022

(also refer to separately attached report)

(Clr Burgess) (Report prepared by Peter Davidson)

E345-007-001

Purpose of Report

1. To present the ESR report: *National Survey of Pesticides in Groundwater 2022*.

Executive Summary

2. The main findings of the report were:
 - a) Pesticides were detected in 9.2% of the 184 wells sampled across most regions of New Zealand. Detection means the concentration is high enough to be detected by the laboratory analytical test, which is different to the maximum allowable value (Water Services {Drinking Water Standards for NZ} regulations 2022), which is the maximum concentration safe for humans to consume.
 - b) Nationally, only two pesticides were present at high concentrations, one of which was dieldrin (persistent insecticide) which exceeded the MAV, and clopyralid (herbicide) present at a concentration of greater than 1.1 micro g/litre but doesn't have a specified MAV. The two herbicides measured at concentrations above the human health Maximum Available Value or 1 micro gram per litre, were sampled from bores outside of the Marlborough District.
 - c) Pesticides weren't detected in the samples provided by Auckland Council, Taranaki Regional Council, Bay of Plenty Regional Council, Hawkes Bay Regional Council or Greater Wellington Council. Pesticides were detected in the remaining regions including Marlborough. Nelson City did not participate in the study, but Tasmand District Council did.
 - d) The herbicide terbuthylazine was measured at a very low concentration of 0.02 micro g/L (0.25% of the MAV) at the MDC Renwick municipal supply well P28w/0548. The capture zone for this well is the land to the south-west, above and below the terrace which is dominated by vineyard. Terbuthylazine is a herbicide and fungicide used for controlling weeds or water borne algae/bacteria.
 - e) Sixteen different pesticides were detected in groundwater across the country with herbicides being the most common and the most common herbicide was terbuthylazine. The maximum number of pesticides detected at a single well was 6.
 - f) Overall, there appears to be a decrease in the frequency and concentration of pesticide residues in groundwater relative to previous national surveys.
 - g) Marlborough District Council sampled 10 wells as part of the 2022 survey which is down on previous surveys due to other work priorities in 2023 including aquifer allocation limit setting as part of the NPS for freshwater management.
 - h) The Wairau Plain is the most intensively farmed and densely populated area of Marlborough and it's not surprising that if present, the highest occurrence of pesticides are found in underlying groundwater.
 - i) PFAS was not detected at any of the wells sampled in Marlborough, inferring its occurrence is mainly limited to Woodbourne or its downstream flow path, and landfills. The results for the emerging organic compounds (EOC's) are still being analysed at the time of writing.

RECOMMENDATION

That the report be received

Background

3. Every four years since 1990, ESR have coordinated a national survey of pesticides in groundwater. Regional and unitary councils collect the samples, with the laboratory results being analysed and reported on by ESR at regional and national scales. This is a good example of a nationally coordinated survey.
4. Sampling for the 2022 survey was carried out in spring 2022 and given the amount of time required for analysis, the report is only now available for presentation to MDC. In addition to a wide range of pesticides; emerging organic contaminants and PFAS (per-/polyfluoroalkyl substances) were included in the 2022 survey.
5. The national pesticide survey forms a specialised part of Marlborough District Council's groundwater quality state of the environment reporting programme. Because of the low concentrations commonly involved, high cost of laboratory analysis and specialised nature of their interpretation, it makes sense for the programme to be coordinated at a countrywide level by recognised experts.
6. MDC have actively supported the programme since 1994 because pesticides are widely used as part of Wairau Plain land uses today and historically and can readily enter local groundwater which provides all of the drinking water for Blenheim's hinterland.
7. MDC have generally sampled the same wells as part of each survey to provide a measure of any trends in the temporal influence of pesticides. Wells sampled as part of the survey are representative of shallow, unconfined groundwater susceptible to overlying land uses. Most municipal wellfields tapping unconfined aquifers are included in the survey.

Next steps

8. Once adopted by MDC the report would be available to the public via the Council website.

Presentation

A short presentation will be given by Laura Banasiak from ESR in Christchurch (15 minutes).

| | |
|------------|--|
| Author | Peter Davidson, Environmental Scientist Groundwater Quantity & Quality |
| Authoriser | Alan Johnson, Environmental Science & Monitoring Manager |

9. 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. Environment Court mediation on all topics has now been completed.
4. Good progress has been made in resolving appeals. There are nine consent memoranda currently being considered by the Court.
5. Aquaculture Interests have withdrawn a significant number of appeal points subsequent to the public notice of the Variation 1 decision. Work is ongoing to consider the relationship between outstanding PMEP appeals, and the Variation 1 decision and appeals.
6. With the gazettal of the NPS for Indigenous Biodiversity, parties are considering how the NPS direction may influence appeals placed on hold pending that gazettal.

RECOMMENDATION

That the information be received.

Background/Context

7. The PMEP Hearings Panel publicly notified their decision on the PMEP on 22 February 2020.
8. 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>. There were a total of 1307 appeal points.
9. The Environment Court manages all appeal processes in accordance with their Practice Note 2023. 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.
10. 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.
11. 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".
12. Given the number of appeal points (1307), the resolution of appeals has been a focus of the work programme of the Environmental Policy Group and continues to be so. However, given the progress

with the resolution appeals documented in previous reports to the Committee, being able to make the PMEP operative or operative in part is getting closer.

MEP Appeals Version

13. 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

14. To date, 11 appeals have been resolved in full and five appeals have been withdrawn. The status of all appeals is recorded in Attachment 1. There are a total of 36 notices of appeal remaining.
15. As introduced at the Committee's meeting on 24 August 2028, progress with resolution of appeals by topic is included in Attachment 2. Subject to Court approval, the Water Quality topic is now resolved in full.
16. A total of 43 consent orders have been issued by the Environment Court.
17. Since the last report to the Environment and Planning Committee on 5 October 2023, no new consent orders have been issued by the Court.
18. Two further consent memoranda have been submitted to the Environment Court for its consideration in that time.
19. At this point in time, only nine appeal points are to be heard by the Environment Court, likely in two fixtures.
20. Where there are outstanding appeal points, either workstreams are in place to progress resolution or the appeal points are on hold pending other processes. The details are set out below.

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 Environment and Planning Committee was briefed about the general course of the mediation to date and on the specific agreed outcomes from that mediation.
22. The mediation process is overseen by an Environment Court Commissioner.
23. Environment Court mediation has now been completed for all 22 topics. In total, there were more than 80 days of mediation over a period of two and a half years.
24. 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>.
25. As recorded above, all consent orders are incorporated into the PMEP Appeals Version.

Natural Character

26. Mediation on the Natural Character Topic has involved lengthy mediation and discussions between the parties since February 2021, as set out in previous reports to the Committee.
27. There is one outstanding appeal point on the natural character overlays as they apply in Cook Strait. A work programme on this matter is in progress.

28. Appeals on Policies 6.2.1 and 6.2.2 have now been resolved and a consent memorandum has been submitted to the Court. A consent order is now pending.
29. Many of the remaining appeal points in the Natural Character Topic are on hold pending the outcome of Variation 1 (see below).

Indigenous Biodiversity

30. Mediation on the Indigenous Biodiversity has involved lengthy mediation and discussions between the parties since June 2021, as set out in previous reports to the Committee.
31. There are outstanding appeal points in this topic that were deferred pending the gazettal of the National Policy Statement for Indigenous Biodiversity (NPSIB). The NPSIB was gazetted on 7 July 2023 and it came into effect on 4 August 2022. There are proposals (put forward by Council) currently in circulation with the parties to resolve the outstanding appeal points.
32. There was one outstanding matter for indigenous vegetation clearance rules to be resolved relating to clearance in the Coastal Living Zone. Following further informal mediation, this appeal point has been resolved. A consent memorandum was lodged with the Environment Court on 25 September 2023. A consent order is now pending.
33. Further mediation on appeals to Appendix 3, criteria for ecological significance, occurred on 17 May 2023. There remain differences between some of the parties, but discussions continue. Those discussions include the effect of the NPS, which also contains criteria for ecological significance for terrestrial environments. The Court has allowed the parties further time to consider the implications of the NPSIB.
34. As previously reported, evidence has been exchanged for the appeal point related to King Shag habitat and Important Bird Areas that was not resolved through mediation. Friends of Nelson Haven and Tasman Bay are seeking a consenting regime apply to bottom trawling and dredging in the Marlborough Sounds Important Bird Area. The parties are awaiting Court directions regarding the timing of a hearing.

Transportation

35. There are two outstanding matters in this topic: Managing reverse sensitivity effects adjoining State Highway and the Main North Line rail; and Policy 13.15.2 (which manages adverse effects on marine transportation).
36. There is an active workstream on the Waka Kotahi and KiwiRail appeals related to managing reverse sensitivity effects adjoining State Highway and the Main North Line rail and good progress is being made.
37. The appeal on Policy 13.15.2 is linked to appeals on Variation 1 (see below).

Natural hazards

38. The outstanding appeal point in this topic relates to the status of maimai. The appellant has now confined the relief requested to one location. The outstanding appeal point is on hold pending the outcome of another non-RMA planning process that applies to that location.

Waste and discharge of contaminants to land

39. The only outstanding appeal point in this topic relates to the discharge of stormwater to land. There is an ongoing workstream seeking to resolve this appeal point.

Forestry

40. The remaining two appeal points are on hold pending the gazettal of the NPS for Indigenous Biodiversity. The proposals highlighted above for the Indigenous Biodiversity topic may influence the outcome of these appeal points.

Coastal

41. The only remaining appeal in this topic is on coastal occupancy charge provisions. The appellants, the Marine Farm Association/Aquaculture NZ and New Zealand King Salmon and Council were able to reach agreement on the relief sought. This would have seen the charges included within the PMEP for certainty. The charges would be based on the background material that was prepared for the notification of the PMEP. The S274 parties do agree with the methodology by which charges are set. The appeal would therefore appear to be confined to the question of appropriate methodology. Timetabling directions have been issued by the Court and the parties are in the process of implementing those directions.

Water Quality

42. All but five appeal points were resolved at mediation. A consent memorandum was lodged with the Environment Court on 11 July 2023. A consent order is now pending.
43. Of the five outstanding appeal points, the resolution of four was previously reported to the Committee and the relevant consent memoranda have been submitted to the Court.
44. The final outstanding point in this topic has been resolved since the last report to the Committee on 5 October 2024 and an additional consent memorandum has been submitted to the Court.
45. A total of six consent order for this topic are now pending.

Water Allocation and Use

46. All appeal points were resolved at mediation. A consent memorandum was lodged with the Environment Court on 19 July 2023. A consent order is now pending.

Other topics

47. Mediation has previously resolved all appeal points for the following topics: Topic 1: Cultural Matters, Topic 11: Rural, Topic 12: Air Quality, Topic 14: Soil Quality and Land Disturbance, Topic 17: Energy, Topic 17: Climate Change, Topic 18: Nuisance, Topic 20: Zoning.

Relationship with Variation 1: Marine Farming

48. A significant number of appeal points made by marine farmers were placed on hold during mediation pending the notification of a decision on Variation 1. This was especially the case for appeal points in Topic 3: Natural Character, Topic 4: Landscape and Topic 5: Indigenous Biodiversity.
49. The decision on Variation 1 was publicly notified on 19 May 2023.
50. The Court issued a minute setting out a formal period by which appellants were to confirm appeals to be withdrawn or otherwise pursued. A comprehensive response was provided by Aquaculture Interests on 28 July 2023 and a significant number of PMEP appeal points were formally withdrawn.
51. Council subsequently prepared a case management memorandum on 11 August 2023 seeking further time to better understand the nature of the relationship between outstanding PMEP appeal points and Variation 1 appeals.
52. In response to a further Court minute dated 23 August 2023, the Council has proposed a structure to the mediation of Variation 1 appeals. However, Council has reiterated that it needs to better understand the relationship between the Variation 1 appeals and outstanding PMEP appeals, and this requires engagement with the appellants.
53. On 15 September 2023, Aquaculture Interests updated their earlier advice and withdrew further PMEP appeal points. The number of outstanding PMEP related to Variation 1 is reducing.
54. Council is required to provide a final response to the Court on how to conduct mediation on Variation 1 on 22 December 2024. It is possible that some outstanding PMEP appeals may be able to be mediated conjunctively with appeals on Variation 1.

Next steps

55. A total of nine consent memoranda are now with the Court for consideration. Any resulting consent orders issued by the Court will be reported to the Committee through future updates.
56. Informal mediation on outstanding matters is ongoing. The results will be reported to the Environment Court in accordance with the Court's directions.
57. A significant focus of future effort will be addressing the relationship between outstanding PMEP appeals and Variation 1 appeals.
58. With the gazettal of the NPS for Indigenous Biodiversity, parties are considering how the NPS direction may influence appeals placed on hold pending that gazettal.
59. 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 | Resolved |
| 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 | Resolved |
| 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 | Withdrawn |
| 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 Ngati Kuia Trust v MDC | | ENV-2020-CHC-70 | |
| Brentwood Vineyards Limited and others v MDC | | ENV-2020-CHC-66 | |

| Appellant | | Environment Court Reference | Status |
|--|--|------------------------------------|---------------|
| BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited v MDC | | ENV-2020-CHC-72 | Resolved |
| 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 | Resolved |
| 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 | |

Attachment 2

| Topic | Status |
|---------------------------------|--|
| 1: Cultural Matters | Completed: All appeals resolved |
| 2: Water Allocation and Use | Completed: All appeals resolved |
| 3: Natural Character | Substantial progress. Some appeal points on hold pending Variation 1 |
| 4: Landscape | Substantial progress. Some appeal points on hold pending Variation 1 |
| 5: Indigenous Biodiversity | Substantial progress. Some appeal points on hold pending Variation 1 and/or NPSIB |
| 6: Public Access and Open Space | One remaining appeal point |
| 7: Heritage Resources | Completed: All appeals resolved |
| 8: Natural Hazards | One remaining appeal point |
| 9: Urban Environments | Completed: All appeals resolved |
| 10: Coastal Environments | One remaining appeal point |
| 11: Rural Environments | Completed: All appeals resolved |
| 12: Air Quality | Completed: All appeals resolved |
| 13: Water Quality | Completed: All appeals resolved |
| 14: Soil and Land Disturbance | Completed: All appeals resolved |
| 15: Waste & Discharges to Land | Two remaining appeal points on one sub-topic |
| 16: Transportation | Three remaining appeal points on two sub-topics |
| 17: Energy & Climate Change | Completed: All appeals resolved |
| 18: Nuisance effects | Completed: All appeals resolved |
| 19: Utilities | Majority of appeal points resolved |
| 20. Zoning | Completed: All appeals resolved |
| 21: Forestry | Two remaining appeal points on one sub-topic. On hold pending Variation 1 and/or NPSIB |
| 22: Miscellaneous | One remaining appeal point |

10. Submission to Review of the Canterbury RPS

(The Chair) (Report prepared by Pere Hawes)

M100-11-004-03

Purpose of Report

1. To seek approval of a Council submission to the review of the Canterbury RPS.

Executive Summary

2. Environment Canterbury is proposing to utilise 10 Freshwater Management Units (FMU) for freshwater management under the National Policy Statement for Freshwater Management (NPSFM).
3. The Waiau Toa/Clarence River flows within both Marlborough and Canterbury.
4. The Waiau Toa/Clarence River catchment is proposed to be within the Kaikoura FMU, which also contains all water bodies in the Kaikoura District and the Conway River.
5. In contrast, Council is proposing a FMU specifically for the Waiau Toa/Clarence River.
6. It is proposed to encourage Environment Canterbury to do likewise via submission. A consistent approach would better enable the application of the NPSFM and is more consistent with ki uta ki tai (mountains to sea).

RECOMMENDATION

That the submission to the review of the Canterbury RPS be approved.

Background/Context

7. On 24 October 2023, Environment Canterbury released material seeking community input into the review of the Canterbury RPS.
8. One module of the material was specific to freshwater and coastal management, including the establishment of FMU for the purpose of giving effect to the NPSFM.
9. Environment Canterbury proposes to use 10 FMU for freshwater management under the NPSFM. The Waiau Toa/Clarence River catchment is proposed to be within the Kaikoura FMU, which also contains water bodies in the Kaikoura District and the Conway River. The proposed FMU for Canterbury are set out in Attachment 1.
10. The Waiau Toa/Clarence River is within both Marlborough District and Canterbury Region.

Marlborough-Canterbury Boundary

11. The Acheron catchment, a significant tributary of the Waiau Toa/Clarence River, is within Marlborough. Downstream of the Acheron catchment, the true left and the true right of the river are within the Marlborough District for a distance of approximately 22 kilometres. The boundary between Marlborough and Canterbury then becomes the centre of the Waiau Toa/Clarence River until the confluence with the Red Hill Stream. Thereafter the Waiau Toa/Clarence River flows through Canterbury only.

MDC Submission

12. Council is proposing six FMU within Marlborough as part of the process of implementing the NPSFM. One of those FMU is the Waiau Toa/Clarence River. This FMU is represented in Attachment 2.

13. It is considered that Environment Canterbury should be encouraged to likewise establish a stand alone FMU for that part of the Waiau Toa/Clarence River catchment within Canterbury.
14. Such an approach would recognise the unique and significant freshwater values that exist within this catchment. It also better enables ki uta ki tai and would ensure that the National Objectives Framework under the NPSFM is applied in a consistent manner within the catchment. In particular, freshwater values for the catchment can be identified and documented in the same way, and a common vision and outcomes could be established. A Waiau Toa/Clarence River FMU within both Canterbury and Marlborough could also enable a collaborative approach to be taken to the setting of attribute states and limits.
15. Council staff have discussed the nature of this submission with Ngāi Tahu and Ngāti Kuri and understand that there is support for the relief sought.
16. A draft submission has been prepared on the above basis and is attached as Attachment 3 for the Committee's consideration.

Next steps

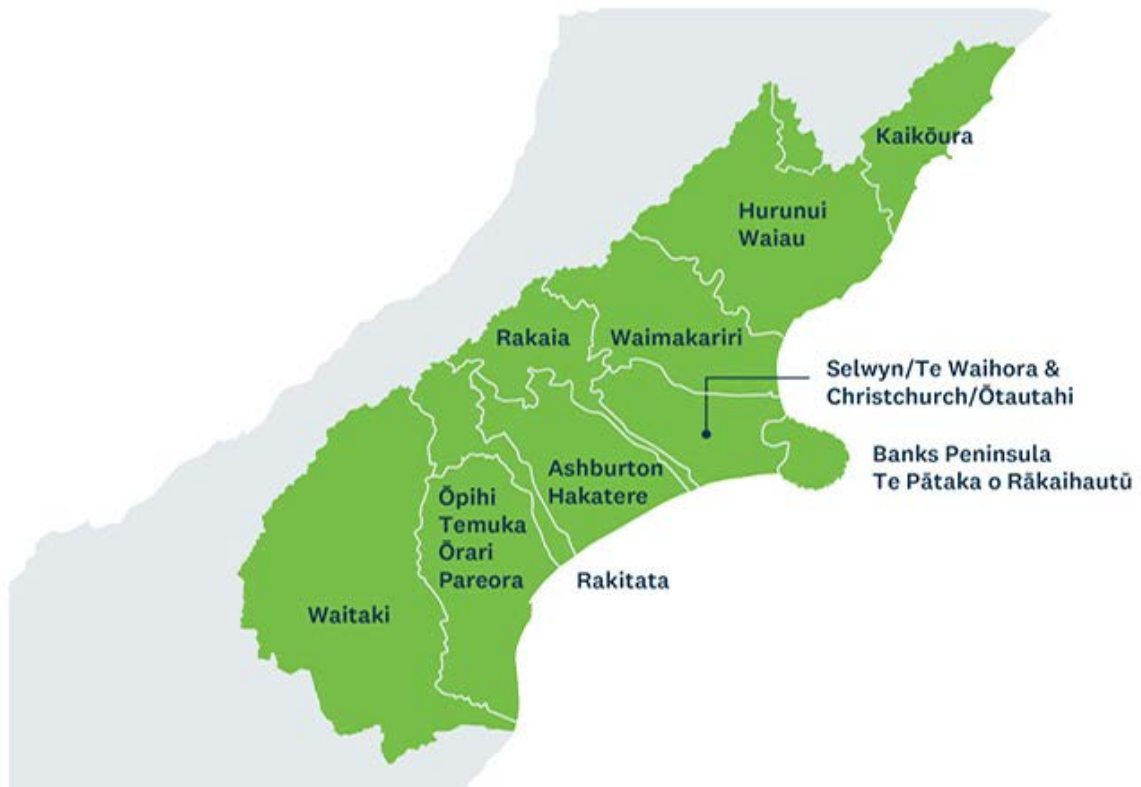
17. If the Committee approves the attached submission, the submission will be provided to Environment Canterbury.

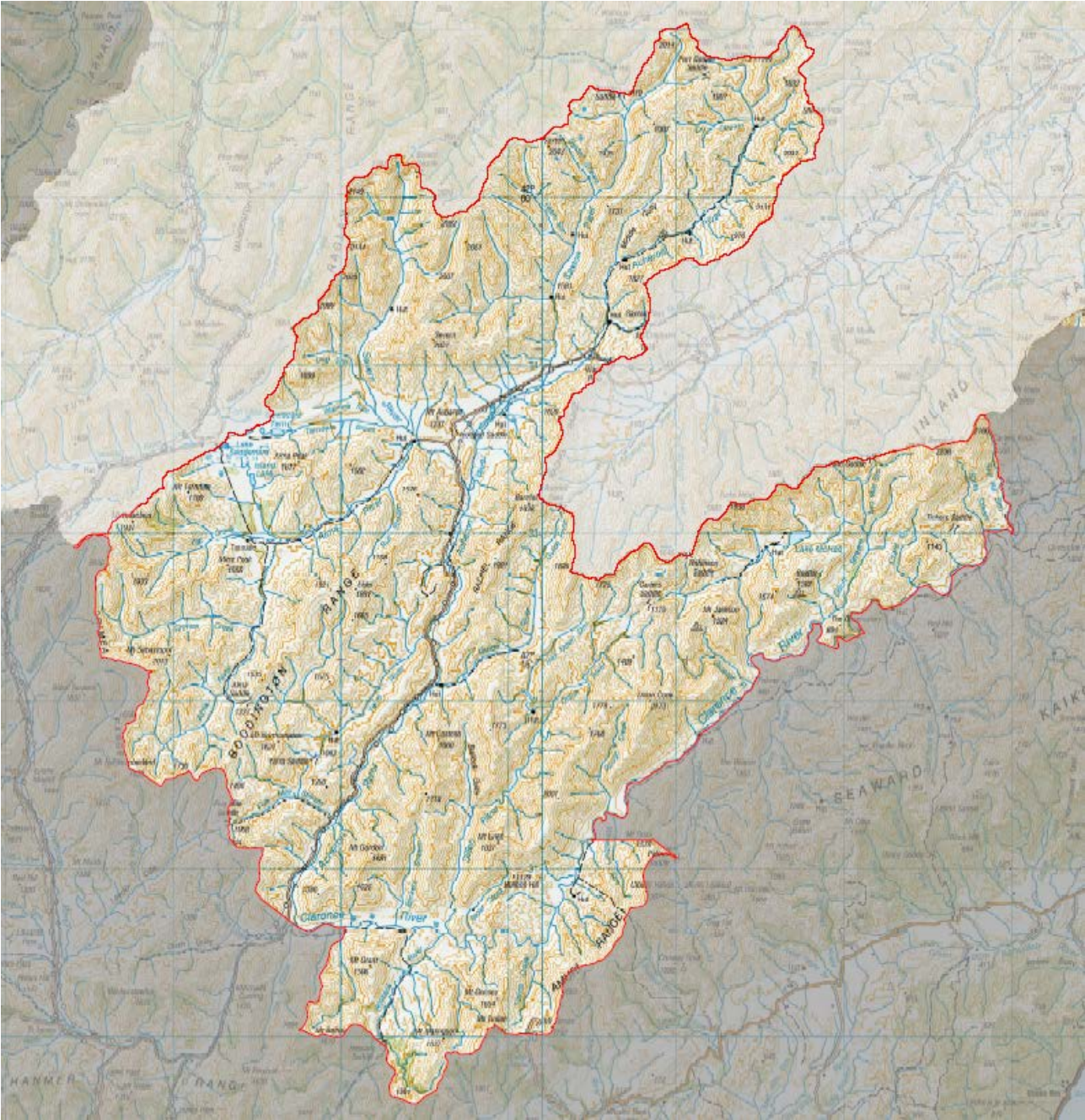
Attachments

| | |
|---|-----------|
| <i>Attachment 1</i> – Proposed Canterbury Region FMUs | Page [30] |
| <i>Attachment 2</i> – Proposed Marlborough FMUs | Page [31] |
| <i>Attachment 2</i> – Draft MDC submission | Page [32] |

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

Attachment 1





MDC Submission to Review of Canterbury RPS

Thank you for the opportunity to submit on the consultation material released on 24 October as part of the review of the Canterbury RPS.

As an adjoining local authority, the Marlborough District Council seeks to highlight and address one cross boundary issue with respect to freshwater management at and around our joint boundary.

The cross boundary issue relates to the Waiau Toa/Clarence River. The Waiau Toa/Clarence River is the longest river in Canterbury. However, parts of the catchment are partly or wholly within the Marlborough District. The Acheron catchment, a significant tributary of the Waiau Toa/Clarence River, is within Marlborough. Downstream of the Acheron catchment, the true left and the true right of the river are within the Marlborough District for a distance of approximately 22 kilometres. The boundary between Marlborough and Canterbury then becomes the centre of the Waiau Toa/Clarence River until the confluence with the Red Hill Stream. Thereafter the Waiau Toa/Clarence River flows through Canterbury only.

The Council has reviewed the material under “Water & coast/Te Wai me te Takutai”, and specifically the “Visions for Freshwater Management”. That material contains a map with the current proposed FMUs for Canterbury. It appears from this map that the Waiau Toa/Clarence River is grouped with water bodies in the Kaikoura District and with the Conway River.

The Council strongly encourages Environment Canterbury to establish a specific FMU for that part of the Waiau Toa/Clarence River catchment within the Canterbury Region.

Marlborough is proposing six FMU as part of the process of implementing the NPSFM. One of those FMU is the Waiau Toa/Clarence River. **This FMU is represented in Attachment 1.**

A FMU for the Waiau Toa/Clarence River FMU within both Canterbury and Marlborough would recognise the unique and significant freshwater values that exist within this catchment. Those values have been documented by the Council for that part of the catchment within Marlborough (predominantly within Molesworth Station). These include very high natural character, outstanding landscape, significant freshwater habitats, significant wetlands. Those values are likely to extend into Canterbury given the nature of the environment and resource use within that environment.

Both councils are also aware of the significance of the catchment to Ngāi Tahu and Ngāti Kuri.

A specific FMU for Waiau Toa/Clarence River within Canterbury accompanying the equivalent FMU within Marlborough better enables ki uta ki tai and would ensure that the NOF is applied in a consistent manner. In particular, freshwater values for the catchment can be identified and documented in a consistent manner, and a common vision and outcomes could be established. A Waiau Toa/Clarence River FMU within both

Canterbury and Marlborough could also enable a collaborative approach to be taken to the setting of attribute states and limits.

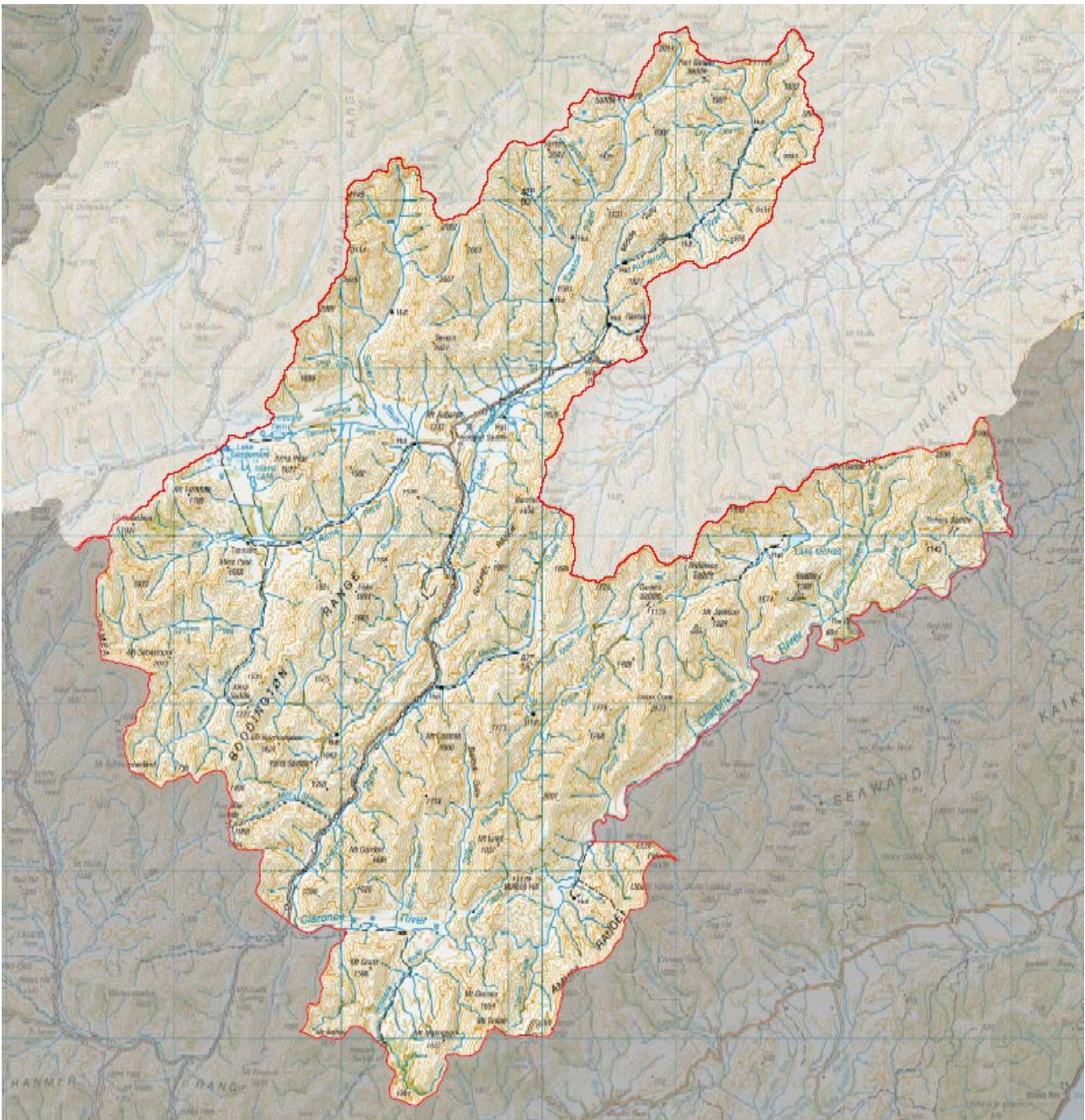
The above processes could result in efficiencies in implementing the NPSFM. In particular, implementing the NOF to the Waiau Toa/Clarence River might allow Ngāi Tahu and Ngāti Kuri to engage both planning authorities through a single process or, if still two processes, at least in a consistent manner.

Council staff have discussed the nature of this submission with Ngāi Tahu and Ngāti Kuri and understand that there is support for the relief sought.

Summary

The Marlborough District Council strongly encourages Environment Canterbury to establish an FMU for the Waiau Toa/Clarence. The application of the NOF to this FMU and the equivalent FMU within Marlborough will better enable the application of the NPSFM in an effective and efficient manner and is more consistent with ki uta ki tai.

Attachment 1: Waiiau Toa/Clarence River FMU



11. Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023

(Clr Innes) (Report prepared by Brendon Robertson)

R450-006-06

Purpose of Report

1. The purpose of this report is to propose that Council adopts the Policy on 'Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams'.

Executive Summary

2. Section 161 of the Building Act requires a regional authority to develop a dangerous dams, earthquake-prone dams, and flood-prone dams policy within their region.
 3. The policy is to be reviewed at intervals of not more than five years.
 4. The purpose of the policy is to help prevent the catastrophic failure of a potentially dangerous dam, and to ensure deficiencies in an earthquake-prone or flood-prone dam are addressed. The Dangerous Dam Policy was last reviewed in 2018.
-

RECOMMENDATION

That Council adopt the Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023.

Background/Context

5. 13 July 2023 - Policy was presented to the Environment & Planning Committee Meeting.
6. 10 August 2023 - Consultation was ratified by full Council. Councillors Hope, Sowman and Innes appointed to Hearing Sub-Committee to hear submitters if wishing to be heard.
7. 14 August Special - Consultative Procedure began. Policy was published on the Council website and information was published in the Marlborough Express and the Christchurch Press.
8. 15 September - Special Consultative procedure ended. One submission received from Federated Farmers New Zealand.

Assessment/Analysis

9. The submission received from Federated Farmers New Zealand was offered to be withdrawn from a hearing if MDC implemented additional wording:

"In a situation where the Chief Executive of the Council considers that, because of the state of the dam, based on expert advice from engineers, immediate danger to the safety of persons, property, or the environment is likely, then the Chief Executive of the Council may:

- Cause any action to be taken that is necessary to remove that danger.
- Recover the costs of taking any action from the dam owner.

10. The wording in the policy has been changed as per the submission by Federated Farmers New Zealand. The wording change was approved by the Hearing-Sub Committee.
 11. In addition to the change requested by Federated Farmers New Zealand the reference to 'engineer' was changed to 'recognised engineer' as per the recommendation by the Hearing Sub-Committee members.
-

Option One (Recommended Option)

12. Adopt the Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023 with the approved amendments.

Advantages

13. The proposed policy which has been agreed on by stakeholders is fit for purpose and is a statutory requirement of the Building Act 2004.

Disadvantages

14. None

Option Two – Status Quo

15. No action

Advantages

16. None

Disadvantages

17. Council will be in breach of their statutory requirements and if a dangerous dam were to occur there would be no current policy.

Next steps

18. Publish the policy on the Council website and ensure that the new policy is implemented when dealing with Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams.

Attachment

Attachment 1 – Policy on Dangerous, Earthquake-Prone and Flood-Prone Dams 2023 page [38]

| | |
|------------|--|
| Author | Brendon Robertson, Building Control Group Manager |
| Authoriser | Gina Ferguson, Consents and Compliance Group Manager |

Summary of decision-making considerations

Fit with purpose of local government

The proposed policy fulfils the requirements of statutory requirements of s161 of the Building Act 2004

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"/> | X |
| Financial Strategy | <input type="checkbox"/> | <input type="checkbox"/> | X |
| Infrastructure Strategy | <input type="checkbox"/> | <input type="checkbox"/> | X |
| Social well-being | X | <input type="checkbox"/> | <input type="checkbox"/> |
| Economic development | <input type="checkbox"/> | <input type="checkbox"/> | X |
| Environment & RMA Plans | <input type="checkbox"/> | <input type="checkbox"/> | X |
| Arts & Culture | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3 Waters | <input type="checkbox"/> | <input type="checkbox"/> | X |
| Land transport | <input type="checkbox"/> | <input type="checkbox"/> | X |
| Parks and reserves | <input type="checkbox"/> | <input type="checkbox"/> | X |

This proposal contributes to social and environmental well-being, through the implementation of this policy.

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

The project is funded within the current Building Control budget.

Significance

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

Engagement

Engagement has occurred with the community through the Special Consultative Procedure.

Legal

A policy on dangerous dams is required under s161 of Building Act 2004. If a policy is not adopted Council will be in breach of the statutory requirements.

Climate Change Implications

There are no known climate change implication to this decision.



MARLBOROUGH DISTRICT COUNCIL

S161 Building Act 2004

**POLICY ON
DANGEROUS DAMS, EARTHQUAKE-PRONE DAMS
AND FLOOD-PRONE DAMS
2023**

Document Control

| | |
|-----------------------------|---|
| Document Name: | Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023 |
| Document Owner: | Marlborough District Council |
| Author: | Dhyanom Gala |
| Implementation Date: | 13/05/2024 |
| Last Reviewed: | 02/10/2023 |
| Review Period: | 5 Years |
| Next Review: | 01/10/2028 |
| Document Status: | Final |
| Distribution: | General |
| File Reference: | R450-006-06 |

1. Introduction

This document sets out the policy on dangerous dams, earthquake-prone dams and flood-prone dams adopted by Marlborough District Council ("the Council") in accordance with [Sections 161](#) and [Section 162](#) of the Building Act 2004.

The policy states the approach and priorities the Council will take in performing its functions in relation to dangerous dams, earthquake-prone dams and flood-prone dams in Marlborough region, and how the policy will apply to heritage dams.

This policy applies to dams defined in [section 7](#) of the Building Act 2004 ("the Act").

The dam safety provisions in [Subpart 7 of Part 2](#) of the Act, apply to:

1. Classifiable dams (defined in [regulation 5](#) of the Building (Dam Safety) Regulations 2022 ("the Regulations")) to be either:
 - a. 4 or more metres high and storing 20,000 or more cubic metres volume of water or other fluid; or
 - b. 1 or more metres high and storing 40,000 or more cubic metres volume of water or other fluid.
2. Referable dams as defined in the Regulations¹.
3. All dams but only for the purposes of [section 133B](#)² (height measurement of dams) and [sections 157](#) and [section 158](#) (measures by a regional authority to avoid immediate danger).

2. Application of this policy

This policy applies to dams everywhere in Marlborough region, and irrespective of the age and intended life of the dam. Some parts of this policy may apply to all dams. Where required by the Act, this policy applies to all classifiable dams, which also includes "large dams" as defined in [Section 7](#) of the Act.

The terms 'dangerous dam', 'earthquake-prone dam' and 'flood-prone dam' have the same meaning as provided in [section 153](#), [section 153A](#) and [section 153AA](#) of the Act.³

This policy must be read alongside the Building (Dam Safety) Regulations 2022 ("the Regulations") which defines terms used in the Act in relation to "dangerous dams", "earthquake-prone dams" and "flood-prone dams".⁴

The Regulations and the Act can be accessed at www.legislation.govt.nz ⁵:

¹ The current Regulations do not define a referable dam (as of May 2022).

² When measuring the height of the dam under this section, the crest of the dam includes any freeboard – refer to section 133B of the Act for the definition.

³ This includes buildings in areas designated under subpart 6B as set out in section 153AA of the Act.

⁴ Section 19 of the Regulations defines moderate earthquake, moderate flood, earthquake threshold event and flood threshold event.

⁵ The Regulations: <https://www.legislation.govt.nz/regulation/public/2022/0133/latest/whole.html> and The Act: <https://www.legislation.govt.nz/act/public/2004/0072/latest/whole.html>

3. Commencement and Review

This policy commences on 13 May 2024.

This policy will be reviewed every five years or earlier as required. The policy remains in effect even though it is due for review or being reviewed.

4. Principles

The Council will apply the following principles to the exercise of its dangerous dams, earthquake-prone dams and flood-prone dams functions under the Building Act.

1. Dam owners have the primary responsibility for identifying, monitoring and reporting on dangerous, earthquake-prone and flood-prone dams and for reducing or removing the risk of harm to people, property and the environment in a timely and effective manner.
2. A recognised engineer engaged (by the owner) to provide a certificate for the purposes of [sections 135\(1\)\(b\)](#), [142\(1\)\(b\)](#), or [150\(2\)\(f\)](#) must notify Council and the owner of the dam if they believe that the dam is dangerous.
3. The state of all dangerous, earthquake-prone and flood-prone dams (as defined in the Act and the Regulations) must be known (noting that other dam safety provisions in the Act apply to all dams) and this information, if known to the Council, will be made readily available by the Council, to all persons potentially affected by the safety risks of a dangerous, earthquake-prone or flood-prone dam.

5. Council's approach to performing its functions

5.1 Information on dam status

The Council will keep a register of all dams as required by [section 151](#) of the Act, recording the dangerous, earthquake-prone and flood-prone status of each classifiable dam. The Council will develop a monitoring procedure to maintain the register and inclusion of information on the relevant property file.

Should the Council receive information about a dangerous, earthquake-prone and flood-prone dam in its regional boundary, the Council will notify the Marlborough Civil Defence and Emergency Management ("Marlborough CDEM") Group.

5.2 Working with dam owners

The Regulations require owners of all classifiable dams to know whether their dam is dangerous, earthquake-prone or flood-prone and that they will take the necessary steps, in a timely manner, to comply with the Act and the Regulations. The Act requires dam owners to immediately notify the Council if they have reasonable grounds for believing their dam is dangerous. This applies to dams that are either a high potential impact dam or a medium potential impact dam and are likely to fail in the ordinary course of events, or a "moderate earthquake" or "moderate flood" (as defined in the Regulations).

The Act also requires an recognised engineer (engaged by the owner) to provide documentation for the purposes of [sections 135\(1\)\(b\)](#), [section 142\(1\)\(b\)](#), or [section 150\(2\)\(f\)](#), to notify Council and the owner of the dam if they believe that the dam is dangerous.

The Council will work with the owners of identified dangerous dams, earthquake-prone dams and flood-prone dams to develop an action plan (with timeframes) with the goals of increasing the safety of the dam and eliminating or reducing the risks of the dam to people, property, infrastructure and the environment. It is not realistic to specify a timeframe in this policy for achieving this goal because timeframes will be dictated by the circumstances of each case. When setting a timeframe for action, the Council will consider the state of the dam, and the likelihood and consequences of dam failure.

5.3 Directing and taking action

The Council may exercise the powers outlined below:

- For dangerous, earthquake-prone and flood-prone dams
 - If the owner of any dam is not acting in accordance with an agreed action plan; or
 - Where there is no agreed action plan, or
 - Where it considers that the agreed action plan requires review or amendment; or
 - Where ownership is not known or is disputed; or
- For all dams, where there is or likely to be a risk of immediate danger.

Before exercising any of its powers under Sections 154 to section 159 of the Building Act the Council will, unless the circumstances dictate otherwise (such as where there is immediate danger to the safety of persons, property, or the environment), seek to discuss options for action with the owner of the dam, with a view to obtaining from the owner a mutually acceptable proposal for reducing or removing the danger. Acceptable actions by the owner may include but not limited to, one or more of the following:

- Operational changes such as reducing the volume of impounded fluid or completely emptying the reservoir;
- Reconfiguring an existing spillway or creating a new or supplementary spillway so as to limit the maximum impounded volume and/or to safely route flood flows;
- Increased surveillance and monitoring;
- Development of emergency preparedness and response plans;
- Review of the dam safety assurance programme;
- Require the owner to engage a dam specialist to investigate and make recommendations with any report provided to the Council;
- Implementing measures to enable controlled, rapid emptying of the impounded fluid;
- Measures downstream of the dam to mitigate the impact of dam failure;
- Physical works including reconstruction or partial demolition of the dam;
- Decommissioning and/or removal of the dam.

The whole or part of any proposal by the dam owner may be incorporated as a requirement in a Notice to Fix issued by the Council under [section 164](#) of the Act. If no action is taken by the owner to address the danger, then the Council may exercise any of its statutory powers in sections 154 to section 159 and section 164 of the Act.

For the purposes of [section 164](#) of the Act, the term 'dam warrant of fitness' [section 164(1)(b)] is taken to mean '[annual dam compliance certificate](#)' as set out in the [section 26 of the Regulations](#).

The Council will notify potentially affected communities downstream of a dangerous, earthquake-prone or flood-prone dams. The Council will do this by publishing information about any dangerous, earthquake-prone or flood-prone dams in its region. The Council will also work with the Marlborough CDEM Group.

The Council may at any time require the dam owner to review a dam safety assurance programme if the dam is an earthquake-prone or flood-prone dam.

In a situation where a dam is dangerous, the Council may:

- Erect a hoarding or fence to prevent people from approaching the dam nearer than is safe.
- Attach a notice on or near the dam (or affected downstream areas) that warns people not to approach.

- Give written notice to the owner requiring work to be carried out on the dam, and within the time stated in the notice to remove or reduce the danger.

In a situation where the Chief Executive of the Council considers that, because of the state of the dam, immediate danger to the safety of people, property, or the environment is likely, then the Chief Executive of the Council based on the recommendations of suitably qualified professional in the dam industry may:

- Cause any action to be taken to that is necessary to remove that danger.
- Recover the costs of taking any action from the dam owner.

6. Council's priorities in performing these functions

The dangerous dams provisions of the Building Act will be used by the Council as a mechanism to remedy an unsatisfactory situation that has developed in Marlborough region, rather than a means of responding to "emergencies" that arise in the future. The Council's approach to dangerous dams is therefore tailored toward achieving a reduction in the pre-existing risk whilst still being able to deal with risks that emerge in the future.

The priorities will be as follows in which 1 is the highest priority and 5 is the lowest priority.

1. Dams that upon commencement of the Regulations are dangerous and/or earthquake-prone and/or flood-prone due to their pre-existing condition (and not an actual change in risk), and do not have a Dam Safety Assurance Programme (DSAP) that complies with the Regulations. This priority would first consider classifiable high potential impact dams followed by medium potential impact dams;
2. Dams that are dangerous and/or earthquake-prone and/or flood-prone due to their pre-existing condition (and not an actual change in risk), and do have a Dam Safety Assurance Programme that complies with the Regulations. This priority would first consider classifiable high potential impact dams followed by medium potential impact dams;
3. Dams that due to deterioration or damage (e.g., reduction in structural integrity), or identification of previously unobserved defects, are regarded as dangerous and/or earthquake-prone and/or flood-prone (i.e. a change in likelihood of failure). This priority would first consider classifiable high potential impact dams followed by medium potential impact dams;
4. Dams that because of new or improved information (or their exposure or their setting e.g., change in assessment of whether the dam constitutes a "moderate flood" or "moderate earthquake" for that site) are regarded as dangerous and/or earthquake-prone and/or flood-prone. This priority would first consider classifiable high potential impact dams followed by medium potential impact dams;
5. Dams that due to the potential impact classification for the dam increasing from low to medium or high or from medium to high are regarded as dangerous and/or earthquake-prone and/or flood-prone (i.e. a change in consequence of failure). This priority would first consider classifiable high potential impact dams followed by medium potential impact dams.

In the event of there being a dangerous dam, earthquake-prone dam or flood-prone dam the Council will always give precedence to the requirement to remove or reduce the danger by, first, ensuring public safety at all times and then have regard to damage or loss of property, environment and economic welfare followed by any heritage matters that might be present.

7. Application to heritage dams

Heritage dams as defined in [section 7](#) of the Act means a dam that is included on:

- a) the New Zealand Heritage List/Rārangī Kōrero maintained under [section 65](#) of the Heritage

New Zealand Pouhere Taonga Act 2014; or

- b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under [section 81](#) of the Heritage New Zealand Pouhere Taonga Act 2014.

[Section 4\(2\)\(l\)](#) of the Building Act recognises “the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value”.

The Council recognises the need to retain heritage values of the dam itself, but also the need to reduce or remove any risk posed by a heritage dam which has been classified as dangerous, flood-prone or earthquake-prone. When considering heritage dams under this policy, account will be taken of the need to facilitate the preservation of parts of the dams with significant heritage value.

The Council will notify Heritage New Zealand Pouhere Taonga if it becomes aware of a dangerous dam that is also a heritage dam.

When dealing with heritage dangerous dams, the Council will seek advice from the Heritage New Zealand/Pouhere Taonga before any actions are undertaken by the Council under sections 153 to section 160 of the Act.

The Council may also engage suitably qualified professionals with engineering expertise and heritage expertise to advise and recommend actions. When considering any recommendations, the Council will have regard to the priorities set out in clause 5 of this policy. Copies of all served notices for heritage dangerous dams, earthquake-prone dams and flood-prone dams will be provided to Heritage New Zealand/Pouhere Taonga.

The Council will record the heritage listing of all dangerous, earthquake-prone and flood-prone dams it is made aware of in its register of dams and a record of that will also be made available on the relevant property file for inclusion on any relevant Land Information Memorandum.

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 2022 – 31 May 2023.

Executive Summary

2. Council reported on 39 out of 39 wineries that discharge winery waste to land within the rural environment for the 2022/2023 monitoring period.
3. For the 2022/2023 monitoring period 18 wineries (46%) were assessed as fully compliant, 7 wineries (17%) were technically non-compliant, 14 Wineries (34%) were assessed as non-complaint and 1 winery (3%) was assessed as significantly non-compliant.

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 2023 New Zealand Winegrowers Annual Report indicates that nationally the 2023 harvest of 501,000 tonnes had decreased on the 532,000 tonnes crushed in 2022. The value of New Zealand wine exports reached \$2.24 billion for 2023 (increased from \$1.95 billion in 2022).
6. In 2023 Marlborough had a 78% proportion of the grapes harvested in New Zealand; with 29,654 producing hectares (compared to 29,415 producing hectares in 2022) and a total of 393,865 tonnes processed (decrease from 414,649 tonnes in 2022), 5% decrease in total tonnage compared to 2022.
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 2022/2023 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.
12. One grape marc facility was inspected within the Riverlands area which operates under the PMEP.

Proposed Marlborough Environment Plan

13. 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.
14. All permitted activity monitoring completed for the 2023 period was assessed against the appeal version of the PMEP, the discharge of winery wastewater rules are not subject to appeal.
15. 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. In 2022 there are two wineries that have discharge areas or compost pads within a Soil Sensitive Area.
16. Since then, one winery that has discharge areas within a Soil Sensitive Area has been granted a Resource Consent and the compost pad has been removed from the Sensitive Soil Area. The remaining winery is in the process of obtaining a resource consent.

How Monitoring was Undertaken

17. The 39 wineries that discharge wastewater to land are monitored according to Resource Consent conditions and/or the permitted activities standards under the PMEP. Compliance 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, 39 wineries have been assessed to date and are reported on.
18. There are currently 21 wineries assessed under the permitted activity standards and 18 wineries assessed under Resource Consent.
19. 30 onsite winery inspections and two grape marc facilities were completed for the 2023 period. These inspections were completed in March and April 2023.
20. 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.
21. 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.
22. 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.
23. 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

24. 39 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.

25. 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.
26. This year, five wineries (13%) operating under Resource Consent and 13 wineries (33%) operating under the permitted activity standards were assessed as compliant.
27. Ten wineries (26%) operating under Resource Consent and 3 wineries (8%) operating under the permitted activity standards were assessed as non-compliant.
28. Overall results this year were
 - Eighteen (46%) wineries (up from 13 (34%) in 2022) were fully compliant with all conditions or rules and were assessed as **compliant**
 - Seven (17%) wineries (up from 6 (16%) in 2022) were assessed as **technically non-compliant**
 - Thirteen (36%) wineries were assessed as **non-compliant** (down from 19 (50%) in 2022)
 - Seven of these wineries (18%) had only one condition or rule assessed as **non-compliant** (down from fourteen (37%) in 2022).
 - Six wineries (15%) had two or more conditions or rules assessed as **non-compliant** (up from 5 (13%) wineries in 2022).
 - One winery was assessed as **significantly non-compliant**. Up by (3%) in 2022.
29. One grape marc facility was assessed as non-compliant.
30. The areas of non-compliance for this monitoring period were due to exceeding the pH range, wastewater ponding, discharge within a Soil Sensitive Area, exceeded daily discharge volumes, exceeding wastewater/soil sampling set limits and exceeding volumes consented.
31. It is pleasing to see more compliant wineries for the 2022/2023 monitoring period and that non-compliance was down from 19 to 13. However, concerns remain as to non-compliant winery wastewater discharges. This is due to winery wastewater systems and discharge fields not being managed sufficiently. The 2023 harvest was slightly smaller than 2022 and there were no Covid restrictions placed on staffing numbers.
32. Four infringement and abatement notices were issued for ponding and a breach of anaerobic conditions in the discharge field and discharge of winery waste onto or into land entering water. Enforcement action decisions for non-compliance for wastewater sample parameter exceedance and one winery exceeded consented volumes crushed are yet to be determine and will go through Council Enforcement Policy process.
33. 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

34. For the 2023/2024 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.
35. For the 2024 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

36. Based on the information provided to date for Council's compliance reports for the 2022/2023 season, there has been an improvement in record keeping for the entire reporting period. Ponding remains an area that still requires better management and one winery exceeded their consented grapes authorised to crush. The 2023 harvest was less challenging compared to the 2022 year for wineries in terms of Covid, labour shortages and weather events.
37. 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.
38. Grape marc is an industry issue which requires careful management to ensure that there are no adverse environmental effects.

Summary

39. The Compliance and Monitoring 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

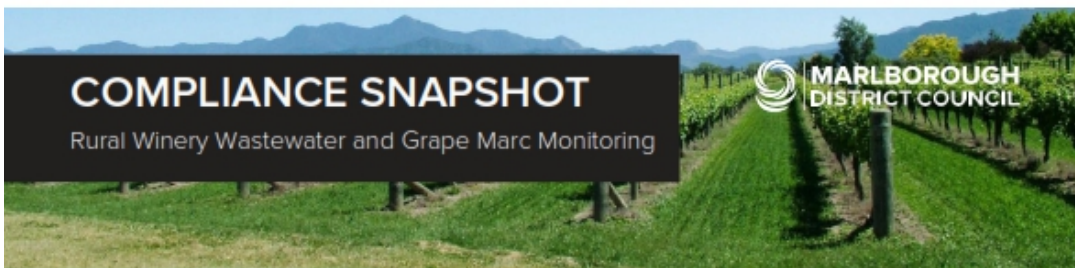
A short presentation will be given by Tonia Stewart (10 minutes).

Attachment

Attachment 1 – Winery Compliance Snapshot 2022-23

Page [49]


| | |
|------------|--|
| Author | Tonia Stewart, Environmental Protection Officer |
| Authoriser | Gina Ferguson, Consents & Compliance Group Manager |



KEY POINTS

-  **78%**
Proportion of grapes harvested in NZ
-  **393,865**
Tonnes of grapes processed in 2023
-  **5%**
Increase in total tonnage compared to vintage 2022
-  **39**
Wineries discharge to land in the rural area
-  **39** Wineries were monitored
-  **1** Winery assessed as significantly non-compliant
-  **46%** (18 wineries)
Of wineries complied with all consent conditions and standards
-  **33%** (13 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.

What was found during the 2023 inspections and Annual Report monitoring

Marlborough District Council monitors all wineries which discharge wastewater to land under the permitted activity standards or Resource Consent. 30 wineries were inspected on-site during the 2023 vintage period (March and April 2023). 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.

- 46%** of winery waste discharges (18 wineries) were rated as compliant with all conditions/rules.
- 18%** of wineries (7 wineries) were rated technically non-compliant;
- 33%** of wineries (13 wineries) were rated non-compliant;
- 3%** of wineries (1 winery) was rated significantly non-compliant.

Common Areas of Non-compliance:

- Parameters exceeded
- Sampling frequency for wastewater or leachate
- Parameters missed from sample analysis
- Information reported to Council late
- Tonnes crushed over consented amount (2)
- Ponding and exceeded discharge volumes



COMPLIANCE SNAPSHOT

Rural Winery Wastewater and Grape Marc Monitoring



Compliance snapshot

Monitoring for the 2022/23 monitoring period was a combination of site inspections (to 30 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.

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

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.



Overwatering causing ponding



Low-rate application

Monitored application

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

Grape Marc Storage



Grape marc stored to land with no leachate collection



Sealed storage area with leachate collection

For more information contact the Environmental Protection Group
 Phone: 03 520 7400
 Email: monitoring@marlborough.govt.nz
 Website: www.marlborough.govt.nz



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 ongoing monitoring programme of forestry activities for the period 1 July 2022 – 30 June 2023.

Executive Summary

2. This report provides an overview of the 38 monitoring inspections carried out by the Compliance Group during the 1 July 2022 – 30 June 2023 monitoring period.
3. The report details 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.
4. It outlines that 43% of blocks inspected were fully compliant, 52% were non-compliant and 6% were significantly non-compliant during 2022-2023.
5. The report also outlines recent developments and changes to the forestry monitoring programme and strategy.

RECOMMENDATION

That the information be received.

Background

6. 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.

7. Many 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.
8. Many of the inspections carried out in the 2022/2023 monitoring period were inspections of forestry activities carried out under existing resource consents as well as the NES-PF permitted activity regulations. At the time of compiling this report, 404 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 **41** during the 2022-23 reporting period.
9. In August 2019 Council signed a contract with Geolnsight Limited to carry out forestry monitoring as a contractor. The monitoring carried out by Geolnsight 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. 17 inspections were carried out by the contractor during the 2019/2020 monitoring period, 30 inspections were carried out during the 2020/2021 period and 18 inspections were carried out in both the 2021/2022 and 2022/2023 monitoring period by the contractor. This has assisted with Council's capacity to monitor more forestry operations in the Marlborough District.

Monitoring undertaken during 2022-23

10. Compliance staff undertook 18 monitoring inspections, Geolnsight undertook 18 and there were 2 occasions where both compliance staff and Geolnsight inspected. Therefore, a total of 38 monitoring inspections were carried out in 35 forestry blocks during the 12-month reporting period.
11. This is 12 more inspections than the previous reporting period, and 6 less than the 2020/21 period.
12. A further 10 or more consultation or complaint related site visits were undertaken this period, as well as field trip for the University of Canterbury School of Forestry students who attended a site visit to the wastewater treatment ponds as a part of their annual visit. This was held at the treatment ponds to showcase something a little different than forestry albeit still engineering related.
13. Overall, Council's presence on forestry blocks increased to 50+ visits this period. This is not inclusive of Forestry working groups, or annual Environmental/Industry meetings.

How monitoring is undertaken

14. Forestry related land disturbance and harvesting consents and forestry related activities permitted under the NES-PF were monitored.
15. The resource consent conditions and permitted activity standards monitored in each forestry block included:
 - a) Harvest plans for skid sites (harvest processing areas), road and trackplacement;
 - b) Water control (culverts, water tables) installation and effectiveness;
 - c) Erosion and sediment controls;
 - d) Land stability (slash placement and recovery, skid benching and drainage);
 - e) Waterway blockages (woody debris in waterways and setbacks); and,
 - f) Stream crossings.

16. The number of monitoring inspections required in each forestry block depends on the size and duration of the harvesting operation and whether significant issues that require ongoing monitoring are detected. Council also carries out inspections as a result of complaints.
17. 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.
18. 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, tension cracking, lack of water controls etc.
19. All Geolnsight 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.
20. 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 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, meaning industry is receiving consistent report formats no matter who completes the work.
21. 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 |

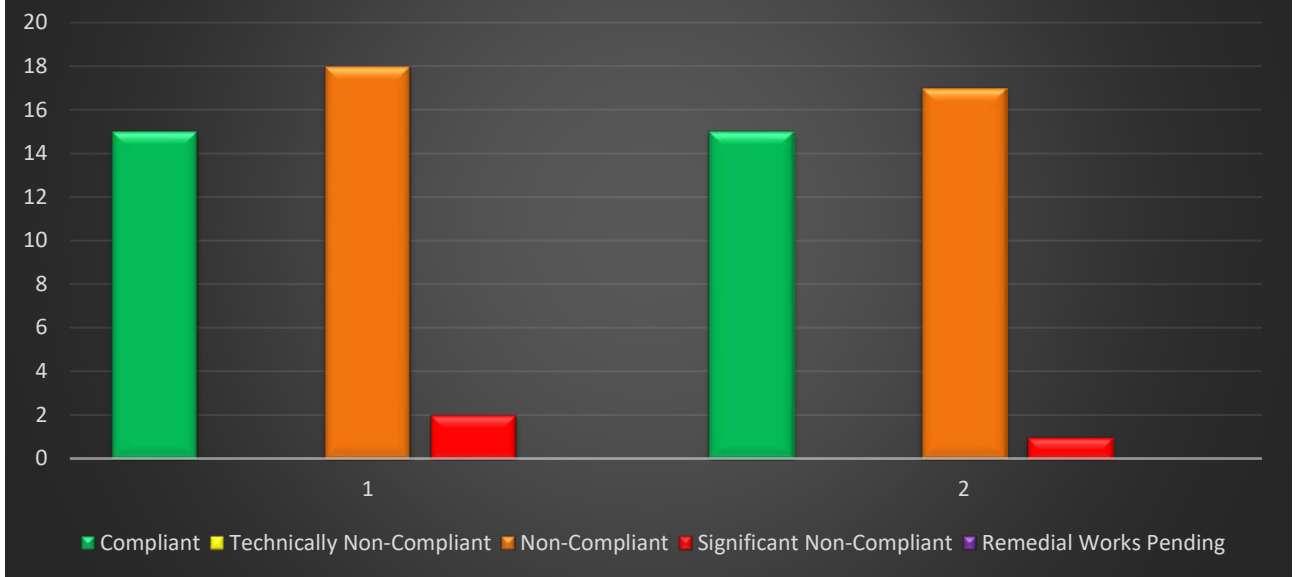
Figure 1 Traffic light system used for determining the compliance status of a forestry operation.

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

Monitoring Results

23. Of the **35** forestry blocks, **four** were monitored under a resource consent while the other **31** were monitored under the permitted activity (NES-PF) conditions. Of the blocks monitored, **15 (43%)** were **fully compliant** after the first monitoring visit and required no remedial works or further inspections, **18 (51%)** of the forestry blocks were rated **non-compliant**, **2 (6%)** of the forestry blocks were assessed as being **significantly non-compliant** and no blocks were assessed as **technically non-compliant**.
24. Of the non-compliant blocks, **17** 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. Of the significantly non-compliant blocks **one** remained, this matter is ongoing at this time. The following graph shows the percentage of forestry blocks with each compliance status as monitored in 2022/2023.

Compliance Status of Monitored Forestry Blocks - 2022/2023

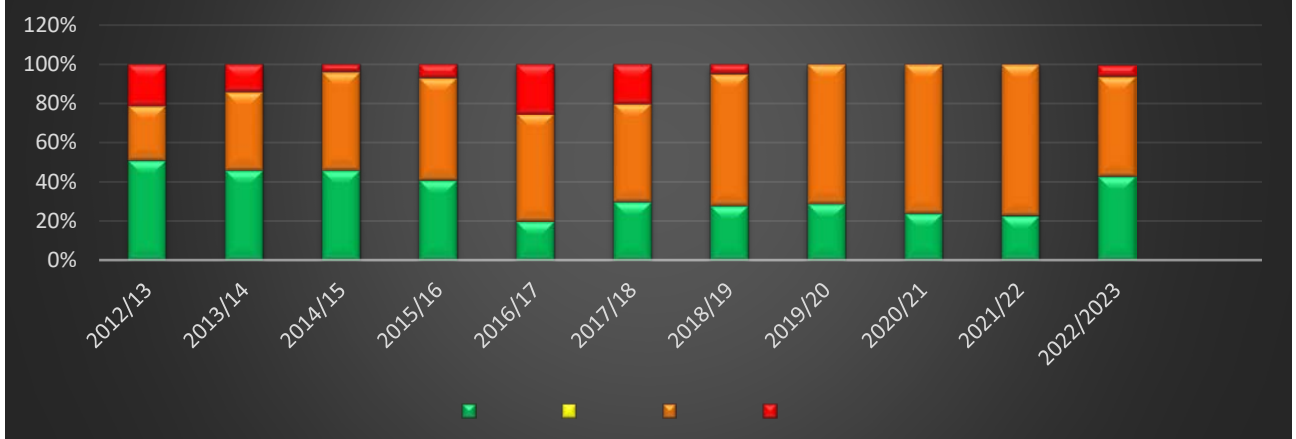


1: Initial Compliance Status

2: Current Compliant Status

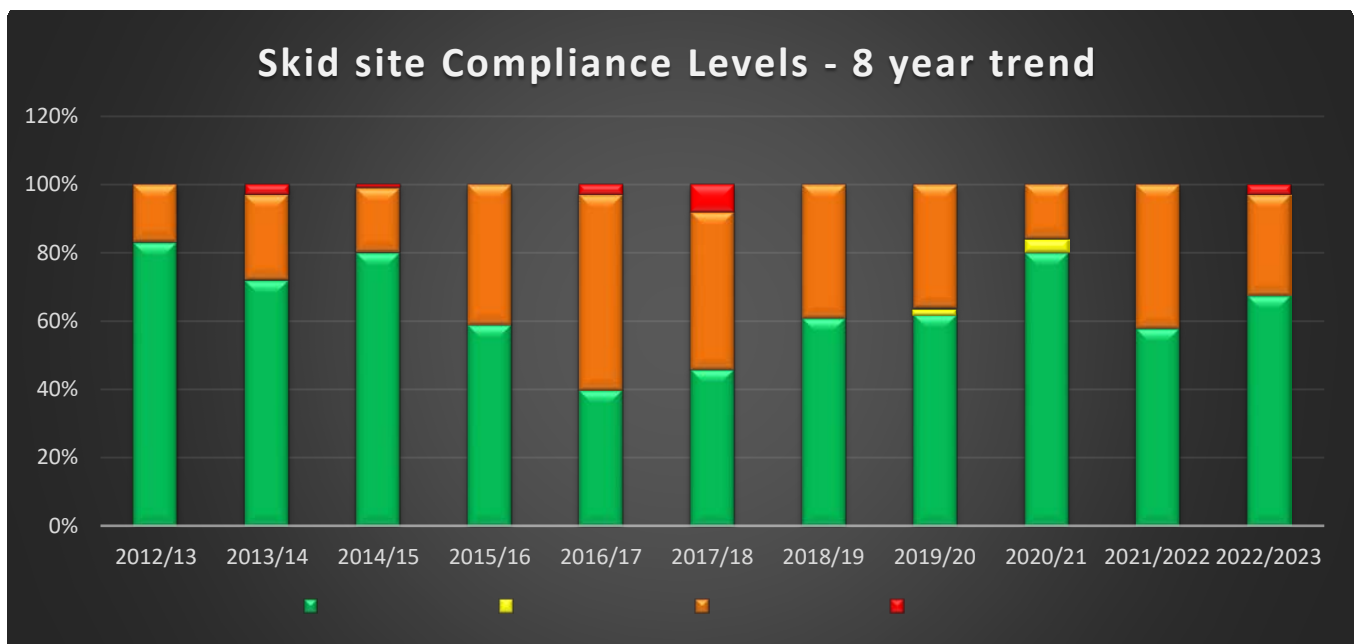
- 25. The 2022/23 monitoring period resulted in a 20% increase in the number of blocks being assessed as compliant at the first inspection. This number is a positive improvement in comparison to the 2021/22 period, considering both had very wet June/July/August periods.
- 26. Two blocks were assessed as significantly non-compliant during the 2022/23 monitoring period which is a 6% increase from the 0% the year before. The following graph shows the trend of compliance status results for the last seven years of monitoring.

Forestry Block Compliance (Initial Visit) - 8 Year trend



- 27. During this reporting period, a total of **136** skid site inspections were undertaken within the **35** 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 **92 (68%)** of skid site inspections were assessed as **compliant**, **40 (29%)** were assessed as **non-compliant**, there was **zero technical non-compliance**, and **4 (3%)** were assessed as **significant non-compliance**.

28. The level of compliance for skid sites increased by **10%** from last year's monitoring period. Skid site compliance had been on an upward trend for the last four years until the previous period (2021/2022), with two very wet June/July/August periods an increased focus in skid site monitoring has occurred over the last two periods with improvement once again being seen this period.



29. 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 certain sections of track or road had just been missed during the installation of this infrastructure around the block, or to adjust those in place to make them larger / more effective.
30. Enforcement action has been in the form of two Abatement Notices and one Formal Warning 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

31. Over recent years, monitoring and compliance staff have noticed an improved standard of post-harvest works on skid sites and this continued during 2022/23. With an increase in frequency of adverse weather events and the risks associated with poorly maintained skid sites during these events compliance staff have focussed on ensuring the highest of standards are met around skids sites.
32. This approach and industry attitude has resulted in the numbers shown above, improvement this period has been both visible and measurable by the stats. Skid site and in particular slash storage are an area that is constantly evolving, and the industry is implementing, trialling and in some cases avoiding slash being stored or retained on site when and where possible.
33. 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, is resulting in some forestry operations managing their operations around waterways to a very high standard.

34. The biggest improvement observed during this period is the degree in which tracks that are no longer needed are being recovered, with seeding or slash being used on the recovered areas to prevent scouring or sediment runoff.
35. Examples of good practices observed at **compliant** forestry blocks are shown in the following images. Council further identified 239 Areas of Excellence (AOE's) which is a way Council identifies areas where good environmental practices have been observed, these are then provided in the monitoring reports.



Figure 2: Tracks recovered to a high standard.

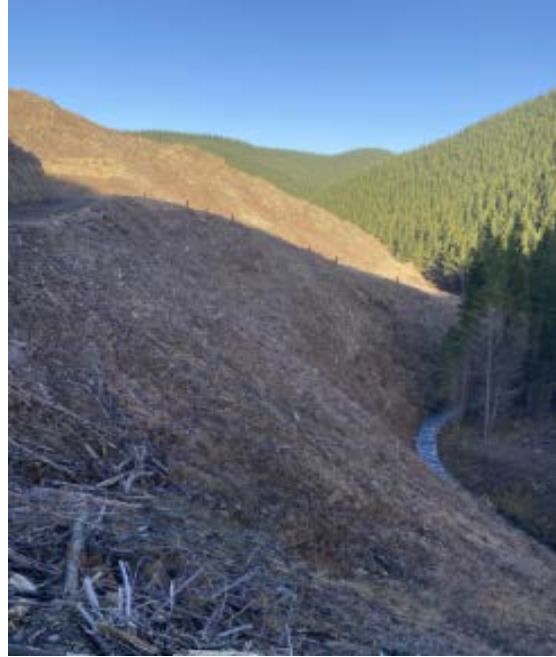


Figure 3: Protection of waterways in the block

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



Figure 4: Full Sediment controls.



Figure 5: Slash accumulation in gullies.

Forestry Monitoring Strategy

37. Council monitoring staff have carried out an assessment to prioritise all 17 of Council's resource consent compliance monitoring programmes including dairy farms, water takes, winery wastewater, marine farms, subdivisions, municipal infrastructure, industrial discharges, clean fills, and quarries. The monitoring programmes are 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.
38. 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.
39. 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.
40. 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.
41. 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.
42. Monitoring will be carried out by 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.
43. Monitoring will be 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.

44. This will be based on the assessed risk for each forestry operation and will be proportional to the scale of the forestry activity.
45. For the reporting period, Council received/conducted 14 forestry related investigations. Of these, 9 (64%) were related to flooding issues from storm events, 4 (29%) related to their compliance with NES-PF activities, and one (7%) complaint from the public. Seven (50%) of these complaints were found to be compliant and require no further action upon investigation, two (14%) resulted in two Abatement Notices being issued, one (7%) formal warning was issued and three (21%) are still to be determined. Of the 14 forestry related investigations 4 are currently still active.
46. 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 the monitoring of the work as a whole. Year to date, this has resulted in 41 notifications being processed by the compliance monitoring officer and resulted in several consultation site visit which shows the benefit of having a consistent person handling all forestry requirements. Resource Consent application processing for forestry work will remain with the Environmental Planning Team.

Summary

47. The 2022/23 statistics indicate an increasing number of compliant blocks on the initial monitoring visit compared to the previous monitoring period, but an emergence of two significantly non-compliant blocks being identified. The overall compliance levels (following the completion of monitoring and remedial measures required) have shown a good increase from last year and this indicates the industry is responding to the monitoring work being undertaken by Council and Geolnsight.
48. Skid site compliance levels have fortunately resumed the trend of increased compliance and this is presumed to be due to an increased focus of inspection in this area over the last two periods and the standards Council and Geolnsight are wanting to see against the NES-PF when monitoring occurs, as well as Owners/Managers preparing more for adverse weather patterns.
49. 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 runoff discharging to the environment. Improvements are required to address these issues at the point of the initial monitoring inspection.
50. Growing awareness of the issues regarding slash in waterways, and waterway protection from previous years of monitoring findings, is resulting in some forestry operations managing their operations around waterways to a very high standard.
51. 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.

Presentation

A short presentation will be given by Mathew McCormick (15 minutes).

Attachment

Attachment 1 – Forestry Compliance Snapshot 2022-23

Page [60]

| | |
|------------|---|
| Author | Mathew McCormick (Environmental Protection Officer) |
| Authoriser | Gina Ferguson (Consents and Compliance Group Manager) |



COMPLIANCE SNAPSHOT

Forestry Monitoring Programme



KEY POINTS

Snapshot of the 2022/2023 monitoring programme

-  **38**
Monitoring inspections undertaken
-  **35**
Forestry blocks monitored
-  **136**
Skid sites were assessed
-  **Over 100**
Kms of forestry roads were inspected
-  **43%**
Forestry blocks were fully compliant on first visit
-  **90%**
Forestry blocks were fully compliant by end of reporting period
-  **92**
Skid sites were fully compliant on first visit
-  **68%**
Skid sites were compliant on first visit
-  **10%**
increase in compliance of skid sites from 2021/2022
-  **2**
Blocks assessed as significantly non-compliant
-  **14**
Complaints received directly related to forestry

What was found during the 2022/2023 inspections and annual monitoring

Marlborough District Council undertook 38 monitoring inspections in 35 forestry blocks during the reporting period 1 July 2022 - 30 June 2023. Staff inspected the operations of 12 forestry management companies. Monitoring occurred within forestry blocks where harvesting was in progress or where earthworks and harvesting had recently occurred.

Council and Geolinsight inspected over 100km of forestry roads and 136 skid sites within the 35 forestry blocks. A total of 92 (68%) of the skid sites inspected were rated as compliant on the first inspection, 0 were technically non-compliant, 40 (29%) were rated non-compliant and 4 (3%) significantly non-compliant. The level of compliance for skid site inspections has increased by 10% from the previous monitoring period.

Of the 35 forestry blocks, 15 (43%) were fully compliant after the first monitoring visit and required no remedial works or further inspections. This is 20% higher than during last years' reporting period. Of the 35 forestry blocks 2 (6%) were significantly non-compliant during this period which is an increase from 0 (0%) the year before. Of the 20 (51%) Non-Compliant/Significantly non-compliant blocks 18 (90%) had achieved compliance by the end of the monitoring period.

Common Areas of Non-compliance

For those blocks assessed as non-compliant, examples of corrective actions required included:

- Installation of skid site drainage;
- Removal of slash from waterways;
- Installation/maintenance of water and erosion controls.
- Removal of temporary crossings
- Remediating batter / cut slumps

Industry Issues and Challenges

- **Forestry waste**
Innovation needed in harvesting and/or the solid energy sector to reduce the waste wood left at the forestry blocks
- **Failures after harvesting**
Extending the monitoring requirements within forestry blocks through the 8 year "window of vulnerability"
- **Future proofing the industry**
Understanding of areas to avoid for plantation planting / re-planting, and public perception from web reporting.

Summary of Compliance Rating System – 'Traffic Light System'

| 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 |

Developments

As of June 2023 Council has received 404 notifications for forestry operations carried out as a permitted activity under the NES-PF since its introduction – with 41 received this monitoring period. A further 12 Resource Consents were approved for forestry activity this period.



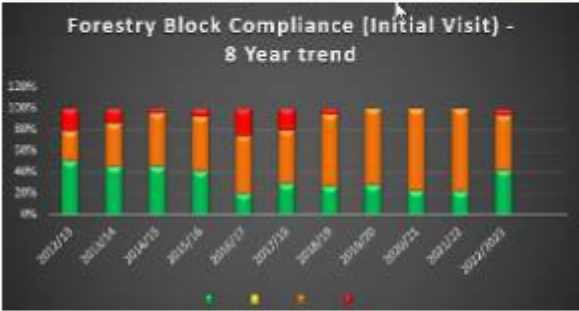
Compliance snapshot

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 eight years



Skid site compliance over last eight years



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

The Good



Tracks recovered to a high standard



Protection of waterways in the block

The Bad



Full sediment controls



Slash accumulation in gullies.

Compliance action taken

Two Abatement Notices and one Formal Warning 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 (4 week) period.

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



14. Environmental Health Activity Summary for 2022/2023 and Review of Survey Results

(Clr Sowman) (Report prepared by Karen Winter)

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 2022/2023 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 2022/2023 year.
 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:
 - a) Ensuring all required premises are registered under the Health Act 1956.
 - b) Register Food businesses under the Food Act 2014 and conduct the verification of those businesses registered with a S39 Template.
 - c) Inspect various events and markets for food and alcohol legislation compliance.
 - d) Undertake inspections of all other premises registered under the Health Act 1956.
 - e) Investigating complaints under the Health Act 1956 and the Marlborough District Council Bylaws.
 - f) Perform the role of a Food Safety Officer to investigate complaints under the Food Act 2014.
 - g) Investigating complaints of excessive and unreasonable noise pursuant to the Resource Management Act 1991 and Health Act 1956.
 - h) Monitoring and enforcement of the provisions of the Sale and Supply of Alcohol Act 2012.
 - i) Educate and inform on supply of safe drinking water and waste systems.
 - j) Perform the role of an Enforcement Officer under the Hazardous Substances and New Organisms Act 1996.
 - k) Provide education and advice for good practice in minimisation of health impacts in regards to food, disease and disaster management.
 - l) 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 258 verifications under the Food Act 2014 in the 2022/2023 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 |
|---|--|--|
| 56 | 2 | 28 |

16. The Annual Plan 2022/23 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, unsanitary or unsuitable housing and Hazardous Substances Management.

18. Complaints received from 1 July 2022 to 30 June 2023: Total 993
- | | |
|--|------------|
| <i>Food safety or concern regarding food premises operation.....</i> | <i>24</i> |
| <i>Sale of alcohol issues.....</i> | <i>5</i> |
| <i>Hairdressers conduct and registration issues</i> | <i>1</i> |
| <i>Camping Grounds operating unregistered.....</i> | <i>1</i> |
| <i>Nuisance (vermin insects or rubbish accumulation).....</i> | <i>25</i> |
| <i>Excessive noise.....</i> | <i>906</i> |
| <i>Unreasonable noise.....</i> | <i>20</i> |
| <i>Unsanitary/Unsuitable housing.....</i> | <i>9</i> |
| <i>Hazardous Substances Management.....</i> | <i>2</i> |
19. Of the 24 complaints received regarding food safety, several operators received education advice, one received a Warning, one an Improvement Notice and one received a Notice of Direction under the Food Act 2014.
20. There were no infringements or prosecutions in the 2022/23 year.

Alcohol

21. In 2022/23 Environmental Health Officers carried out 130 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 2022/23 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 (94%).
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 2022 to 30 June 2023. 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 2022/23 performance target is for 12 or more market and events to be inspected annually. This performance target was met with a total of 15 inspected during this period.

Survey Results

25. Surveys have continued to be undertaken in the 2022/23 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 11 responses to our Health Act inspection survey and the overall mean result for satisfaction with the Environmental Health Team was 9.7 out of 10.
31. 41 responses were received on the Food Act verification survey with the overall mean result for satisfaction with the Environmental Health Team as 9.70 out of 10.

Presentation

A short presentation will be given by Karen Winter (10 minutes).

| | |
|------------|--|
| Author | Karen Winter, Team Leader Environmental Health |
| Authoriser | Gina Ferguson, Consents and Compliance Group Manager |

15. Marlborough Residual Noise Survey

(Clr Sowman) (Report prepared by Georgia Murrin)

E350-004-009-02

Purpose of Report

1. The purpose of this report is to provide the Environment Committee a brief overview of a residual noise survey the Environmental Health team has been conducting at various sites across the Marlborough District.

Executive Summary

2. The Environmental Health Team has begun an ongoing project that is measuring the residual sound levels at various locations in the Marlborough District.
3. The purpose of this project is to get an understanding of the different noise levels around the district in various zones under the Marlborough Environment Plan (MEP) and to understand how developments are impacting this.
4. It is intended in 5 years' time these residual noise levels will be undertaken again to understand if developments have increased noise levels in the surrounding environment.

RECOMMENDATION

That the information be received.

Background

5. The purpose of this project is to measure the residual noise levels at various locations around the Marlborough District. Residual noise levels are the "background noise" or the noise generally noticed in that area during the day and night.
6. These noise readings are initially to provide an understanding of the level of noise in that area. It is intended that in 5 years' time the same areas will be monitored again to see if there have been any significant increases/decreases and figure out what might be the cause of this.
7. Various locations in the district with different zoning under the MEP were chosen to try and get a good array of the different areas and the noise generated.
8. A 30-minute reading was taken at 2.00pm and then 2.00am the following morning.

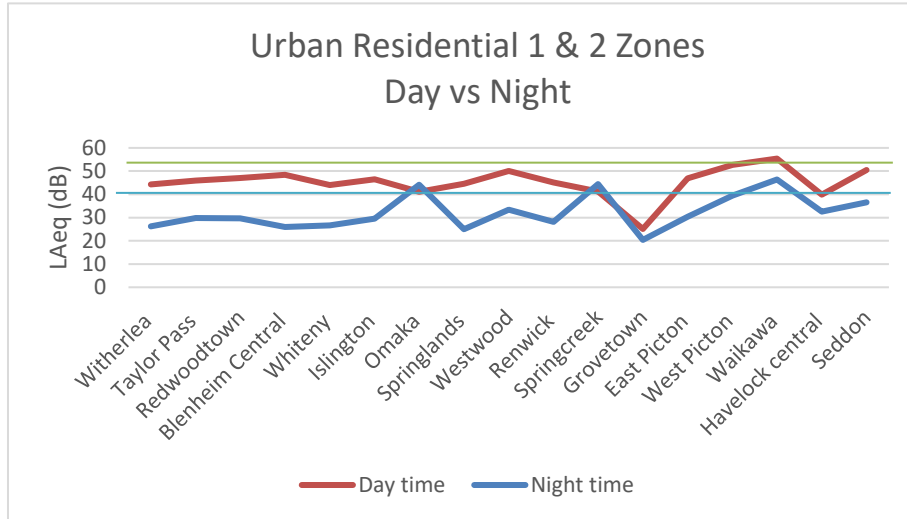
Comments

9. A total of 23 sites around Marlborough were selected. These sites ranged from multiple spots in Blenheim to Renwick, Grovetown, Spring Creek, Picton, Rarangi, Wairau Valley, Waihopai Valley and St Andrews.
10. Various zones were monitored to compare against the plan rules for each of the zones.
11. The noise monitor was set up on a timer to take a 30-minute reading at 2.00pm and then again at 2.00am the following morning. To ensure the readings are accurate the weather needs to be fine with no rain and only light winds.
12. The noise monitor was set up to record the L_{Aeq} which is the equivalent continuous sound pressure level. In laymans terms this is the average sound level. This aligns with the noise descriptor used for noise levels under the MEP.

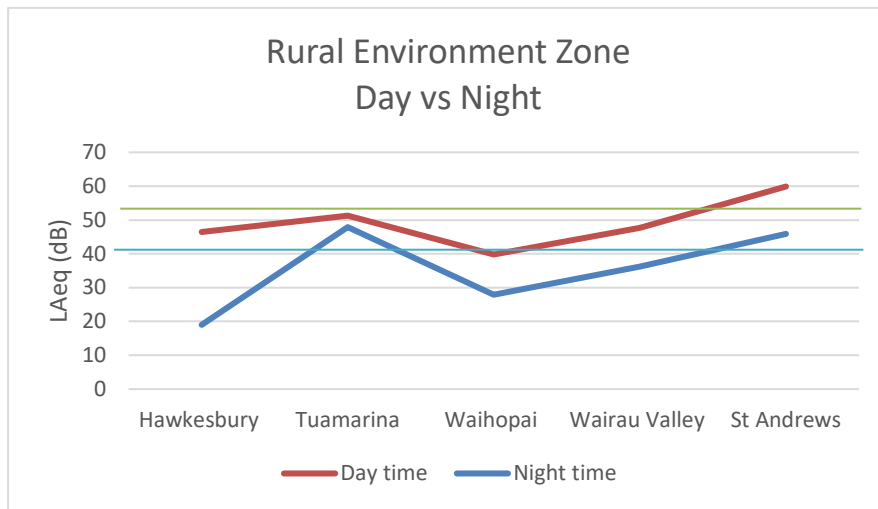
13. Below is a summary of the different noise levels measured in the various locations.

| Location | Day time level (dB L _{Aeq}) | Night time level (dB L _{Aeq}) |
|------------------|---------------------------------------|---|
| Witherlea | 44.3 | 26.3 |
| Taylor Pass | 45.9 | 29.8 |
| Redwoodtown | 47.1 | 29.7 |
| Blenheim Central | 48.34 | 26.0 |
| Witney | 44.0 | 26.6 |
| Islington | 46.5 | 29.5 |
| Omaka | 41.1 | 42.2 (outlier) |
| Springlands | 44.5 | 25.0 |
| Westwood | 50.0 | 33.4 |
| Renwick | 45.1 | 28.2 |
| Hawkesbury | 46.5 | 19.0 |
| Spring Creek | 41.3 | 44.4 |
| Grovetown | 25.1 | 20.4 |
| East Picton | 46.9 | 30.3 |
| West Picton | 52.7 | 39.5 |
| Waikawa | 55.4 | 46.4 |
| Havelock | 39.9 | 32.6 |
| Tuamarina | 51.3 | 47.9 |
| Waihopai | 39.8 | 27.9 |
| Seddon | 50.5 | 36.6 |
| Wairau Valley | 47.7 | 36.2 |
| Rarangi | 43.7 | 38.5 |
| St Andrews | 59.9 | 45.9 |

14. The loudest day time level was located in St Andrews with a reading of 59.9dB L_{Aeq} compared to the quietest located in Grovetown with a reading of 25.1 dB L_{Aeq}. The properties are both zoned rural environment zone, however the property in St Andrews had prevailing traffic noise constantly due to being located near to a State Highway.
15. The loudest night-time levels were located in Tuamarina and St Andrews with a noise level of 47.9 dB L_{Aeq} and 45.9 dB L_{Aeq} respectively. The quietest were located in Hawkesbury and Grovetown with a noise level of 19.0 dB L_{Aeq} and 20.4 dB L_{Aeq} respectively.
16. It is important to note that noise is a logarithmic scale, meaning that an increase of 3 dB is a doubling of sound energy and is perceivable by the human ear.
17. The permitted levels under the MEP for Urban Residential 1 & 2 Zone, Rural Environmental Zone and Coastal Living Zone are 50 dB L_{Aeq} for day time (7am – 10pm) and the night time (10pm – 7am) permitted levels are 40 dB L_{Aeq}.
18. Looking at comparison of Urban Residential 1 & 2 Zones the day levels are relatively constant, with the mean noise level being 45.2 dB L_{Aeq}. However, there is quite a lot of variation in the night-time levels. This is largely to do with night traffic and some of these properties being located close to busy roads. Please note that one reading of 44.2 dB L_{Aeq} is an outlier as it is believed that the properties automatic sprinklers were on at that time. Therefore, if this was removed the mean night-time level would be 31.5 dB L_{Aeq}.



19. Compared to the Rural Environment there is a lot of variation in both the day and night-time levels. The mean day time noise level is 49.04 dB with a mean night-time level of 35.38 dB.



20. One reading was taken in the Coastal Living Zone and had a day time reading of 43.7 dB L_{Aeq} and night time reading of 38.5 dB L_{Aeq} .

Next steps

21. As this is an ongoing project it is scheduled that this will be completed again in 5 years at the same or similar locations.
22. The purpose of this is to see with developmental changes in the region if this impacts the noise levels in the district and ensure the plan noise levels are still reasonable for the different zones.

Presentation

A short presentation will be given by Georgia Murrin (15 minutes)

| | |
|------------|--|
| Author | Georgia Murrin, Environmental Health Officer |
| Authoriser | Karen Winter, Team Leader Environmental Health |

16. Animal Control Sub-Committee

(Clr Faults)

D050-001-A04

1. The minutes of the Animal Control Sub-Committee meeting held on 23 August 2023 are **attached** for ratification by the Committee
-

RECOMMENDATION

That the minutes of the Animal Control Sub-Committee meeting held on 23 August 2023 be ratified.

**Minutes of a Meeting of the
ANIMAL CONTROL SUB-COMMITTEE
held in the Koromiko Room, District Administration Building, Seymour Street, Blenheim on
WEDNESDAY, 23 AUGUST 2023 commencing at 12.30 pm**

Present

Clrs B A Fauls (Chairperson), B J Minehan and T P Sowman

In Attendance

Jamie Clark (MDC Animal Control – Contract Manager), Emyr Butler (Team Leader - RMA Enforcement & Investigation), and Nicole Chauval (Committee Secretary)

Apologies

Clrs Fauls/Minehan:

That the apology from Gina Ferguson (Consents & Compliance Group Manager) be received.

Carried

1. Matters arising, action items & update from previous minutes – 20 April 2023.

Actions

| | Description | Notes |
|----|---|--|
| 1. | Speak with Dr Alec McNeill to discuss kittens/cats at the Transfer Station/Recycle Centre | Completed |
| 2. | MFP to make a submission to the annual plan | <p>Made submission to Annual Plan wanting cats desexed and a cat management Act / Bylaw introduced by Council for registration, desexing and microchipping.</p> <p>Did not request any funding for themselves</p> <p>Clr Fauls updated members on the meeting with Marlborough 4 Paws and the Mayor.</p> <p>Action: Work with Glyn Walters to create a responsible cat ownership press release that encourages de sexing and micro chipping of cats. (Jamie Clark/Emyr Butler)</p> <p>Action: Continue to monitor what Central Government is considering in respect of cat management.</p> |
| 3. | Review Terms of Reference | The Animal Control Sub-Committee Terms of Reference was attached to the agenda for members' information. |
| 4. | Clarify with the Pound how they advertise dogs available for adoption. | <p>2.1 This SOP outlines the procedures to follow for the re-homing of dogs from the Marlborough District Council Animal Shelter.</p> <p>2.2 It consists of a number of steps</p> |

| | Description | Notes |
|----|---|---|
| | | <ul style="list-style-type: none"> • Evaluation of dogs suitable to be re-homed • Re-homing of dogs to the SPCA • Re-homing of dogs to the public • Seven Day Trial Period • Destruction of unclaimed dogs not suitable to be rehomed • Surrendered dogs • Destruction of dogs in a continual state of suffering • Destruction of stock and other domestic animals • District Court Order Destruction <p>Note: SOP10# Animal Control Re-homing and Disposal of Dogs document was attached to the agenda for members' information.</p> |
| 5. | Check with Gina Ferguson and Jane Robertson regarding Council subsidising desexing of rehomed dogs from the pound | <p>Desexing dogs</p> <ol style="list-style-type: none"> 1. 30th January 2017 – MDC provide funding for Desexing dogs <ol style="list-style-type: none"> a. Dogs not released unless desexed which is different to that required by the DCA 1996 b. Internal Affairs funding for desexing programmes re cats 2. 31st July 2017 rehomed dogs 21 and 32 to SPCA <ol style="list-style-type: none"> a. Rehomed directly from pound not desexed and people don't pay for dogs but are microchipped (registered) b. Pound doesn't have facility to care for dogs in pound - discussion re adoption from pound or via SPCA c. Discussion to check with Vet re desexing dogs d. Private Group happy to subsidise desexing but this declined. 3. 16th October 2017 Desexing Voucher System agreed on \$100 for male and \$150 for female for rehomed dog from pound <ol style="list-style-type: none"> a. Vet to charge AC to value of voucher b. Run for year and review c. Notify interested parties d. No dog rehomed without passing a temperament test 4. 6th March 2018 Rehoming Adoption fee – <ol style="list-style-type: none"> a. Public Group believe AC should pay for full fee of Desexing as voucher payment is inadequate and people won't desex animals b. AC report no dogs rehome last month and all vouchers have been used c. Background checks carried out on all owners that what to rehome dog d. Can't be desexed at pound e. No actual voucher system. Appointments were made with vet who then invoiced Council. |
| 6. | Invite Susanne Owen, SPCA, to the next meeting | Invite to the 16 November 2023 meeting (Jamie Clark) |

| | Description | Notes |
|----|---|--|
| 7. | Invite Jacki Jenkins (Maataa Waka Animal Control – Education Officer) to the next meeting | Invite to the 16 November 2023 meeting (Jamie Clark) |
| 8. | Budget to be investigated | <ul style="list-style-type: none"> • 80% from Dog Fees (only used for Dog related activity Dog Control Act 1996 Section 9 Revenue) • 20% Rate Payer • Surplus used for Dog Parks & related Dog projects (signs etc) |
| 9. | Input needed from finance manager for a formula on how this budget is sorted | Clr J Arbuckle has met with Gina Ferguson and the Finance Manager. |

10. Key Areas

a) Dog Parks; Discussion for the Blenheim Dog Park

- Update from Maighan Watson:
 - More information required for soil contamination reports.
 - More information required regarding Chilean needle grass, construction implications on the site – Needed for Resource Consent submission
 - Davidsons require more info regarding power/Wi-Fi to site for events
 - A & S department need to vacate George Conroy area

Unfortunately until the key issues have been worked through (mainly soil, soil remediation and Chilean needle grass), there's no benefit in progressing the design for the dog park. We also cannot start any construction until the Resource Consent has been issued.

- Minutes for MDC Upper Taylor River Recreation Reserve – George Conroy Drive meeting 3 August 2023 were attached to the agenda for members' information.

ACTION: Indication from Maighan Watson on a possible timeframe for when these issues will be resolved.

Members discussed sites for a Picton Dog Park and public interest in its development.

b) Bylaws - No issues at present

c) Contractor

- Location change from 56 Main Street to **58 Main Street** – letters and address updates have been completed.

Staffing: Animal Control (AC)

- Current staff level for the contract is:
 - Managerx 1
 - Team Leaderx 1
 - Field Staffx 2
 - Relief Field Staffx 1
 - Administratorsx 1
 - Education Officerx 1

Vacancies

- Field staffx 1
- Admin Staff x 1 – recruitment underway for a further admin staff member.

Levels of Service:

- A total of 2478 **complaints** were received (last year: 2,532). All were attended to and investigated. The majority of complaints received related to roaming, found or lost dogs or dog nuisance barking.
- A total of 521 dogs were reported to Animal Control as **found** (last year: 595). It seems that a number of found dogs are now posted onto social media sites to try and reunite them with their owners before contacting Animal Control.
- There were **69 complaints related to a dog attack, bite or rushing at a person/animal** (last year: 87). These complaints are the most time consuming to investigate and determine what enforcement action should be taken.
- A total of 117 **infringement notices** were issued (last year: 220).
- **Service requirement not met:**
 - Did not meet required **patrolling hours** of 20 hr per officer x 4 per month equates to 960hrs: Hours performed 751 - short 209 hours due to staff shortages and Covid
 - Dog registration for 2022/23: there were **86 unaccounted dogs (54 as at 23 August 2023)** which were still outstanding from last year's registration follow up which is normally a zero balance. There were fees still outstanding of \$25K to \$31K. Again staff shortages and Covid responsible for this outcome.
- **Action required: 2023/2024**
 - Unaccounted for dogs to be completed by end of December 2023 – January 2024
 - Staff retention and training reviewed and practices updated.

d) Review fees

- Completed February 2023 for 2023/24 year period
- No change anticipated at this time – Table containing information on Dog Registration and Pounds fees was included with the agenda item for members' information.

e) Dog Registration Update

A table containing the updated numbers for the various categories of registered dog was included with the agenda item.

10,197 dogs registered and 605 dogs outstanding which includes the numbers from last year.

Jamie Clark provided information to members on the actions he had put in place to reduce the number of unregistered dogs.

Members acknowledged the success generated from these initiatives which is reflected in the high rate (95%) of registered dogs.

f) Education Update

- School Holidays occurred during the month of July thus no visits organised. Will commence again in August 2023.

g) Microchipping Update

By 30 June 2023, the total number of dogs microchipped in the Marlborough District was 8,794 with 516 dogs still needing to be microchipped. This is an increase on the previous year's total due to increase in dog numbers. There is an on-going follow up planned for the remaining non-microchipped dogs.

Members were advised that for dog owners facing financial hardship Council provides a microchipping service at a cost of \$20.

It was reported there is a delay in dog owners advising Animal Control when their dog passes. The information on what is required from dog owners is contained within the dog registration packs which includes what to do when a dog passes.

Members requested that information on microchipping dogs be included in the press release.

h) Infrastructure – Pound

- Nothing to report at this time

11. Signage update

- Ongoing activity
- Some signs added to East Coast Bay areas with the new Vehicle Bylaw signs put in place by Science Monitoring Team
- Any signs damaged or stolen are replaced by Reserves or Animal Control as required

Discussion on Penzance Bay/Duncan Bay and dogs off the leash. Cllr Faulls noted she had advised the residents to write to Council detailing their concerns. No communication has been received.

12. SPCA Update

- To be invited to the 16 November 2023 meeting. **Action**

13. Cat Management

- Article in Stuff on 7 August 2023 that Select Committee have referred the matter to Central Government stating that it was time to legislate a nationwide Cat Management framework based on the notion that cats should be registered, desexed, and microchipped with appropriate exemptions etc. Response expected by 25 October 2023.
- Emyr Butler advised members that currently Council has no powers to enforce anything in regards to cats, however, this could change depending on potential Central Government legislation.

14. General Business

- Emergency Management Meeting organised by MPI Wayne Ricketts held on the 2/08/23 Wanting to set up Regional Animal Welfare Sub Group utilising the Groups within Marlborough – Fire, Police Council, SPCA, 4 Paws, Federated Farmers, NZIAM, Civil Defence, Vets Association, Ministry of Health.
Cllr Faulls noted there is the Rural Support Trust who actively work in the Sounds and who helped with animal welfare issues during the adverse events and suggested they should be included on the list.
- The current Marlborough Animal Welfare Emergency Management Plan was attached to the agenda for members' information.
- Cllr Faulls tabled a query around working dogs that she had received in regard to definition and criteria. Members discussed and agreed on a course of action which was to highlight the working dog criteria online.
- General discussion and questions on the Animal Control budget.

There be no further business the meeting closed at 1.49 pm.

Actions

| | Description | Person Responsible | Time frame |
|----|--|---------------------------|----------------------|
| 1. | Work with Glyn Walters to create a responsible cat ownership press release that encourages de sexing and micro chipping of cats. Include information on microchipping dogs. | Jamie Clark/Emyr Butler | As soon as practical |
| 2. | Continue to monitor Central Government in respect of cat management. | Jamie Clark | Ongoing |

| | Description | Person Responsible | Time frame |
|----|--|---------------------------|----------------------|
| 3. | Invite Susanne Owen, SPCA, to the 16 November meeting. | Jamie Clark | As soon as practical |
| 4. | Invite Jacki Jenkins (Maataa Waka Animal Control – Education Officer) to the 16 November meeting. | Jamie Clark | As soon as practical |
| 5. | Indication from Maighan Watson on a possible timeframe for when the Blenheim Dog Park issues will be resolved. | Jamie Clark | As soon as practical |

17. Information Package

RECOMMENDATION

That the Regulatory Department Information Package dated 16 November 2023 be received and noted.
