



**Minutes of a Meeting of the
ENVIRONMENT & PLANNING COMMITTEE
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim
on THURSDAY, 13 JULY 2023 commencing at 9.00 am**

Present

Cirs G A Hope (Chairperson), B A Faulls (Deputy), J A Arbuckle, R J Innes, B J Minehan, T P Sowman, and Mr S Harvey (Rural Representative)

Also Present

Councillors S R W Adams and J D N Croad

In Attendance

Mr H R Versteegh (Environmental Science and Policy Group Manager) and Nicole Chauval (Committee Secretary)

Attendance via Teams

Ms G Ferguson (Consents and Compliance Group Manager)

Apologies

Cirs Hope/Faulls:

That the apology for absence from Mayor N P Taylor be received and sustained and the apologies for non-attendance from Cirs J C Rosene and S J Arbuckle be noted.

Carried

E&P-0723-15 Declaration of Interests -

No interests with items on the agenda were declared.

ATTENDANCE: Mr Matt Oliver, Council's Environmental Scientist – Land Resources was present for the following two items. Brenda Rosser (GNS - Engineering Geomorphologist) and Andrea Wolter (GNS - Engineering Geologist) were present via Teams for the following item.

**E&P-0723-16 Mapping and Field Investigations of landslides
caused by July 2021 and August 2022 Storm
Events E385-002-002-07**

Mr Oliver noted that the purpose of the report was to receive information on landslides and their impacts following the July 2021 and August 2022 storm events. The Marlborough 2021 and 2022 Landslide report was available on Council's website for members' information. Two powerpoint presentations were shown (presentations filed in CM Record Nos. 23153036 and 23153060).

Mr Oliver introduced Brenda Rosser and Andrea Wolter and noted the report being presented today is an accumulation of two solid years of work by them and will be a valuable resource for how hazards from landslides are managed.

There were technical issues with Teams and showing the presentation. It was agreed to end the presentation and circulate the powerpoint for members.

Members were advised that the report provided clear identification of very large numbers of landslides across the Marlborough Sounds and identified some causal factors. Mr Oliver noted that the data produced by the creation of the report needs to be further analysed with some urgency.

Members noted that in light of the recent experiences of storms elsewhere in the country and the increased intensity and frequency of storms forecast under climate change, they supported further investigation of landslides as part of a natural hazards work programme.

Members asked a number of questions at the meeting and expressed their appreciation of the work that Mr Oliver and GNS Science have undertaken. In response to a query from members in regard to the resourcing required Mr Oliver advised that producing a paper on developing a programme for presentation to the LTP would be the first step but indicated some of the work does need to be done more urgently than that.

Clr J Arbuckle acknowledged the urgency expressed and suggested that a paper be presented sooner and include consideration of other ways for financing the work. It was raised whether given its relationship to the Marlborough Sounds Future Access Study there would be a means of additional work through recovery.

The Chair proposed an amendment to point 3 of the recommendation.

In response to a query on a possible timeline to provide a risk analysis that provided more definite outcomes from the preliminary report Andrea Wolter advised that taking a number of factors into consideration it could potentially take a year to complete.

Cirs Faults/Innes:

- 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 landslip hazards programme to be incorporated into the Long Term Plan and that the programme be referred to the Environment Committee with some urgency.**

Carried

ATTENDANCE: Jorgia McMillan, Council's Land Resource Scientist was present for the following item.

E&P-0723-17 Soil Quality Monitoring Annual Report 2022
E355-001-001-22

Members received the Soil Quality in the Marlborough Region 2022 report. The report is available on Council's website. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23153035).

It was noted that 96 sites are monitored on a five year rotation. In this investigation, soils were sampled from 17 monitoring sites which included four pasture sites, four dairy sites, six vineyards and one each for cropping, native bush and one exotic forestry site.

Members were advised that this year's results are consistent with all previous 22 years' worth of results. 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. It was noted that 70% of sites reported soil compaction measurements outside the target range in 2022.

Ms McMillan reported that the Soil Quality Monitoring programme review has been completed and results show there has been significant land use change since 2000 and more sites to account for this are required. It is proposed that five to six sites per year be added until 2029. Additional funding support would be required after 2027.

It was noted that staff are developing an education programme to help improve soil management which target industries and activities with documented soil quality issues. Delivery will be by small-scale practical workshops/discussion groups delivered by topic experts on farm. 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.

Cirs Hope/Minehan:
That the report be received.

Carried

ATTENDANCE: Mr James Mills-Kelly, Council's Land Resources Advisor, was present for the following item.

E&P-0723-18 Taylor River Improvement Programme
E375-017-001

Mr Mills-Kelly noted that the purpose of the report was to provide an update on the outcomes of the Taylor River Improvement Programme. The Freshwater Improvement Fund Annual Report 2022 was separately attached to the agenda. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23153033).

By way of background it was noted that the Taylor River Improvement Programme is a joint programme between MDC and Ministry for the Environment aimed at improving water quality in the Taylor River system. The programme ran from July 2018 to December 2022 and final reporting and documentation has recently been completed.

Members were advised that the programme originally aimed to deliver 55,000m² of native riparian planting and by its conclusion a total of 58,848 native plants were planted over an area of 83,025m². The programme assisted in the fencing of 4.227km of riparian margin to exclude stock, improve water quality, and protect native plantings.

The success of the programme overall is the high survival rates of the plantings with some now well established. Community buy in was excellent and Mr Mills-Kelly acknowledge the landowners who were involved and their continued efforts to looking after the plantings post the programme.

Members were advised that the application to the Freshwater Improvement Fund for a second five years on the Taylor River was unsuccessful. Although unsuccessful it is expected that we will see water quality improve over time and this will be supported by the freshwater regulations and stock exclusion regulations.

Cir Hope/Mr Harvey:
That the information be received.

Carried

ATTENDANCE: Mr Peter Davidson, Council's Environmental Scientist, Groundwater Quantity and Quality, was present for the following item.

E&P-0723-19 Riverlands Aquifer Combined Quality/Quantity
State of the Environment Report **E345-007-001**

Members noted that the purpose of the report was to present the 2023 Riverlands Aquifer SoE report. The report was separately attached to the agenda (filed in CM Record No. 23153353).

Mr Davidson noted that the 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.

The two key messages from the report are that the amount of water that we have allocated for this aquifer is getting very close to our cut offs in the pMEP.

Mr Davidson noted that the cut offs are to protect the ground water from sea water intrusion and 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.

The key message is that we do have unallocated groundwater and it is recommended is that we do further modelling to simulate the effect of actually taking the water and what the risks would be on those thresholds.

Clrs Hope/Minehan:

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.

Carried

E&P-0723-20 Sounds Advisory Group Terms of Reference

C230-001-M02

Clr Faulls advised that the Marlborough Sounds Advisory Group (SAG) have worked on the Terms of Reference for some time with considerable discussion and have arrived at an agreed document. The draft Terms of Reference were attached to the agenda for members' information.

The membership of the group has been reviewed with a focus on core representatives of the resident associations, iwi partners and key stakeholders including crown and industry organisations.

Clrs Faulls/Innes:

That Council approve the Sounds Advisory Group Terms of Reference.

Carried

ATTENDANCE: Ms Steffi Henkel, Council's Environmental Scientist – Water Quality, was present for the following item.

E&P-0723-21 Recreational Water Quality Report 2022-2023

E370-007-001

The Recreational Water Quality Report 2022-2023 was presented and was separately attached to the agenda for members' information. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23153032).

Ms Henkel noted that the recreational water quality programme evaluates the health risk to swimmers at 16 popular swimming locations (eight beaches and eight river swimming spots) within the region.

It was reported that at the majority of sites over 80% of samples taken during the 2022/23 summer season had indicator bacteria concentrations safe for recreational activities. At three of the coastal beaches and two of the river swimming sites all samples taken were in the green mode, indicating recreational water quality safe for swimming. These sites included the two sites on the East Coast, Pukatea/Whites Bay and Waikutakuta/Robin Hood Bay as well as the two monitoring sites located on the lower Wairau River.

Members were advised that unsafe bacteria levels were observed in a small number of samples at six of the sites monitored. Of the coastal sites Momorangi had the highest number of samples in the red mode, but Picton Foreshore had the largest number of samples with bacteria concentrations above at least one of the guidelines. Of the river swimming locations, the Taylor River and Rai River had the highest number of guideline exceedances

Clrs Hope/J Arbuckle:

That the information be received.

Carried

ATTENDANCE: The meeting adjourned at 10.46 am and resumed at 11.00 am.

E&P-0723-22 Te Tau Ihu Kaiwhakatere

M100-01-01

Matt Hippolite recently appointed by the Ministry for the Environment as Kaiwhakatere, or Regional Navigator, for Te Tau Ihu o te Waka-a-Maui Top of the South provided members with a powerpoint presentation introducing himself and the role he has been appointed to. (The powerpoint presentation filed in CM Record No. 23153031).

Members thanked Mr Hippolite for taking the time to speak and look forward to working together.

Cirs Hope/Sowman:
That the report be received.

Carried

ATTENDANCE: Pere Hawes, (Council's Manager Environmental Policy) was present for the following three items.

E&P-0723-23 Appeals on the PMEP

M100-09-01

Members noted that the purpose of the report was to provide information on the progress with resolving appeals made to the Environment Court on the PMEP.

Mr Hawes noted that 51 notices of appeal on the PMEP were lodged with the Environment Court.

It was reported that a further three consent orders have been received from the Court. A consent order has been filed and a second consent order is anticipated to be filed later this week.

Members were advised that 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.

Variation 1 has now closed with 31 notices of appeal received which are predominantly marine farming interests with many spatially based relating to the aquaculture management area that applies to the existing marine farm. It was noted that the team will work collaboratively with the Marine Farming Association to work out an efficient way to deal with those outstanding PMEP appeals, but also the variation 1 appeals.

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

Carried

ATTENDANCE: Ms Kim Lawson, Council's Strategic Planner, was present for the following item.

E&P-0723-24 EDS Legal proceedings – NES-PF

L150-018-43

Ms Lawson noted that the purpose of the report was to update the Committee on the legal proceedings filed by the Environmental Defence Society (EDS) against the Marlborough District Council (Council).

It was reported that 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.

Ms Lawson advised that the Council opposed the declarations sought and following negotiations between the parties, EDS have 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.

Cirs J Arbuckle/Innes:
That the information be received.

Carried

ATTENDANCE: Mr Jamie Sigmund, Council's Strategic Planner, was present for the following item.

**E&P-0723-25 National Policy Statement – Urban Development
Indicator Monitoring 2021-2022 N100-001-06-01**

Mr Sigmund noted that the purpose of the report was to present the 2021-2022 National Policy Statement Urban Development monitoring report. The report was separately attached to the agenda and available on Council's website.

Members were advised that 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.

Mr Sigmund noted the Council is considered 'Tier 3' under the NPS-UD 2020 and 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.

Mr Sigmund advised that development is underway to streamline some of this reporting to make some of it more direct public facing by way of an online dashboarding system which will enable information to be available in near real time.

In response to a query in regard to there being sufficient land available in the future, Mr Hawes advised that there was sufficient land zoned to provide for demand out to 10 years but there was a shortage towards the 30 years. Mr Hawes noted that at a previous committee meeting there had been discussion regarding medium density development and this work is ongoing and will be reported to a future Committee meeting.

Correction to the separate attachment for Item 12 of the agenda: *Page 14 of the 2021-2022 National Policy Statement Urban Development monitoring report, paragraph four ... If Council takes ... 150ha should be 154ha.*

**Cllrs Hope/Fauls:
That the report be received.**

Carried

ATTENDANCE: Mr Brendon Robertson, Council's Building Control Group Manager, was present for the following two items.

**E&P-0723-26 Proposed Updated Policy for Dangerous,
Earthquake-prone and Flood-prone Dams R450-006-06**

Mr Robertson noted that the purpose of the report was to present the updated policy for "Dangerous, Earthquake-prone and Flood-prone Dams". The Policy was included in the agenda item for members' information. It was noted that the policy was first introduced in 2006 as a statutory requirement pursuant to the Building Act 2004 and is required to be reviewed at five yearly intervals.

Members were advised that this policy was developed with the Dams Steering Group which Council is part of and made up of a number of regional authorities. Marlborough has the highest percentage of the Dams in New Zealand. The policy was made in conjunction with these regional authorities so the policy can be rolled out and used throughout the country.

In response to a query on whether the number of dams is known within Marlborough Mr Robertson advised that through our GIS system 178 dams have been identified. This number may increase when the Building Dam Safety Regulations come into force as dam owners will have to provide potential impact classifications.

Clr Innes moved the recommendation and proposed that four councillors be appointed to provide flexibility in availability for any Hearing. The following Councillors were nominated - Cllrs Hope, Sowman, Innes and Adams.

Clr Adams declared a conflict of interest and withdrew his nomination from the Committee.

Clr Hope then proposed that the Sub-Committee be left at three and if necessary a councillor could be seconded if required. Clr Innes was supportive of the proposal.

Cirs Innes/Minehan:

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 a Sub-Committee be made up of the following Councillors – Cirs G A Hope, T P Sowman, R J Innes to hear and make recommendations on any submissions made on the Proposed Updated Policy for Dangerous, Earthquake-prone and Flood-prone Dams and report back to the Environment & Planning Committee.**

Carried

E&P-0723-27 Building (Dam Safety) Regulations 2022

R450-026-01

Mr Robertson provided members with a background to the dam safety regulations and an overview of dam owners responsibilities. Included in the discussion was Council's role as a regional authority. The regulations are proposed to provide a nationally consistent approach to dam safety. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23153025).

It was noted that the Building (Dam Safety) Regulations 2022 take effect from the 13 May 2024. From that date dam owners will need to assess their dams to determine whether they fall within the scope of the regulations. Dams that fit within the regulations will be categorised as a classifiable dam. There will be numerous guides for land and property owners to assist them but it will need to be signed off by a registered engineer.

It was noted that the next steps will be to continue educating dam owners of their roles and responsibilities through advertising and via a mail out. 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.

The implementation timelines were attached to the agenda for members' information.

Cirs Innes/Hope:

That the information be received.

Carried

ATTENDANCE: Ms Sasha Gardiner, Council's Environmental Health Technician and Ms Georgia Murrin, Council's Environmental Health Officer, were present for the following item.

E&P-0723-28 Markets/Events Inspections – Update

E350-004-009-02

It was noted that the purpose of the report was to provide an update to the Committee on the inspections undertaken by the Environmental Health Team of markets and events in Marlborough from 1 July 2022 to June 2023. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23153024).

Ms Gardiner reported that 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. The purpose of these inspections is to ensure public safety, education and that these events and operators are meeting legislative requirements.

To date the Environment Health Team have inspected 14 Markets. Of the 14 markets inspected there have been no significant non-compliances noted.

Members were advised that before an event commences the team often works with the event organisers and provides educational pamphlets to stall holders detailing requirements such as handwashing, temperature controls and knowing allergens within the foods. An educative approach is usually the first step to resolve any minor issues or concerns.

Cllrs Sowman/Hope:
That the information be received.

Carried

E&P-0723-29 Animal Control Sub-Committee D050-001-A04

The minutes of the Animal Control Sub-Committee meeting held on 23 April 2023 were presented for ratification by the Committee.

Cllrs Faulis/Sowman:
That the minutes of the Animal Control Sub-Committee meeting held on 20 April 2023 be ratified.

Carried

E&P-0723-30 Information Package -

Cllrs Hope/Sowman:
That the Regulatory Department Information Package dated 13 July 2023 be received and noted.

Carried

The meeting closed at 12.02 pm.

Record No: 23154202