



**Minutes of a Meeting of the
ENVIRONMENT & PLANNING COMMITTEE
held in the Council Chambers, 15 Seymour Street, Blenheim on THURSDAY, 20 APRIL 2023
commencing at 9.00 am.**

Present

Cllrs G A Hope (Chairperson), B A Fauls (Deputy), J A Arbuckle, R J Innes, B J Minehan, T P Sowman, Mayor N P Taylor and Mr S Harvey (Rural Representative)

Present via Teams

Clr A R Burgess

Also Present

Cllrs S R W Adams, S J Arbuckle and J D N Croad

In Attendance

Ms G Ferguson (Consents and Compliance Group Manager) and Ms B Brooklands (Secretary)

In Attendance via Teams

Ms N Chauval (Committee Secretary/Teams support)

Apologies

Cllrs Hope/Fauls:

That the apology for non-attendance from Clr M R K Flight be noted.

Carried

E&P-0423-343 Declaration of Interests

Clr G A Hope declared an interest in Item 3 – Densification in the Residential 1 Zone.

Clr B J Minehan declared an interests in Item 10 – Biosecurity – RPMP Amendment Appeal Proceedings.

Mayor Taylor declared an interest in Item 11 – Appeals on the PMP.

E&P-0423-344 Densification in the Residential 1 Zone

Presentation by Architect Tim Barton, on behalf of the Top of the South Institute of Architects, on the 'Medium density housing in the walk-to-the-shops part of Blenheim - allowing densification in the Residential 1 Zone'.

Mr Barton noted that the purpose of the report was to provide an update on the densification in the residential 1 zone under the PEMP in comparison with other Council's planning regulations and the benefits of quality intensification. This can be difficult due to the current recession plane and height rules. (Presentation filed in CM Record No. 2380721)

Clr Croad asked of Mr Barton where the R1 & 2 boundaries start and stop.

Clr Arbuckle asked why this is needed. Mr Barton advised that getting the density housing past Council is difficult and that they should not need a Resource Consent for such dwellings.

Clr Hope asked members to report back with pros and cons and impediments to Mr Barton's report.

Mr Pere Hawes advised that the building review that went out for public submissions last year has looked at all these issues. The next committee meeting in July may have an item from Mr Hawes once the committee has reviewed the report.

Cirs Hope/Innes:
That the presentation be received.

Carried

ATTENDANCE: Tim Barton withdrew from meeting at 9.25 am at the conclusion of the above item.

E&P-0423-345 Resource Hearing Sub-Committee Decisions -

Cirs J Arbuckle/Sowman:
That the Resource Hearing Sub-Committee Decision as contained within the report dated 8 April 2022 (U210573 and U210920) be received and the recommendation adopted.

Carried

E&P-0423-346 Resource Hearing Commissioner Decisions -

Cirs J Arbuckle/Sowman:
That the Resource Hearing Commissioner Decisions as contained within the reports dated on 26-27 April 2022 (U190438), 13 September 2022 (U210154), 20 September 2022 (U220381), 21 September 2022 (U080226), 26 October 2022 (U060329), 29-30 November 2022 (U180586), 13 December 2022 (U220543) and 21 February 2023 (U220745) be received and the recommendations adopted.

Carried

ATTENDANCE: Mr Oliver Wade, Council's Principal Coastal Scientist – Nautical and Coastal Team, was present for the following two items.

E&P-0423-347 Marlborough Estuaries: Ecological Vulnerability Assessment and Monitoring Plan E325-002-002

Mr Wade noted that the purpose of the report was to provide information on a recently published report including an inventory of the regions estuaries and describing an ongoing state of the environment monitoring plan. To highlight this report a PowerPoint presentation was shown (presentation filed in CM Record No. 2380719).

Estuaries are a vital part of the Marlborough Coastal Marine Area. Our estuaries provide homes for a large variety of birds, fish and invertebrates; process nutrients; provide a buffer for the land from the effects of climate change; and have a large variety of cultural, social and economic values.

Baseline information has been collected in several estuaries since 2001. However, information gaps remain including the extent of intertidal seagrass and salt marsh habitats across the Marlborough Sounds and the impacts of sediment, the key stressor, on estuary health.

MDC engaged Salt Ecology to develop a long-term state of the environment estuary monitoring programme with the primary aim to monitor key intertidal habitats (e.g. seagrass, salt marsh) and identify the contribution

of stressors (e.g. sediment) affecting ecological health (Ulrich 2018), with the purpose to support informed decision making and maintain and/or improve estuary health.

The development of the monitoring programme was a six-step process. This included:

- a) Setting the objective of the monitoring
- b) Prioritising sites for monitoring
- c) Selecting indicators
- d) Establishing thresholds
- e) Selecting monitoring methods
- f) Developing the monitoring plan

A tiered monitoring approach is described in the report to be reviewed in 10 years' time.

This document took two years to develop to ensure all 56 estuaries were monitored. The monitoring is scheduled for three tiers which will be monitored regularly.

Clr Adams asked of Tier 2 and if they had issues would they be elevated to a Tier 1. Mr Wade advised that yes they would and this will be reviewed in five years.

Clr Faulls asked if the five year period is too long between reviews and can more funding be applied for? Mr Wade advised that the five years gives adequate time to build up a review. The sediment plates are reviewed yearly. There is national direction coming from Mfe in the future however unsure how this will look at this stage.

Clr Minehan asked can the estuaries be categorised into estuaries that may have forestry or farming running into them. Mr Wade advised that it is difficult to determine what is the contribution to different land use that is deposited into estuaries.

Clr Hope suggested that Mr Wade send a link to the new Councillors of previous report by NIWA.

**Clrs Faulls/Innes:
That the information be received.**

Carried

E&P-0423-348 Discharges to the Motuweka/Havelock Estuary E325-002-002

Mr Wade noted that the purpose of the report was to provide information on a recently completed report that identifies, characterises and maps the discharges to the Motuweka/ Havelock Estuary. Acknowledgement to Olivia Johnston and Lisa Floerl from Cawthron for their report. To highlight this report a PowerPoint presentation was shown (Presentation filed in CM Record No. 2380709)

The Motuweka/ Havelock Estuary is of great importance as a breeding and feeding area for a variety of wetland birds, provides roosting and feeding for a number of seabird species, has large mud and sandflats providing habitat for numerous shellfish and habitat for juvenile fish.

The Motuweka/ Havelock Estuary is the receiving environment for waters from the Te Hoiere/ Pelorus and Kaituna catchments.

The inputs from the riverine systems can have a cumulative and synergistic effect on the environment with a large number of discharges from the residential and industrial areas of Havelock town.

MDC engaged Cawthron to produce a summary of the information about the quality and quantity of direct aquatic inputs to the Havelock Estuary.

Me have not provided any further information on changes to PM2.5 at this point. If WHO do so, then we will be non-compliant.

Clr J Arbuckle asked if the phasing out of older solid fuel burners, not burning wet wood etc has made a difference in the air quality over the past year? Ms Brand noted that yes, the new log burners do make a difference and Council has produced educational articles on their website to assist people with clean burning and using dry wood.

Clr Hope asked if there is data from fires in Marlborough that reflect the health on people. Ms Brand noted that the report that is available, has been done on the whole country and not just Marlborough.

Clr J Arbuckle/Mr Harvey:
That the information be received.

Carried

E&P-0423-351 Picton Air Emission Inventory 2022 and Update on Picton Air Quality Monitoring E300-004-002-01

Ms Brand noted that the purpose of the report was to provide the Picton Air Emission Inventory 2022 Report and to update the Committee on upcoming air quality monitoring for Picton. To highlight this report a PowerPoint presentation was shown (Presentation filed in CM Record No. 2380706)

This is the first emission inventory for Picton and is part of an increased focus on the area's air quality which included a continuous spatial air quality monitoring assessment study completed in 2020 which suggested the National Environmental Standard for Air Quality (NES) for several contaminants may be exceeded in different parts of the area, at different times of the year, highlighting the differing emission sources in the town area.

The purpose of this assessment was to estimate the contribution of different sources of emissions to air in the area. However as this is the first inventory, evaluating changes in emissions to air over time is limited but will form part of future studies which generally occur five years apart.

Sources included in the emission inventory are domestic heating, motor vehicle, port activities including shipping and cargo handling, industrial and commercial activities, and outdoor burning. Natural source contributions (for example sea salt and soil) are not included because the methodology to estimate emissions is less robust.

Clr Croad asked do you think people know about the outdoor burning rules? Ms Brand advised that Council has circulated the information and it is available on Council's website.

Mayor Taylor noted Point 30 to 34 in Ms Brand's agenda items speaks to shipping. With the pending arrival for electric ferries, can the shipping and port emissions be broken down into further sub points? Ms Brand advised she would need to speak to Emily Wilton regarding this, however the PM area did have this level of outputs.

The Mayor /Clr Faults:
That the report be received.

Carried

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

E&P-0423-352 Biosecurity – RPMP Amendment Appeal Proceedings E315-002-008-05

Mr Underwood noted that the purpose of the report was to update the Committee on the Environment Court proceedings from an application made to the Court by a submitter on the 2020 amendment to the Regional

Pest Management Plan (RPMP) and to seek ratification of an Appeal lodged by Council with the High Court on the interim decision of Environment Court received on 17 March 2023.

Mr Underwood spoke to two options for Council to consider. Option one – ratify the Appeal lodged with the High Court. Council staff will continue to work with legal representation to work through the Appeal process on points of law in the High Court. This would also involve an immediate request for a stay on the Environment Court proceedings. Option two - Withdrawal the Appeal lodged with the High Court and follow the directions of the Environment Court interim decision. Council shall withdraw the High Court Appeal and request the removal of the stay on Environment Court proceedings. Council staff would then work through the directions in developing wording/content for insertion into the Regional Pest Management Plan in accordance with Court directions.

Clr Adams asked how much has been spent to date. Mr Underwood noted from initial mediation process through to date has been \$45 thousand in legal representation. It was asked how much has been budgeted for? Mr Underwood noted that this will be sourced from the biosecurity budget however, the High Court process costs are not known yet. Ms Ferguson noted that the High Court process will be for the legal fees.

Mr Underwood noted that this is an active case before the court, so he needs to be mindful of information given. The costings are factored for regional programmes and not for a per property basis.

Clr Arbuckle asked if the pest control was reviewed every 10 years? Mr Underwood confirmed they are, however, they can be amended at anytime under the Biosecurity Act. The plan as a whole will be reviewed in 2028.

Clr Croad asked if Marlborough's plan was consistent with the rest of New Zealand? Mr Underwood advised that Marlborough is however, some Council's such as Environment Canterbury have made some amendments such as the implementation of the wilding pine control programme.

Clr Faulls asked for clarification on Option 1, if Council can still work with the landowner? The biosecurity work would continue, however, in relation to this specific property, this is an active case.

Mr Harvey noted that this a complex case.

Clr Croad noted that the wilding pines are an issue and he would vote on option 1 if he could, however he is not on the Environment Committee. Clr Hope advised that Clr Croad can vote at Full Council.

Mayor Taylor noted she is happy that Council moves to the next stage.

The Mayor/Clr Faulls:

1. **That the information be received.**
2. **That the Council ratifies the lodgement of an Appeal with the High Court on the interim decision of Environment Court received by Council on 17 March 2023.**

Carried

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

E&P-0423-353 Appeals on the PMEP

M100-09-01

Mr Hawes noted that the purpose of the report is to inform the Committee of progress with resolving appeals made to the Environment Court on the PMEP.

51 notices of appeal on the PMEP were lodged with the Environment Court. Mediation on all topics has now occurred, except for Topic 2: Water Allocation and Use. Mediation on Topic 2: Water Allocation and Use is currently occurring. Good progress has been made in resolving appeals. Since the last report to the Environment and Planning Committee on 2 February 2023, six further consent memoranda have been submitted to the Environment Court. Since the last report to the Environment and Planning Committee on 2

February 2023, the Court has issued nine further consent orders. The consent orders resolve appeals in a wide variety of topics.

To date, ten appeals have been resolved in full and four appeals have been withdrawn. There are a total of 37 notices of appeal remaining. A total of 34 consent orders have been issued by the Environment Court. All future consent orders issued by the Environment Court will be reported to the Committee through subsequent updates. Discussions during mediation have been positive and outcome focussed, and substantial progress has been made on resolving appeals. All appeal points have now been considered through mediation processes or are in the process of being considered.

Mr Hawes noted positive feedback from the Minister on the excellent work from MDC staff and wished for this to be noted. Clr Hope recommended that the MDC media team write a positive article on the work completed by Mr Hawes and his team.

Clr Adams also congratulated the team for their input and hard work and having only one appeal from all the work completed.

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

Carried

NB: The order of the agenda was altered at this point and the following Item 14 was heard ahead of Item 12.

ATTENDANCE: Ms Claire Frooms, Council's Compliance Monitoring Team Leader, was present for the following item.

**E&P-0423-354 New Zealand King Salmon Compliance
Monitoring 2021/2022 U140294, U140295, U140296,
U160675, U150081, U040412, MFL001, MFL456**

Ms Frooms noted that the purpose of this report is to provide the Environment and Planning Committee with an overview of the compliance levels achieved by the New Zealand King Salmon (NZKS) Marine Farms in the Marlborough Sounds following monitoring conducted by Cawthron Institute and SLR in 2021/2022. To highlight this report a PowerPoint presentation was shown (Presentation filed in CM Record No. 2380690)

Nine Marlborough Sounds New Zealand King Salmon marine farms were assessed during this monitoring period and as a result a number of non-compliances with resource consent conditions were identified.

The overall compliance assessment of all nine farms generated one significantly non-compliant, two non-compliant and two technically non-compliant marine farms. The remaining farms were either compliant or had no relevant resource consent conditions. These assessments were reviewed by Council's Compliance QA Peer Review Panel where one infringement notice was recommended for the significantly non-compliant farm and a letter of direction was recommended in response to the other non-compliances.

An infringement and a letter of direction have been issued to the New Zealand King Salmon Company in relation to the non-compliances identified during the 2021-2022 monitoring period.

**Cirs Minehan/Innes:
That the information be received.**

Carried

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

E&P-0423-355 Gambling Venue Policy Review E350-004-009-02

Ms Murrin noted that the purpose of the report was to provide Council with an update on the proposed changes to the Gambling Venue Policy which is required to be reviewed every three years. To highlight this report a PowerPoint presentation was shown (Presentation filed in CM Record No. 2380697)

Ms Murrin described the three options for Council to consider.

Option one – Adopt a sinking lid approach for the number of class 4 venues and gaming machines. Therefore, Council will not grant consent for the establishment of any additional Class 4 venues or additional gaming machines, including Class 4 machines in TAB venues under this policy. Ms Murrin felt this option would be the more suitable option.

Option two – Cap the total number of gaming machine numbers to current machines in use in the district currently. Cap the number of gaming machines to 165.

Option three - Retain the existing Class 4 Policy but amend wording to allow for the new Racing Industry Act 2020.

The proposed timeframes are:

- Advertise the Draft Policy and Statement of Proposal (Date TBC) if proposal is ratified at full Council on 18 May 2023
- Submission period date TBC
- Hold a community meeting (date TBC) during submission period.
- Hearing to be held as soon as possible after submission period.
- Sub-committee to deliberate and make recommendation (date TBC).
- Council to finalise Gambling Venue Policy 2023 (date TBC).
- Formally adopt the new policy in accordance with our governance requirements and Local Government Act. And send a copy of the Policy to DIA (date TBC).

Clr Arbuckle suggested Option 3 should be off the table and suggested Option 2 is best. Clr Hope advised that once this goes out for consultation, it will become evident what the public would like to vote on.

Clr Adams asked if the public would see all three options? Ms Murrin noted that the public will see all of the options.

Clrs Sowman/Innes: That Council:

1. **Approve consultation on the proposed Gambling Venue Policy 2023 using special consultative procedures under s83 of the Local Government Act 2002.**
2. **Approve a sub-committee of Clrs Barbara Faulls (Chair), Thelma Sowman and Ben Minehan to hear and deliberate on any submissions received on the proposed policy changes.**

Carried

ATTENDANCE Clr Sowman withdrew from the meeting at 12.28 pm.

ATTENDANCE: Ms Vanessa Hantz, Council's Compliance Monitoring Administration Officer, was present for the following item.

E&P-0423-356 Mooring Monitoring Overview

E360-006-02

Ms Hantz noted that the purpose of this report is to provide an overview of the compliance monitoring undertaken by the Environmental Protection team of moorings in Marlborough's coastal marine area. To highlight this report a PowerPoint presentation was shown (Presentation filed in CM Record No. 2380694)

It is the responsibility of the resource consent holder to provide the mooring certificate to Council. However, the mooring providers have developed a good working relationship with Council Environmental Protection team and generally provide these certificates directly to Council on behalf of the consent holder. Between 1 January 2022 and 31 December 2022 Council received approximately 1,300 inspection certificates. Mooring certificates are reviewed and monitored against the conditions of resource consent to ensure compliance has been achieved. Common conditions assessed are the coordinates, vessel length, and swing circle radius. The vessel length is assessed on the maximum vessel length granted even if the applicant has a smaller vessel. This is due to other vessels being able to use the mooring up to the maximum vessel length. During the 2022 year approximately 1,200 certificates were acknowledged as compliant. This being 92% compliant with their conditions.

Clr Minehan asked how many mooring providers are in Marlborough. Ms Hantz noted there are three.

Cirs Minehan/Fauls:
That the information be received.

Carried

E&P-0423-357 Information Package

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Cirs Hope/J Arbuckle:
That the Regulatory Department Information Package dated 20 April 2023 be received and noted.

Carried

The meeting closed at 12.36 pm.

Record No: 2380686