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**MARLBOROUGH
DISTRICT COUNCIL**



Only Marlborough

27 January 2023

Record No: 2139717
File Ref: D050-001-E01
Ask For: Nicole Chauval

Notice of Committee Meeting – Thursday 2 February 2023

A meeting of the Environment & Planning Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **2 February 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, 2 FEBRUARY 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. The Nautical and Coastal Team

(Clr Innes) (Report prepared by Oliver Wade and Jake Oliver)

H100-001-01

Purpose of Report

1. To provide an overview of the Nautical and Coastal team's areas of work, responsibility, challenges, opportunities and statutory functions.

Executive Summary

2. The Nautical and Coastal team includes both the Harbours (Nautical) function and the Coastal Science and Monitoring (Coastal) function of Council.
3. The Nautical and Coastal Team is based at the MDC office in Picton/Waitohi.
4. The presentation will detail the main workstreams managed by the Nautical and Coastal team and cover the challenges currently faced.

RECOMMENDATION

That the information be received.

Background/Context

5. The role of the Harbourmaster is a statutory function under section 33D of the Maritime Transport Act 1994. The general powers of the Harbourmaster are through section 33F of the Act, regional navigation safety bylaws, and delegation from the Director of Maritime New Zealand.
6. The Chief Executive of the Council has delegated powers from the Maritime Transport Act, these are sub-delegated to the Harbourmaster.
7. The Harbourmaster also holds the role of Regional On-Scene Commander for Marine Oil Spills. This function also has delegated powers from the Maritime Transport Act.
8. The Nautical and Coastal team manage a variety of coastal SOE programmes including water quality, intertidal monitoring, ecologically significant marine sites and ship wake monitoring.
9. The Nautical and Coastal team support the community, iwi, researchers, industry and other agencies on a number of different environmental projects.
10. The Nautical and Coastal team provide coastal science advice to the policy and consents teams within Council.
11. The Nautical and Coastal team have a number of digital projects and systems that have been developed. These include a Harbour Incident Management System and a data visualisation project (in progress).
12. The Nautical and Coastal team are responsible for implementing Marlborough District Council's statutory obligation as the Harbour Authority.

Presentation

A presentation will be given by Jake Oliver and Oliver Wade.

Author	Oliver Wade, Principal Coastal Scientist – Nautical and Coastal team and Jake Oliver, Harbourmaster
Authoriser	Hans Versteegh, Environmental Science and Policy Group Manager

4. Review of Pelorus Sounds Multibeam Seafloor Mapping (HS66): The next steps to identify and map important sites of marine biodiversity

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

(Clr Innes) (Report prepared by Oliver Wade)

E325-017-002-01

Purpose of Report

1. To provide information on a recently received report reviewing the multibeam seafloor mapping information for Te Hoiere/ Pelorus Sound.

Executive Summary

2. In 2019 MDC embarked on collection of MBES data for over 300km² of the Pelorus Sound/Te Hoiere (HS66). This HS66 survey was a collaboration with LINZ.
3. During the survey process MDC decided to maximise on the collaboration with LINZ to survey as large an area as possible rather than completing all the processing and analysis of the data collected.
4. MDC staff engaged Dr. Tara Anderson, a multibeam mapping expert, to provide advice on the best utilisation of the data collected.
5. This report outlines options for data processing for MDC to meet the objective of identifying key areas of marine biodiversity within the survey area.
6. The presentation will present the findings of the report and also propose a pathway forward for the analysis of this data.

RECOMMENDATION

That the information be received.

Background/Context

7. In 2019 Marlborough District Council (MDC), in collaboration with LINZ, contracted iXBlue and DML to collect Multibeam Echo Sounding (MBES) data across 300 km² of seafloor within the Western Marlborough Sounds (HS66) that included Pelorus Sounds/Te Hoiere (blocks: north and south Pelorus and Popoure Reach), Te Aumiti/French Pass and Admiralty Bay.
8. MDC, through the process of contracting the HS66 survey, made the conscious decision to maximise the extent of the MBES survey area rather than focus on processing the MBES data to the same extent as previous surveys. This meant that for the HS66 survey, processed bathymetry along with some derived bathymetric layers (e.g., seafloor slope rugosity, aspect and curvature) were undertaken, but whilst the raw data is available, MDC to date does not have processed water column or seafloor backscatter layers.
9. MDC has allocated a considerable sum of funding (\$1.25 million) to best utilise the HS66 data over the next five years. MDC have been considering how the existing HS66 data can be used and if and how a collaborative model may work best in this case.
10. This report constitutes expert advice on how the HS66 Multibeam Echo Sounding (MBES) data may best be used (and potentially processed) for the purpose of identifying important sites of marine biodiversity in the most effective and cost-efficient way.

Presentation

There will be a short presentation by Oliver Wade and Dr. Tara Anderson. (15 minute)

Attachment

Attachment 1 - Review of Pelorus Sounds multibeam seafloor mapping (HS66). The next steps to identify and map important sites of marine biodiversity. This report is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Oliver Wade, Principal Coastal Scientist – Nautical and Coastal Team
Authoriser	Hans Versteegh, Environmental Science and Policy Group Manager

5. Te Hoiere Restoration Project Update

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

(Clr Burgess) (Report prepared by Rachel Russell)

E355-021-01-001

Purpose of Report

1. To present the 2021-22 Te Hoiere Restoration Project Annual Report to the Committee and provide an update on upcoming objectives.

Executive Summary

2. Te Hoiere Restoration Project is a multi-partner project which aims to address land use derived issues alongside wider conservation goals. The Project is governed by the Te Hoiere Kaitiaki Charitable Trust made up of five trustees - Waihaere Mason (Ngāti Kuia), Barbara Faulls (MDC), Riki Palatchie (Rangitāne) and two community trustees Barbara Richmond and Dr Ngaire Phillips. Marlborough District Council provides management services and is the fund holder for the Trust.
3. Funding for objectives derived from the Integrated Catchment Enhancement Plan (ICEP) are funded through three funds:
 - i. MfE Freshwater Improvement Fund
 - ii. DOC Mahi mō te Taiao/Jobs for Nature Fund
 - iii. MfE At Risk Catchment Fund
4. Lead organisations/people have taken on responsibility for specified objectives and work is ongoing to meet these objectives.

RECOMMENDATION

That the information be received.

Background

5. Te Hoiere catchment has been identified as an exemplar catchment as a part of the Ministry for the Environment's At Risk Catchments' programme and by DOC as one of its 14 Ngā Awa rivers. Marlborough District Council seeks to meet its legislative responsibilities for freshwater management and biodiversity and Ngāti Kuia strives to implement their kaitiakitanga responsibilities associated with the catchment.
6. Te Hoiere is a landscape with a rich cultural history, multiple stakeholders, a strong primary industry presence, a range of community and customary values and recreational uses. This Project seeks to bring people together to carry out landscape scale restorative actions to increase catchment health and put measures in place to prevent further degradation.

Te Hoiere Restoration Project

7. Te Hoiere/Pelorus Restoration Project (Te Hoiere Project) proposes to address land use derived issues and wider conservation goals in a holistic and collaborative manner under the auspices of the Kotahitanga mō Te Taiao Alliance. This alliance is formed by all the Councils, five of the eight Iwi in the top of the South Island and the Department of Conservation. The project focus is on landscape-scale conservation projects that have environmental, social, economic, and cultural benefits. The primary focus for the current funding is on achieving water quality outcomes.

8. Te Hoiere Restoration Project is governed by the Te Hoiere Kaitiaki Charitable Trust. The governance group is made up of five trustees – Waihaere Mason (Ngāti Kuia), Barbara Fauls (MDC), Riki Palatchie (Rangitāne) and two recently appointed community trustees Barbara Richmond and Dr Ngaire Phillips.
9. Marlborough District Council provides management services and is the fund holder for the Trust. The funding agreement for Ministry for the Environment's 'At Risk Catchment Fund' was recently signed, supplementing existing funding from the Department of Conservation's Jobs for Nature Fund and Ministry for the Environment's Freshwater Improvement Fund. Additional funding from Fonterra is targeted towards the restoration of Ruapaka Wetland. See Table 1 below for more detailed funding breakdown.

Table 1 Confirmed project funding over the next four years (Note: this does not include the 2021-22 funding period)

Source of Funding	2022-23	2023-24	2024-25	2025 - 26	Total
At-Risk Catchment Fund	1,376,000	1,681,000	2,668,000	-	5,725,000
Freshwater Improvement Fund	509,832	455,000	427,000	420,000	1,811,832
Jobs for Nature – Long Term (MDC)	1,336,560	682,469 ¹	682,469 ¹	-	2,701,498
Jobs for Nature – Early win (Forest & Bird)	500,000	356,274	296,642	-	1,152,916
Jobs for Nature – Native Nursery (Ngāti Kuia)	628,944	301,543	180,879	-	1,111,366
Fonterra – Sustainable Catchments	158,000 ²	-	-	-	158,000
	4,509,336	3,476,286	4,254,990	420,000	12,660,612

Overview of Objectives

10. Objectives³ identified through the ICEP are grouped into kete/working groups with partners from the various agencies/organisations engaged to support the work. Work completed and upcoming objectives are summarised in the tables below.

Kete	Kāwanatanga/ Governance
Lead	Rachel Russell (Te Hoiere Programme Manager, MDC)
Partners	Trustees, MDC, Ngāti Kuia, Rangitāne, Communications team, NZ Landcare Trust
Completed Objectives	<ul style="list-style-type: none"> Trust established; five trustees engaged Annual Report and AGM completed Programme Manager engaged Draft communication/engagement strategy completed Communications Lead engaged Working with Aquanet to develop monitoring programme Work has begun on an integrated research strategy Working with Landcare Trust to engage community catchment coordinators Kaitiaki Ranger engaged (Ngāti Kuia)

¹ Estimated funding split for these years, final budget prepared with annual workplan

² Funding agreement through to 2024; Funding for supporting restoration of Ruapaka Wetland

³ Summary of ICEP objectives, Te Hoiere Project Annual Report 2022, pages 23 - 24

Kete	Kāwanatanga/ Governance
Upcoming work	<ul style="list-style-type: none"> • Register Trust with Charities Services • Te Hoiere Website • Finalise Monitoring programme • Engage community catchment coordinators

Kete	Whānau/Community
Lead	Wendy Sullivan (NZ Landcare Trust)
Partners	NZ Landcare Trust, MDC, Ngāti Kuia, Rangitāne, Forest & Bird, Catchment Coordinators, Community, Industry bodies, Communications team
Completed Objectives	<ul style="list-style-type: none"> • Te Hoiere brand developed • Review of land management guides • NZLT working with local community in the use of Stream Health Monitoring and Assessment Kit (SHMAK) to understand water quality • Two community meetings held, topics included dung beetles, fish passage and river geomorphology
Upcoming work	<ul style="list-style-type: none"> • Develop annual events programme

Kete	Mātauranga
Lead	Ruihana Smith (Ngāti Kuia)
Partners	Ngāti Kuia, Rangitāne, DOC, MDC
Completed Objectives	<ul style="list-style-type: none"> • Meeting with Aquanet to plan monitoring programme (see Governance kete)
Upcoming work	<ul style="list-style-type: none"> • Meeting with Ngāti Kuia/Rangitāne early January • Develop cultural maps • Te Ao Māori stream classification and mapping

Kete	Tane Mahuta/Biodiversity
Lead	Phil Clerke (DOC)
Partners	DOC, Forest & Bird, MDC, Ngāti Kuia, Rangitāne, NZ Landcare Trust, New Zealand Conservation Kids, Catchment Coordinators, Kotahitanga mō te Taiao
Completed Objectives	<ul style="list-style-type: none"> • Bat monitoring programme (Forest & Bird) • Staff and resources secured for Forest & Bird Bat Project – Project Manager engaged; Field Leader engaged • Catchment scale predator control plan developed and reviewed • Predator control programme continues at Pelorus Bridge • Seed collection programme developed; plants sourced for future planting projects • Commercial scale nursery (Titiraukawa) planning and resource consent application started
Upcoming work	<ul style="list-style-type: none"> • Predator control work to start at other PCL areas • Wasp control (DOC) • identify & document rare ecosystems across catchment

Kete	Tane Mahuta/Biodiversity
Kete	Papatūānuku/Land
Lead	TBC – likely to be Jorgia O'Brien (MDC)
Partners	MDC, DOC, Ngāti Kuia, Rangitāne, MPI, Forestry, NZ Landcare Trust, Industry bodies
Completed Objectives	<ul style="list-style-type: none"> Working with landowners to understand Catchment Condition Survey and plan mitigation work (fencing, planting dung beetles) River geomorphology study started (Jon Tunnicliffe – Auckland University)
Upcoming work	<ul style="list-style-type: none"> Plan work required to meet objectives F4 – F6 (sediment and erosion control programmes) Forestry group meeting; Finalise contract for facilitator

Kete	Awa/River
Lead	Peter Hamill (MDC)
Partners	MDC, DOC, Ngāti Kuia, Rangitāne, NZ Landcare Trust, NZ Conservation Kids, Industry bodies, Waka Kotahi
Completed Objectives	<ul style="list-style-type: none"> Community water quality monitoring (see Whanau kete) Meeting with Aquanet to develop monitoring programme (see Governance kete) Fish passage assessment tool developed
Upcoming work	<ul style="list-style-type: none"> Cindy Baker (NIWA) visit – Fish passage Begin fish passage assessment Wetland Inventory

Kete	Ranginui/Climate
Lead	TBC
Partners	MDC
Completed Objectives	<ul style="list-style-type: none"> GNS Science Report on Groundwater Tracers – Morgenstern & Davidson Te Hoiere groundwater hydrology & quality work plan developed
Upcoming work	<ul style="list-style-type: none"> Test bores to measure groundwater nitrate levels; Testing GNS workshop (MDC staff)

Kete	Tangaroa/Sea
Lead	TBC
Partners	MDC
Completed Objectives	
Upcoming work	Targeted for Stage 2 of Te Hoiere Project

Next Steps

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

Attachment

Attachment 1: Te Hoiere Project Annual Report 2022 is available on Council's website via the following link
<https://www.marlborough.govt.nz/your-council/meetings>

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

6. Soil Mapping Update

(Clr Burgess) (Report by Matt Oliver)

E355-004-008-06

Purpose of Report

1. To provide an update on progress with soil mapping in the Marlborough Sounds Valleys.

Executive Summary

2. Council has been engaged with Manaaki Whenua Landcare Research for the past three years in a project to improve soil mapping in Marlborough.
3. A recent update to S-Map has included updated maps for the main Marlborough Sounds Valleys.

RECOMMENDATION

That the information be received.

Background/Context

4. Marlborough has a full set of soil maps developed by various national and local government entities over the past 100 years. While the province is fully covered, the scale, accuracy and quality of these maps varies widely. Site-specific data from these early surveys is often no longer available.
5. Much of the province's mapping relies on a "fundamental Soils Layer" developed by combining historic (1960's) soils data and the NZ Land Resource Inventory mapping around 2010. Very little of the mapping is supported by field observations with many areas only mapped by inference from aerial photography. Data on soil attributes (depth, pH, carbon, nutrients, water holding capacity etc) was often not captured in detail during the original mapping and is similarly inferred for many areas.
6. Many landuse activities now rely on a deeper understanding of soil properties to achieve increased productivity and reduce environmental effects. In particular, accurate irrigation water allocation/ management and nutrient budgeting/ management are dependent on good soil data. Council currently utilises soil data to assist decision making around water allocation (via Irricalc) and nutrient management. In the future improved soil data will be required to help guide landuse decision making for improved freshwater quality (surface and groundwater), erosion reduction, nutrient allocation, soil quality and to assist landowners improve productivity.
7. In 2019 Council engaged with Manaaki Whenua Landcare Research (MWLR) to improve soil mapping in the more highly productive lowland areas of Marlborough. This work is supported by existing Council budgets (approx. 33%) and a significant contribution (66%) from the Ministry of Primary Industries. This work builds on the soil characterisation studies commissioned by Council previously. These studies did not include mapping work.

Completed Mapping

8. In December 2022, new soil maps covering the Marlborough Sounds Valleys were uploaded to S-Map-the national soil map platform (**Figure 1**).

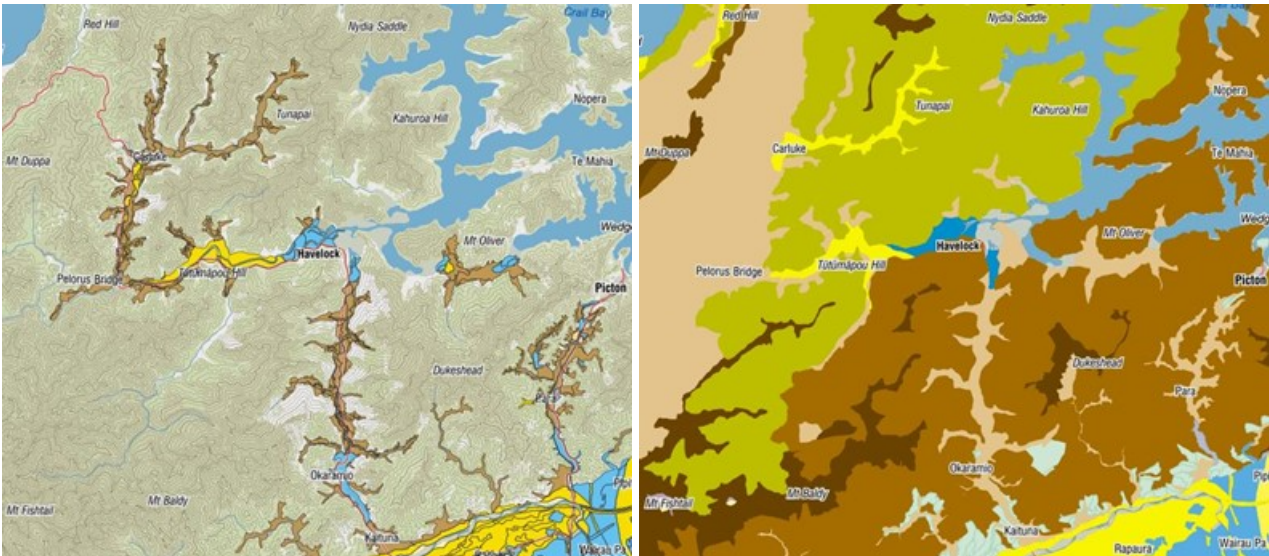


Figure 1: Left- New S-Map Soil map coverage

Right- Previous FSL coverage

9. This upload brings the project up to schedule after previous delays. MWLR have made significant efforts to meet the project milestones including an additional website update, dedicating staff specifically to Marlborough and employing previous staff in consultancy roles to complete this mapping.
10. The new mapping is completed to a nominal scale of 1:50,000 scale (similar to legacy mapping) but users will have access to more detailed linework and improved soil attribute data.

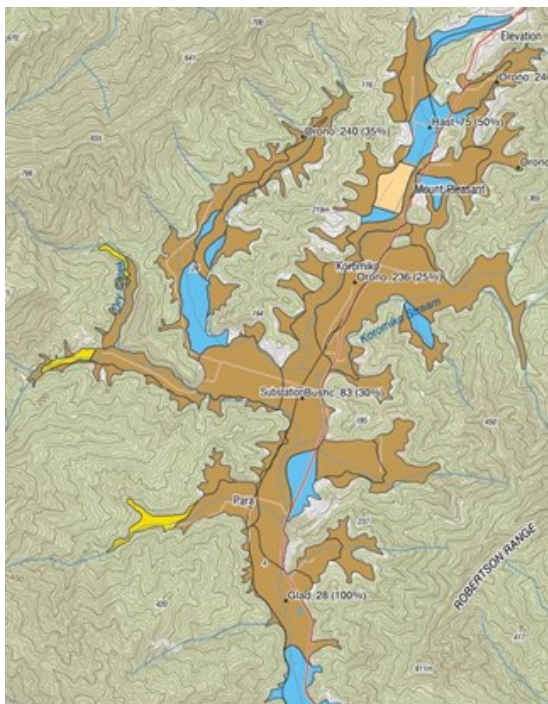


Figure 2: Detail of Koromiko Valley – Soil Orders

Left – New S-Map, Right – FSL Legacy Map

11. The new mapping also includes improved soil attribute data and inclusion of anthropic soils (not mapped previously). Attribute data will link directly with third party providers such as Overseer and Irricalc. Data will also be available for future Council water quality modelling.
12. LiDAR data has played an important role in this mapping work. Soil mapping work seeks to develop relationships between landforms and the soils that lie upon landforms. LiDAR-derived Digital

Elevation Models (DEM) are utilised to identify landforms in GIS software. DEM can be used to create vegetation-free land surface maps to better visualise the underlying landforms. This enables better planning of field work to target likely locations of representative soils. LiDAR also provides improved accuracy when drawing soil map polygons, and DEM derivatives can help to identify; relationships between landforms (such as river terraces), low-lying areas where water accumulates, areas of higher insolation and the extent of human activities, all factors in soil formation (Figure 2). Use of LiDAR has resulted in more accurate and defensible maps, at lower cost and much faster than otherwise possible.

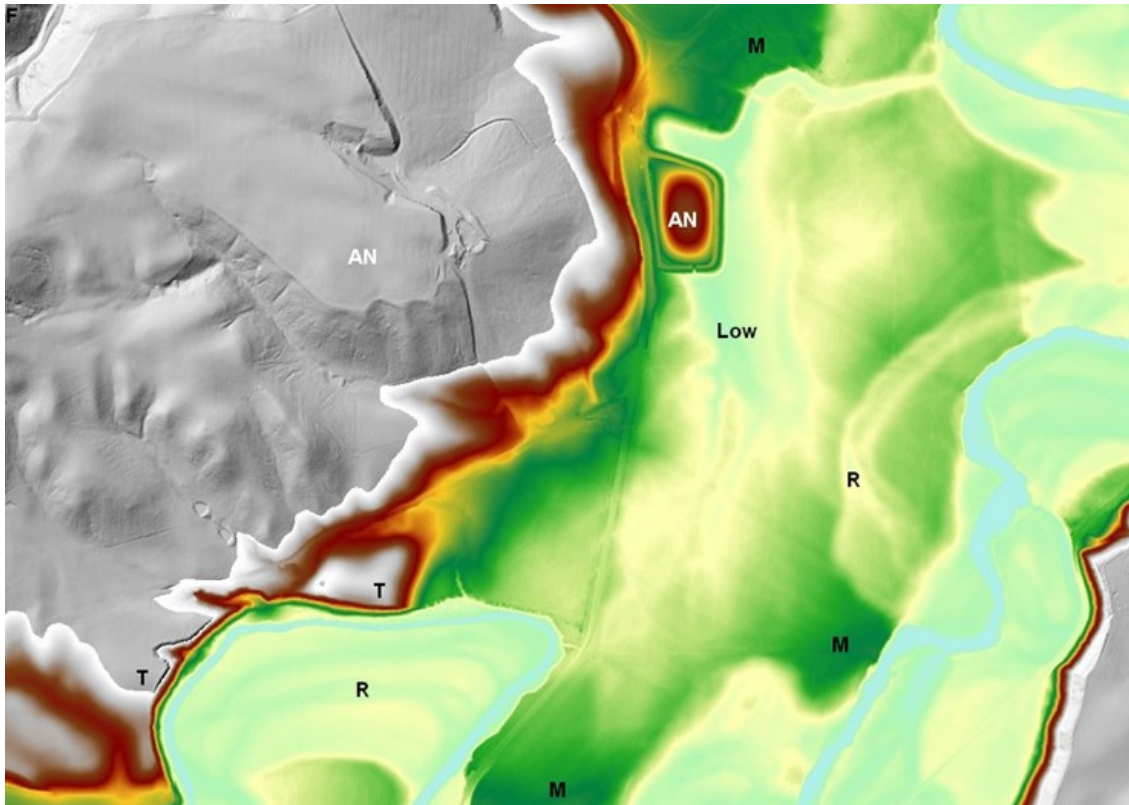


Figure 2: DEM image from Blind River. Black and White image is the basic hillshade DEM. Coloured image is a relative elevation layer showing similar colours relative to the height above the river from 0 to 20m above the river. AN= human activity that has created Anthropogenic soils, T= related river terraces, F= depositional fans, M= matching heights above the river, R= old river meanders and channels, Low= low lying areas.

Next steps

13. Active mapping is continuing with field work in other parts of Marlborough (Wairau Valley, Blind River). Updated mapping is expected for these areas in August 2024.
14. A desktop review of mapping in the Wairau Plain and Awatere Valley by MWLR is planned for 2023. This review is checking to see that current maps are adequately supported with field data and to identify any improvements that should be made to these maps. Improvements could include refinement of soil order polygons to match LiDAR terrain, characterisation of soils where floods or human activity have altered soil profiles and improvements to soil attribute data. Some field work may be required if legacy attribute data cannot be located. A work plan is expected mid-2023.

Presentation

A short presentation will be given by Matt Oliver (15 minutes).

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

7. Working for Nature/ Mahi mō te Taiao Grant

(Clr Minehan) (Report prepared by Zeke Hoskins)

E390-003-23-01

Purpose of Report

1. To provide an update on the Working for Nature/ Mahi mō te Taiao 2022-2023 grant round.

Executive Summary

2. Applications for the 2022-23 Working for Nature/ Mahi mō te Taiao grant were open from 1 August to 31 August 2022.
3. The grant sub-committee assessed each application and formed a decision on which projects were to receive funding.
4. Requested funding during this period totalled \$342,239.88, far surpassing the \$110,000 budget.
5. 21 of the 38 applicants received either partial or full funding for their projects and have since agreed to the conditions of the grant.

RECOMMENDATIONS

1. **That the report be received.**
2. **That the decisions made by the Grant Sub-Committee be approved by the Council.**

Background/Context

6. In September 2020, Marlborough District Council formed the Working for Nature/ Mahi mō te Taiao grant to support community involvement with restoring and protecting native species and habitats throughout the region. Open to community organisations, businesses, landowners, and individuals.
7. Each application is assessed based on its own merits; benefits to a healthy environment, project viability, level of collaboration from outside sources, ongoing maintenance of the project, and how well it aligns with the goals of the grant scheme guidelines. Projects that have part-funding from other sources are also looked upon favourably.
8. The grant is split into two categories:
 - 8.1 **Protecting Marlborough:** These projects aim to control animal and plant pests which threaten native flora and fauna, with a maximum of \$15,000 per application in any one-year period.
 - 8.2 **Habitat Marlborough:** These projects help restore native habitats and improve biodiversity and freshwater quality. This is accomplished through the planting of native species which historically would have grown in the project area. This category incorporates the Tui to Town and Greening Marlborough programmes. A maximum of \$10,000 can be received per application in any one-year period.
9. To achieve the goals of the grant, \$110,000 has been allocated for the 2022-2023 funding round, increasing from \$90,000 available in the previous year.
10. Applications for the grant round opened Monday 1 August and closed Wednesday 31 August. In total, 38 applicants applied for the grant, 22 under Habitat Marlborough and 16 in Protecting Marlborough.
11. The requested funding totalled \$342,239.88, which is 311% higher than the allocated budget.

12. Partial or full funding was provided to 21 applicants in support of their projects. The decisions were handled by the grant sub-committee which comprised of three councillors and one rural representative.
13. With requested funding far exceeding the grant budget, only five projects received full funding. The remaining 16 successful applicants received partial funding and would therefore need to find alternative funding or reduce the project scope.
14. The following applications received either partial or full funding:

Habitat Marlborough

Ōhinemahuta Revegetation Project.....	\$3,240.00
Ward School Playground Redevelopment.....	\$2,198.91
Nikau Bay Restoration.....	\$1,000.00
Reinstating River Biodiversity.....	\$5,000.00
Te Ara Restoration.....	\$3,590.00
Natives for Glenmore.....	\$5,000.00
Whataroa Bay Restoration.....	\$10,000.00
Hinepango Wetland Restoration Group.....	\$2,500.00
Native Planting Greening Project.....	\$5,000.00
School Creek Renwick Plantings.....	\$1,750.00
Waikawa Stream Habitat Enrichment.....	\$4,000.00
Ōpaoa River Gee Street.....	\$1,000.00
Total.....	\$44,278.91

Protecting Marlborough

East Ned Broom Buffer.....	\$7,765.00
Mahakipawa Trapline.....	\$1,822.66
Te Hoiere Bat Recovery Project.....	\$10,000.00
Limestone Coast Restoration Buffer.....	\$7,000.00
Boons Valley Restoration.....	\$10,866.17
Ruapaka Wetland Restoration.....	\$5,000.00
Hinepango Wetland Restoration Group.....	\$6,000.00
Ungulate and Predator Control.....	\$10,000.00
Weed Control - KONO.....	\$8,000.00
Total.....	\$66,453.83

15. Correspondence was sent to each applicant in October, advising of the outcome of their application.
16. Successful grantees received an agreement form alongside their grant acceptance letter, which highlighted the conditions of the grant. Each applicant has accepted these conditions and have since returned a signed copy of this form in agreeance.

Next Steps

17. The grant round closes on 1 June 2023, with invoicing and the accountability form to be handed in by this date.
18. The accountability form will include evidence of expenditure, photographs and a description of the work undertaken, which will be assessed ensuring funding has succeeded in accomplishing the goal of the project.
19. Due to various reasons causing short extensions during the 2021-22 grant round, the next application dates will be brought forward to April 2023 to allow adequate time for each applicant to complete the scope of their project presented in their application.

Author	Zeke Hoskins, Environmental Science Technician
Authoriser	Alan Johnson, Environmental Science and Monitoring Manager

8. Jobs for Nature and Externally Funded Environmental Programmes

(Clr Burgess) (Report prepared by Alan Johnson)

E360-002-002-03

Purpose of Report

1. To provide the Committee with an update on the Jobs for Nature environmental programmes.
2. To provide Council an update on new funding that contribute to the community meeting the expectations of the NPS-FM 2020 freshwater outcomes.

Executive Summary

3. Jobs for Nature is a \$1.219 Billion programme funded across a number of government agencies, mainly the Department of Conservation (DOC) and the Ministry of the Environment (Mfe) to benefit the environment, people and the regions. The package formed part of the COVID-19 recovery package ("Jobs for Nature").
4. Additionally, there is a Hill Country Erosion and Wilding Conifer Control project funded by the Ministry of Primary Industries (Mpi).
5. Overall Council is involved in managing or partnering six environmental projects that is supported by \$33m of government funding. All of these projects are planned to be progressively completed by 2027.
6. The six core projects are:
 - Fresh water improvement fund (Catchment Care 'At-Risk' Catchments), Mfe funded
 - Essential Fresh Water Programme- Building Capacity with Catchment Communities
 - Hill Country Erosion Programme (Mpi funded)
 - Te Hoiere/Pelorus Catchment Restoration Project; 3 funding Deeds:
 - Nga Awa JfN 21 (DOC funded)
 - Fresh water improvement fund (Catchment Condition Survey, and restoration (Mfe)
 - At Risk Catchment Fund (Mfe funded)
 - National Wilding Conifer Control Programme (NWCCP) MPI funded
 - Protecting and Restoring Flora at Scale (DOC funded)
7. In addition, there are three projects or initiatives being undertaken in the region by the community. These are:
 - Rūnanga o Kaikōura Ltd. East Coast predator control
 - Picton Dawn Chorus. Predator control
 - East Coast Protection Group. Coastal restoration between Marfells Beach and Waima River
8. There are two recently funded projects secured for the region to the value of \$2.48m. These projects compliment the community based catchment care programme and help to build capabilities for developing a framework to achieve catchment based freshwater management outcomes.
9. The Jobs for Nature package has provided the region with a real opportunity to support and build capability to implement some of our key environmental programmes while contributing to employment outcomes.

10. The prioritisation and investment has been assisted by the Kotahitanga Mo Te Taio Alliance (KMTT) and Ngāti Kuri collective providing a platform for Council, agencies and iwi to build the necessary relationships to enable investment towards achieving shared outcomes.
11. The implementation of all the projects is undertaken using different delivery models. They all have in common either shared governance or a Steering Group input into activities and services.

RECOMMENDATION

That the information be received.

Background/Context

12. The government announced the \$1.219 billion Jobs for Nature programme as part of the COVID-19 economic stimulus package back in May 2020.
13. The government announcement of the Jobs for Nature funding included investment from a variety of fund sources including the Ministry of the Environment Fresh Water Improvement Fund, Ministry of Primary Industries Wilding Conifer Programme and the Department of Conservation Nga Awa - Restoring Nature and Kaimahi for Nature funds.
14. Jobs for Nature was intended to help create job opportunities on and off public conservation land to assist in the COVID-19 recovery, while in a Marlborough context helping restore the mauri and mana of Te Taiao.
15. Collaboration and integration are at the heart of Jobs for Nature. This is about working with iwi, hapū, whānau, communities, businesses, local Government and other Government agencies – to best support people through nature based work.
16. The Kotahitanga Mo Te Taio Alliance (KMTT) and the Ngāti Kuri Collective provided a local foundation for Council to build the necessary relationships with the Crown, and iwi while enabling partners to coordinate and help prioritise strategic investment in protecting nature in the region.
17. Council has directly sourced funding for a number of environmental projects and worked on the principle that the sourcing of funding would be focused towards scaling up existing high priority strategic environmental projects or work streams that were business ready, and benefit from capacity building to achieve Marlborough Environmental and Biosecurity planned outcomes. The funding would also off set rate funded activities.
18. The implementation of the projects is undertaken by a range of delivery models. The key overarching principle for implementation of projects is stakeholder and community input being the centre piece in either governance or at steering group levels for the projects.
19. The Council responsibility is primarily a 'fund holder' role with key government accountabilities and managing the overarching service delivery aspects of the activities and services for each project.

Recently Funded Programmes

20. The Ministry of Primary Industry had provided Council with funding in the order of \$1.128m commencing 2019/20. The programme was designed to support erosion control/ catchment care initiatives targeted to restore steeper classes of priority land in the region.
21. The initial three-year programme has now been extended for a further four years to 2027. The Crown funding contribution to the programme is an additional \$988k. The Crown funding is complimented by a Council contribution of \$100k plus in-kind costs per year. The funding is expected to lever landowner investments in the order of \$992k over this period.

22. The Ministry of the Environment through the Essential Fresh Water Programme (Building Capacity with Catchment Communities) has allocated an additional \$1.5m for three years to 2024/25. The funding is targeted to dedicate resources to enable the development of relationships with communities and iwi working alongside catchment groups and stakeholders to:
 - Establish collective approaches for developing and actioning Freshwater Farm Plans that are consistent with regional requirements.
 - Develop and communicate information on catchment context which provides for integrated catchment management plans and on-farm Actions (as required under NPSFM 2020).
 - Also coordinate support and resource management information within groups of council.
23. The programme aligns to Council's catchment-based and integrated approach working with stakeholders and the community to meet the water quality obligations and allow Council to build on existing catchment care resources. In addition, there is support for building our strategic planning capability to deliver on the National Policy Statement (NPS 2020) and National Environmental Standards (NES) for Freshwater Management where these programmes align to catchment-based initiatives and also help build capability working with iwi.

Overview of Projects

24. The Community are the beneficiary of a number of environmental programmes. The range of environmental projects undertaken are summarised in Attachment 1.
25. The projects being delivered or managed directly by Council stands at six core programmes with Government support in the order of \$33 million. In addition to the government funding there is a considerable Council and community/landowner contribution to these programmes.
26. The projects are designed to achieve or contribute to a range of outcomes freshwater and biodiversity outcomes.
27. The recently awarded funding from Mfe and MPI enables Council to build capability to manage our freshwater management obligations. The funding will help offset rate funding initially and build on our level of service by developing a framework to set catchment context, engage and enable the provision of information to landowners and communities throughout the region necessary for farm planning purposes to achieve planned environmental outcomes.
28. Council is well on the way supporting implementation of the delivery of all programmes through a mix of management structures and delivery mechanisms.
29. The environmental programmes have provided the region with a fantastic opportunity to support and scale-up key environmental programmes.
30. Many of the programmes are working models of integrated natural resource management and collaboration. These models help to build on relationships between Council, Crown, iwi and community while enabling the efficient use of resources.
31. Progress of the projects are at various stages of implementation depending upon the funding cycles and the complexities of the interventions and deliverables.
32. Certain project delivery timeframes have been impacted due to a number of unprecedented events requiring the project teams to remain agile and adaptive. The government agencies have been very supportive allowing a number of project variations during this period. The main impacts have been associated with:
 - Effects of the July 2021 and August 2022 severe weather events affecting road closures, and delays on restoration and fencing activities that are located close to river beds
 - COVID-19 restrictions imposed on operations and community involvement
 - Limitations recruiting staff and contractors in a constrained labour market

- Protected timeframes required to enable the community and landowners' participation in the project outcomes
- Farmer reluctance to commit to activities such as planned restoration or fencing requirements due to a number of uncertainties and implications.

Next Steps

33. To continue maintaining a delivery focus for the implementation of the environmental programmes.
34. Continue to develop adaptive strategies to manage uncertainties and risks for these projects and continue to seek contract funding variations with the Crown.
35. Consider options for the long-term sustainability and alternative funding sources for priority programmes.

Attachment

Attachment 1 - Environmental Projects

Page [20]

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

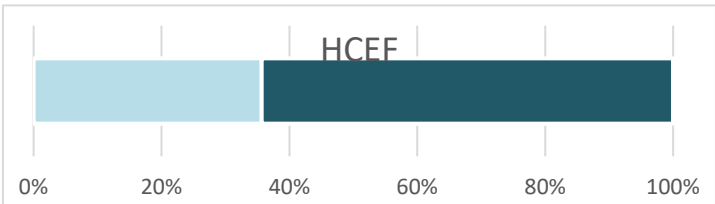
Attachment 1

Environmental Projects

Programme name	“Catchment Care At-Risk Catchments in Marlborough” Fresh Water Improvement Fund
Programme value	\$1.6m (\$0.6m Mfe Public Waterways and Ecosystem Restoration Fund). *funding includes contributions from MDC and Landowner)
Funding spent to date (%)	
Timing	2020/21-2024/25
Description of internal HR resource dedicated to the programme	<p>Project Manager – Catchment Care Officer</p> <p><i>Additional council resources used but not funded by the programme:</i></p> <ul style="list-style-type: none"> • Land Resources Scientist • Land Resources Officer • Team Leader – Land and Water • GIS Analyst
Reporting requirements	Quarterly and Annual reporting via web portal
Nature based employment	<ul style="list-style-type: none"> • Planned full time equivalent positions created: 6 • No. of different people employed: 25
Governance oversight	Project team including Team Leader, Environmental Science and Monitoring Manager
Outcomes	Through the Catchment Care programme, Council seeks to take a catchment-based, integrated approach working with stakeholders and the community to meet the water quality obligations set in the National Policy Statement (NPS) and National Environmental Standards (NES) for Freshwater Management and the Marlborough Environment Plan. The catchments area focus include Are Are, Tuamarina, Linkwater and Flaxbourne.
Status	Interventions such as fencing, planting and Dune Beetle Releases Catchment Condition survey completed.

Programme name	Essential Fresh Water Programme- Building Capacity with Catchment Communities (New)
Programme value	\$1.5m
Funding spent to date (%)	Not yet commenced
Timing	2022/23-2024/25
Description of internal HR resource dedicated to the programme	<p>(staff to be recruited in 2023)</p> <p>Regional Catchment Facilitator</p> <p>Catchment Care officer</p> <p>Strategic planner (Freshwater/Catchments)</p> <p>Iwi internship</p>
Reporting requirements	Six monthly and Annual reporting
Nature based employment	Planned full time equivalent positions created: 4

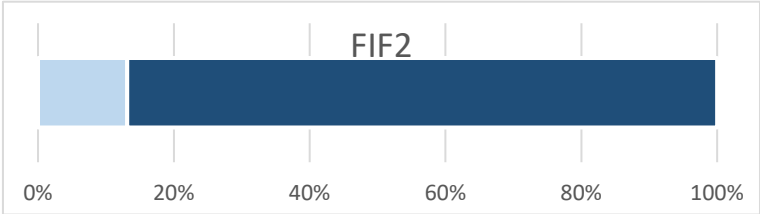
Programme name	Essential Fresh Water Programme- Building Capacity with Catchment Communities (New)
Governance oversight	Project team including Team Leader, Environmental Science and Monitoring Manager
Outcomes	<p>Dedicated resource to establish relationships and trust by working alongside catchment groups to:</p> <ul style="list-style-type: none"> ○ Coordinate support and information for groups within council. ○ Establish collective approaches for developing and actioning Freshwater Farm ○ Develop integrated catchment management plans that incorporate action plans as required under the NPS-FM (2020). ○ Develop and communicate information on catchment context. ○ Iwi engagement and partnership. <p>The programme aligns to Council's catchment-based and integrated approach working with stakeholders and the community to meet the water quality obligations set in the National Policy Statement (NPS) and National Environmental Standards (NES) for Freshwater Management.</p>

Programme name	Hill Country Erosion Programme – MPI Hill Country Erosion Fund *funding includes contributions from MDC and Landowner)
Programme value	\$1.75m (current) (\$1.128m crown) / \$2.76m (new funding) (\$988k crown)
Funding spent to date (%)	
Timing	2020/21 – 2022/23 (current) 2023/24 – 2026/27 (new funding)
Project outcomes	The Hill Country Erosion Fund (HCEF) programme aims to prevent the loss of topsoil and reduce sediment entering waterways in Marlborough's hill country. The programme, funded jointly by MDC and MPI, forms part of the Catchment Care programme and provides assistance and support to landowners looking to treat eroding or erosion-prone land through the use of retirement of eroding land from grazing, pole planting, and native reversion planting. The project aims to reduce sediment entering freshwater through funding interventions on hill country to reduce erosion and resulting sediment at source, rather than through riparian sediment capture mechanisms.
Description of internal HR resource dedicated to the programme	<p>Land Resources Officer Project oversight of contracts, reporting and services Implementation.</p> <p><i>Additional council resources used but not funded by the programme:</i></p> <p>Environmental Science and Monitoring Manager Team Leader – Land and Water Environmental Scientist – Land Management Catchment Care Officer – Te Hoiere</p>
Reporting requirements	6 monthly and annual reporting
Governance oversight	Project team including Team Leader, Environmental Science and Monitoring Manager
Other notes	<p><i>Current funding (2019 – 2023)</i></p> <p>Creation of erosion control plans, native reversion planting and pole planting.</p> <p><i>New funding (2023 – 2027)</i></p> <p>12 erosion control plans per year. These plans are based on assessment of Land Use Capability and refined using LiDAR and on-farm/forest inspections.</p> <p>Mitigation work will include the supply of 3000 poplar poles per year, 50ha of erosion-prone pastoral land will be retired annually and 45,000 native seedlings will be planted per year to reduce erosion on the most erosion prone land in the region.</p>

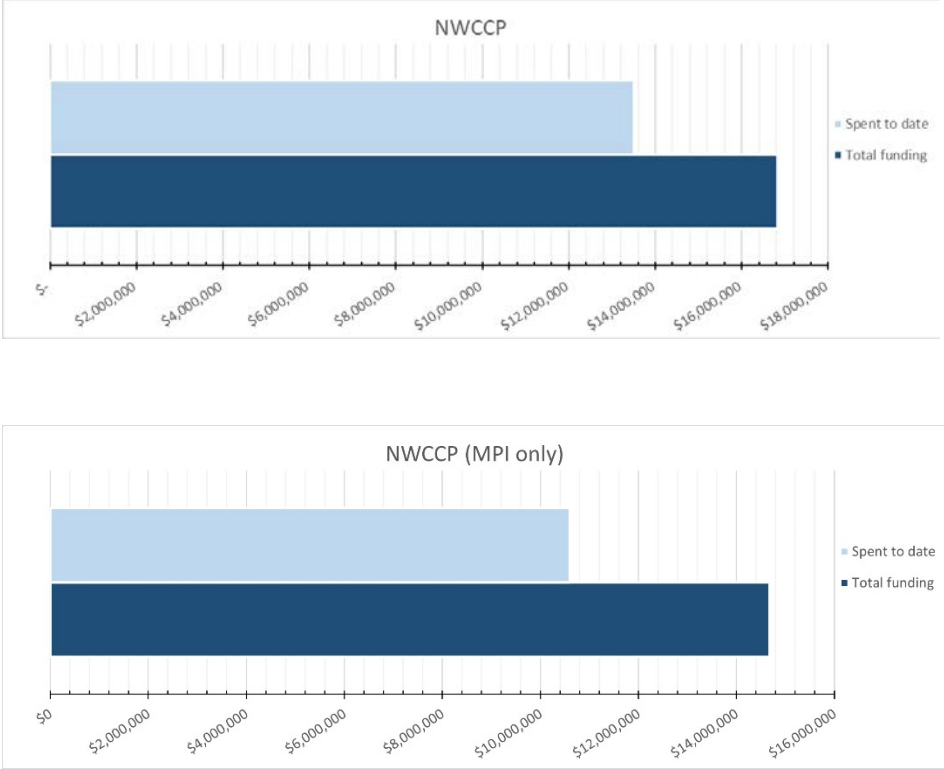
Programme name	Hill Country Erosion Programme – MPI Hill Country Erosion Fund *funding includes contributions from MDC and Landowner)
	Erosion Control Plans will be complementary to Freshwater Farm Plans.
Status	Working with landowners to plan and implement works for coming season New funding milestones currently being negotiated

Programme name	Te Hoiere/Pelorus Catchment Restoration Project – DOC Jobs for Nature Funding
Programme value	\$7.58m (Nga Awa DOC) Jobs for Nature funding.
Project Time frame	2021/2022-2024/2025
Funding spent to date (%)	
Description of HR resource dedicated to the programme	<p>Environment Contract Manager Catchment Care Coordinator (overheads funded by Freshwater Improvement Fund) Project oversight of contracts, reporting and services Implementation.</p> <p><i>Additional council resources used but not funded by the programme:</i></p> <ul style="list-style-type: none"> • Te Hoiere Programme Manager (funded by At Risk Catchment Fund) • Te Hoiere Project Manager (funded by At Risk Catchment Fund & DOC Nga Awa Priority Rivers fund) <p>Assisted by;</p> <ul style="list-style-type: none"> • Land Resources Scientist • Land Resources Officer • Team Leader – Land and Water • Freshwater Scientist • Freshwater Scientist – Wetlands & Fish passage (starting 13th February) • Environmental Scientist – Groundwater • Environmental Scientist • GIS Analyst
Reporting requirements	Quarterly and Annual reports to DOC
Nature based employment	Expected full time equivalent positions created: 79.
Governance oversight	The project is led by Te Hoiere Kaitiaki Charitable Trust which is made up of a trustees from Te Rūnanga o Ngāti Kuia Trust, Te Rūnanga a Rangitāne o Wairau, Marlborough District Council and two community trustees. The Trust also includes advisors from the Department of Conservation and Ministry for the Environment.
Project outcomes	The project is set to facilitate biodiversity led weed and pest control (to protect long tailed bats) programmes at targeted sites on public land and private land interface. Improve fresh water quality through fencing of wetlands and riparian stream management; restoration plantings. The development of a catchment located nursery.
Status	Ngāti Kuia Nursery project contract awarded. Kaitiaki Ranger recruited. MDC Contract Manager and Catchment Coordinator recruited Predator and Restoration contract awarded. Project Manager, Field Manager and Field team members recruited.

Programme name	Te Hoiere/Pelorus Catchment Restoration Project – DOC Jobs for Nature Funding
	Fencing and Restoration contractors awarded contracts Fencing and planting riparian areas underway Part time GIS analyst recruited

Programme name	Te Hoiere Project – Catchment Condition Surveying and Restoration – MfE Freshwater Improvement Fund *funding includes contributions from Landowners)
Programme value	\$2.26m (\$0.95m MfE Freshwater Improvement Fund)
Funding spent to date (%)	
Timing	2021/22-2025/26
Description of internal HR resource dedicated to the programme	<p>Catchment Care Coordinator (overheads funded by Freshwater Improvement Fund) Project oversight of contracts, reporting and services Implementation.</p> <p><i>Additional council resources used but not funded by the programme:</i></p> <ul style="list-style-type: none"> • Te Hoiere Programme Manager (funded by At Risk Catchment Fund) • Te Hoiere Project Manager (funded by At Risk Catchment Fund & DOC Nga Awa Priority Rivers fund) • Environment Contract Manager (funded by DOC Jobs for Nature fund) • Land Resources Scientist • Land Resources Officer • Team Leader – Land and Water • Freshwater Scientist • GIS Analyst
Reporting requirements	Quarterly and Annual reports to DOC
Nature based employment	Expected full time equivalent positions created: 9FTE
Governance oversight	The project is led by Te Hoiere Kaitiaki Charitable Trust which is made up of a trustee from Te Rūnanga o Ngāti Kūia Trust, Te Rūnanga a Rangitāne o Wairau, Marlborough District Council and two community trustees. The Trust also includes advisors from the Department of Conservation and Ministry for the Environment.
Project outcomes	<p>Complete Catchment Condition Survey across Te Hoiere catchment</p> <p>Freshwater quality mitigations including riparian/wetland planting: 25,000 plants across 7.5Ha; riparian/wetland fencing: 90km and dung beetle farm packs: 50</p> <p>Educational workshops</p>
Status	<p>Catchment Condition Survey completed across all sub-catchments, some individual properties still to engage.</p> <p>Fencing and planting has started</p> <p>Educational workshops completed using experts engaged with various aspects of Te Hoiere Project</p>

Programme name	Te Hoiere/Pelorus Catchment Restoration Project – MfE ‘At Risk Catchment Fund’
Programme value	Total \$5.7m (MfE At Risk Catchment Fund).
Funding spent to date (%)	
Timing	2022/23-2024/25
Description of internal HR resource dedicated to the programme	<p>Te Hoiere Programme Manager</p> <p>Te Hoiere Project Manager</p> <p>Project oversight of contracts, reporting and services Implementation.</p> <p><i>Additional council resources used but not funded by the programme:</i></p> <ul style="list-style-type: none"> • Environment Contract Manager (funded by DOC Jobs for Nature funding, overheads funded by At Risk Catchment Fund) • Catchment Care Coordinator (funded by DOC Jobs for Nature funding; overheads funded by Freshwater Improvement Fund)) • Land Resources Scientist • Land Resources Officer • Team Leader – Land and Water • Freshwater Scientist • Freshwater Scientist – Wetlands & Fish passage (starting 13th February) • Environmental Scientist – Groundwater • Environmental Scientist • Biodiversity Coordinator • GIS Analyst
Reporting requirements	Quarterly and annual reporting via web portal.
Nature based employment	44 FTE
Governance oversight	The project is led by Te Hoiere Kaitiaki Charitable Trust which is made up of a trustee from Te Rūnanga o Ngāti Kuia Trust, Te Rūnanga a Rangitāne o Wairau, Marlborough District Council and two community trustees. The Trust also includes advisors from the Department of Conservation and Ministry for the Environment.
Project outcomes	Improving freshwater quality through riparian/wetland planting and fencing. Remediation of fish passage barriers. Supporting catchment group formation and ongoing progress. Enable the sharing of knowledge (land management practices, restoration practices etc). Restore and protect significant sites for tangata whenua. Monitoring of habitats. Sediment mitigation and erosion control programmes.
Status	<p>Te Hoiere Kaitiaki Charitable Trust established.</p> <p>Working groups/kete established to plan work across various agencies/organisations.</p> <p>Programme Manager recruited</p> <p>Communication Lead engaged, Communication/engagement strategy in progress.</p> <p>Education coordinator engaged</p> <p>Catchment Group Coordination oversight contract engaged</p> <p>Fencing and Restoration contractors awarded contracts</p>

Programme name	National Wilding Conifer Control Programme (NWCCP) – Marlborough delivery.
Programme value	\$16.8m over 4 years (\$14.6m MPI NWCCP funding) *National Wilding Conifer Control Programme (NWCCP) - MPI
Funding spent to date	 <p>Of the \$14.6m NWCCP funding, \$10.6m (73%) has been spent to date with ~\$1m from the final 2024-25 year yet to be confirmed.</p>
Project Timeframe	2021/22 to 2024/25 (*note NWCCP commenced in 2016/17 pre-JFN).
Description of resource dedicated to the programme	Oversight and management being carried out by MDC. Project management and delivery is being delivered by external providers for the Molesworth and Waihopai programmes. Marlborough Sounds Restoration Trust and South Marlborough Landscape Restoration Trust are also delivering key programmes in their respective areas.
Reporting requirements	<p>Internal:</p> <ul style="list-style-type: none"> • Financial management (ongoing) • Council political information (6 weekly) <p>External:</p> <ul style="list-style-type: none"> • J4N employment data – (monthly). • NWCCP Operational reporting (ongoing). • NWCCP Operational meetings (bimonthly)
Governance oversight	<p>National Programme Governance is the Wilding Conifer Governance Group.</p> <p>At a regional level all aspects of the programme are discussed via a Marlborough Wildings Steering Group. This Group is facilitated by MDC and has involvement from Crown Agencies (DOC, MPI, LINZ), MDC, and local stakeholders (active Community Trusts).</p>

Programme name	National Wilding Conifer Control Programme (NWCCP) – Marlborough delivery.
Status	2022/23 Programme: Molesworth MU: \$\$4.07m (\$4.2m NWCCP) Waihopai MU \$680k (\$571k NWCCP) Sounds MU (MSRT) \$496k (\$380k NWCCP) Lower Wairau & Awatere MU (SMLRT) \$160k (\$132k NWCCP) The MSRT has expanded works in the Sounds. Similarly, SMLRT has continued work in the Awatere, Ferny Gair and Black Birch, Te Hau/The Ned area

Programme name	Protecting and Restoring Flora at Scale – delivery in Marlborough (The Nature Conservancy led C/O KMTT Alliance) - *DOC Kamahi for Nature fund
Programme value	\$2m over 3 years total – Fund holder The Nature Conservancy C/O KMTT Alliance
Project Time frame	2021/22 to 2023/ 2024
Description of internal HR resource dedicated to the programme	Oversight and management being carried out by the MDC Biosecurity Manager. Senior Biosecurity Officer dedicated project oversight Nature Conservancy contracted weed control contractors
Reporting requirements	Monthly survey of staff resourcing. Quarterly reports. Annual report
Nature based employment	Expected full time equivalent positions created: 6 – 7 FTE per annum.
Governance oversight	The programme is nested underneath the Kotahitanga mo te Taiao Alliance. This Alliance provides ultimate governance and oversight. A smaller sub-group is being formed to inform the programme stand-up and uniformity of structure and priority given it spans multiple territorial areas – both Te Tau Ihu iwi and local government.
Other notes	The outcomes from the project are targeted weed control programmes at regional sites of high value.
Status	The first full project year was completed in late 2022. The Marlborough contractor team from Kumanu Environmental has been working across a number of sites overseen by Council's Operational Liaison. The bulk of operational activity has involved willow control in significant wetlands and wilding pine control within high value areas in Boons Valley and near Whites Bay.

Programme name	Te Tau Wairehu o Marokura Project –East Coast Predator Control (Implemented by Rūnanga o Kaikōura Ltd) - *DOC Kamahi for Nature
Programme value	\$2 million over 3 years total (Managed by Ngati Kuri)
Project Timeframe	2021/22 to 2023/24
Description of internal HR resource dedicated to the programme	MDC liaison
Reporting requirements	Monthly survey of staff resourcing. Quarterly reports. Annual report
Nature based employment	Expected full time equivalent positions created: 6 – 7 FTE per annum.
Governance oversight	The programme is nested underneath the Ngati Kuri Collective and implemented by Rūnanga o Kaikōura Ltd.
Status	Team recruited and trained. Delivery of trap network from the Waima river to Oaro in Kaikoura complete. Trapping planned from Marfells beach to Awatere from March/April 23

Programme name	Picton Dawn Chorus – Picton Predator Control (Implemented by Picton Dawn Chorus) - *DOC Kamahi for Nature fund
Programme value	\$700k over 3 years total

Programme name	Picton Dawn Chorus – Picton Predator Control (Implemented by Picton Dawn Chorus) - *DOC Kamahi for Nature fund
Project Timeframe	2021/22 to 2023/24
Description of internal HR resource dedicated to the programme	MDC biodiversity and biosecurity officer liaison only
Reporting requirements	Monthly survey of staff resourcing. Quarterly reports. Annual report
Nature based employment	Expected full time equivalent positions created: 6 – 7 FTE per annum.

Nature based employment	Expected full time equivalent positions created: 32
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Programme name	Limestone Coast Restoration Project (Implemented by East Coast Protection Group) - *DOC Kamahi for Nature fund
Programme value	\$327k over 3 years total
Project Timeframe	2021/22 to 2023/24
Description of internal HR resource dedicated to the programme	MDC liaison only
Outcomes	East coast restoration initiatives Planting and Predator control
Nature based employment	Expected full time equivalent positions created: 6

9. Variation 5 to the Proposed Marlborough Environment Plan – Area C

(The Chair) (Report prepared by Kim Lawson)

M100-11-07

Purpose of Report

1. To approve the preparation of, and consultation for, a variation to the proposed Marlborough Environment Plan (PMEP) to amend Schedule 3 of Appendix 13 and to make consequential changes to PMEP provisions.

Executive Summary

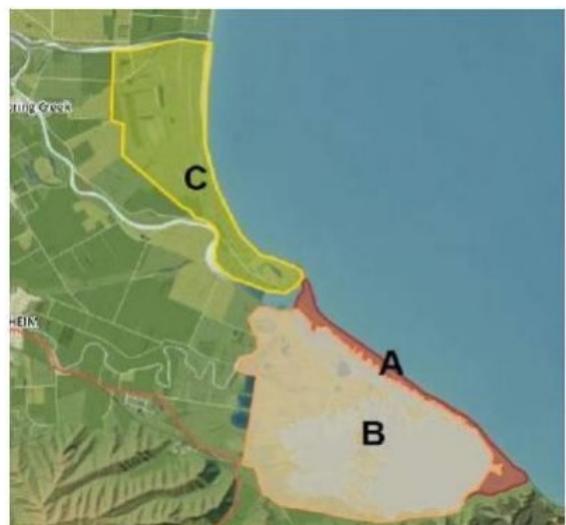
2. Approval is sought to proceed with the preparation of a variation to the PMEP to include an additional area in Schedule 3: Sites and Places of Significance to Marlborough's Tangata Whenua Iwi, in Appendix 13 – Register of Significant Heritage Resources, as well consequential changes to PMEP provisions.
3. The preparation of the variation will include consultation with relevant parties, including Te Rūnanga a Rangitāne o Wairau (Rangitāne), Heritage New Zealand Pouhere Taonga (HNZPT), other Te Tau Ihu iwi and landowners.
4. The final draft of the proposed variation will be brought back to the Environment and Planning Committee to approve for notification in due course.

RECOMMENDATION

That Council approve the preparation and consultation on a variation to Schedule 3, Appendix 13 of the Proposed Marlborough Environment Plan.

Background/Context

5. The Wairau Bar and Lagoons form a distinctive landscape in Marlborough and hold a special place in New Zealand's history due to its association with the earliest period of Māori occupation.
6. Following notification of the PMEP in June 2016, Rangitāne made a submission seeking better protection for the Wairau Lagoons, wāhi tapu and archaeological sites, which also encompassed the wider Wairau Bar area. HNZPT made a further submission in support of the Rangitāne submission.
7. In their submissions, Rangitāne and HNZPT sought for Areas A, B and C to be included in Schedule 3 of Appendix 13 of the PMEP as part of the Wairau Wāhi Tapu area.
8. In its decision, the Panel accepted that Areas A and B (excluding the designated land relating to the Council's sewage ponds) should be identified in Schedule 3 of Appendix 13. The Panel decided against the inclusion of Area C on the basis that its inclusion required further consultation with iwi, HNZPT and landowners



9. Area C is predominantly in private land ownership. There were uncertainties with respect to the spatial extent of Area C to be recognised in the PMEP and the potential effects of its inclusion in Appendix 13 on landowners, who had not been consulted.
10. Rangitāne and HNZPT appealed the Council's decision on Area C to the Environment Court. As part of the mediation process, the parties; Council, Rangitāne and HNZPT, agreed that it would be more effective and efficient to resolve the issue of inclusion of Area C in the PMEP by way of a variation to the PMEP. That would allow for all parties to be involved in the process, including iwi and affected landowners.
11. A Memorandum of Understanding was entered into between Council, Rangitāne and HNZPT to resolve the appeals lodged by Rangitāne and HNZPT on the basis that the parties agreed to investigate and develop a variation to the PMEP to include Area C in Schedule 3 of Appendix 13 of the PMEP, which might also involve consequential changes to the current PMEP provisions.

Assessment/Analysis

12. The wider Wairau Bar area contains areas of significance for Marlborough's tangata whenua iwi that require protection.
13. To determine the spatial extent of Area C to be included into Schedule 3 of Appendix 13 of the PMEP, and to understand the potential effects on landowners, iwi and other affected parties, the most effective and efficient way to proceed is by way of a variation process.
14. The variation will be prepared in accordance with the RMA Schedule 1 process.
15. The preparation of the variation will include consultation with relevant parties, including Rangitāne, HNZPT, landowners and other iwi.
16. The final draft of the proposed variation will be brought back to the Environment and Planning Committee to approve for notification in due course. At that time, all the associated documentation, such as the Section 32 report required under the RMA, will also be available for the Committee.

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

10. National Policy Statement – Highly Productive Land (NPS-HPL)

(The Chair) (Report prepared by Jamie Sigmund)

N100-001-07-01

Purpose of Report

1. To inform the committee on the new National Policy Statement for Highly Productive Land, including the planning implications, and future work required for Council.

Executive Summary

2. On the 17 October 2022 the new National Policy Statement on Highly Productive Land 2022 ('NPS-HPL') came into force.
3. The final version of the NPS-HPL is generally consistent with the changes that were sought in the Council submission on the draft NPS-HPL in 2019.
4. The NPS-HPL has one objective and nine policies seeking to protect HPL from urbanisation, rural lifestyle development, subdivision, and inappropriate use and development. Interim mapping has been put in place to support the community in understanding where this new framework may apply.
5. The Council has three years to identify Marlborough's Highly Productive Land ('HPL') in the proposed Marlborough Environment Plan (PMEP) volume three maps.
6. The Council then has a further two years after the mapping to undertake significant changes to the PMEP Volume 1 & 2 provisions to implement the NPS-HPL, including the addition of new rules and policies that seek to protect the land identified as highly productive land.

RECOMMENDATIONS

1. That the information be received.
 2. That a project to support the implementation of the NPS-HPL be developed to meet Council's obligations under the NPS.
-

Background/Context

7. The NPS-HPL requires the Marlborough District Council to update the objectives, policies, rules and insert a new mapping overlay in the PMEP to:
 - i. Identify areas of HPL in the region and map them following the prescribed manner and methodology as set out in the NPS-HPL.
 - ii. Restrict urban rezoning on HPL (requires an evaluation of other options to be done).
 - iii. Avoid rezoning of HPL for rural lifestyle living.
 - iv. Avoid subdivision of HPL.
 - v. Protect HPL from inappropriate use and development.
 - vi. Prioritise land-based primary production on HPL.
 - vii. Avoid or mitigate potential reverse sensitivity effects on HPL.
8. The NPS-HPL allows for some exceptions to the above where land is subject to permanent or long-term constraints (e.g., land contamination, no access to water). However, the NPS-HPL sets very stringent tests to prove the constraint is long term (30+ years). The NPS-HPL also enables for the continuation of existing activities on HPL, as long as any loss of HPL is minimised.

Project Scope

9. The Environmental Policy team working in collaboration with the Environmental Science and Monitoring team have commenced consideration of the implications of the NPS-HPL on the proposed Marlborough Environment Plan (PMEP).
10. Two major focus areas have been identified, spatial mapping and analysis (development of a new overlay), and potential adjustments to policy direction.
11. The need for budgetary provision to support this project is still being considered.

Spatial Mapping

12. The Council has up to three years to undertake a mapping exercise to determine what is HPL in Marlborough. The addition of HPL maps to the PMEP as an overlay will need to go through a plan variation / plan change process with public engagement, submissions, hearings, and appeals.
13. The NPS-HPL states that HPL must be:
 - On rurally zoned land; and
 - Predominately Land Use Capability ('LUC') 1-3 (elite and prime soils); and
 - Form a large and geographically cohesive area.
14. The Council is able to use the existing New Zealand Land Resource Inventory ('NZLRI') mapping as a data set as a base starting point. The NPS-HPL states that this data source can be relied on as 'conclusive of Land Use Capability status' so no further detailed LUC mapping is anticipated. The NPS-HPL's reference to "large and geographically cohesive" areas indicates the mapping exercise for HPL is at a high level.
15. In the interim (until the HPL maps are added to the PMEP), the NPS-HPL states that any rural zoned land that is LUC 1-3 in the NZLRI is considered HPL and the provisions of the NPS-HPL will apply to that land accordingly.
16. To support both this interim position and improve the communities understanding of HPL the Council has via its smart map system provided an interim map to aid public users, this map is overlaid with the latest Land Use Capability mapping for classes 1 – 3 from the New Zealand Land Resource Inventory ('NZLRI'), Council has 'clipped' this with the latest 'Rural' zoned land from the PMEP.
17. This interim mapping will provide a mechanism for resource consent applicants and agents to determine if properties seeking to subdivide in the future will potentially need to consider the implications of the NPS-HPL within their application.
18. The 'Smart Map' link can be found here;
<https://smartmaps.marlborough.govt.nz/smapviewer/?map=f2762cf7ddbc46f791a06ccadfdea3f6>

Other changes to PMEP

19. The Council have a further two years after the mapping has been completed to make any changes to PMEP provisions to give effect to the NPS-HPL.
20. Provision changes to the PMEP will need to be identified and evaluated to ensure existing provisions are maintained in an expected manner consistent with the intent of the PMEP while continuing to deliver the expectations of the NPS-HPL. Provision changes will go through a plan change / plan variation process with public engagement, submissions, hearings, and appeals.

Integration across the other NPSs

21. Further work will also be required to ensure that the NPS-HPL is implemented in an integrated fashion with councils other NPSs such as the NPS on Urban Development 2020, and the NPS for Freshwater Management 2020.

Rezoning of land for future development

22. The NPS-HPL provides for the Council to be able to allow for rezoning of HPL in certain circumstances, such as where the rezoning is needed to provide sufficient development capacity for housing or business land to give effect to the NPS-UD. These planning matters will need to be considered by the Council when reviewing any future development aspiration or rezoning approach.

NPS-HPL Timeline

23. 17 October 2022 NPS-HPL comes into immediate legal effect.
24. 17 October 2025 Deadline for new HPL maps (overlay) to be included in the PMEP.
25. Two years after the date on which HPL maps are included in the PMEP – deadline for text changes to be included in the PMEP.

Attachments

Attachment 1: Map of existing LUC 1-3 areas in Marlborough (based on NZLRI data) page 33

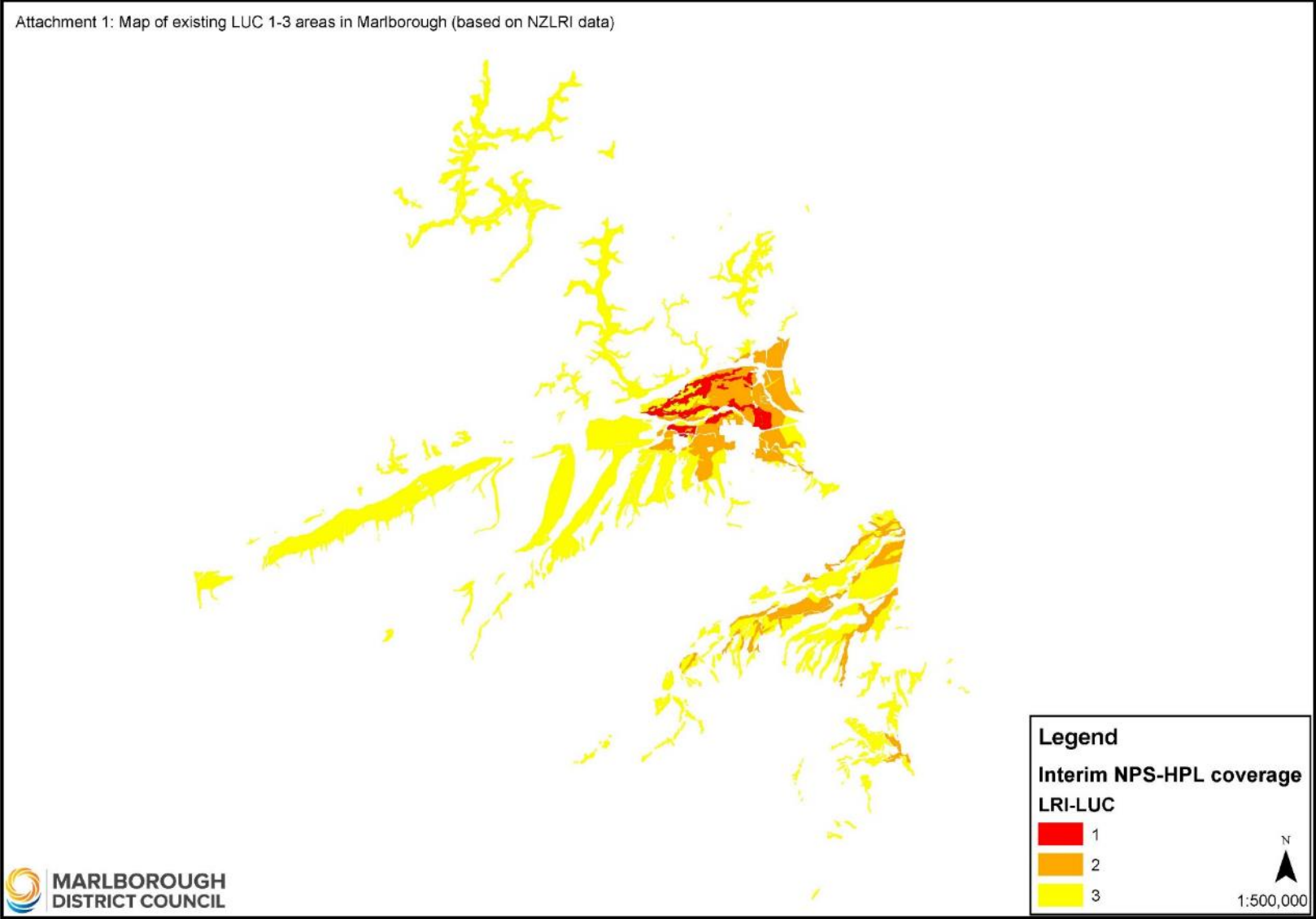
Attachment 2: The National Policy Statement on Highly Productive Land (September 2022) page 34

Resource link

Council web link for NPS-HPL; <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/national-policy-statements/national-policy-statement-highly-productive-land-2022-nps-hpl>

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Authoriser	Pere Hawes, Manager Environmental Policy Team

Attachment 1



National Policy Statement for Highly Productive Land 2022

September 2022



Ministry for the
Environment
Manatū Mō Te Taiao

Ministry for Primary Industries
Manatū Ahu Matua



Te Kāwanatanga o Aotearoa
New Zealand Government

Authority

This National Policy Statement was approved by the Governor-General under section 52(2) of the Resource Management Act 1991 on 12 September 2022, and is published by the Minister for the Environment under section 52(3) of that Act.

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Part 1: Preliminary provisions

1.1 Title

- (1) This is the National Policy Statement for Highly Productive Land 2022.

1.2 Commencement

- (1) This National Policy Statement comes into force on 17 October 2022.
- (2) See Part 4 for timeframes for giving effect to this National Policy Statement.

1.3 Interpretation

- (1) In this National Policy Statement:

Act means the Resource Management Act 1991

commencement date means the date on which this National Policy Statement comes into force, as identified in clause 1.2(1)

highly productive land means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)

identified for future urban development means:

- (a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or
- (b) identified:
 - (i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and
 - (ii) at a level of detail that makes the boundaries of the area identifiable in practice

land-based primary production means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land

lifeline utility has the meaning in section 4 of the Civil Defence Emergency Management Act 2002

LUC 1, 2, or 3 land means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification

productive capacity, in relation to land, means the ability of the land to support land-based primary production over the long term, based on an assessment of:

- (a) physical characteristics (such as soil type, properties, and versatility); and
- (b) legal constraints (such as consent notices, local authority covenants, and easements); and
- (c) the size and shape of existing and proposed land parcels

specified infrastructure means any of the following:

- (a) infrastructure that delivers a service operated by a lifeline utility:
- (b) infrastructure that is recognised as regionally or nationally significant in a National Policy Statement, New Zealand Coastal Policy Statement, regional policy statement or regional plan:
- (c) any public flood control, flood protection, or drainage works carried out:
 - (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or
 - (ii) for the purpose of drainage, by drainage districts under the Land Drainage Act 1908

specified Māori land means land that is any of the following:

- (a) Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):
- (b) land vested in the Māori Trustee that—
 - (i) is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and
 - (ii) remains subject to that Act:
- (c) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:
- (d) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):
- (e) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:
- (f) land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the mana whenua over the land

strategic planning document means any non-statutory growth plan or strategy adopted by local authority resolution

supporting activities, in relation to highly productive land, means those activities reasonably necessary to support land-based primary production on that land (such as on-site processing and packing, equipment storage, and animal housing)

urban rezoning means changing from a general rural or rural production zone to an urban zone

urban, as a description of a zone, means any of the following zones:

- (a) low density residential, general residential, medium density residential, large lot residential, and high density residential:
 - (b) settlement, neighbourhood centre, local centre, town centre, metropolitan centre, and city centre:
 - (c) commercial, large format retail, and mixed use:
 - (d) light industrial, heavy industrial, and general industrial:
 - (e) any special purpose zone, other than a Māori Purpose zone:
 - (f) any open space zone, other than a Natural Open Space zone:
 - (g) sport and active recreation.
- (2) Terms defined in the Act and used in this National Policy Statement have the meanings in the Act, unless otherwise specified.
- (3) Terms defined in the National Policy Statement on Urban Development 2020 and used in this National Policy Statement have the meanings in the National Policy Statement on Urban Development 2020, unless otherwise specified.
- (4) A reference in this National Policy Statement to a **zone** is:
- (a) a reference to a zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standards; or
 - (b) for local authorities that have not yet implemented the Zone Framework Standard of the National Planning Standards, a reference to the nearest equivalent zone.

1.4 Incorporation by reference

- (1) Clause 2(1) of Schedule 1AA of the Act does not apply to any material incorporated by reference in this National Policy Statement.

Part 2: Objective and Policies

2.1 Objective

Objective: Highly productive land is protected for use in land-based primary production, both now and for future generations.

2.2 Policies

Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.

Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.

Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

Part 3: Implementation

3.1 Outline of Part

- (1) This Part sets out a non-exhaustive list of things that local authorities must do to give effect to the objective and policies of this National Policy Statement, but nothing in this Part limits the general obligation under the Act to give effect to that objective and those policies.

3.2 Integrated management

- (1) Regional councils and territorial authorities must identify highly productive land, and manage the effects of subdivision, use, and development of highly productive land, in an integrated way, which means:
 - (a) considering how land-based primary production, including supporting activities, interact with freshwater management at a catchment level; and
 - (b) providing co-ordinated management and control of the subdivision, use, and development on highly productive land across administrative boundaries within and between regions; and
 - (c) taking a long-term, strategic approach to protecting and managing highly productive land for future generations.

3.3 Tangata whenua involvement

- (1) In giving effect to this National Policy Statement through regional policy statements, regional plans, and district plans, every local authority must actively involve tangata whenua (to the extent they wish to be involved).
- (2) The active involvement must include consultation with tangata whenua that is:
 - (a) early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
 - (b) undertaken at the appropriate levels of whānau, hapū, and iwi decision-making structures, recognising that:
 - (i) some delegates will have to represent the interests and perspectives of more than one group; and
 - (ii) some committees are not always fully representative of every iwi and hapū in the region; and
 - (iii) each constituent group will continue to be entitled to make submissions on notified plans and retain all other rights to be heard and have standing for appeals.

3.4 Mapping highly productive land

- (1) Every regional council must map as highly productive land any land in its region that:
 - (a) is in a general rural zone or rural production zone; and
 - (b) is predominantly LUC 1, 2, or 3 land; and
 - (c) forms a large and geographically cohesive area.

- (2) However, despite anything else in this clause, land that, at the commencement date, is identified for future urban development must not be mapped as highly productive land.
- (3) Regional councils may map land that is in a general rural zone or a rural production zone, but is not LUC 1, 2, or 3 land, as highly productive land if the land is, or has the potential to be (based on current uses of similar land in the region), highly productive for land-based primary production in that region, having regard to the soil type, physical characteristics of the land and soil, and climate of the area.
- (4) Regional councils must undertake the mapping required by this clause:
 - (a) in collaboration with relevant territorial authorities; and
 - (b) in consultation with tangata whenua, as required by clause 3.3; and
 - (c) at a level of detail that identifies individual parcels of land or, where appropriate for larger sites, parts of parcels of land.
- (5) For the purpose of identifying land referred to in subclause (1):
 - (a) mapping based on the New Zealand Land Resource Inventory is conclusive of LUC status, unless a regional council accepts any more detailed mapping that uses the Land Use Capability classification in the New Zealand Land Resource Inventory; and
 - (b) where possible, the boundaries of large and geographically cohesive areas must be identified by reference to natural boundaries (such as the margins of waterbodies), or legal or non-natural boundaries (such as roads, property boundaries, and fence-lines); and
 - (c) small, discrete areas of land that are not LUC 1, 2, or 3 land, but are within a large and geographically cohesive area of LUC 1, 2, or 3 land, may be included; and
 - (d) small, discrete areas of LUC 1, 2, or 3 land need not be included if they are separated from any large and geographically cohesive area of LUC 1, 2, or 3 land.

3.5 Identifying highly productive land in regional policy statements and district plans

- (1) As soon as practicable, and no later than 3 years after the commencement date, every regional council must, using a process in Schedule 1 of the Act, notify in a proposed regional policy statement, by way of maps, all the land in its region that is required by clause 3.4 to be mapped as highly productive land.
- (2) The identification of highly productive land in a regional policy statement may be sequenced over the 3 years following the commencement date.
- (3) As soon as practicable, and not later than 6 months, after a regional policy statement that includes maps of highly productive land becomes operative, each relevant territorial authority must identify the highly productive land in its district, and must do so using maps that are exactly equivalent to those in the relevant regional policy statement.
- (4) The inclusion of the maps of highly productive land in district plans is an amendment subject to section 55(2) of the Act (which means the territorial authority must make the amendment without using a process in Schedule 1 of the Act).

- (5) All maps of highly productive land in proposed regional policy statements, regional policy statements, and district plans must be updated at the next appropriate plan review to reflect relevant changes to zoning, land use capability classification, or any other matter affecting the classification of land as highly productive land.
- (6) If highly productive land is the subject of an approved plan change to rezone the land so that it is no longer general rural or rural production zone, the land ceases to be highly productive land from the date the plan change becomes operative, even if the change is not yet included in maps in an operative regional policy statement.
- (7) Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:
 - (a) is
 - (i) zoned general rural or rural production; and
 - (ii) LUC 1, 2, or 3 land; but
 - (b) is not:
 - (i) identified for future urban development; or
 - (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

3.6 Restricting urban rezoning of highly productive land

- (1) Tier 1 and 2 territorial authorities may allow urban rezoning of highly productive land only if:
 - (a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and
 - (b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and
 - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.
- (2) In order to meet the requirements of subclause (1)(b), the territorial authority must consider a range of reasonably practicable options for providing the required development capacity, including:
 - (a) greater intensification in existing urban areas; and
 - (b) rezoning of land that is not highly productive land as urban; and
 - (c) rezoning different highly productive land that has a relatively lower productive capacity.
- (3) In subclause (1)(b), development capacity is **within the same locality and market** if it:

- (a) is in or close to a location where a demand for additional development capacity has been identified through a Housing and Business Assessment (or some equivalent document) in accordance with the National Policy Statement on Urban Development 2020; and
 - (b) is for a market for the types of dwelling or business land that is in demand (as determined by a Housing and Business Assessment in accordance with the National Policy Statement on Urban Development 2020).
- (4) Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:
- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and
 - (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and
 - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.
- (5) Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.

3.7 Avoiding rezoning of highly productive land for rural lifestyle

- (1) Territorial authorities must avoid rezoning of highly productive land as rural lifestyle, except as provided in clause 3.10.

3.8 Avoiding subdivision of highly productive land

- (1) Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:
- (a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:
 - (b) the subdivision is on specified Māori land:
 - (c) the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.
- (2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:
- (a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and
 - (b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.
- (3) In subclause (1), **subdivision** includes partitioning orders made under Te Ture Whenua Māori Act 1993.

- (4) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.

3.9 Protecting highly productive land from inappropriate use and development

- (1) Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.
- (2) A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:
- (a) it provides for supporting activities on the land:
 - (b) it addresses a high risk to public health and safety:
 - (c) it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:
 - (d) it is on specified Māori land:
 - (e) it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:
 - (f) it provides for the retirement of land from land-based primary production for the purpose of improving water quality:
 - (g) it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:
 - (h) it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act:
 - (i) it provides for public access:
 - (j) it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land:
 - (i) the maintenance, operation, upgrade, or expansion of specified infrastructure:
 - (ii) the maintenance, operation, upgrade, or expansion of defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990:
 - (iii) mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand:
 - (iv) aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand.
- (3) Territorial authorities must take measures to ensure that any use or development on highly productive land:
- (a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and
 - (b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.

- (4) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.

3.10 Exemption for highly productive land subject to permanent or long-term constraints

- (1) Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:
 - (a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and
 - (b) the subdivision, use, or development:
 - (i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and
 - (ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and
 - (iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and
 - (c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.
- (2) In order to satisfy a territorial authority as required by subclause (1)(a), an applicant must demonstrate that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land, by evaluating options such as (without limitation):
 - (a) alternate forms of land-based primary production:
 - (b) improved land-management strategies:
 - (c) alternative production strategies:
 - (d) water efficiency or storage methods:
 - (e) reallocation or transfer of water and nutrient allocations:
 - (f) boundary adjustments (including amalgamations):
 - (g) lease arrangements.
- (3) Any evaluation under subclause (2) of reasonably practicable options:
 - (a) must not take into account the potential economic benefit of using the highly productive land for purposes other than land-based primary production; and
 - (b) must consider the impact that the loss of the highly productive land would have on the landholding in which the highly productive land occurs; and

- (c) must consider the future productive potential of land-based primary production on the highly productive land, not limited by its past or present uses.
- (4) The size of a landholding in which the highly productive land occurs is not of itself a determinant of a permanent or long-term constraint.
- (5) In this clause:
landholding has the meaning in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
long-term constraint means a constraint that is likely to last for at least 30 years.

3.11 Continuation of existing activities

- (1) Territorial authorities must include objectives, policies, and rules in their district plans to:
 - (a) enable the maintenance, operation, or upgrade of any existing activities on highly productive land; and
 - (b) ensure that any loss of highly productive land from those activities is minimised.
- (2) In this clause, **existing activity** means an activity that, at the commencement date:
 - (a) is a consented activity, designated activity, or an activity covered by a notice of requirement; or
 - (b) has an existing use of land or activity protected or allowed by section 10 or section 20A of the Act.

3.12 Supporting appropriate productive use of highly productive land

- (1) Territorial authorities must include objectives, policies, and rules in their district plans that:
 - (a) prioritise the use of highly productive land for land-based primary production over other uses; and
 - (b) encourage opportunities that maintain or increase the productive capacity of highly productive land, but only where those opportunities are not inconsistent with:
 - (iv) any matter of national importance under section 6 of the Act; or
 - (v) any environmental outcomes identified in accordance with the National Policy Statement for Freshwater Management 2020.

3.13 Managing reverse sensitivity and cumulative effects

- (1) Territorial authorities must include objectives, policies, and rules in their district plans that:
 - (a) identify typical activities and effects associated with land-based primary production on highly productive land that should be anticipated and tolerated in a productive rural environment; and
 - (b) require the avoidance if possible, or otherwise the mitigation, of any potential reverse sensitivity effects from urban rezoning or rural lifestyle development that

could affect land-based primary production on highly productive land (where mitigation might involve, for instance, the use of setbacks and buffers); and

- (c) require consideration of the cumulative effects of any subdivision, use, or development on the availability and productive capacity of highly productive land in their district.

Part 4: Timing

4.1 When this National Policy Statement takes effect

- (1) Every local authority must give effect to this National Policy Statement on and from the commencement date (noting that, until an operative regional policy statement contains the maps of highly productive land required by clause 3.5(1), highly productive land in the region must be taken to have the meaning in clause 3.5(7)).
- (2) Every territorial authority must notify changes to objectives, policies, and rules in its district plan to give effect to this National Policy Statement (using a process in Schedule 1 of the Act) as soon as practicable, but no later than 2 years after maps of highly productive land in the relevant regional policy statement become operative.

11. 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. Mediation on all topics except for Topic 2: Water Allocation and Use and Topic 13: Water Quality has now occurred.
4. Mediation on Topic 2: Water Allocation and Use and Topic 13: Water Quality is scheduled for February to April 2023.
5. To date, well over half of all appeal points to the PMEP have been considered through formal mediation.
6. Good progress has been made in resolving appeals. Since the last report to the Environment and Planning Committee on 1 December 2022, 10 further consent memoranda have been submitted to the Environment Court.
7. Since the last report to the Environment and Planning Committee on 1 December 2022, the Court has issued three consent orders. These consent orders are for discrete appeal points in the Energy and Rural topics and for the Port Marlborough appeal points that did not involve Section 274 parties.

RECOMMENDATION

That the report be received.

Background/Context

8. The PMEP Hearings Panel publicly notified their decision on the PMEP on 22 February 2020.
9. 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>.
10. A significant number of Section 274 notices were lodged with the Environment Court. This allows parties that have an interest in an appeal that is greater than the general public interest, or parties that originally submitted on the same provision subject to the appeal, to join the proceedings. The large number of Section 274 parties will make the process of reaching mediated agreements more complex.
11. 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.
12. 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.

13. 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.
14. A structure, process and timeline for managing the mediation of appeals was proposed by the Council and confirmed by the Environment Court in December 2020. Appeals have been structured according to topic and topics have then been grouped for scheduling reasons. All groups and topics have been scheduled. Progress with mediation is set out below.
15. 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”.

MEP Appeals Version

16. An appeals version of the PMEP has been produced, identifying provisions that are subject to appeal. This is available on the Council website: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/appeal-process/appeals-version-of-the-pmep>. The PMEP Appeals Version is being updated on an ongoing basis as appeals are resolved and consent orders are issued by the Environment Court.

Progress with resolution of appeals

17. To date, eight appeals have been resolved in full and four appeals have been withdrawn. The status of all appeals is recorded in Attachment 1. There are a total of 39 notices of appeal remaining.
18. A total of 25 consent orders have been issued by the Environment Court.
19. Since the last update on 1 December 2022, a further four consent memoranda have been submitted to the Environment Court for its consideration. Another three consent memoranda are in preparation and will be submitted to the Court shortly.
20. All future consent orders issued by the Environment Court will be reported to the Committee through subsequent updates.
21. Discussions during mediation have been positive and outcome focussed, and substantial progress has been made on resolving appeals. A total of 1074 appeal points have been considered through mediation to date, with most appeal points being resolved. This represents good progress in the context of 1307 appeal points (i.e., well over half of all appeal points have been considered). This is especially so considering that there are typically many parties involved in each appeal point (given the extensive nature of the Section 274 notices).

Environment Court Mediation

22. 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 Planning Finance and Community was briefed about the general course of the mediation to date and on the specific agreed outcomes from that mediation.
23. With the Environmental Policy Group now reporting to the Environment and Planning Committee, the Chair of this Committee will now be involved in the appeal resolution process.
24. The mediation process is overseen by an Environment Court Commissioner.
25. Mediation has now occurred on 20 of the 22 topics.

26. A previous report to the Committee on 1 December contained a comprehensive update on all mediation topics to bring the Committee up to speed with progress with resolution of appeals. This report only contains information on progress since the last report.
27. 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>.
28. As recorded above, all consent orders are incorporated into the PMEP Appeals Version.

Natural Character

29. 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.
30. Most appeal points have been agreed and a consent memorandum has been prepared for the agreed matters. It is a priority to complete the consent memorandum and submit this to the Environment Court given the passage of time.
31. Progress has been made with two appeal points relating to the natural character overlays as they apply in Cook Strait and a consent memorandum is now in circulation to resolve these specific appeal points.
32. Many of the remaining appeal points are on hold pending the outcome of Variation 1.

Indigenous Biodiversity

33. 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.
34. A consolidated consent memorandum was submitted to the Environment Court on 2 December 2022 for all matters on which agreement has been reached. A consent order is now pending.
35. The parties to the King Shag appeals applying to breeding sites reached agreement and a consent memorandum was lodged with the Environment Court on 25 July 2022. A consent order is now pending.
36. A separate schedule for the exchange of evidence was also determined by the Environment Court for appeals related to King Shag habitat and Important Bird Areas not resolved. 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 Council is submitting its evidence on this matter on 27 January 2023. No Court hearing has been scheduled at this point in time.
37. The parties have requested further mediation on appeals to Appendix 3, criteria for ecological significance. Although progress was made on appeals on the appendix at the September mediation, there remain differences between some of the parties. The Environment Court has allocated 14 April for this mediation to occur.
38. A work programme is in place to address the outstanding appeal points on indigenous vegetation clearance rules.
39. 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

40. There are dedicated workstreams that stem from the mediation aiming to progress matters not agreed.
41. A consent order was submitted to the Environment Court on 16 December 2022 to resolve the KiwiRail appeal point on rail safety setbacks. A consent order is now pending.
42. Progress is being made on the remaining workstreams.

Natural hazards

43. Discussion continues between the relevant parties on the outstanding appeal points relating to the flood hazard overlays at Tuamarina and the status of maimai. The flood risk at Tuamarina has been reviewed following flood events of 2021 and 2022 and the results of the review have been conveyed to the appellants. Council awaits confirmation as to whether this review resolves the appeal points.

Waste and discharge of contaminants to land

44. A consent memorandum on the matters agreed at mediation was submitted to the Environment Court on 7 October 2022 and a consent order is pending.
45. There are two dedicated workstreams that stem from the mediation aiming to progress matters not agreed. One is on hold pending mediation on the Water Quality topic in February. Discussions are continuing with the other outstanding appeal point and it is close to resolution.

Soil quality and land disturbance

46. Agreement has now been reached on the two outstanding matters in this topic and a consent memorandum is in circulation.

Rural

47. Mediation on the Rural Topic occurred on 2-4 August 2022. Agreement was reached on all but one of the appeal points at mediation. A consent memorandum on the matters agreed at mediation was submitted to the Environment Court on 7 October 2022 and a consent order is pending.
48. Further discussions resolved the outstanding point and a consent memorandum was submitted to the Environment Court on 8 December 2022. The Court issued a consent order for this appeal point on 23 December 2022.

Forestry

49. Mediation on the Forestry Topic occurred on 23-25 August 2022.
50. Agreement was reached on all but one of the appeal points at mediation. A consent memorandum on the matters agreed at mediation was submitted to the Environment Court on 1 November 2022 and a consent order is pending.
51. The remaining appeal points are on hold pending the gazettal of the NPS for Indigenous Biodiversity.

Coastal

52. Mediation on the Coastal Topic occurred on 20-22 September 2022.
53. Agreement was reached on all appeal points with the exception of the appeals on coastal occupancy charge provisions. A consent memorandum was submitted to the Environment Court on 1 November 2022 and a consent order is pending.
54. The parties have committed to workstreams to either narrow or resolve the appeals on coastal occupancy charges.
55. In addition to the formal mediation, informal mediation on appeal points made by Port Marlborough NZ Ltd in this topic has been ongoing since 2020. Agreement was reached between the parties earlier this year and a consent memoranda (one for appeals with no Section 274 parties and one for appeal with Section 274 parties) were submitted to the Environment Court on 14 September 2022. The Court issued a consent order for first consent memorandum on 23 December 2022.

Zoning

56. Mediation on the Zoning Topic occurred on 25 October 2022. Agreement was reached on two of the three appeal points.

57. 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. A consent order is now pending.

Miscellaneous

58. Mediation of the Miscellaneous topic occurred on 8 and 9 November 2022. There are 25 appeal points considered at mediation for this topic. Agreement was reached on most appeal points and a consent memorandum was submitted to the Environment Court on 22 December 2022. A consent order is now pending.
59. The remaining appeal points are on hold pending the outcome of Variation 1.

Next steps

60. As set out above, the Environment Court has issued three further consent orders since the last report to the Committee. A total of 11 consent memorandum are now with the Court for its consideration and a further three consent memoranda are in preparation. Any resulting consent order issued by the Court will be reported to the Committee through future updates.
61. Mediation is yet to occur for the following topics, and these are scheduled as set out below:
- Water Quality (February 2023)
 - Water Quantity (March/April 2023)
62. These two topics contain a significant number of appeal points.
63. Further mediation will also now to occur for unresolved Indigenous Biodiversity appeal points in April 2023.
64. A timetable for the exchange of evidence for the remaining appeal point for Important Bird Areas is in place and is being implemented.
65. Informal mediation on other outstanding matters is ongoing. The results will be reported to the Environment Court in accordance with the Court's directions.
66. Progress with the resolution of appeals will continue to be regularly reported to the Committee through future agenda items.

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

Attachment 1

Appellant		Environment Court Reference	Status
Dominion Salt Limited v Marlborough District Council		ENV-2020-CHC-21	Resolved
GJ Gardner v MDC		ENV-2020-CHC-31	Resolved
Timberlink New Zealand Limited v MDC		ENV-2020-CHC-30	Withdrawn
Talley's Group Limited v MDC		ENV-2020-CHC-32	Resolved
Nelson Marlborough Fish and Game v MDC		ENV-2020-CHC-35	
Chorus New Zealand Limited and Spark New Zealand Trading Limited v MDC		ENV-2020-CHC-37	Resolved
Okiwi Bay Ratepayers Association v MDC		ENV-2020-CHC-38	Resolved
Te Rūnanga a Rangitāne o Wairau v MDC		ENV-2020-CHC-39	Resolved
Minister of Conservation v MDC		ENV-2020-CHC-42	
Aroma (N.Z.) Limited and Aroma Aquaculture Limited v MDC		ENV-2020-CHC-45	
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu v MDC		ENV-2020-CHC-46	
McGuinness Institute v MDC		ENV-2020-CHC-48	
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	
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	
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 Ngāti Kuia Trust v MDC		ENV-2020-CHC-70	
Brentwood Vineyards Limited and others v MDC		ENV-2020-CHC-66	

Appellant		Environment Court Reference	Status
BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited v MDC		ENV-2020-CHC-72	Resolved
Horticulture New Zealand v MDC		ENV-2020-CHC-72	
Rebecca Light v MDC		ENV-2020-CHC-79	
East Bay Conservation Society Incorporated v MDC		ENV-2020-CHC-78	
Minister of Defence v MDC		ENV-2020-CHC-76	
Levide Capital Ltd v MDC		ENV-2020-CHC-65	Withdrawn
Delegat Limited v MDC		ENV-2020-CHC-75	
AJ King Family Trust and SA King Family Trust v MDC		ENV-2020-CHC-73	
Environmental Defence Society Incorporated v MDC		ENV-2020-CHC-67	
Federated Farmers of New Zealand v MDC		ENV-2020-CHC-58	
Sanford Limited v MDC		ENV-2020-CHC-60	
Friends of Nelson Haven and Tasman Bay Inc		ENV-2020-CHC-33	
Omaka Valley Group Inc		ENV-2020-CHC-34	
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	

12. Dog Control Fees Review for the 2023/2024 Registration Year

(Clr Faults) (Report prepared by Jamie Clark)

E305-001-001

Purpose of Report

1. The purpose of this report is to review the current dog control fees for the 2023/2024 registration year.

Executive Summary

2. Current dog registration fee revenue is forecast to maintain Council's approved 80/20, fees recovery and rates funding split.
3. The Animal Control revenue aligns with Council's Revenue and Financing Policy.

RECOMMENDATION

That Council approves no changes to the dog registration and pound fees for the 2023/2024 registration year.

Background/Context

4. Council is required under section 37 of the Dog Control Act 1996 to set dog control fees on an annual basis. The fees must be set by resolution and must be publicly advertised at least once during the month preceding the start of the registration year (1 July - 30 June).
5. Council is also required under section 68 of the Dog Control Act 1996 (the Act), from time to time to set reasonable poundage and sustenance fees for dogs which are seized and impounded. The Act states that local authorities may set different fees for registered and unregistered dogs and set a graduated scale of fees for the repeated impounding of the same dog. The fees must be fixed by resolution and must be publicly advertised in the local newspaper at least 14 days prior to coming into effect. All fees must be paid in full before a dog is released from the pound.
6. Dog registration fees are due by 1 July each year. Dog owners are charged a late payment penalty (50% of the applicable registration fee) if they pay after 1 August. If a dog is registered for the first time during the registration year a proportional fee is charged.
7. At the Council Budget Meeting on 19 February 2015, an 80/20 allocation between dog owners and the community respectively was approved.
8. There were changes to the dog registration fees and categories for the 2022/2023 year along with an increase in surrender fees. Prior to this there had been no increase in dog registration fees since 2018/19.
9. The new Council contract for Animal Control Services which commences on 1 April 2022 had been awarded to Maataa Waka Ki Te Tau Ihu Trust. This is a fixed price contract with a maximum contract term of seven years, and it expires on 31 March 2029.
10. The contract price has been fixed with no escalation for the **first two years and then any CPI increase can be sought annually** in writing prior to the end of the calendar year to enable any increase to be factored in when reviewing and setting fees for the following registration year.
11. Dog registration fees help to fund a range of services that are designed to help dogs, their owners and the wider community such as:

- Monitoring and enforcing the Dog Control Act 1996 and ensuring compliance with the Marlborough District Council Dog Control Bylaws 2021 and the Dog Control Policy 2021.
- Responding to and investigating complaints (including dog rushes and attacks on people, domestic pets, stock and wildlife, barking nuisance, roaming and lost and found dogs).
- Providing and maintaining the pound facilities.
- Providing dog safety education for dog owners, schools and the public.
- Patrolling public areas, reserves, parks, beaches and sports fields throughout Marlborough.
- Development of recreational opportunities for dogs including the Renwick Dog Park and the proposed Blenheim Dog Park.
- Providing signage related to dog access to public places and reserves and providing the doggie doo stations in public places and reserves.

Categories and Numbers of Dogs Registered in Marlborough

12. The trend of increasing numbers of dogs in the district is continuing.
13. The breakdown of categories and numbers of active dogs currently registered in Marlborough (as of 9 January 2023) is detailed in the table below:

Table One – Registration Categories and Numbers for 2022 and 20232

Registration Category	Numbers Registered As of 8 January 2022	Numbers Registered As of 9 January 2023
Category 1	5052	5081
Category 2 (this includes menacing dogs)	3011	2960
Old Dogs	880	881
Working Dogs*	1,705	1651
Dangerous Dogs	9	12
Total dogs	10, 657 registered	10, 585 registered (285 dogs outstanding)

Category 1

Any non-working dog that met all of the criteria below:

- Microchipped: The dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.
- Desexed: The dog has been desexed.
- Classification: The dog has not been classified as dangerous or menacing. The owner has not within the previous seven years been classified as probationary or been disqualified from owning a dog.
- Enforcement Action: The owner of the dog has not within the previous seven years been convicted of an offence under the Dog Control Act 1996, or within the previous two years, committed any infringement offence.

Category 2

Any non-working dog that did not meet the criteria of a Category 1 dog.

Working Dogs

* Includes dogs primarily used for herding or driving stock (1634), Disability Assist Dogs (Guide -3 and Hearing 3x), Police dogs (5), and Companion dogs (5).

Old Dog Category

Status for the 2023/24 registration year required meeting the following criteria:

- The dog was registered for the first time on the National Dog Database prior to 1 July 2011 (i.e. the dog will be over 12 years old for the 2023/24 registration year);
- The dog did not have to be desexed.
- The dog only had to be microchipped if registered for the first time on or after 1 July 2006 (as per section 36A of the Dog Control Act 1996);
- There had been no infringement under the Dog Control Act 1996 in the two previous registration years (i.e., from 1 July 2020 onwards) relating to the dog owned by the person applying for the registration; and
- Dangerous dogs and working dogs were excluded from the old dog category status.

Fee Proposal Options for 2023/24

14. No changes are recommended for the 2023/24 dog registration fees and to keep the same categories. It is intended to keep a simple fee structure for ease of administration.
15. It is proposed to keep the standard fees for payments made by 31 July and late payment penalties (50% of the applicable registration fee) if paid after 1 August.
16. A microchipping project is continuing to increase microchipping compliance.
17. The proposed fees for the 2023/24 registration year are set out in the fee table below.
18. Pro-rata fees are charged when registering a new dog.
19. Rebates are also provided if Animal Control is notified of category changes (once dogs have been desexed) or if a dog dies.

Fee Category (All fees and charges are GST inclusive)	Current Fees 2022/23	Proposed Fees 2023/24
(Category 1)	\$62	\$62
(Category 2)	\$92	\$92
Working Dog 10 + working dogs (for each extra dog)	\$22 \$11	\$22 \$11
Guide, Hearing, Police and Council approved Companion Dogs	No fee	No fee
Old Dog	\$46	\$46
Dangerous Dog	\$138	\$138
Replacement Tag (if lost or damaged)	\$5	\$5
Multiple Dog Licence (2 or more dogs in non-rural areas)	\$75	\$75

Fee Category (All fees and charges are GST inclusive)	Current Fees 2022/23	Proposed Fees 2023/24
Seizure fee	\$100	\$100
Pound Fee – first impounding registered	\$75	\$75
– first impounding unregistered	\$100	\$100
Pound Fee - second impounding	\$150	\$150
Pound Fee - third impounding and subsequent impounding	\$200	\$200
Pound - Daily Sustenance & Care (to cover food, exercise, cleaning the pound etc.)	\$15	\$15
Pound - Surrender fee	\$100	\$100
Microchipping fee	\$25	\$25

Option One Status Quo – Maintain current dog registration and pound fees

20. No changes to dog registration and pound fees for the 2023/24 year.

Advantages

21. No increase in costs for dog owners. The Animal Control revenue aligns with Council's Revenue and Financing Policy.
22. Animal Control will maintain current levels of services.

Disadvantages

23. There is currently no disadvantage for maintaining the current fee structure and fees as there is no additional burden on dog owners or ratepayers.

Author	Jamie Clark, Contract Manager for Animal Control
Authoriser	Glen McMurdo, Compliance Manager

Summary of decision-making considerations

Fit with purpose of local government

The proposed dog registration fee revenue is forecast to maintain Council's approved 80:20, fees recovery and rates funding split.

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

Financial considerations

There are no known financial implications and Animal Control Services have been budgeted for in the Compliance Group budget and LTP.

Risks: Legal / Health & Safety etc

There are no known significant risks or legal implications as the review of the dog control fees is being undertaken in accordance with section 37 and 68 of the Dog Control Act 1996.

Social well-being

Council recognises that dogs can play a positive role in society and provide enjoyment and health benefits for individuals and families. Dog fees need to be affordable, cover the cost of the Animal Control Services function and minimise danger, distress and nuisance to the community generally.

13. Resource Consent Hearings Update

(Clr J A Arbuckle) (Report prepared by Sue Bulfield-Johnston)

R450-004-22

Purpose of Report

1. To provide a summary of the hearings undertaken since the previous report was provided together with an update as to changes in practice following Covid-19.

Executive Summary

2. This report provides a rolling summary of hearings scheduled and completed for applications for resource consent. Since the onset of Covid-19 and the Level 4 Lockdown a practice has been implemented to consider extension of timeframes and online hearings where appropriate.

RECOMMENDATION

That the report be received.

Background/Context

3. The Advocacy and Practice Integration Team (API) has responsibility for facilitating the Resource Consent hearing process under the Resource Management Act 1991. API continues to work with the Resource Consents team to make improvements to this process for the benefit of Council and those participating in that process.

Hearings Update

4. Hearings are continuing to be scheduled and attendance in person has resumed. However, remote attendance has also become the norm and a combination of the two forms of attendance is now typical. Remote access links are provided for every hearing, it is likely this service will be provided on an ongoing basis.
5. Clrs Allanah Burgess, Ben Minehan and Raylene Innes have been registered onto the MfE Making Good decision foundation course. Successful completion of this course will see these Councillors accredited and able to sit on a hearing panel.
6. A combined hearing has been scheduled to hear two subdivision applications. The two related properties are located on the same right of way and the issues to be considered are common to both applications. There is also in commonality in terms of parties to both applications. A combined hearing is an unusual arrangement, however it makes sense in this case for process and cost efficiency reasons.

Applications that have been scheduled for hearing

7. At the time of writing this report 16 hearings have been completed in the year commencing 1 July 2021. Decisions have been issued for all but three of these applications. A table listing these hearings is attached at Appendix 1.
8. The following hearings have been scheduled:

Tuesday 21 February 2023	U220748 0- Strathdullan Properties Limited	Subdivision Land Use (Activity)	Ian Sutherland	Commissioner A Besier	Council Chambers
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Tuesday 14 March and Wednesday 15 March 2023	U200980 – Marberry Estate Limited	Land Use (Disturbance) Land Use (Activity) Land Use (River Surface and Bed Activity)	Fliss Morey	Commissioner M Williams	Council Chambers
Thursday 30 March 2023	Combined Hearing U220451 – DKNZ Enterprises Limited U220377 - AB & D M Fitzpatrick	Subdivision (Allotment Creation)	Ian Sutherland	Clr J Arbuckle (Chair) Clr B Faulls Clr T Sowman	Council Chambers

9. Requests have been received to set hearings down for the following applications. No dates have been identified at the time of drafting this report.

Next steps

10. API will continue to facilitate the hearing process and adapt to the changing environment.

Author	Sue Bulfield-Johnston, Administrator and Hearing facilitator, Advocacy and Practice Integration
Authoriser	Gina Ferguson, Consents and Compliance Group Manager

Appendix 1

The following hearings have taken place in the year commencing 1 July 2021

Hearing Date	U Number and Name	Details	Planner	Commissioner/Committee	Status
Tuesday 6 July 2021	U200493 – Kuku Holdings Limited	Coastal Permit (Marine Farm)	Peter Johnson	Commissioner S McGarry	Application refused Decision Issued
Wednesday 7 July 2021	U201026 – Moetapu Bay Community Jetty Incorporated	Coastal Permit (Structure)	Sarah Silverstar	Commissioner S McGarry	Application Granted Decision Issued
Wednesday 5 August 2021	U190930 – Totaranui 250 Trust	Coastal Permit (Structure) x2 Land Use (Activity)	Sarah Silverstar	Commissioner Welsh	Application Granted in Part Decision Issued
Wednesday 12 August 2021	U201097 – Summerset Villages (Blenheim) Limited	Land Use (Activity)		Commissioner Burge	Application Granted Decision Issued
Tuesday 14 September 2021	U200242 – Mac Holdings Limited	Water Permit (Take Water) Water Permit (Use Water)	Glen Parker	Commissioner R Enright	Application Granted Decision Issued
Tuesday 28 September 2021	U210232 – Watson Development & Investment Limited	Subdivision (Allotment Creation) Water Permit (Take water) Water Permit (Use Water)	Ian Sutherland	Commissioner S McGarry	Application Refused Decision Issued
Wednesday 9 February 2022	U200673 – Te Iwingaro Trust	S357B Objection to Cost	Anna Eatherley	Commissioner Welsh	Objection Dismissed Decision Issued
Wednesday 9 February 2022	U200816 – G Goodsir	S357B Objection to Cost	Anna Eatherley	Commissioner Welsh	Objection Upheld in Part Decision issued

Hearing Date	U Number and Name	Details	Planner	Commissioner/Committee	Status
Wednesday 16 February 2022	U210437 – Tasman Pine Forest Limited	Land Use (Land Disturbance)	Fliss Morey	Clr J Arbuckle Clr T Sowman Clr B Faulls	Application Granted Decision Issued
Wednesday 23 February 2022	U210362 – Coolabah Family Trust	Subdivision (Allotment Creation)	Ian Sutherland	Commissioner Besier	Application Granted Decision Issued
Tuesday 15 March 2022	U200493 - Kuku Holdings Limited	Coastal Permit (Marine Farm)	Fliss Morey	Commissioner McGarry	Application refused Decision Issued
Friday 12 April 2022	U210573 / U210920 – M F & R M Doherty	Subdivision (Allotment Creation) & S221 Change to condition of consent notice	Tracey Hewitt	Clr J Arbuckle Clr T Sowman Clr B Faulls	Application Granted Decision Issued
Tuesday 28 June 2022	U060329 - p J Woolley	S136 application to transfer water permit	Glen Parker	Commissioner Welsh	Hearing adjourned, to be reconvened 26 October
Tuesday 30 August 2022	U080226 – Marlborough District Council	S136 application to transfer water permit	Glen Parker	Commissioner D Turley	Application Granted Decision Issued
Tuesday 13 September 2022	U210154 – Hille Trustee Limited	Land use (Dam) Water Permit (Dam Water) Land Use (Land Disturbance) Water Permit (Divert Water)	Cassandra Irvine	Commissioner D Turley	Application Granted Decision Issued
Tuesday 20 September 2022	U220381 – Marlborough District Council	Land Use (Activity)	Jenny Folster	Commissioner Burge	Hearing closed, decision pending

Hearing Date	U Number and Name	Details	Planner	Commissioner/Committee	Status
Wednesday 26 October 2022	U060329 – P J Woolley – reconvened hearing	S136 transfer of water permit	Glen Parker	Commissioner Welsh	Hearing adjourned pending further information
Multiple days	U190438 – The New Zealand King Salmon Company Limited	Coastal Permit	Peter Johnson	Commissioner Welsh Commissioner Enright Commissioner Burge	Application Granted Decision Issued
This hearing took place as scheduled on Tuesday 1 September 2020. It was adjourned pending further information. The applicant has since suspended the processing of the application under S91 and the extended the timeframe under s37A(5). The Applicant would like to have the application considered after the decision is issued on the MEP Variation 1 relating to the aquaculture provisions.	U161142 – Marlborough Aquaculture Limited	Coastal Permit (Marine Farm)	Peter Johnson	Commissioner J Mills and Commissioner D Oddie	Hearing adjourned pending further information.
Tuesday 29 November 2022	U180856 – Wainui Green 2015 Limited & Two MF Limited (Pig Bay Partnership)	Coastal Permit (Marine Farm)	Peter Johnson	Commissioner C Welsh	Hearing Closed, decision pending
Tuesday 13 December 2022	U220543 – CMT Group NZ Limited	Land Use	Glen Parker	Commission A Besier	Hearing Closed, decision pending

14. Information Package

RECOMMENDATION

That the Regulatory Department Information Package dated 2 February 2023 be received and noted.
