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7 July 2023

Record No: 23136618
File Ref: D050-001-E01
Ask For: Nicole Chauval

Notice of Committee Meeting – Thursday 13 July 2023

A meeting of the Environment & Planning Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **13 July 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, 13 JULY 2023 commencing at 9.00 am**

Committee

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

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1. Apologies

No apologies received.

2. Declaration of Interests

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3. Mapping and Field Investigations of landslides caused by July 2021 and August 2022 Storm Events (also refer separate report available on Council's website)

(Cllr Burgess) (Report prepared by Matt Oliver)

E385-002-002-07

Purpose of Report

1. To receive information on landslides and their impacts following the July 2021 and August 2022 storm events.

Executive Summary

2. Following the July 2021 and August 2022 storm event GNS Science was engaged to map the distribution of landslides and to conduct field investigations of a representative sample of properties for landslide damage.
 3. Landslide distributions in July 2021 and August 2022 do not seem to be controlled by the rainfall distribution alone. For both storms, the greatest number and density of landslides did not occur in the areas that received the highest rainfall.
 4. Field inspections showed landslides included mainly debris flows and slides, as well as incipient landsliding and reactivation of relict landslides.
 5. Of the nine buildings investigated in detail in 2022, three were affected by slippage, and 6 by debris inundation. Damage states of the buildings investigated ranged from no damage to three buildings with severe structural damage.
-

RECOMMENDATIONS

1. **That the report be received.**
 2. **That Council adopt the report's recommendations to improve landslide hazard risk assessment.**
 3. **That staff develop a Hazard Management programme (incorporating landslip hazards) to incorporate into the Long Term Plan.**
-

Background/Context

6. Following the July 2021 and August 2022 storm events GNS Science was engaged to map the distribution of landslides and to conduct field investigations of a representative sample of properties in the Marlborough Sounds for landslide damage.
 7. A first phase report on the 2021 field report has been presented previously but distribution mapping was planned for a second phase report.
 8. The August 2022 storm event and multiple other similar events across the country meant the second phase report was delayed and subsequently it was decided to incorporate the landslide distribution mapping for both events into a second report alongside the 2022 field investigations.
 9. The 2022 storm event occurred over 96 hours on 16-19 August 2022. Over the Marlborough Sounds cumulative rainfall was recorded at up to 1026mm at MDCs Tunakino site. This corresponds to a >250 year ARI for this site with several other sites in the area also recording >250 ARI. Gauge-corrected Rain Radar illustrates the extent and severity of the event (**Figure 1**).
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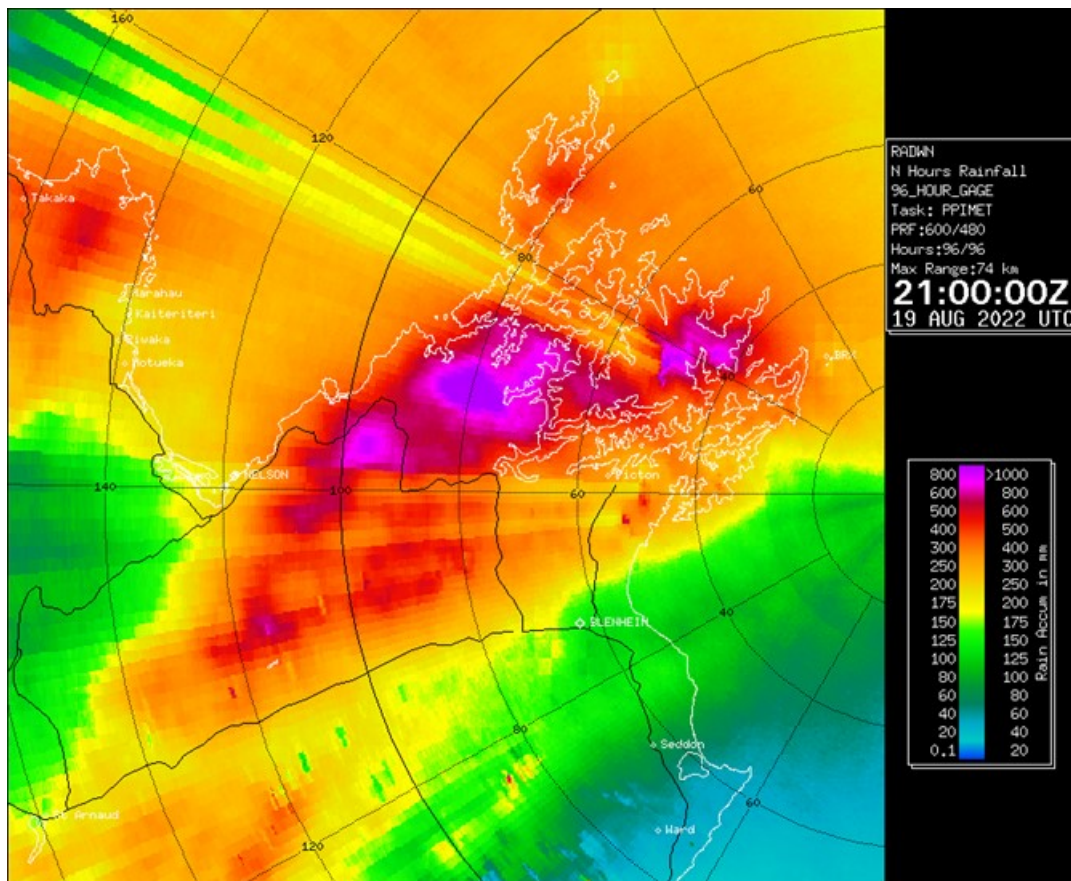


Figure 1: Gauge corrected rain radar for the August 2022 storm event.

10. Landslide distributions were mapped manually using a wide range of satellite and aerial imagery. For both storm events 7591 landslides were mapped (3796 in 2021, 3805 in 2022). (Figure 2)

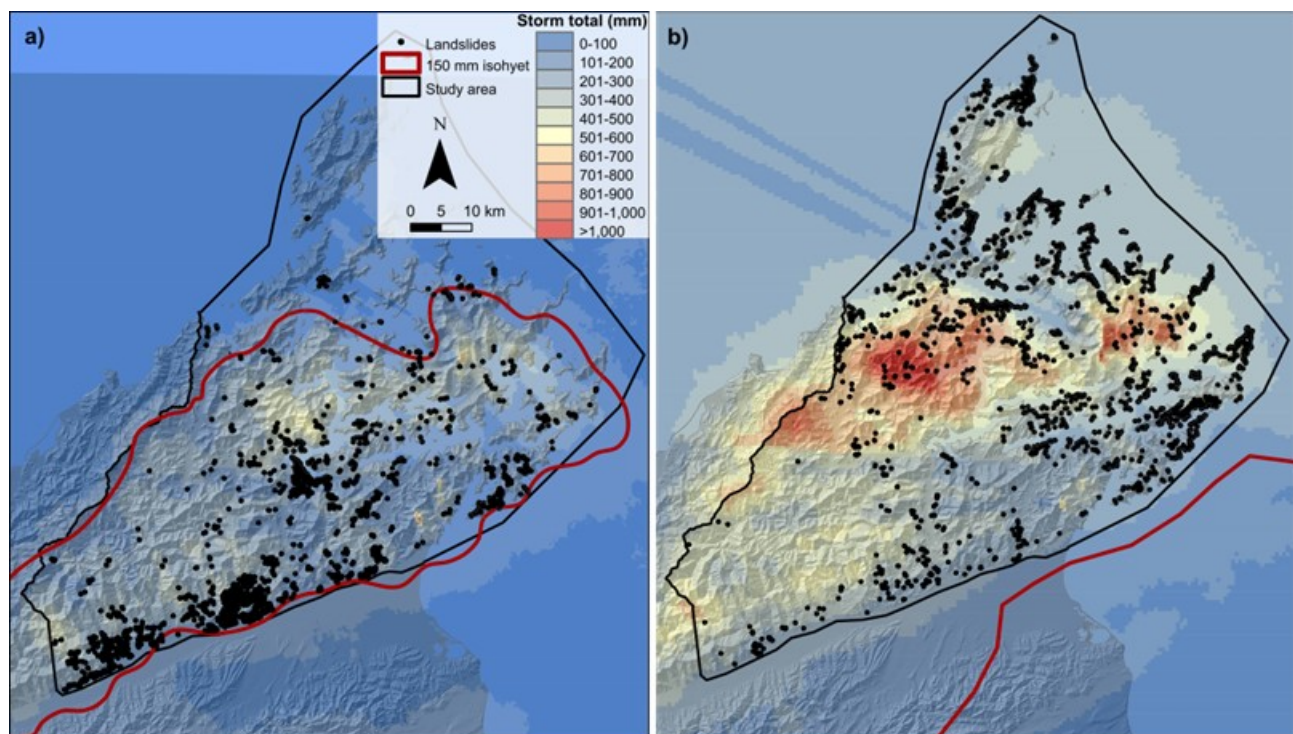


Figure 2: Landslide distribution and total storm rainfall for the July 2021(left) and the August 2022 (right) storm events. Note the red 150mm isohyet line.

11. In the 2021 storm, almost half of the landslides (48.3%) occurred on slopes underlain by Rakaia Terrane pelitic schist derived from sandstone/mudstone, which also had the highest landslide densities (7.7 LS/km²), which was nearly five times greater than in other rock groups. The most common land use landslides were triggered in was harvested exotic forest (35.5%), followed by exotic (plantation) forest (28.7%), broadleaved indigenous hardwood (10.4%), low-producing grassland (6.1%) and high-producing exotic grassland (6.0%) (Figure 3)
12. In the 2022 storm, 38% of landslides occurred on slopes underlain by Caples Terrane semischist bedrock, and 24.8% within Waipapa Composite Terrane semischist. 28.3% of landslides were triggered in high-producing exotic grassland, 18.6% in broadleaved indigenous hardwood, and 13.1% in manuka/kanuka. Exotic forest accounted for 8.9% and harvested forest for 5.9% of landslides. (Figure 3).

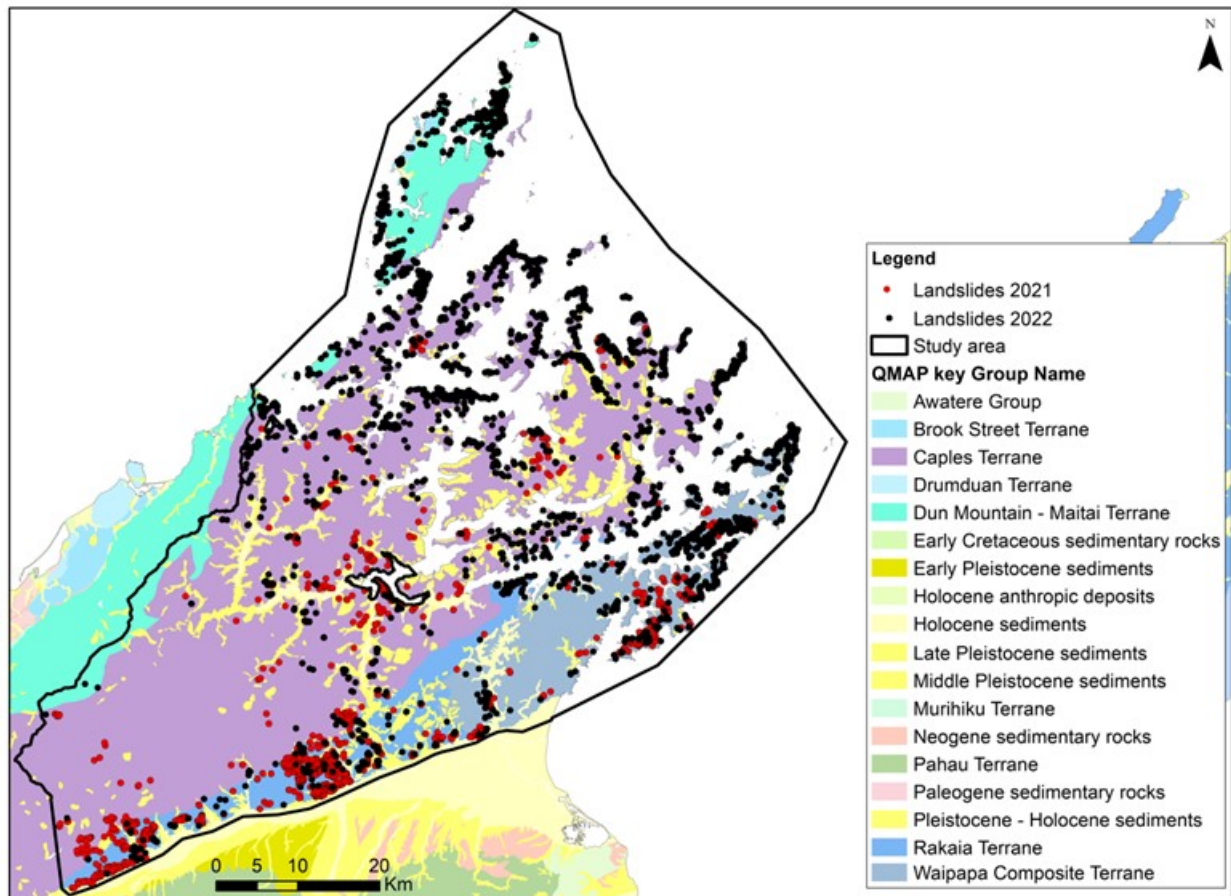


Figure 3: Locations of landslides triggered by the July 2021 (red) and August 2022 (black) storm events, shown in relation to the underlying geology from QMAP

13. The differences between impacts of the two storms illustrate how difficult it is to attribute slope failure to single causal factors. The storms occurred across different locations, at differing intensities, total rainfall and timing. The differing locations led to differences in local geology and landuse. However, what seems clear from these data is that landslide density cannot be solely attributed to rainfall alone. Landslides occur from a combination of factors. Also clear from the data is the prevalence of elevated landslide density in landscapes that have seen some form of disturbance from human activity (either current or historical).
14. Detailed site investigations were carried out on 9 sites in 2022. Each site was inspected by a geologist to determine the type of landslide event and to measure the on-ground landslide morphology. A structural engineer investigated the damage to structures and a licenced drone pilot captured aerial imagery of each site. The resulting data has been used to quantify the landslide dynamics, impacts on properties and prepare 3D models of each site.



Figure 4: Example of landslide mapping based on drone imagery.

15. Of the 9 properties inspected, 4 were severely damaged and uninhabitable. A number of sites showed extensive surface cracking around the heads of landslides indicating further movement is possible.
16. The size of the sources of the various landslides ranged from 58m³ to 3900 m³. This material commonly scoured out the debris trail as it moved down slope and bulked the resulting deposit by up to 9200m³. The largest landslide moved approximately 13,000m³ of material. This equates to approximately 23,400 tonnes of soil. This landslide travelled 465 m and would have moved at approximately 70km/h.

Assessment/Analysis

17. The report provides clear identification of very large numbers of landslides across the Marlborough Sounds and attempts to identify some causal factors. The damage caused by landslides is also described for a representative sample of properties.
18. Following these two storm events and with reference to the significant number of landslide related reports received by Council over the past decades, it seems that these phenomena are common in the Marlborough Sounds landscape and should be viewed as a hazard. The upcoming Sounds Future Access study has also documented significant risks around slope failure mechanisms.
19. During the two events documented in this report no injuries or deaths occurred. In two locations, buildings struck by landslides were occupied. In light of the recent experiences of storms elsewhere in the country and the increased intensity and frequency of storms forecast under climate change, it would seem prudent to consider the recommendations in this report to include deeper investigation of landslides as part of a natural hazards work programme.
20. Such deeper investigation would include improved mapping of currently known landslide contributing factors such as regolith depth and bedrock characteristics, mapping of relic landslides and identification of properties that may have an elevated risk from debris flows, cliff collapses or landslides.

21. Also recommended in this report are actions that Council works with GNS science to undertake training of the GNS Rainfall Induced Landslide tool and conduct landslide risk analysis similar to that conducted for other councils.
22. The cost of the science will need to be demined and be subject to a separate paper and the outcomes of the Long-Term Plan.

Option One (Recommended Option) – include landslide risk assessment in a natural hazards work programme.

23. That the report is received.
24. It is recommended that Council include assessment of landslide risks in the Marlborough Sounds into its natural hazards programme. Work would include:
 - a) mapping of currently known landslide contributing factors and of relic landslides
 - b) work with GNS science to conduct multi-variate analysis of the 2021 and 2022 storm data and implement the Rainfall Induced Landslide tool for Marlborough
 - c) identification of locations at risk from various forms of slope failure by undertaking a risk analysis.
25. A Natural Hazards programme could better coordinate research into all the natural hazards likely to be faced by Council in the future
 - a) A proposal to resource such a programme would need to be prepared as a separate paper including specific on costs for consideration in the Long-term Plan

Advantages

26. Improved understanding of landslide-related risks
27. Development of risk reduction strategies
28. Improve council capabilities in this domain

Disadvantages

29. Increased requirement for research funding.
30. Increased demands on staff time
31. Increased programme funding requirements

Next steps

32. Engage with GNS to implement the recommendations of the report including:
 - a) Undertake multivariate analysis of landslide factors.
 - b) Map distribution and depth of colluvium and regolith
 - c) Train the Rainfall Induced Landslide tool for Marlborough
 - d) Map relic landslides
 - e) Undertake risk analysis for landslides and identify at-risk locations.
33. Development of a clear strategy to guide development of necessary research will also be required.

Presentation

A short presentation will be given by Matt Oliver, Andrea Wolter and Brenda Rosser (15 minutes).

Attachment

Separate Attachment 1 – Item 3 – Marlborough 2021 and 2022 landslide report

(Report available on Council's website – refer following link <https://www.marlborough.govt.nz/your-council/meetings?item=id:2khqv7kyh17q9sayipw6>)

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

4. Soil Quality Monitoring Annual Report 2022 (also refer separate report available on Council's website)

(Cllr Burgess) (Report prepared by Matt Oliver)

E355-001-001-22

Purpose of report

1. To receive the report on Soil Quality Monitoring for 2022.

Executive Summary

2. In this investigation, soils were sampled from 17 monitoring sites. They include four pasture sites, four dairy sites, six vineyards and one each for cropping, native bush and one exotic forestry site.
3. This year's results are consistent with all previous years. While many sites show good soil quality, most soils show the effects of human land use. Soil compaction, excessive levels of nitrogen and phosphorus and loss of soil carbon remain the consistent theme of this work. 70% of sites reported soil compaction measurements outside the target range in 2022.

RECOMMENDATION

That Council receive the report.

Background/Context

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

Soil Quality Monitoring

5. This year's results are consistent with the previous 22 years' worth of results. While many sites show good soil quality, most soils show the effects of human land use with soil quality indicators for many of these falling outside target ranges.
6. 70% of sites reported soil compaction measurements outside the target range. These results put these soils at risk of poor aeration and drainage which may potentially affect pasture production and predispose the soil to surface runoff, nutrient loss, erosion and flooding. While soil compaction may not be permanent, it clearly should be avoided and remediated where necessary. A range of beneficial management options to prevent and remediate soil compaction are outlined in the report.
7. A new soil quality test was introduced in 2020. Hot Water Carbon (HWC) measures the easily available sources of carbon in the soil and provides indications on the level of microbial activity within the soil. In addition, HWC can help understand what risks are posed to soil structure, nutrient availability and water retention from a loss of this soil carbon fraction. A provisional target of >1900 mg/kg has been set. This year, 39% samples failed to reach this target. This is a reflection of the higher number of vineyard samples compared to previous years. Council continues to build data ahead of more detailed reporting on this parameter in future.
8. The programme continues to document the decline in quality of Marlborough's soil resource. To aid in addressing this, a series of soil quality recommendations have been made to help improve the soil

quality indicators. The recommendations include a series of practice changes for many land users including changing practice to lift soil carbon levels, reduce excess nutrient levels and reduce soil compaction. Some of these changes may have far-reaching consequences for farm practice. In particular, cropping farms urgently need to lift soil carbon levels to improve soil structure and reduce erosion risks. Dairy farmers need to be aware of and manage elevated nitrogen levels to reduce the risk of nutrient losses to water as well as reduce soil compaction risks from animal treading. Vineyard managers need to improve soil carbon management of the under-vine area and soil compaction of wheel tracks.

9. A secondary but important finding from the Soil Quality Monitoring Programme has been to illustrate the impact of human land use prior to the commencement of the monitoring programme. Further details are provided in the full report but in essence, the monitoring program started too late to capture major declines in SQM parameters and is now only recording minor fluctuations around a land use-related equilibrium.
10. Following the recent publication of a National Environmental Monitoring Standard for SQM, the Land Monitoring forum is undertaking a revision of the target values for SQM. These were set in 2000 with a focus on productivity values. However, the national programme emphasis has shifted to an environmental one. It is expected that the parameters measured will remain the same or be added to using more recently developed methods but the target ranges will be revised to better reflect environmental imperatives.

Education Programme

11. In 2021 staff undertook to develop an education programme to help improve soil management targeted at industries and activities with documented soil quality issues. Workload has slowed progress on this as well as difficulty settling on a suitable delivery method. The preferred method is now small-scale practical workshops/discussion groups delivered by topic experts on farm. These workshops would focus on well-accepted agroecological principles based in sound science rather than using more alternative methods such as regenerative agriculture. These workshops will partner with industry (viticulture, arable and dairy) to provide practical hands-on methods to reduce impacts on soil quality on-farm. Funding for such a programme is yet to be confirmed due to other funding priorities in the Land Resources programme.

Next steps

12. Continue with Soil Quality Monitoring and continue to implement the findings of the 2022 review.
13. Initiate the Soil Quality Education Programme as funding permits.

Presentation

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

Attachment

Separate Attachment 1 – Item 4 – Soil Quality in the Marlborough Region 2022

(Report available on Council's website – refer following link <https://www.marlborough.govt.nz/your-council/meetings?item=id:2khqv7kyh17q9sayipw6>)

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

5. Taylor River Improvement Programme (also refer separate report available on Council’s website)

(Clr Burgess) (Report prepared by James Mills-Kelly)

E375-017-001

Purpose of Report

1. To provide an update on the outcomes of the Taylor River Improvement Programme

RECOMMENDATION

That the information be received.

Background/Context

2. The Taylor River Improvement Programme was a joint programme between MDC and Ministry for the Environment to improve water quality in the Taylor River system. The programme ran from July 2018 to December 2022. Final reporting and documentation has recently been completed.

Ministry for Environment feedback

3. On 15 June MDC received a letter from Sarah Vaughan, Kaiwhakahaere of Community Investments at Ministry for the Environment congratulating staff of the success of the project:

“It has been a pleasure to work with you during your time on this Project. The Taylor River Catchment Improvement Project is an excellent example of a project which improves the management of freshwater bodies. It has been great to see the contribution made, particularly:

- a) The planting of 58,848 native plants planted over an area of 83,025m².
- b) The fencing of 4.227km of riparian margin to protect native plantings, delivering more than initially planned.
- c) The ongoing monitoring and documentation of rural and urban water quality in the Taylor River catchment.
- d) The good reputation the Project has attained within the community through word of mouth.”

Next steps

4. Water quality monitoring will continue to measure improvements in water quality of the Taylor River system over time.

Presentation

A short presentation will be given by James Mills-Kelly, Land Resources Advisor (15 minutes).

Attachment

Separate Attachment 1 – Item 5 – Taylor River Improvement Programme – Project Closure Report

(Report available on Council's website – refer following link <https://www.marlborough.govt.nz/your-council/meetings?item=id:2khq7kyh17q9sayipw6>)

Author	James Mills-Kelly, Land Resources Advisor
Authoriser	Peter Hamill, Team Leader, Land and Water

6. Riverlands Aquifer Combined Quality/Quantity State of the Environment Report

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

(Clr Hope) (Report prepared by Peter Davidson)

E345-007-001

Purpose of Report

1. To present the 2023 Riverlands Aquifer SoE report.

Executive Summary

2. There are no signs of seawater intrusion having occurred based on continuous observations of groundwater electrical conductivity and level at the MDC Lagoon monitoring sentinel wells since 2001. This demonstrates current rates of abstraction are broadly balanced by recharge, although the geographical distribution of most consented abstraction inland and away from the coast is a mitigating factor.
3. In most summer seasons Riverlands Aquifer levels approach the minimum 1.25 metres above mean sea level elevation cutoff threshold showing the resource is fully committed.
4. Changes in Riverlands Aquifer levels are demand driven, meaning the most appropriate way of avoiding low aquifer levels and maintaining acceptable levels of reliability for existing water users is through the pMEP volumetric allocation limit. The purpose of pMEP cutoffs is to temporarily govern seasonal demand during periods of naturally low recharge, not as the prime management method.
5. Not all groundwater specified in the pMEP as being available for allocation has been either consented or used. If unused quota were abstracted, it is possible that low groundwater levels that breach the limits set in the proposed Marlborough Environment Plan and potentially lead to seawater intrusion.
6. Riverlands Aquifer levels are predicted to increase in response to sea-level rise, but there is no apparent rise in groundwater levels so far based on Marlborough District Council State of the Environment monitoring network results.
7. Riverlands groundwater quality largely reflects natural evolution processes with few signs of human inputs either because they are minor, or the effects are masked by natural assimilation processes. The values or concentrations of a significant number of groundwater quality parameters are increasing with time consistent with Riverlands groundwater becoming more evolved.
8. Abstraction induced changes in aquifer flow patterns are likely to modify natural groundwater quality/chemistry. Natural events such as Wairau River or Ōpaoa River floods are also likely to influence groundwater quality in a similar way.
9. The process of implementing the NPSFM 2020 provides MDC with an opportunity for the matters raised in this report to be considered further.

RECOMMENDATIONS

1. That the information be received.
2. That the effect on coastal aquifer levels of consenting and using the unallocated groundwater from the Riverlands FMU be modelled using a numerical aquifer model and the results reported back to this committee.

Background

10. MDC Environmental Science & Monitoring group staff prepare state of the environment reports of Marlborough's air, land and water.

11. This State of the Environment Report reviews groundwater monitoring data from the Riverlands Aquifer area and compares it to the environmental limits and anticipated environmental results defined in the proposed Marlborough Environment Plan (pMEP), which are designed to ensure sustainable management of the resource, including the avoidance of sea-water intrusion effects.
12. This report was peer reviewed by external specialists.

Attachment

Separate Attachment 1 – Item 6 – 2023 Riverlands Aquifer SoE report

(Report available on Council's website – refer following link <https://www.marlborough.govt.nz/your-council/meetings?item=id:2khqv7kyh17q9sayipw6>)

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

7. Sounds Advisory Group Terms of Reference

(Clr Faulls) (Report prepared by Alan Johnson)

C230-001-M02

Purpose of Report

1. To approve the terms of reference for the Sounds Advisory Group (Attached).

Executive Summary

2. The Marlborough Sounds Advisory Group (SAG) has recently undertaken a refresh of the Group.
 3. A draft Terms of Reference for SAG has been prepared and consulted through the membership.
 4. The membership has been refreshed with a focus on core representatives of the resident associations, iwi partners and key stakeholders including crown and industry organisations.
 5. The Key Role of SAG is to provide a forum to discuss Marlborough Sounds issues and support and provide comment on related MDC, Iwi and Agency policy and projects.
-

RECOMMENDATION

That Council approve the Sounds Advisory Group Terms of Reference.

Background/Context

6. The SAG was formed in 2002 as a stakeholder focus group. The membership was formed based upon broad local representation of the various Sounds communities and key industry groups.
 7. The SAG has completed a review and developed in collaboration a Terms of Reference. The Group has confirmed a key objective and refreshed the membership of the Group with core representatives including resident associations, iwi partners and key stakeholders including crown and industry organisations.
 8. SAG has provided benefits to the Marlborough Sounds' community and Council, essentially providing a conduit for communication for Marlborough District Council to engage with the Sounds' community about the broad range of MDC management responsibilities and policy, including resource management and infrastructure services within the Marlborough Sounds.
 9. There has been up to 20 members attend meeting on SAG including government agencies such as the Department of Conservation, and more recently Fisheries New Zealand, have also utilised SAG for project updates and feedback.
 10. The purpose of SAG is to provide a forum to share information between MDC, Iwi,
 11. and the Marlborough Sounds' community, the Department of Conservation, MPI, TOTS Wood Council and Fisheries New Zealand,
 12. SAG also has a role to:
 - a) Bring current Marlborough Sounds' issues to the attention of MDC and Iwi, along with Central Government Agencies.
 - b) Support and provide comment on related MDC, Iwi and Agency projects.
 - c) Act as a sounding board on issues raised by MDC and Iwi.
 - d) Provide feedback on relevant policy reviews or issues to MDC and Iwi through consultation processes.
-

- e) The membership is voluntary however members can seek reimbursement for travel and at times accommodation where members reside in remote locations. Council has an existing budget for the SAG.

Next steps

To advise the Sounds of Advisory Group of Council decision.

Attachment

Attachment 1 - Terms of Reference

Page 15

Author	Alan Johnson, Environmental Science and Monitoring Manager
Authoriser	Hans Versteegh, Environmental Science and Policy Group Manager

Sounds Advisory Group - Terms of Reference

1. Terms of Reference

The Terms of Reference are effective from xxxxxxxx

2. Background

The Marlborough Sounds Advisory Group (SAG) was formed in 2002 as a stakeholder focus group. The membership was formed based upon broad local representation of the various Sounds communities and key industry groups.

SAG has provided benefits to the Marlborough Sounds' community, essentially providing a conduit for communication for Marlborough District Council (MDC) to engage with the Sounds' community about the broad range of MDC management responsibilities, including resource management and infrastructure services within the Marlborough Sounds. Marlborough's Tangata Whenua Sounds' Iwi (Iwi) have had a level of involvement since SAG was established. The Department of Conservation, and more recently Fisheries NZ, have also utilised SAG for project updates and feedback.

SAG has been an important sounding-board for raising key issues in the community, while SAG has also been used for consulting on policy outcomes.

3. Purpose of SAG

The purpose of SAG is to provide a forum to share information between MDC, Iwi, and the Marlborough Sounds' community, the Department of Conservation, MPI, TOTS Wood Council and Fisheries New Zealand,

SAG also has a role to

- Bring current Marlborough Sounds' issues to the attention of MDC and Iwi, along with Central Government Agencies.
- Support and provide comment on related MDC, Iwi and Agency projects.
- Act as a sounding board on issues raised by MDC and Iwi.
- Provide feedback on relevant policy reviews or issues to MDC and Iwi through consultation processes.
- Note: that SAG is unable as a group to formally submit on policy for any agency, however members can coordinate submissions through their respective representative organisations.

4. Membership

SAG has representation from the member organisations as referred to in the table below. The member organisations are responsible for nominating their representatives. MDC is represented on SAG by the Sounds' Ward Councillors. These Councillors will be responsible for the approval of new members.

Representation	Named representative
Marlborough's Tangata Whenua Sounds' Iwi	Sylvie Heard- Te Ātiawa Manawhenua Ki Te Tau Ihu Trust
TOTS Wood Council	George Shallcross
Marlborough Sounds Integrated Trust	Eric Jorgensen
Marine Farming Association	Ned Wells
Department of Conservation	David Hayes
Fisheries New Zealand	Jodi Milne & Vikki Ambrose
Ministry of Primary Industries	TBA
Commercial Fishing	Vacant
Outer QCS	Vacant
Port Underwood Residents Association	Wayne Boustridge
Duncan Bay Residents Association	Linda Booth
Central Pelorus	Lynley Perkins
Lochmara Queen Charlotte Sound Residents Association	Monyeen Wedge
D'Urville Island Residents Association	Poneke Rene
Outer Pelorus	Emma Hopkinson-Young
French Pass Residents Association	Rawinia Puna
Kenepuru & Central Sounds Residents' Association	Ross Withell
Okiwi Bay Residents Association	Tim Greenhough
Moetapu Residents Association in the Mahau Sound & Outward Bound	Victor Koller
Cissy Bay Residents Association	Dr John Cretney/Dick Kearsley
Kaiuma & Wakaretu Ratepayers Association	Shon Emerson

5. Accountability

The membership of SAG will commit to:

- Fostering collaboration.
- Sharing all communications and information across all Networks/SAG members.
- Being entrusted to ensure that the views of the broader community are considered and are not to focus on individual or personal outcomes.
- Respecting individual's points of view.
- Open and honest discussion; and
- Regularly attending scheduled SAG meetings and, if necessary, nominate a proxy.

6. Review

These Terms of Reference may be amended, varied or modified in writing after consultation and agreement by SAG.

The review of the TOR will be undertaken at least 3-yearly.

7. Working Methods / Ways of Working

MDC will provide secretariat services and facilitation for managing the functions of the SAG.

MDC, Iwi and agencies will bring key organisational updates, including key policy measures that require consultation to the SAG.

Members are encouraged to provide formal updates and key issues from their respective organisations to each of the meetings.

Meeting Agendas are to be set and circulated prior to the meeting.

Representatives are eligible to be reimbursed for travel expenses.

Council will maintain a budget for normal disbursement costs.

8. Meetings

Four scheduled meetings will be held during the year. The meeting venue will be either the MDC, Seymour Street office or in Waitohi / Picton. Ideally, an alternate postponement date will be set for each quarterly meeting.

If required, subgroup meetings will be arranged outside of these times at a time convenient to subgroup members.

Meetings will be face to face, however remote video conferencing/Zoom options will be available for members.

All meetings will be chaired by MDC.

Meeting agendas and minutes will be provided by MDC in collaboration with representatives and will include:

- Preparing and coordinating agendas and supporting papers; and
- Preparing meeting minutes.

A copy of the minutes will be reported to MDC through the Economic, Finance and Community Committee.

9. Remuneration

Community nominated members of SAG agree to undertake their roles on a voluntary basis.

Community members can seek reimbursement of travel costs for attending meeting at a nominated Council km rate or applicable water taxi charge rate as agreed. Costs for accommodation reimbursement may be authorised on a case-by-case basis for community subject to distance of travel and health and safety risks. Reimbursement of costs are required to be submitted on a travel reimbursement form.

8. Recreational Water Quality Report 2022-2023 (also refer separate report available on Council's website)

(Clr Hope) (Report prepared by Steffi Henkel)

E370-007-001

Purpose of Report

1. To present the annual Recreational Water Quality Report.

Executive Summary

2. The recreational water quality at eight beaches and eight river swimming spots was monitored during the summer months of 2022/2023. Weekly samples were analysed for indicator bacteria concentrations to evaluate the health risk to swimmers.
3. Most samples taken had bacteria concentrations that indicated low health risks. Five sites consistently exhibited bacteria levels deemed safe for swimmers. At six sites, at least one sample had unsafe bacteria concentration. However, these samples were generally taken during or shortly after rainfall events.
4. Using monitoring data from the past five summer seasons, each site was assigned a Suitability for Contact Recreation (SFR) Grade. While most sites were deemed to be generally suitable for contact recreation with grades of "Fair" or "Good" (12 sites), four sites received grades of "Poor" or "Very Poor".
5. For river swimming sites the recreational water quality was also evaluated according to the National Policy Statement for Freshwater Management (NPS-FM). NPS-FM states are closely linked to SFR Grades.
6. Assessments of temporal changes indicated increasing E. coli concentrations at several river sites over the past 15 years, but also improvements at some sites in more recent times. Some coastal sites showed a reversal in increasing bacteria concentrations, while others maintained relatively stable bacteria levels in recent years.

RECOMMENDATION

That the information be received.

Background/Context

7. Enjoying the region's beaches or river swimming spots is a cherished summer activity for many residents as well visitors to the region. Despite generally good water quality, waterborne pathogens can occasionally pose a health risk to swimmers.
8. To determine the health risk to swimmers, council monitors the most popular beaches and river swimming spots weekly from November to March.
9. In 2003, the Ministry for the Environment and the Ministry of Health released a document to facilitate the assessment of health risk to swimmers using the concentration of indicator bacteria. The document offers guideline levels for bacteria concentrations in individual samples, which allows categorising results into one of three Modes representing health risks to swimmers.
10. Individual sampling results only provide a snapshot of recreational water quality. To offer a more comprehensive understanding of water safety, data from several summer seasons are combined to obtain SFR Grades.
11. The National Policy Statement for Freshwater Management provides limits for river swimming sites that closely align with the 2003 guidelines' SFR Grades.

Assessment/Analysis

12. **Figure 5** illustrates the percentage of samples within Guidelines Mode, where the Green Mode represents bacterial levels safe for swimming, and the Red Mode indicates unsafe bacteria concentrations. For most sites, over 80% of samples taken in the 2022/23 summer season exhibited indicator bacteria concentrations within the Green Mode.

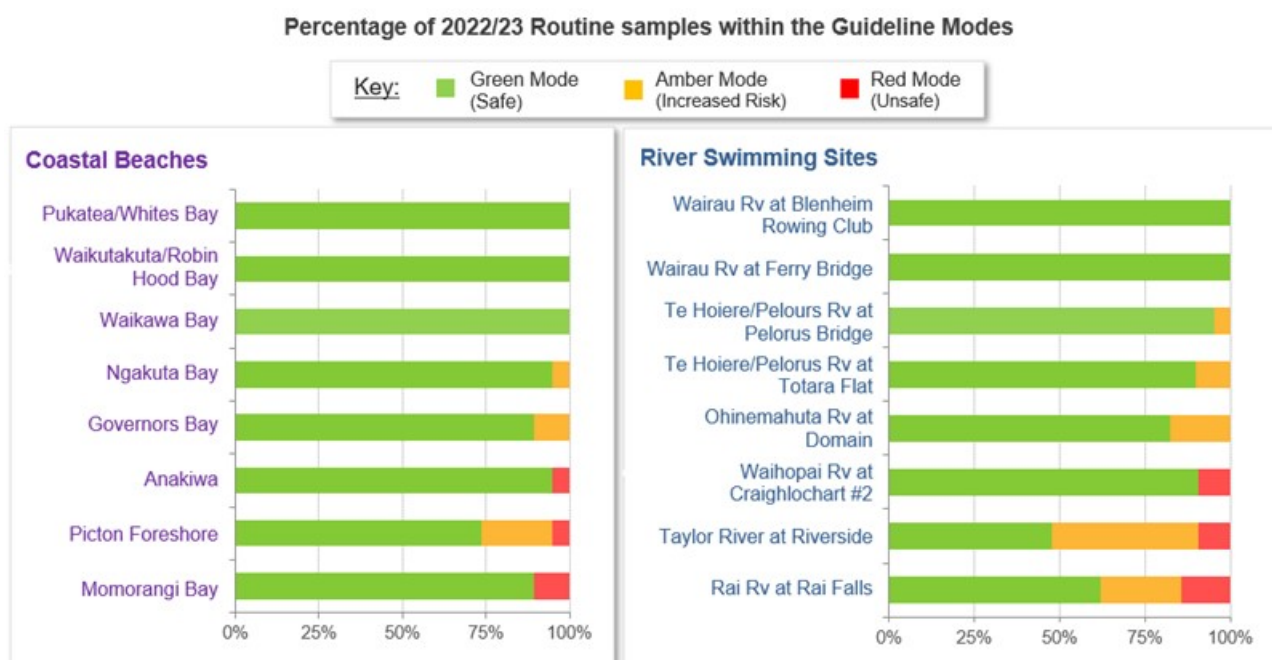


Figure 5: Percentage of weekly samples taken during the 2022/23 summer season within the three guideline Modes.

13. At three coastal beaches and two river sites, all samples taken had bacteria concentrations safe for swimmers.
14. Unsafe bacteria concentrations (Red Mode) typically resulted from surface run-off following rainfall.
15. Among the coastal sites, Picton Foreshore recorded the highest number of samples not in the Green Mode; however, only one sample had bacteria concentrations considered unsafe for swimmers. Of the river swimming sites, the Taylor River and Rai River recorded the highest number of samples with elevated bacteria levels.
16. Trend analysis over the past 15 years indicated increasing bacteria levels at numerous river sites. Nevertheless, results from the last decade showed mixed trends, with the Waihopai and Rai Rivers recording increasing *E. coli* concentrations, while the Taylor River showed improvements.
17. At a number of coastal sites, trends have reversed after temporary increases in bacteria concentrations.
18. **Table 1** displays the SFR Grades and NPS-FM states for the sites monitored in the 2022/23 summer season. The majority of sites received “Good” or “Fair” SFR Grades, but one coastal beach and three river sites were graded “Poor” or “Very Poor”.
19. Three sites have improved SRF Grades compared to the grading results from the previous season. These are Ngakuta Bay, and the two sites on the lower Wairau River.

		This Season		Previous Season	
No.	Site	SFR Grade (Suitability for Contact Recreation)	NPS-FM state (National Policy Statement - Freshwater)	SFR Grade (Suitability for Contact Recreation)	NPS-FM state (National Policy Statement - Freshwater)
Beach Sites	1	Anakiwa	Good		Good
	2	Momorangi Bay	Good		Good
	3	Ngakuta Bay	Fair		Poor
	4	Governors Bay	Fair		Fair
	5	Picton Foreshore	Fair		Fair
	6	Waikawa Bay	Fair		Fair
	7	Waikutakuta/Robin Hood Bay East	Fair		Fair
	8	Pukatea/Whites Bay	Good		Good
River Sites	9	Rai Rv at Rai Falls	Poor	Poor *	insufficient data
	10	Te Hoiere/Pelorus Rv at Pelorus Bridge	Good	Good	Good
	11	Te Hoiere/Pelorus Rv at Totara Flat	Poor	Poor	Poor
	12	Ohinemahuta Rv at Onamalutu Domain	Fair	Fair	Fair
	13	Wairau Rv at Ferry Bridge	Good	Good	Fair
	14	Wairau Rv at Blenheim Rowing Club	Good	Good	Fair
	15	Taylor Rv at Riverside	Very Poor	Poor	Very Poor
	16	Waihopai Rv at Craiglochart #2	Poor	Poor	Poor

* this site has been monitored less than 5 years and SFR Grade and NPS_FM state are therefore interim

Table 1: Current and previous SFR Grades and NPS-FM states for swimming sites monitored in the 2022/23 summer season. A thicker border around the grades from this season indicates changes from the previous season.

20. More detailed information can be found in the full report attached to the Agenda Item.

Next steps

21. Once approved, the report will be made available to the public on the MDC website.
22. Sites will be monitored again in the next summer season (2023/24) with possible inclusion of Okiwi Bay and Mistletoe Bay, which were not monitored this season due to access issues.

Presentation

A short presentation will be given by Steffi Henkel (10-15 minutes).

Attachment

Separate Attachment 1 – Item 8 – Recreational Water Quality Report – 2022-23

(Report available on Council's website – refer following link <https://www.marlborough.govt.nz/your-council/meetings?item=id:2khqv7kyh17q9sayipw6>)

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

9. Te Tau Ihu Kaiwhakaterere

(Clr Hope) (Report prepared by Pere Hawes)

M100-01-01

Purpose of Report

1. To introduce Matt Hippolite, Ministry for the Environment Te Tau Ihu o te Waka-a-Maui Top of the South.

Executive Summary

2. Matt Hippolite has been appointed by the Ministry for the Environment as Kaiwhakaterere, or Regional Navigator, for Te Tau Ihu o te Waka-a-Maui Top of the South. Matt will introduce himself and the role.

RECOMMENDATION

That the report be received.

Background/Context

3. The Ministry for the Environment is working to establish a regional presence. The presence is being achieved through the appointment of Kaiwhakaterere, or Regional Navigators, with the aim to strengthen the Ministry's local relationship with Maori, the community and local government. A focus of the role will be Freshwater and Resource Management reform implementation.

Te Tau Ihu Kaiwhakaterere

4. Matt Hippolite has been appointed the Kaiwhakaterere for Te Tau Ihu o te Waka-a-Maui Top of the South. Matt is based in Whakatu Nelson. He has prior experience in iwi/Maori systems and governance (including chairing Ngati Koata Trust for several years through to Settlement), with whakapapa to six Te Tau Ihu Iwi. Before joining the Ministry last year, he was at the Department of Conservation, where most recently he facilitated Jobs for Nature projects with iwi, councils and community groups.

Next steps

5. Council looks forward to working with Matt in his new role as Kaiwhakaterere for Te Tau Ihu o te Waka-a-Maui Top of the South.

Presentation

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

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

10. 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. Since the last report to the Environment and Planning Committee on 20 April 2023, four further consent memoranda have been issued by the Environment Court. A further five consent memoranda are currently being considered by the Court and two further consent memoranda are in preparation.

RECOMMENDATION

That the report be received.

Background/Context

5. The PMEP Hearings Panel publicly notified their decision on the PMEP on 22 February 2020.
6. 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.
7. 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.
8. 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.
9. 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".
10. Given the number of appeal points (1307), the resolution of appeals has been a focus of the work programme of the Environmental Policy Group for some time and will continue to be so.

MEP Appeals Version

11. 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->

[pmp/appeal-process/appeals-version-of-the-pmp](#). The PMP 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

12. 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.
13. A total of 38 consent orders have been issued by the Environment Court.
14. Since the last report to the Environment and Planning Committee on 20 April 2023, two further consent memoranda have been submitted to the Environment Court for its consideration. Including those consent memoranda previously submitted to the Court, there are currently five proposals to resolve appeals.
15. Two further consent memoranda are in preparation (see below).
16. Since the last report to the Environment and Planning Committee on 20 April 2023, the Court has issued four further consent orders. The consent orders resolve appeals in a wide variety of topics (see below).
17. Discussions during mediation have been positive and outcome focussed, and substantial progress has been made on resolving appeals.
18. At this point in time, only one appeal point is to be heard by the Environment Court.
19. 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

20. 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.
21. The mediation process is overseen by an Environment Court Commissioner.
22. Environment Court mediation has now been completed for all 22 topics, with mediation on Topic 2: Water Allocation and Use concluding in April and the reconvened Topic 5: Indigenous Biodiversity mediation concluding in May. In total, there were in excess of 80 days of mediation over a period of two and a half years.
23. 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>.
24. As recorded above, all consent orders are incorporated into the PMP Appeals Version.

Natural Character

25. Mediation on the Natural Character has involved lengthy mediation and discussions between the parties since February 2021, as set out in previous reports to the Committee.
26. Most appeal points have now been agreed and a consent memorandum was submitted to the Court on 13 March 2023. A consent order is still pending.
27. Progress has also been made with two appeal points relating to the natural character overlays as they apply in Cook Strait and a consent memorandum was submitted to the Court on 28 February 2023 to resolve these appeal points (in part for one of the appeal points). The Court issued a consent order for these appeal points on 24 May 2023.

28. Finally, agreement was reached on how the PMEP regulates activities near waterbodies with high or very high natural character. A consent memorandum was submitted to the Court also on 13 March 2023. A consent order is still pending.
29. Many of the remaining appeal points 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. A comprehensive update on this topic was provided to the Committee on 20 April 2023.
32. The previous update highlighted that there was an evidence exchange timetable for an appeal point related to King Shag habitat and Important Bird Areas that has not been 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 evidence exchange has now been completed and the parties are awaiting Court directions regarding the timing of a hearing.
33. The parties to the indigenous vegetation clearance rules reached agreement and a consent memorandum was lodged with the Environment Court on 13 March 2023. The Court issued a consent order for these appeal points on 24 May 2023. There is one outstanding matter yet to be resolved for the indigenous vegetation clearance rules and a work programme for this is currently being implemented.
34. 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.
35. Many of the remaining appeal points are on hold pending the outcome of Variation 1, the gazettal of the National Policy Statement for Indigenous Biodiversity or other processes.

Transportation

36. Appeals relating to temporary damming were resolved through further mediation on Topic 2: Water Allocation and Use and are now subject to a consent memorandum (see below).
37. There remain two workstreams for outstanding appeal points in the transportation topic. These relate to managing reverse sensitivity effects adjoining State Highway and the Main North Line rail; and to Policy 13.15.2 (which relates to managing adverse effects on marine transportation). Progress is being made on these workstreams.

Natural hazards

38. The outstanding appeal points in this topic relate to the flood hazard overlay at Tuamarina and the status of maimai.
39. The flood risk at Tuamarina was reviewed following the flood events of 2021 and 2022 and the results of the review were conveyed to the appellants. Refinement of the flood hazard overlay at Tuamarina has been agreed between the parties as a result of the review process. A consent memorandum was lodged with the Environment Court on 28 April 2023. A consent order is now pending.
40. The outstanding appeal point relating to maimai is on hold pending another non-RMA planning process.

Waste and discharge of contaminants to land

41. There are two outstanding appeal topics following mediation: The rules for application of fertiliser to land and the discharge of stormwater to land.
42. Agreement has been reached on the outstanding appeal point related to fertiliser application and nutrient load. A consent memorandum was lodged with the Environment Court on 27 March 2023. A consent order is now pending.
43. There is an ongoing workstream the discharge of stormwater to land.

Soil quality and land disturbance

A consent memorandum on the matters agreed at and post mediation was submitted to the Environment Court on 1 March 2023. The Court issued a consent order on 12 May 2023.

Forestry

44. The remaining two appeal points are on hold pending the gazettal of the NPS for Indigenous Biodiversity.

Coastal

45. The only remaining appeal in this topic is on coastal occupancy charge provisions. It is likely that this appeal will proceed to a Court hearing, but the parties are awaiting timetabling directions from the Court.

Zoning

46. The last remaining appeal related to the zoning of the KiwiRail site at Spring Creek. Further discussions achieved resolution of the outstanding appeal point and a consent memorandum for the topic was submitted to the Environment Court on 15 December 2022. The Court issued a consent order for first consent memorandum on 31 January 2023. Due to an administrative error, the consent order was not implemented until May 2023.

Water Quality

47. Mediation on Topic 15: Water Quality occurred on 13-15 and 21-23 February 2023. A total of 50 appeal points considered during mediation.
48. The mediation was more complex than usual because of the relationship between the appeal points and the provisions of the NPSFM 2020 (which did not exist at the date of decision or at the time that the decisions were subject to appeal).
49. All but five appeal points were resolved at mediation and a consent memorandum is now in preparation. This will be submitted to the Court shortly.
50. The five outstanding appeal points are currently being discussed with appellants and Section 274 parties.

Water Allocation and Use

51. Mediation on Topic 2: Water Allocation and Use occurred on 28-30 March, 4-6 April and 11-13 April. A total of 91 appeal points considered during mediation.
52. As for Topic 15: Water Quality, the mediation is complicated by the relationship between the appeal points and the provisions of the NPSFM 2020. (which did not exist at the date of decision or at the time that the decisions were subject to appeal).
53. All appeal points were resolved at mediation and a consent memorandum is now in preparation. This will be submitted to the Court shortly.

Other topics

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

Influence of Variation 1: Marine Farming

55. 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.
56. The decision on Variation 1 was publicly notified on 19 May 2023.
57. The Court directed the parties to report on status of these appeal points within month of the notification date. A comprehensive response was provided by Aquaculture Interests. Some appeal points are to

be withdrawn, some appeal points are to be pursued and other appeal points are dependent upon any appeals on the Variation 1 decision.

58. The appeal period for Variation 1 closes on 3 July 2023. The Council has proposed a further reporting date of 28 July 2023, by which time the most effective and efficient process for addressing outstanding appeals can be identified, following discussion with the parties. It is possible that some outstanding appeals may be able to be mediated conjunctively with appeals on Variation 1.

Next steps

59. A total of five consent memoranda are now with the Court for consideration and a further two consent memoranda are in preparation. Any resulting consent orders issued by the Court will be reported to the Committee through future updates.
60. Informal mediation on other outstanding matters is ongoing. The results will be reported to the Environment Court in accordance with the Court's directions.
61. Progress with the resolution of appeals will continue to be regularly reported to the Committee through future agenda items.

Attachment

Attachment 1 - List of appellants

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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	
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	

Appellant	Environment Court Reference	Status
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	

11. EDS Legal proceedings – NES-PF

(The Chair) (Report prepared by Kim Lawson)

L150-018-43

Purpose of Report

1. To update the Committee of the legal proceedings filed by the Environmental Defence Society (**EDS**) against the Marlborough District Council (**Council**).

Executive Summary

2. EDS filed proceedings against the Marlborough District Council (**Council**) seeking declarations in the Environment Court that the National Environmental Standards for Plantation Forestry (**NES-PF**) breach the Resource Management Act 1991 (**RMA**), or its statutory purpose, for permitting harvesting (and related earthworks) in high erosion risk areas of the Marlborough Sounds.
3. The Council opposed the declarations sought. Following negotiations between the parties, EDS agreed to withdraw the proceedings against the Council and applied for the Minister for the Environment to be substituted as Respondent. The Court granted the application. The Council is no longer a party to these proceedings.

RECOMMENDATION

That the information be received.

Background/Context

4. On 20 January 2023, EDS applied for declarations in the Environment Court that the NES-PF breach the RMA, or is inconsistent with its statutory purpose, for permitting harvesting (and related earthworks) in high erosion risk areas (“orange zones”) of the Marlborough Sounds. The proceedings were filed against the Council as Respondent.
5. As set out in the previous report on these proceedings presented to the Committee at its meeting on Thursday, 9 March 2023, apart from EDS using Marlborough as an evidential example in support of its case, it was unclear why the Council was listed as the Respondent. The NES-PF is secondary legislation, made by Order in Council on the recommendation of the Minister for the Environment. Therefore, the appropriate Respondent is the Minister for the Environment.
6. The Council opposed the declarations sought. The Minister for the Environment, the Minister for Forests (**the Ministers**), the New Zealand Forest Owners Association Incorporated and Top of the South Wood Council Incorporated also opposed the declarations sought. Royal Forest and Bird Society of New Zealand and Mana Taiao Tairāwhiti were in support.
7. Following service of the proceedings, the Ministers and the Council identified preliminary issues that needed to be addressed, including the nature and scope of the proceedings and the appropriate forum for determination of the issues, the Environment Court or High Court. The parties subsequently filed legal submissions on these preliminary matters.
8. On 25 May 2023, EDS then filed an application for amended declarations. Legal counsel and Council staff had serious concerns regarding the scope and appropriateness of these amended declarations and on 6 June 2023 the Council applied to strike out the proceedings, or at the very least that the Council be struck out of the proceedings as EDS had improperly named it as Respondent.
9. On 7 June 2023, the Court issued a Minute. In it the Judge identified key preliminary issues the parties needed to carefully consider before continuing. He directed the parties to confer and file a joint memorandum regarding all preliminary matters by Friday 16 June 2023 with a view to enabling a short-notice judicial teleconference.

10. Following the issue of that Minute, Council and EDS conferred and reached agreement that EDS would remove the Council as the Respondent and apply for the Minister for the Environment to be substituted as Respondent.
11. On Monday, 19 June 2023, the parties filed a joint memorandum in the Court. In it, EDS confirmed that it withdrew its proceedings against the Council by consent, and concurrently filed an application to substitute the Minister for the Environment as the Respondent. This application was not opposed by the Minister, nor any other party.
12. On Monday, 3 July 2023, the Court issued a Minute. In it the Court granted EDS's application and substituted the Minister for the Environment as Respondent. The Council is no longer a party to these proceedings.

Author	Kim Lawson, Strategic Planner
Authoriser	Pere Hawes, Manager Environmental Policy

12. National Policy Statement – Urban Development Indicator Monitoring 2021-2022

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

(The Chair) (Report prepared by Jamie Sigmund)

N100-001-06-01

Purpose of Report

1. To present the 2021-2022 National Policy Statement Urban Development monitoring report.

Executive Summary

2. The National Policy Statement on Urban Development 2020 (NPS-UD) sets out objectives and policies for urban development under the Resource Management Act 1991. Councils must give effect to these objectives and policies.
 3. The NPS-UD seeks to ensure New Zealand towns and cities have well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, while also ensuring the provision of sufficient development capacity to meet the different needs of people and communities, improving how our cities respond to growth to enable improved housing affordability and community wellbeing.
 4. The Council is considered 'Tier 3' under the NPS-UD 2020. The Council is not required to complete the full 'monitoring requirements of a tier 1 or 2 council, instead we are strongly encouraged to monitor development within our urban environments.
-

RECOMMENDATION

That the report be received.

Background/Context

5. This is the first annual monitoring report since the Housing and Business Assessment (HBA) 2022 was released, this report provides an annual summary of housing and commercial development market indicators for the period from the 1st of July 2021 through to the 30th of June 2022.
 6. The purpose of these reports is to monitor urban development activity in Marlborough, with a particular focus on Blenheim as the region's largest urban centre.
 7. The National Policy Statement on Urban Development 2020 (NPS-UD) sets out objectives and policies for urban development under the Resource Management Act 1991. Councils must give effect to these objectives and policies.
 8. The NPS-UD is about ensuring New Zealand towns and cities have well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, while also ensuring the provision of sufficient development capacity to meet the different needs of people and communities, improving how our cities respond to growth to enable improved housing affordability and community wellbeing.
 9. The Marlborough District Council is considered 'Tier 3' under the NPS-UD 2020. The Council is not required to complete the full 'monitoring requirements of a tier 1 or 2 council, instead we are strongly encouraged to monitor development within our urban environments.
 10. The Council monitors a range of indicators that contribute to urban development, including data on housing and commercial development market indicators, dwelling sales and rents, resource and building consent data. Several external information sources are also used, these are acknowledged in each reporting area. Two new additional indicators are being trialled for this reporting period (identified below).
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11. Indicators covered in this report include:
- Dwelling Sales and Rents comparison
 - Building Consents Issued – Housing New
 - Building Consents Issued – Commercial
 - Resource Consents Issued – Subdivisions
 - Housing Affordability Measure
 - Ministry of Social Development – Social Housing Requirements
 - Development Contributions – Household Equivalent Units (new)
 - Greenfields spatial analysis (new)

Key Findings of the Report

12. Residential and commercial development indicators continue a general upward trend since the last reporting period. Mean dwelling sales value for the region increased on average \$83k for the period. In conjunction with this the mean weekly residential dwelling rent prices has also continued to increase, with an \$80 change in the period.
13. The number of approved consents for new residential dwellings for both Blenheim and the region in general has increased during the period, with the region wide number increasing by 31 to 250 in the period, for Blenheim this was an increase of 40 to 143.
14. Meanwhile the approved commercial building consents for Blenheim was up by 1 from the period to 11 but overall, the commercial numbers for the region were down by 6 to 16.
15. The Ministry of Social Development - social housing applications, was down 3 applications compared to the previous period, from 255 to 252.
16. A summary table is provided below, Colour is used to indicate direction of trend since the previous reporting year (green upwards movement, red downward trend).

Median Dwelling Sales Price (Marlborough): \$676k (\$83k increase since the last period)	Mean Dwelling Rent Price (Marlborough): \$464.75 (\$80 increase since the last period)
New Dwelling Consents Issued: 143	New Subdivision Consents Issued: 63, up 6
Commercial Consents Issued: 11	Ministry of Social Development Applications **: 252

Attachment

Separate Attachment 1 – Item 12 – National Policy Statement on Urban Development - Annual Monitoring Report 2021-2022
(Report available on Council's website – refer following link <https://www.marlborough.govt.nz/your-council/meetings?item=id:2khqv7kyh17q9sayipw6>)

Author	Jamie Sigmund, Strategic Planner
Authoriser	Pere Hawes, Manager Environmental Policy

13. Proposed Updated Policy for Dangerous, Earthquake-prone and Flood-prone Dams

(Clr Innes) (Report prepared by Brendon Robertson)

R450-006-06

Purpose of Report

1. The purpose of this report is to update the policy for “Dangerous, Earthquake-prone and Flood-prone Dams”. (Refer to Attachment 1) The policy was first introduced 2006 as a statutory requirement pursuant to the Building Act 2004 and is required to be reviewed at five yearly intervals.

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.
-

RECOMMENDATIONS

1. That Council approve consultation of the proposed Dangerous Dams Policy 2023 using special consultative procedures under s83 of the Local Government Act 2002.
 2. That Council Approve a sub-committee to hear and deliberate on any submissions received on the proposed policy.
-

Background/Context

5. 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. The policy must be reviewed at intervals of not more than five years.
6. 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.
7. Each policy must state the regional authority’s approach for fulfilling and prioritising its functions around these types of dams. The policy must also state how it will be applied to heritage dams and must be found on the regional authority’s website.
8. In the past each regional authority developed their own dangerous, earthquake-prone, and flood-prone dam policy. With the recent introduction of the Building (Dam Safety) Regulations 2022 Regional Authorities have been working collaboratively to produce a policy that is fit for purpose nationwide. The policy presented is a result of the collaborative work.
9. It is not seen that the policy has any direct implications for the Long Term Plan; all matters being equal the next review will be 2028.

Assessment

10. Draft policies in 2006, 2011 did not receive any submissions. One submission was received 2017 which was clarified by the previous Building Control Group Manager when contact was made with the submitter and subsequently withdrew their request to be heard.

Option One (Recommended Option)

11. That the Dangerous Dams Policy be notified for the opportunity for public submission.
-

Advantages

12. A Dangerous Dams Policy is a statutory requirement of the Building Act 2004. If a dangerous dam arises Council will have a policy in place to deal with the situation.

Disadvantages

13. No identified disadvantages.

Option Two – Status Quo

14. No action

Advantages

15. None

Disadvantages

16. 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

17. That the Dangerous Dams Policy be publicly notified and the special consultative commence as below

- | | |
|-------------------|--|
| 13 July 2023 | - Environment Committee considers the proposed policy |
| 10 August 2023 | - Consultation ratified by full Council. |
| 14 August 2023 | - Special Consultative Procedure begins |
| | - Proposed policy published on the Council website |
| | - Information published in the Marlborough Express and the Christchurch Press |
| | - Information sent to stakeholders by means of email |
| 15 September 2023 | - Special consultative procedure ends |
| | - Submissions analysed and summarised into a report for the Hearing Sub-committee. |
| TBA | Hearing held if submitter(s) wishes to be heard. |
| TBA | Hearing Sub-committee determine. |
| 02 November 2023 | - Decision taken to Full Council for ratification. |

Attachment

Attachment 1 – Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams

Page 36

Author	Brendon Robertson, Building Control Group Manager
Authoriser	Gina Ferguson, Consents & 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"/>	<input checked="" type="checkbox"/>
Financial Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Infrastructure Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Social well-being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic development	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environment & RMA Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land transport	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This proposal contributes to social and environmental well-being, through the implementation of policy for dangerous dams.			
Nature of the decision to be made			
Special consultative procedures will be followed.			
Financial considerations			
The project is funded within the current Building Control budget.			
Significance			
Special consultative procedures will be followed.			
Engagement			
Special consultative procedure will be undertaken.			
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 implications to this decision.			

S161 Building Act 2004

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

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:

This policy commences on 13 May 2024.

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>

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.

3. 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. An engineer engaged (by the owner) to provide a certificate for the purposes of [sections 135\(1\)\(b\), 142\(1\)\(b\), or 150\(2\)\(f\)](#) will 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.

4. Council's approach to performing these functions

4.1 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.

4.2 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 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 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.

4.3 Directing and taking action

The Council may intervene:

- 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 formal 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 agreement between the Council and the dam owner may be formalised in a Notice to Fix issued under [section 164](#) of the Act. If agreement cannot be reached between the Council and the dam owner, 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 persons, property, or the environment is likely, then the Chief Executive of the Council 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.

5. 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.

6. 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.

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.

14. Building (Dam Safety) Regulations 2022

(Clr Innes) (Report prepared by Brendon Robertson)

R450-026-01

Purpose of Report

1. To update Council on the new dam safety regulations.

Executive Summary

2. Provide a background of the dam safety regulations.
3. Provide an overview of dam owners responsibilities.
4. Marlborough District Council role as administering the regulations.

RECOMMENDATION

That the information be received.

Background

5. Until now, Aotearoa New Zealand was one of the few countries in the OECD that did not have an operative dam safety framework. The lack of a consistent framework posed a risk to people, property, and the environment.
6. The Building (Dam Safety) Regulations 2022 were introduced on 12 May 2022, by the Ministry of Business, Innovation and Employment (MBIE). The regulation are proposed to provide a nationally consistent approach to dam safety. The regulations will reduce the likelihood of dam failures which have the potential to cause significant harm a great distance downstream.
7. From 13 May 2024, dam owners will need to assess their dams to determine if their dam will fall within the scope of the regulations.
8. Dams that fit within the scope of the regulations will be categorized to as a classifiable dam.
9. A dam that meets the height and volume of water, or other fluid, described below, it is a classifiable dam:
 - 4 or more metres and stores 20,000 or more cubic metres volume of water, or other fluid; or
 - 1 or more metres and stores 40,000 or more cubic metres volume of water, or other fluid.
10. Dams that fall within the scope of the regulations will be given a potential impact classification based on their potential to cause harm in the event of failure.
11. Dam owners must submit potential impact classification (PIC) to the Regional Authority within three months after the regulation commence. The PIC is based on their potential to cause harm in the event of failure. PIC's fall in to three categories low, medium, or high.
12. Low potential impact dams will have no ongoing requirements except for their initial classifications and then a classification reviews every 5 years.
13. Medium PIC dams are required to have a dam safety assurance programme (DSAP) submitted to the regional authority within two years of the PIC being approved.
14. High PIC dams are required to have a dam safety assurance programme (DSAP) submitted to the regional authority within 12 months of the PIC being approved.

15. Both medium and high PIC dams are also required to carry out the following additional requirements including
- Carry out an intermediate dam safety review within 12 months of the regional authority approving the DSAP.
 - Carry out a comprehensive dam safety review within five years of the regional authority approving the DSAP.
 - Submit an annual compliance certificate.
 - Within five years of the regional authority approving the classification, and then not more than every five years.
 - Medium PIC dams need to have the DSAP reviewed within ten years after the date which the regional authority approves the DSAP, and then after the first review, at intervals of not more than seven years.
 - High PIC dams need to have the DSAP reviewed within five years of the date which the regional authority approves the DSAP, and then after the first review, at intervals of not more than five years.

Marlborough District Councils role as a Regional Authority:

16. The Building Act 2004 requires all regional authorities, whether a building consent authority or not, to:
- administer and monitor the dam safety regulations. This involves:
 - establishing and maintaining a register of dams in its district
 - considering and approving or refusing dam classifications (based on whether they have been certified by a recognised engineer as defined in the regulations)
 - approving or refusing dam safety assurance programmes
 - receiving the annual dam safety assurance programme compliance certificates.
 - adopt and implement a policy on dangerous dams, flood-prone dams, and earthquake-prone dams
 - take action, if necessary, if any dam, large or small, poses an immediate danger to the safety of persons, property, or the environment.
17. The building group are tasked with the role of administering this activity. Senior Building Control Officer Dhyanom Gala has been actively involved in a Regional Authority working group to provide a consistent approach to administering the regulations across the different Regional Authorities.
18. With the assistance of GIS team all water bodies that may fit within the regulations have been identified. The owners of those properties will be notified of their potential obligations under the Dam Safety Regulations.
19. To date the cost of the implementation of the Building (Dam Safety) Regulations have been absorbed within the current operational budget. However, going forward the costs will be offset by fees that will be charged to dam owners. The fees that are to be set are proposed to be uniform with other Regional Authorities.

Next steps

20. Continue educating dam owners of their roles and responsibilities through advertising and via a mail out.

21. To develop a fee schedule for dams that aligns with other Regulatory Authorities. A special consultative fees paper will be presented when the proposed fees have been set.

Presentation

A short presentation will be given by Brendon Robertson (10 minutes).

Attachment

Attachment 1 – Implementation timeframes

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Author	Brendon Robertson, Building Control Manager
Authoriser	Gina Ferguson, Consent and Compliance Manager

Attachment 1
Implementation Timelines

Activity	Low potential impact dams	Medium potential impact dams	High potential impact dams
Regulations made.		12 May 2022	
Regulations commence.		13 May 2024	
Submit a potential impact classification (PIC) to regional authority.	Up to 3 months after regulations commence or the dam is commissioned (whatever is later).		
Submit a dam safety assurance programme (DSAP) to regional authority (see Note below table)	Not required	Up to 2 years after the regional authority approves the PIC.	Up to 12 months after the regional authority approves the PIC.
Carry out an intermediate dam safety review	Not required	Within 12 months of the regional authority approving the DSAP.	Within 12 months of the regional authority approving the DSAP.
Carry out a comprehensive dam safety review	Not required	Within 5 years of the regional authority approving the DSAP	Within 5 years of the regional authority approving the DSAP.
Submit an annual compliance certificate	Not required	On the anniversary of the regional authority approving the DSAP.	
Review the dam's PIC	Within 5 years of the regional authority approving the classification, and then not more than every 5 years.		
Review the DSAP	Not required	Within 10 years after the date which the regional authority approves the DSAP, and then after the first review, at intervals of not more than 7 years.	Within 5 years of the date which the regional authority approves the DSAP, and then after the first review, at intervals of not more than 5 years.

15. Markets/Events Inspections – Update

(Cllr Sowman) (Report prepared by Sasha Gardiner)

E350-004-009-02

Purpose of Report

1. The purpose of this report is to update the Committee on the inspections undertaken by the Environmental Health Team of markets and events in Marlborough from 1 July 2022 to June 2023.

Executive Summary

2. Environmental Health Officers and Technicians continue to routinely inspect markets and events in Marlborough to ensure compliance with the legislative requirements of the Health Act 1956, the Food Act 2014 and the Sale and Supply of Alcohol Act 2012.
3. The purpose of these inspections is to ensure public safety, education and that these events and operators are meeting legislative requirements.

RECOMMENDATION

That the information be received.

Background/Context

4. Under the Health Act 1956, the Local Authority is directed to complete inspections of its district regularly for the purpose of ascertaining if any conditions are likely to be injurious to health or offensive, exist in the district.
5. Under the Food Act 2014 a person selling food for human consumption must be registered to do so unless they are fundraising less than 20 times a year or are not ordinarily operating in food and can therefore only trade once a year for personal profit.
6. Food Stall licences that were previously provided to vendors have been disestablished as businesses are now registered and verified under the Food Act 2014, if applicable. If a vendor travels outside of the district they have to get a third party verifier to complete their verification. Marlborough currently does not have any third party verifiers in the district so there is an increased cost for this as they usually have to pay travel fees on top of verification cost.
7. Under the Sale and Supply of Alcohol Act 2012, a Special Licence is required to sell alcohol at a location where a licence is not held. When a Special Licence is issued it has conditions outlining what is required.
8. Environmental Health Officers/Technicians inspect all major events where food or alcohol is sold, and inspect regular markets throughout the year.
9. The annual Plan 2022/23 performance target is for 12 or more markets and events to be inspected during the year. It was great to exceed this target as the Covid-19 Pandemic has affected this performance target for the past two years.

Current Inspections

10. To date the Environmental Health Team have inspected 14 Markets
 - Marlborough Home Show
 - Marlborough Farmers Market
 - Redwoodtown Community Market
 - Feast Marlborough Charitable Trust
 - Blenheim Rotary Car Boot Sale Market

- A&P Show
- Garden Marlborough Fete
- Mistletoe Market
- Māori Night Market
- Maritime Festival
- Wine & Food Festival
- Multi-Cultural Festival
- Havelock Mussel Festival
- Omaka Classic Fighters Air Show

11. When inspecting food stalls we look for the ability to wash hands if they are cooking or handling food as well as food safety procedures. Before an event occurs we request from the event coordinator a list of food stall holders to check they have an active registration on the Ministry for Primary Industries registered food business database. This is to minimise disruption on the day of the event and work with food stall holders to ensure they meet the requirements.
12. When inspecting alcohol sites we are checking for compliance with the Sale and Supply of Alcohol Act 2012. Common checks include having duty manager's name clearly displayed and ensuring free water is readily available. They must show compliance with their special licence conditions which may include specifics such as fencing and security requirements, availability of food and non-alcoholic options, and maximum serve size or vessel type.
13. Of the 14 markets inspected this year to date there have been no significant non-compliances noted. Before an event commences the team often works with the event organisers and provide educational pamphlets to stall holders detailing requirements such as handwashing, temperature controls and knowing allergens within the foods.
14. An educative approach is usually the first step to resolve any minor issues or concerns.

Presentation

A short presentation will be given by Sasha Gardiner & Georgia Murrin (10 minutes)

Author	Sasha Gardiner, Environmental Health Technician
Authoriser	Karen Winter, Team Leader Environmental Health

16. Animal Control Sub-Committee

(Clr Faulls)

D050-001-A04

1. The minutes of the Animal Control Sub-Committee meeting held on 20 April 2023 are **attached** for ratification by the Committee.

RECOMMENDATION

That the minutes of the Animal Control Sub-Committee meeting held on 20 April 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
THURSDAY, 20 APRIL 2023 commencing at 1 pm**

Present

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

Also Present

Clr J A Arbuckle

Guests

Leslie, Michelle and Liv (Marlborough Four Paws)

In Attendance

Jamie Clark (MDC Animal Control – Contract Manager), Sarah Leighton (Committee Secretary),

Apologies

Gina Ferguson (Consents & Compliance Group Manager) and Emyr Butler (Team Leader – RMA Enforcement & Investigation)

Clr Fauls welcomed everyone to the meeting.

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

	Description	Notes
1.	SPCA extension number to Jamie Clark	<p>Jamie Clark met with SPCA and the new manager Suzanne Owens. Discussed how they operate and talked about support agencies. Looked into areas of responsibility. SPCA have a large area of responsibility, including ill treatment, ill animals, dogs locked in cars, abused etc. Animal Control deal with the welfare of dogs such as abandoned dogs or wandering dogs etc.</p> <p>In relation to what SPCA do with dogs and puppies, they microchip, rehome, desex and as a last resort, euthanise.</p> <p>They will assist us with space if we have small breed dogs, so they do not mix with larger breed dogs.</p> <p>Cats and kittens, they note the breeding season is August / September / April / May. Healthy cats are microchipped, desexed and re homed. If they find a severely injured or feral cat it is at this point it will be euthanised.</p> <p>The SPCA have field officers and volunteers who assist. We work closely with them as they are authorised under the welfare act.</p>
2.	Once new Committee is confirmed invite Jacki Jenkins, Education Officer, to attend a meeting.	Refer to item 5E. Jacki Jenkins is fully booked for April & May.

	Description	Notes
3.	Invitation to Council/Committee members to view Animal Control officers once renovations are complete.	Animal Control (AC) moved into the office at the end of March 2023. Next sub-committee meeting to be held at the new AC building.

2. Marlborough Four Paws

Leslie, Michelle and Liv from Marlborough Four Paws (MFP) had the opportunity to share the issues they are having along with statistics.

- Since 2018/2019 they have desexed over 1100 cats, re homed over 700 and desexed over 300 dogs and rehomed approximately 120.
- Costs for desexing cats has come to almost \$100,000 and dogs \$73,000. Vet costs this year (2023) are now at \$35,000 with \$200,000 over the previous two years.
- MFP note that all the work they have put in appears to have made no difference, there are still more cats and if anything, the situation is getting worse as more of the community become aware of what the team do and lean on them to assist. It only takes a few un-desexed cats to start having litters and multiplying.
- The team are looking for acknowledgement that there is a large problem here and are looking for support to deal with the problem moving forward.
- Ultimately the team at MFP would like to see compulsory desexing of cats.
- The problem of cats and kittens at the recycling centre was discussed. The Chair will follow up with Dr Alec McNeil, Council's Solid Waste Manager.
- MFP have dealt with many cats living in and around the vicinity of the transfer station/recycling centre. It is noted that once the cats are desexed and healthy they will be released back to where they are found. The team cover all costs for desexing and euthanizing of animals and have been able to do so by community support. All 65 members of the team are volunteers, and they still find they are struggling.
- The team at MFP received a call several weeks ago from a member of the public who was struggling to get through to the Marlborough SPCA. Due to the community not getting the expected help from the SPCA, they turn to MFP.
- It is noted that the SPCA have never received funding from Council.
- Mr Clark noted that in relation to Governance of this group at Council being called "Animal Control" it is focused on dog control only and the terms of reference have nothing to do with cats. Currently no one deals with the issue of cats.
- MFP noted that other councils are enforcing chipping, desexing etc. or they provide funding to groups that can do so. Jamie – asked if MFP had investigated other councils that set these bylaws for desexing and microchipping and noted there is no regime for them to go and pick up cats and follow through. The councils that do have a bylaw are toothless as the only way they can prosecute someone is to take them to court, which they won't have the funding to do.
- Funding is the key issue for MFP and MDC's animal bylaws aren't controlled by the Dog Control Act 1996.
- There is currently a submission going before Parliament and central government in relation to having a cat management act. Submissions from various organisations are available to view online. There is no timeline for the submission to Central Government.
- Based on similar information from Australia, the State of Victoria requires all cats to be registered, microchipped and desexed. The only people who can sell cats are breeders who are registered. You cannot buy a cat that is not from a breeder. Curfews are also in place to control wandering cats. This is all funded from the money that comes in from the microchipping and seizing of cats. At night traps are put out and any wandering cats will be trapped, checked for a

microchip, the owner called, and charged \$300.00 to have their cat released back to them (same as dogs). To achieve this there is a huge amount of funding required, an example being you need a facility to be able to hold the cats and employ staff.

- Noted that Hamilton has a microchipping bylaw.
- A healthy cat costs of minimum \$250.00 to MFP, they adopt them out for \$220.00.
- MFP have had two calls recently where the owner can no longer afford to have the cat they have adopted through MFP. The team step in and supply food and any treatments the cat may need.
- There are situations where families lose their rental properties and must stay in a motel and are therefore unable to keep their pets. Michelle notes that she recently had to go and collect cats that had been left behind due to the above situation, and again, people are unable to get hold of the SPCA for support and even if they do, they will not take them.
- A member of the community recently called the SPCA asking for help with stray kittens. It appears the SPCA are giving out MFP details rather than provide assistance.
- MFP have received community grants on occasion with the most recent being \$8,000.00.

Clr Faulls thanked MFP for the work they are doing, the team will discuss with Jamie Clark taking into consideration the Dog Control Act.

- MFP queried why when re homing dogs from the pound it is not mandatory to have them desexed.
- It was noted that it is not law to have rehomed dogs from the pound desexed. For this to be mandatory, it needs to be in the national Dog Control Act.
- Some dog owners are resisting the microchipping of their dogs, so we are following up the 200 of the 8000 that are not chipped. For some the cost to microchip is prohibitive. MFP - other councils have re homing systems for dogs, they get them desexed, temperament tested and then re homed through Facebook. Can we have better advertising for the re homing of MDC owned dogs? Jamie Clark advised that Council does have a process to rehome dogs and all dogs go through a temperament test before being adopted out.
- We have a contract with the SPCA for rehoming dogs and Jamie Clark signs off on every dog that gets re-homed or euthanised.
- There was discussion on utilising Facebook to advertise dogs looking for homes. Clr Faulls suggested an action point to ask specific questions of the Pound and Dog Control around Facebook and the rehoming process.
- It was suggested that MFP make an application to the Annual Plan seeking funding to assist with their costs.
- Suggested that MFP have a chat with Alan Washington at Stuart Smith's office.
- Last year MFP applied for Environmental Community grants funding which was declined. Council staff raised concerns that the request did not align with Council's environment programme. It was noted that following a Council decision the 'environmental' section of the community grants has been transferred to the Environment Sub-Committee.

Actions:

- Clr Faulls – will discuss the key issues brought to us today and have a conversation with Dr McNeil and his team regarding cats and kittens at the Transfer/Recycle Centre.
- MFP to make a submission to the annual plan.
- Clarify with Pound how they advertise dogs for rehoming.

ATTENDANCE: Marlborough Four Paws members withdrew from the meeting at 2.10pm

Subsequent notes:

- MFP met with the Committee last year and discussed what they did and expressed that they wanted us to be aware of them and to use them.

- There is a cat fact sheet on the Council website, with MFP details. MFP asked that MFP details be removed. This has been actioned.
- MFP are feeding stray cats in certain areas around town this creates an issue of all the cats coming together.
- Partial funding MFP through a grant is an option to relieve some of their pressures.
- Hamilton has a \$100,000.00 fund. Lots of information on their website on how they get the funding.
- Ultimately, it will be the rate payer who covers the cost of assisting with the cat issue.
- Dogs: in 2021/2022 there were thirteen adoptions compared to public adoptions of five. MFP had one dog in 2018 and five dogs in 2019, these five dogs were rehomed, three had current registration and two did not. Animal control registered the other two dogs. No dogs have been re homed from MFP since 2019.
- We can investigate having dogs desexed before being re homed out of the pound, but this would need to be consulted with the community. The average cost of desexing a dog is \$240.00, cost depends on the size and breed.
- There have been motions from previous committees where a voluntary amount of money for a male and female desexing was put through. If a dog is re homed, the new owner was told at this stage that if they wished to desex their new dog within a certain period there would be an incentive to assist with cost. No information is currently available on the numbers who have taken up this option. This could be researched and investigated again and determined what budget this was coming out of.

3. Key Areas

a) Funding of this Committee - Councillor Arbuckle

Funding of this committee comes back to a discussion that we have now had with Liz, Michelle and Leslie of MFP. Cllr Arbuckle wants research done on it. This started back in 2014 when Animal Control had their annual conference in Blenheim. What was of interest was that a lot of councils around the country pay for animal control through rates and dog fees. What was unique to MDC at that time, was that all fees/revenue from animal control were sourced from dog fees. Over a period of two years, the committee went to Full Council advising that animal control in Blenheim was dealt with differently and that we needed to look at a split between dog fees and rates. The committee carried out an exercise at the time and found about 10 different areas as to where their time was spent. After a year it came to an 80% and 20% split, from this point animal control was going to be funded 80% from dog fees and these fees would cover dog related issues the other 20% was to be used for other animal issues. In 2016 it was decided that there would be rates taken for other animals, and the graph at the time showed this was mainly cats. Over time Cllr Arbuckle went back to Gina Ferguson, and had discussions with Martin Fletcher as to how to capture the split for rates. Cllr Arbuckle believes that 20% of the budget or a portion should be going towards other animals. Moving forward, he suggested a fund for cats be established with a budget of \$20,000.00 where organisations, such as MFP, could apply to a contestable fund (such as for a desexing programme or rents on facilities) and this would help justify the rates that come out of general rates.

- Jamie Clark – what may have occurred is that the Animal Control Bylaw (2017) was created to deal with other animals and this is what the money is used for and for staff to be able to deal with other animals.
- Yes, there has been surplus in the fund and it has been utilised, such as for the dog parks, memorial park etc. If there is nothing left in the reserve and it is required, then dog fees would need to go up.
- In relation to it being completely funded by animal control it was decided that this was unfair therefore reducing the charge on dog owners (fees) and added 20% from the ratepayer. Again this refers to the H&S of animal control and not other animals.
- In reference to a straight cat control service, the dog owner community share is currently 100%, included as an animal levy on general rates. The example being we could charge 40,000 people here another \$1.00, and then this could be used for cats.

- Regarding the budget, again it is in the plan with the objective being to encourage responsible dog ownership, but doesn't refer to cats or other animals.
- It would depend on what MFP are going to use the money for as to whether they are approved. Recently, the money they asked for was for desexing and releasing. If it was for rent this could influence the decision.
- Budget for other animals is \$79,000.00.
- Cllr Arbuckle noted that he wasn't comfortable with the current formula and proposed that in consultation with the Finance Department that it be reviewed

b) **Bylaws**

Animal Bylaw 2017

- Reference to Cat Management Clause
- **6. Obligations of animal owners, generally**
 - (1) The owner or person in charge of any animal must at all times–
 - (a) ensure that animal does not cause a nuisance to any other person; and
 - (b) ensure that animal does not cause a risk to public health and safety; and
 - (c) ensure that animal does not damage any property belonging to any other person; and
 - (d) ensure that animal may not roam off the property on which it is kept; and (e) hold and comply with a permit to keep cats or birds in excess of the limits in these bylaws; and
 - (f) otherwise comply with these bylaws in all respects.
 - (2) Any person who, in the opinion of an enforcement officer, fails to comply with these obligations, that person, on being required to do so by the officer, must take such measures to come into compliance including, if directed, remove the animals from the property, within a time specified by the officer.
- **8. Restrictions on keeping cats**
 - (1) No person may keep on any land more than four cats over the age of 3 months without the prior written permission of Council.
 - (2) Nothing in this bylaw applies to the SPCA or other animal shelter or a lawfully established veterinary clinic or cattery
- A link to the Fact Sheet relating to cats and remedies for owners was attached to the agenda for the members' information.

Complaints:

Mr Clark received three complaints this last week.

Month	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total
Complaints		1	1	1	0	0	1	2	1	0			7



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:
 - o Manager x 1
 - o Team Leader x 1
 - o Field Staff x 4
 - o Relief Field Staff x 1
 - o Administrators x 2
 - o Education Officer x 1
- **Current vacancies: Nil**
- **David Stewart started 3 April 2023**
- **Stephanie Eyre's start date is 17 April 2023**
- **Team leader has now returned from Covid.**

d) **Review fees**

- Fees for 2023/24 year period submitted to Environment & Planning Committee on the 2 February 2023.
- No increase in fees as per the report submitted.

Category	Annual Fee
Category One	\$62
Category Two	\$92
Old Dog	\$46
Dangerous Dog	\$138
Working Dog	\$22
10+ working dogs	\$11
Replacement tag	\$5 per tag

e) **Dog Registration Update**

Progressing well, working with Ira in IT. Looking into the registration calendar on the website.

- Held two debriefs regarding last year's registration
- Identified areas for future improvement
- Current forms and applications have been updated by the Design team in consultation with staff
- Currently mapping Registration process from start to finish with IT
- **Registration Calendar 2023/24**
 - o 1 June 2023: Registration forms sent out to last known address.
 - o 30 June 2023: 2022/23 Dog Registration Expires
 - o 1 July 2023: 2023/24 Dog Registration Period Begins
 - o 1 July 2023: Payment due for new registration period 1 July 2023 to 30 June 2024

- o 14 July 2023: Dog Registration Reminder Letter sent to owners not yet paid to last known address.
- o 1 August 2023: Penalty of 50% added to fees not paid.
- o 1 September 2023: Unaccounted for – dog's - Infringements and Dog Seizures Project commences.

f) **Education Update**

Schedule 2 - Services															
9. Public education Service															
Month	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total	Target	Differential
Primary schools & pre	0	1	0	7	1	0	0	0	7				16	30	14
Teenagers & Adults	0	0	0	0	0	0	0	0	0				0	0	0
Public events	0	0	0	0	1	0	0	0	1				2	5	3
promote yearly via	0	0	0	0	0	0	0	0	0				0	0	0
Marlborough Dog	0	0	0	0	0	0	0	0	0				0	1	1

g) **Microchipping Update**

On hold due to staffing levels. Have noted the reasons such as staff away with Covid.

- Working with IT to create process to follow up and note dogs not microchipped.
- Bring-up system with memos, letters and follow-up
- To capture last 270 will send out mail merge letter giving two weeks to provide evidence of microchipping or have their dog chipped.
- At completion of two weeks will advise them via mail that they are in breach of section 36A DCA 1996 and will be sent a \$300.00 infringement notice. Have 14 days to provide information and infringement will be waived and warning issued other infringement stands unless medical certificate as per Act produced.

h) **Infrastructure – Pound**

No issues at present

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

Shared progress print out.

Maighan Watson – provided the following updated –

1. Design/investigation relating to landfill gas migration/infrastructure services/traffic and access/landfill capping requirements - Completed
 2. Soil investigation
 - a. Preliminary investigation undertaken – Completed however initial findings were inconclusive and a detailed site investigation is now required. Depending on the outcome, remedial works may be required to ensure the soil is able to be safely used as a recreational space.
 3. Resource Consent
 - a. Once the detailed report is received, the information in the report will be submitted as supporting information in the resource consent. The resource consent to be lodged inclusive of dog park requirements. Once the Resource Consent is issued, the dog park design can recommence.
 4. Design
 - a. Landfill beautification project, car park and toilets
 - b. Dog park design to be undertaken separately to landfill works
- A link to the Gantt Chart of activity was attached to the agenda for members' information

3. **Renwick Dog Park Update**

Three campervans parked there recently, we will monitor the situation for any issues that may occur.

Toilets are now fixed.

Mike Lawson's contract has finished, now back on Council to monitor.

Some concern was expressed around having a freedom camping site so close to a dog park as it may affect users of the park.

- a) Toilets operational
- b) Letter re cleaning and damage received by A&S

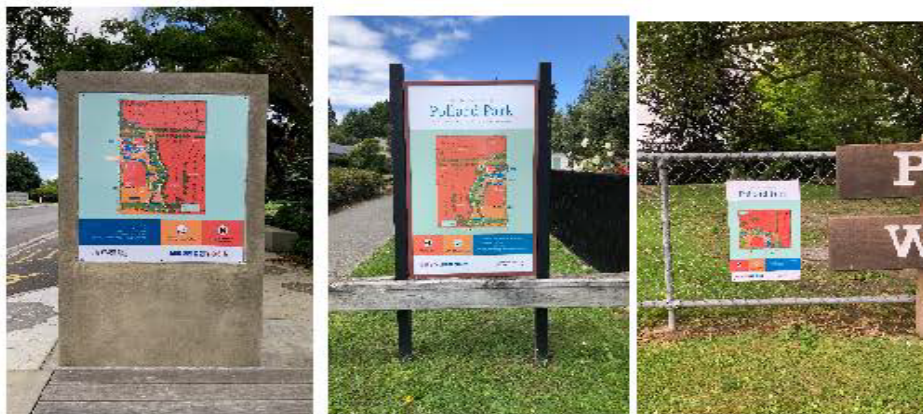
- c) When checking park AC will check toilets
- d) Identified as new area for Freedom Camping A&S meeting 31/01/23

RENWICK DOG PARK RESTRICTED AREA	
Description	
The Renwick Dog Park Restricted Area is located at the intersection of State Highway 6 and Foxes Island Road. The responsible camping area is in the south west corner of the site.	
Restrictions	Camping Area
<p>No person may camp except in the area shown and camping must be in a certified self-contained vehicle.</p> <p>The maximum period anyone can camp in this area is one night in any four-week period.</p> <p>Vehicle numbers are limited to 5 vehicles.</p>	

4. Signage update

New signage for Pollard Park to incorporate the new bylaw

- **Pollard Park signage completed and updated**



- **East coast – Replacement signage in certain areas. Work in progress**
- Will re look at with bylaw changes. Possible joint signage.



- **Shelley Bay – Work in progress**

5. SPCA Update

A visio diagram covering hours, areas of responsibility, contacts etc was attached to the agenda for members' information.

6. General Business

Picton Dawn Chorus are enquiring as to what they can do about cat control in Picton. Cllr Minehan provided suggestions and noted they need to be able to provide evidence that there is an issue with wild/feral cats in these areas.

There being no further business the meeting closed at 2.53 pm.

Actions

	Description	Person Responsible	Time frame
1.	Speak with Dr Alec McNeill to discuss kittens/cats at the Transfer <u>Station</u> /Recycle Centre	Cllr Faulls	
2.	MFP to make a submission to the annual plan	MFP	
3.	Review Terms of Reference	Subcommittee / Robert Foitzik	
4.	Clarify with the pound how they advertise dogs available for adoption.	Sub-committee	
5.	Check with Gina Ferguson and Jane Robertson regarding Council subsidising desexing of rehomed dogs from the pound	Jamie Clark	
6.	Invite SPCA to the next meeting	Sub-committee	
7.	Invite Jacki Jenkins to the next meeting	Sub-committee	
8.	Budget to be investigated	Sub-committee	
9.	Input needed from finance manager for a formula on how this budget is sorted	Cllr J Arbuckle	

Record No. 2390011

17. Information Package

RECOMMENDATION

That the Regulatory Department Information Package dated 13 July 2023 be received and noted.
