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3 March 2023

Record No: 2346334
File Ref: D050-001-E01
Ask For: Nicole Chauval

Notice of Committee Meeting – Thursday 9 March 2023

A meeting of the Environment & Planning Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **9 March 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, 9 MARCH 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

An apology from Cllr T P Sowman has been 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. Environmental Science and Monitoring Group

(Clr Burgess) (Report prepared by Alan Johnson)

E360-000-002

Purpose of Report

1. To provide an overview of the Environmental Science and Monitoring Group (ESMG) functions, key areas of responsibility and challenges.

Executive Summary

2. The ESGM deliver a range of statutory based functions pursuant to the Proposed Marlborough Environment Plan, the Regional Pest Management Plan, including a number of national directives under the Resource Management Act 1991 and Biosecurity Act 1993.
3. The core activities of the ESGM focus on state of the environment monitoring, reporting, investigations and collection of environmental data.
4. In addition, the ESGM delivers several environmental programmes that provide for both economic, and social wellbeing of the community and help protect and restore our natural environment.
5. The collection of high-quality environmental data managed over the long term is a prerequisite to sound decision making for policy development, hazard management and achieving a range of community outcomes including resource consent requirements.
6. The ESGM works in an integrated way within Council and also works collaboratively with various stakeholders in the community.

RECOMMENDATION

That the information be received.

Background/Context

7. The Environmental Science and Monitoring Group (ESMG) of Council are responsible for the delivery of services relating to environmental science, monitoring, environmental services, and biosecurity. These responsibilities are essentially legislative requirements under the Resource Management Act 1991 (RMA), Environment Reporting Act 2015 and the Biosecurity Act 1993 (BSA).
8. The ESGM is made up of 25 core staff that are functionally managed into five key teams delivering work programmes focused on our natural resource domains (air quality, biodiversity, biosecurity, climate, groundwater quantity and quality, land management, surface water quantity, surface water quality).
9. The key purpose of the activities are;
 - To monitor, gather and investigate environmental data and report on the state of Marlborough's natural and physical resources;
 - To manage and enable customer access to high quality digital resource information;
 - To undertake science investigations to inform policy development and provide advice for consenting and compliance;
 - To implement environmental programmes to help maintain or improve the condition of Marlborough's natural and physical resources;
 - Facilitating the development, alignment of regional pest management plans in the region;

10. In accordance with relevant pest management plans, undertaking investigations, eradication or management of invasive species.
11. The ESMG has a science and monitoring budget of \$7.9m and Biosecurity \$7.56m in 2022/23. Approximately 50% of the current revenue is sourced from government sources.
12. The majority of the government funding is directed towards broad scale restoration programmes and the removal of invasive species (e.g. The Hoiere Restoration Project and National Wilding conifer programme)
13. The Group maintains up to 100 permanent real time monitoring sites (Assets) in the region which gather a range of environmental parameters that provide additional local scale monitoring of service weather events, measuring low flows, ground water resources and measures a range of water and air quality values.
14. Environmental data is collected, quality coded and hosted at Council in real time and as static samples. The data is transformed and disseminated as information to customers through a range of tools and media, including websites, reports, fact sheets, educational programmes, landowner/community visits.
15. In addition, the ESMG is responsible for a number of digital products (e.g. flood warning and irrigation status tools) that are important to the both community economic and social wellbeing.
16. The ESMG operates under a collaborative model working in partnerships in the community while integrating across the various internal Council functions.

Presentation

A Group presentation of the EMMG functions and challenges will be provided by Alan Johnson, Mike Ede, Peter Hamill, Jono Underwood, Peter Davidson and Charlotte Tomlinson (30 minutes).

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

4. Key Species-led Programme Updates

(Clr Faulls) (Report prepared by Jono Underwood)

E315-003-009-01, E315-003-019-01,
E315-003-021-01

Purpose of Report

1. To provide the Committee with an update on three of the larger pest-led programmes being implemented by the Biosecurity Team.

Executive Summary

2. Three of the larger pest-led programmes are those managing the threats from the invasive pest plants Chilean needle grass and nassella tussock, and the invasive marine pest Mediterranean fanworm.
3. These three programmes consume a large portion of both Biosecurity staff time and operating budget. Nonetheless, this investment is very much proportionate to the threat posed by these key invasive species to Marlborough.
4. The nassella tussock programme continues to be one where Biosecurity staff conduct a large property inspection regime to ensure occupiers are managing this pest plant to levels that keep it under sustained control. The combined effort of all affected occupiers, in conjunction with the Biosecurity Team fulfilling its oversight role, is seeing this species remain under long term sustained management.
5. The Chilean needle grass programme sees Council's Biosecurity Team, along with numerous contractors, taking a much more direct level of service delivery over key times of the season. This programme is also in a sustained holding pattern; however this is a success when thinking what could unfold in the absence of any intervention.
6. For Mediterranean fanworm, the combination of rapid response efforts by the Biosecurity Team, ongoing surveillance, and working with key local partners such as Marlborough Marinas, there remains to be no evidence that this invasive marine pest has established in Marlborough waters.

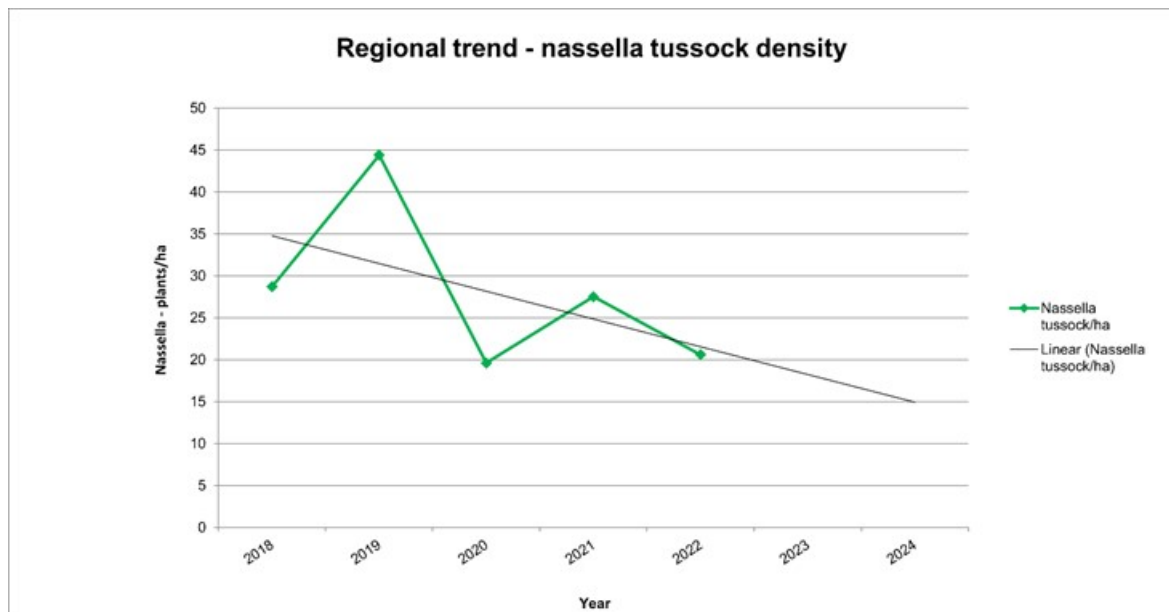
RECOMMENDATION

That the information be received.

Background – Nassella tussock

7. The history of nassella tussock in Marlborough is very long. It forms large unpalatable monocultures, is a prolific seed producer, and that same seed is also able to be spread by wind.
8. There are over 600 properties known to have infestations of nassella tussock in Marlborough to varying degrees. Of note however, is that the levels of infestation have been much higher historically and were at more impactful levels.
9. Through the early initiatives led by the Nassella Tussock Board, largely funded by governments of the day, levels of nassella tussock were brought back under control. More recently with the shift to 'user pays', this management has continued by land occupiers via a combination of direct control efforts and pastoral improvements.
10. Protecting this historical investment has brought nassella tussock down to manageable levels has been a key driver for the continuation of the programme within the Regional Pest Management Plan. This ensures there are legal baseline obligations on all occupiers and provides Council with an opportunity to undertake a regulatory oversight role to ensure consistency of management.

11. With the large number of properties, the oversight role of Council does need prioritisation and involves a degree of facilitation as well. As a result, approximately 385 of the properties that have more than a low-level infestation are managed through an active inspection regime. The remaining properties are visited on a rotation by Council staff or contractors to ensure infestations are being kept in check.
12. To-date across the current 2022/23 season, 324 properties were inspected, with 4 situations requiring formal enforcement under the Biosecurity Act 1993 directing occupiers to conduct further control work.
13. With such a large programme targeting a relatively widely established pest, an annual transect monitoring programme is carried out by Biosecurity staff in a robust manner to assess the long-term trends of nassella tussock density at a regional scale. This has now been running since 2017/18 so early indications of a trend are showing good, sustained management by the community.



14. Lastly, there continues to be research supported by Council and the community exploring the viability of biological control agents for nassella tussock. This is more so a case of augmenting existing pathogens to act more so as a biocide than a classic biocontrol approach.

Background – Mediterranean fanworm

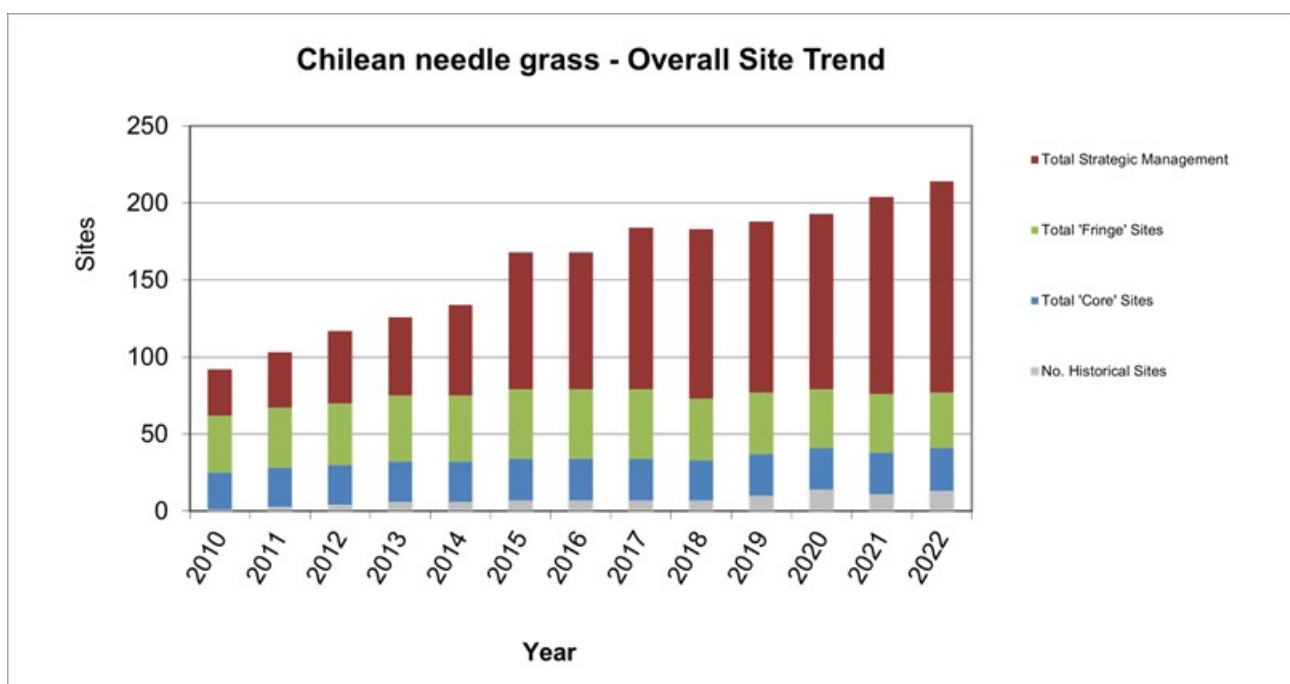
15. Mediterranean fanworm was first detected in New Zealand in 2008 and is now present in the Upper North Island and Lyttleton Harbour.
16. Council continues to prevent establishment of Mediterranean fanworm in the Marlborough region. The programme consists of ongoing high intensity dive surveillance across key vessel hubs and high-risk areas, working with Marlborough Marinas to identify and rapidly target high risk vessels arriving from high-risk ports.
17. Top of the South Councils work in partnership to employ a contractor to deliver education to boaties, as well as undertake surveillance on the water throughout the top of the south region over the summer holiday period.
18. Vessels from high-risk ports continue to be the vector of arrival for Mediterranean fanworm. Those that arrive at Marlborough, and do not have any interaction points, continue to be the gap in the programme which is difficult to address. The summer on-the-water education and surveillance by the TOS Partnership contractor has been one way to try and address that gap.
19. With the expansion at Waikawa of the Northwest marina, this has added some additional complexity to the surveillance programme. The depths involved to comprehensively dive all structures presents

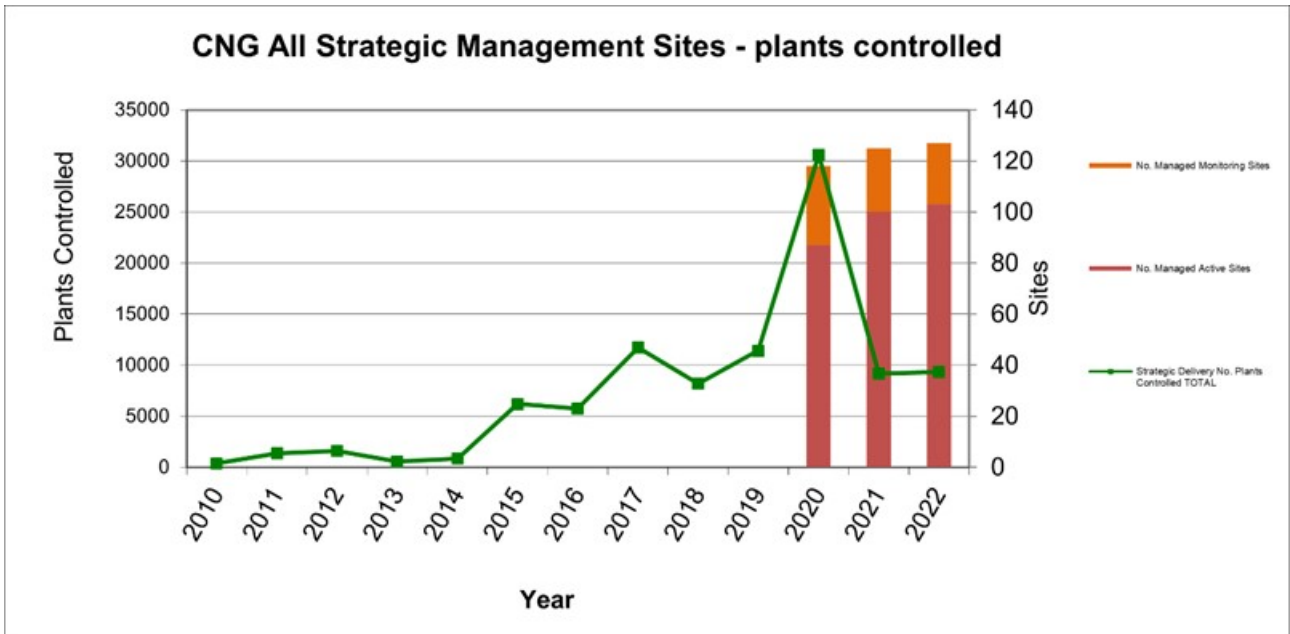
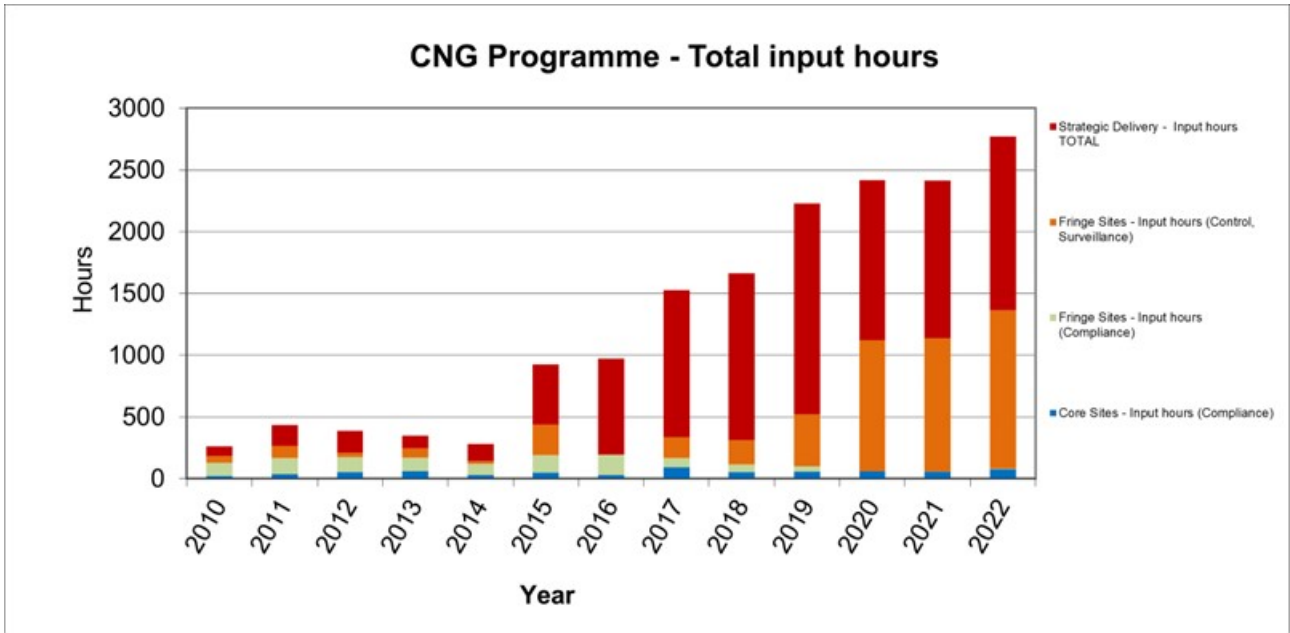
some logistical challenges. Additionally, to maintain the level of surveillance across the new marina presents additional financial constraints given it proportionally expands the surveillance effort required.

20. This makes the risk screening of vessels filling berths even more important, with the team at Marlborough Marinas fully on board and undertaking this risk screening.

Background – Chilean needle grass

21. There is also a long history relating to Chilean needle grass in Marlborough with it first being recorded in the 1940's in the Blind River area. However, in comparison to nassella tussock, its distribution is relatively confined and it carries a suite of additional threats in addition to its ability to out-compete pastures.
22. While Council has delivered a programme for many years, it wasn't until ~2014 that the programme shifted direction in conjunction with the community with the support of the Chilean Needle Grass Action Group. This ultimately led to additional resources being directed toward the programme in the Long Term Plan 2018-2028 which also aligned with the new Regional Pest Management Plan.
23. Since that time, the Biosecurity Team and a number of local contractor resources have been delivering a far greater degree of on-ground search and destroy works over the key seeding season to support occupiers' year-round efforts. These additional inputs are aimed at either intervening early for any new infestations or putting as much pressure as possible on the more lightly infested properties. For the more moderate to heavily infested properties, Council continues to support those occupiers with the likes of pasture renovations and also carrying out compliance checks of boundaries to support neighbouring control efforts.
24. There are currently 209 affected properties – an increase of 8 properties. In summary:
 - 2 were road reserves near or adjoining existing infestations.
 - 2 new properties adjoining known infestations in the Dry Hills Rise area (1 of which has been affected for a long period of time given the nature of the new infestation).
 - 1 property adjoining SH1 between Blenheim and Seddon.
 - 3 properties either adjoining or in the vicinity of other infested properties.
25. A summary of the latest provisional metrics for the programme is outlined below. The full and final summary will be contained within the 2022/23 Biosecurity Operational Plan Report later in the year.





Presentation

A short presentation will be given Jono Underwood, Brent Holms and Liam Falconer (15 minutes).

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

5. Wairau Plain Land-Use Intensification Modelling

(The Chair) (Report prepared by Peter Davidson and Matt Oliver)

E345-007-001

Purpose of Report

1. To present the Wairau Plain nitrate-nitrogen predictor tool and forecasts of nitrate-nitrogen concentrations leached to groundwater for potential future crop types.

Executive Summary

2. Currently, rural areas of the Wairau Plain are predominantly used for growing grapes and nitrate-nitrogen levels in groundwater are low, especially north of Rapaura Road due to the diluting effects of transmissive aquifer flows.
3. Groundwater underlying land southwards to New Renwick Road contain increasing levels of nitrate-nitrogen which in certain seasons and sites can exceed the surface water limit in the Proposed Marlborough Environment Plan (PMEP) of 1.5 parts per million.
4. The model predicted that if current Wairau Plain vineyards were replaced with market gardening, pip-fruit or dairying, groundwater nitrate-nitrogen concentrations would exceed the annual maximum limit in the PMEP.

RECOMMENDATION

That the information be received.

Background/Context

5. MDC commissioned Steve Green at Plant & Food Research's Palmerston North research centre to develop a computer based regional scale model of Wairau Plain land, soil and groundwater processes to forecast leaching rates of nitrate-nitrogen to groundwater for a variety of crop types.
6. The model is intended as a learning tool for MDC hydrologists, land scientists and policy makers.
7. The National Policy Statement for Freshwater Management currently only requires nutrient limits be set by regional councils for surface water, not groundwater. For the Wairau Plain, all lowland streams in summer are groundwater fed, while springs are all year round.
8. Regardless of the scope of national requirements for water quality, the ecological and aquatic water quality of Wairau Plain surface water is dependent on maintaining groundwater quality which in turn reflects overlying land uses.
9. The power of the model to MDC is its ability to provide a comparison of broadscale crop type conversion. It is not capable or intended for forecasting incremental land use changes.
10. MDC needed to know the likely change in groundwater nutrient levels (particularly nitrate-nitrogen) associated with wholesale conversion of overlying crop types for Wairau Plain groundwaters.
11. The nitrate leaching model was based on the industry standard SPASMO soil leaching software developed by Plant & Food Research in the late 1980's. SPASMO has been used for predicting the fate of pesticides, nutrients and arsenic from fence posts under New Zealand conditions, including in Marlborough. SPASMO is the engine room for calculators developed by Plant & Food Research for irrigation scheduling by water users and some regional councils.
12. The model is XL based, easy to run and doesn't require specialist knowledge on the part of the user. The model contains a compilation of solutions for all possible simulation scenarios meaning there is no

run time. The user can adjust model values of gravel porosity, aquifer throughflow, crop type and distance along each of the 3 Wairau Aquifer/Omaka River Aquifer flow paths (west to east aquifer flow).

13. The model consists of a soil component (SPASMO) which controls movement of water above the water table. The model values for this unsaturated zone are based on S-map and results of lysimeter leaching trials in Marlborough. Saturated conditions representing groundwater (below water table) were reproduced using a simple 1-dimensional analytical flow model. Average flows were used to simulate groundwater fluxes. The model does not represent any denitrification processes.
14. The model accumulates nitrate-nitrogen leached from the surface to groundwater along the aquifer flow-path, just like a conveyor belt.
15. This powerful but simple tool is capable of reproducing observed MDC state of the environment groundwater nitrate-nitrogen levels generated by the current grape crop. Modelling involved combining the expertise associated with mathematically describing soil leaching processes with local knowledge of aquifer processes/hydraulic properties.

Presentation

A demonstration of how the model works and the outputs available will be provided by Peter Davidson.

Author	Peter Davidson, Environmental Scientist – Groundwater Quantity & Quality and Matt Oliver, Environmental Scientist – Land
Authoriser	Alan Johnson, Manager – Environmental Science & Monitoring Group Manager

6. Variation 7 to the Proposed Marlborough Environment Plan – Significant Wetlands

(The Chair) (Report prepared by Louise Walker)

M100-11-13

Purpose of Report

1. To approve the preparation and consultation for a variation to the Proposed Marlborough Environment Plan (PMEP) to include new significant wetlands, remove other wetlands and make boundary adjustments to existing sites, giving effect to Council's Biodiversity Criteria for Significance.

Executive Summary

2. Approval is sought to proceed with the preparation of a variation to include new significant wetlands and to remove or make boundary adjustments to existing significant wetlands.
 3. The preparation of the variation will involve consultation with relevant parties, including landowners, tangata whenua, and ministers of the Crown who may be affected.
 4. An evaluation report pursuant to Section 32 of the RMA will be drafted and that document along with the final version of the proposed variation will be brought back to the Environment and Planning Committee for approval to progress to public notification in due course.
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RECOMMENDATION

That Council approve the preparation of, and consultation on, a variation to the Proposed Marlborough Environment Plan to include new significant wetlands and to remove or make boundary adjustments to existing significant wetlands.

Background/Context

5. The Resource Management Act 1991 (RMA) in Section 6 *Matters of National Importance* requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Section 6(c)). The inclusion of these significant sites also supports Council's required function to recognise and provide for the preservation of natural character of wetlands¹ as well as having regard to a number of 'Other matters' listed in Section 7, such as the maintenance and enhancement of the quality of the environment². In order to protect a significant wetland, the site first needs to be identified.
6. In the Marlborough region, significant wetlands are managed based on their location in relation to mean high water. If a wetland is found in the coastal marine area (below mean high water) it is referred to and managed as an Ecologically Significant Marine Site. This variation will only deal with significant wetlands that are above the mean high water mark.
7. In the context of this proposed variation, a significant wetland is a term identifying a wetland that has been assessed against Council's 'Ecological Significance Criteria for terrestrial, wetland, freshwater and marine environments' and found to reach the required status. The criteria, which is defined in Appendix 3 of the PMEPE, is applied by a suitably qualified expert.
8. The mapping of the majority of significant wetlands in the PMEPE was initially completed through aerial photography due to the sheer size of the task. Where a significant wetland was identified, the

¹ Section 6(a)

² Section 7(f)

landowner was informed and, if they disagreed with the presence or the boundaries of the wetland, were provided an opportunity for ground-truthing to be undertaken.

9. For a number of years, Council's Environmental Science team have been identifying these significant wetlands and these were incorporated in the PMEP when it was notified in 2016. During the hearing process, these sites were further amended as a result of submissions to that process.
10. There has been a large body of national direction and national guidance in the past few years steering councils towards a more protective regime for indigenous biodiversity. For instance, national direction in the form of the *National Policy Statement for Freshwater Management* (NPSFM), requires a programme is formed with mapping of all 'natural inland wetlands' to be completed 10 years from the gazettal of the NPSFM (December 2022).
11. The exposure draft for the *National Policy Statement for Indigenous Biodiversity* also proposes requiring additional protections, however this piece of national direction is yet to be gazetted³ and therefore does not hold any weight. However, the *Te Mana o te Taiao Aotearoa New Zealand Biodiversity Strategy 2020* (Strategy) was released in August 2020 and its *Implementation Plan* in April 2022. Without national direction, councils are not yet required to give effect to the Strategy's content, although it does provide guidance on what is expected. The Implementation Plan specifies the continual identification of significant natural areas for wetlands under *Objective 3: Biodiversity protection is at the heart of economic activity*.
12. The Environmental Science team at MDC is already proactively progressing the identification of sites needing protection and in order to support this work, Council also needs to consider these sites for inclusion in the PMEP. The inclusion will trigger a policy framework that recognises the importance of significant wetlands and requires their protection, maintenance and enhancement.

Assessment/Analysis

13. Since the PMEP decision was released in February 2020, a number of wetlands have been assessed against the *Ecological Significance Criteria for terrestrial, wetland, freshwater and marine environments* and found to have significant ecological characteristic meeting the listed criteria as set out in Appendix 3 to the PMEP.
14. In order for the relevant protective provisions in the PMEP to be applied to these significant wetlands, they need to be included in the PMEP through a variation process.
15. An evaluation will be undertaken to ascertain whether each of the proposed wetlands meets the criteria for inclusion into the PMEP or whether the boundary adjustments are warranted. A Section 32 report summarising the evaluation will be drafted and brought back to the Environment and Planning Committee for adoption, along with the variation itself, before further progressing with a Schedule 1 variation process.
16. Where significant wetlands are being proposed for removal or the boundary adjusted, onsite investigations have already been undertaken and an assessment against the relevant criteria completed. These sites, or sections of the sites, were found not to reach the relevant level for continued inclusion in the PMEP.
17. The variation will be prepared in accordance with Schedule 1 of the RMA.
18. Tangata whenua iwi, through iwi authorities, and relevant landowners will be consulted as will the ministers of the Crown who may be affected. This will include the Minister for the Environment, Minister of Conservation and the Minister for Primary Industries. Other parties may be identified as this variation progresses.

Author	Louise Walker, Strategic Planner
Authoriser	Pere Hawes, Manager Environmental Policy

³ MfE Website states '2023 – Gazettal of the NPSIB anticipated'

7. Variation 8 to the Proposed Marlborough Environment Plan – Rezoning Open Space

(The Chair) (Report prepared by Louise Walker)

M100-11-10

Purpose of Report

1. To seek approval for the preparation and consultation for a variation to the Proposed Marlborough Environment Plan (PMEP) to rezone Council reserves as required to ensure the appropriate management of activities undertaken at those sites and to consider the appropriateness of zoning at one location in East Bay.

Executive Summary

2. Approval is sought to proceed with the preparation of a variation to amend the zoning to several of Council owned reserves as required to ensure the appropriate management of activities undertaken at those sites. In addition, to consider the zoning of one site in East Bay, which is not under Council ownership, which may have incorrectly been zoned Open Space 3.
3. The preparation of the variation will involve consultation with relevant parties, including landowners, tangata whenua iwi, and the ministers of the Crown who may be affected.
4. An evaluation report pursuant to Section 32 of the RMA will be drafted and that document along with the final version of the proposed variation will be brought back to the Environment and Planning Committee for approval to progress to public notification in due course.

RECOMMENDATION

That Council approve the preparation and consultation for a variation to the Proposed Marlborough Environment Plan (PMEP) to rezone Council reserves as required to ensure the appropriate management of activities undertaken at those sites and to consider the appropriateness of zoning at one location in East Bay.

Background/Context

5. Chapter 9 of the PMEP, Public Access and Open Space, acknowledges the need to ensure the provision and management of suitable open space meets the present and future recreational, conservation and landscape needs of the community. The specific open space zoning rules have been drafted to apply to the specific nature and use of reserves and to ensure the integrated management of reserves under both the Resource Management Act 1991 and the Reserves Act 1977.
6. The reserves that form part of this proposed variation have been derived from several different mechanisms as follows:
 - through the subdivision process where Council has acquired new reserves or additions to existing reserves;
 - the current zoning in the PMEP is no longer appropriate to manage the activities that take place on the land; and
 - potential zoning errors that may require amending.

Assessment/Analysis

7. The majority of the sites that will form this variation are sections of land that have been vested in Council to be managed as reserves, generally as a result of subdivisions. These vested sites currently

retain their previous zoning, in most cases this is for residential-type activity. Consideration will need to be given to what zoning would be most appropriate given the reserve status of the land, the activities expected to take place and the values that need protecting at the site.

8. However, not all sites have come about through this type of process. In some instances there is a change in circumstance that warrants the zoning of a reserve to be revisited and in other situations a possible error in mapping is identified. For instance, a section of land in East Bay has been zoned Open Space 3 in the PMEP which may be inappropriate given the land ownership. This zoning is a carryover from the previous planning document, the Marlborough Sounds Resource Management Plan. The inclusion of the site in the variation will provide an opportunity to consider if there was a reason behind the zoning choice and if not, then consider appropriate zoning options.
9. The draft list of locations that will be considered as part of this variation include the following sites (noting that this list may change as the variation progresses):
 - Dalton Reserve
 - Rose Manor Reserve
 - Grovetown Reserve
 - Oyster Bay Reserve
 - Mark Smith Reserve
 - Horton Park
 - Awarua Park
 - Victoria Domain
 - PN537858 (East Bay)
10. A Section 32 report summarising the evaluation will be drafted and brought back to the Environment and Planning Committee for adoption, along with the variation itself, before further progressing with a Schedule 1 variation process.
11. The variation will be prepared in accordance with Schedule 1 of the RMA.
12. Tangata whenua iwi and any relevant landowners will be consulted as will the ministers of the Crown who may be affected. Other parties may be identified as this variation progresses.

Author	Louise Walker, Strategic Planner
Authoriser	Pere Hawes, Manager Environmental Policy

8. Variation 9 to the Proposed Marlborough Environment Plan – Notable Trees

(The Chair) (Report prepared by Louise Walker)

M100-11-10

Purpose of Report

1. To seek approval for the preparation and consultation for a variation to the Proposed Marlborough Environment Plan (PMEP) to consider the inclusion of new notable trees, the removal of two trees that may no longer meet the threshold and to amend the location of others that may be incorrectly mapped. In addition, the variation would consider whether the policy cascade (objective through to rules) for the maintenance of notable trees is achieving the purpose for which they have been drafted. Approve the preparation and consultation on a variation to the Proposed Marlborough Environment Plan to consider:
 - the inclusion of new notable trees;
 - the removal of two trees that may no longer meet the threshold and to
 - amending the location of trees that may be incorrectly mapped.
 - whether the policy cascade (objective through to rules) for the maintenance of notable trees is achieving the purpose for which they have been drafted.

Executive Summary

2. Approval is sought to proceed with the preparation of a variation to consider the inclusion of new notable trees, removal of two trees currently assessed as notable that may no longer meet the notable tree threshold and to amend the location of several notable trees at Hillersden Farm that may be incorrectly mapped. In addition, the variation would consider whether the policy cascade (objective through to rules) for the maintenance of notable trees is achieving the purpose for which they have been drafted.
3. The preparation of the variation will involve consultation with relevant parties, including landowners, tangata whenua, and ministers of the Crown who may be affected.
4. An evaluation report pursuant to Section 32 of the RMA will be drafted and that document along with the final version of the proposed variation will be brought back to the Environment and Planning Committee for approval to progress to public notification in due course.

RECOMMENDATION

That Council approve the preparation and consultation on a variation to the Proposed Marlborough Environment Plan to consider:

1. **the inclusion of new notable trees;**
2. **the removal of two trees that may no longer meet the threshold and to**
3. **amending the location of trees that may be incorrectly mapped.**
4. **whether the policy cascade (objective through to rules) for the maintenance of notable trees is achieving the purpose for which they have been drafted.**

Background/Context

5. In Chapter 10: Heritage Resources and Notable Trees, the PMEP recognises the contribution notable trees have to Marlborough's historic heritage and/or amenity values and the risk of those trees being removed or adversely affected if appropriate provisions are not put in place.

6. In Volume 2, in the General Rules chapter a set of specific provisions are listed that manage the activities that can be undertaken on a notable tree, in the area immediately surrounding a notable tree and in the Tree Protection Zone.
7. The majority of the notable trees identified in the PMEP were rolled over from those provided for in the Marlborough Sounds Resource Management Plan and the Wairau/Awatere Resource Management Plan (the predecessors to the PMEP). Through the PMEP process, additional notable trees were evaluated and then included in the notified plan.
8. Notable trees are identified on both Appendix 13, Schedule 4 and the zoning maps.
9. For any proposed tree, a qualified arborist will undertake a Standard Tree Evaluation Method (STEM) assessment. The tree must reach a certain threshold through that assessment to be considered for inclusion in the PMEP.

Assessment/Analysis

10. Nominations have been received for trees at the following locations:
 - 12 Newgate Street
 - 9 Milton Terrace
 - 2696 Waihopai Valley Road
 - Waihopai Valley Road
 - 16B Nelson Square
11. A STEM assessment will be commissioned for all proposed trees for inclusion as part of the evaluation process.
12. In addition to the above, a proposed subdivision process previously identified the PMEP mapping of the notable trees on the Hillersden Farm property to be inaccurate and requiring amendment. The locations of these trees require confirmation and the PMEP updated as required.
13. An administrative change needs applying to two trees which sit within a cluster of notable trees at 52 Percy Street which have had a resource consent issued for their removal based on an arborist report evaluating the trees as 'dead, dying, diseased or declining'. The references to these trees need to be removed from the PMEP.
14. Concerns have been raised that the controlled activity standards for the maintenance of notable trees are too restrictive and require the relevant parties to obtain resource consent with no net benefit of doing so. The variation would provide an opportunity to appropriately canvas the concerns and consider whether the standards for controlled activity provisions set out for the maintenance of notable trees need additional provision to provide for greater maintenance to ensure tree health and proactively manage risk to people and property.
15. A Section 32 report summarising the evaluation will be drafted and brought back to the Environment and Planning Committee for adoption, along with the variation itself, before further progressing with a Schedule 1 variation process.
16. The variation will be prepared in accordance with Schedule 1 of the RMA.
17. Tangata whenua iwi, through iwi authorities, and relevant landowners will be consulted as will the ministers of the Crown who may be affected. Other parties may be identified as this variation progresses.

Author	Louise Walker, Strategic Planner
Authoriser	Pere Hawes, Manager Environmental Policy

9. Submission on Natural and Built Environment Bill and Spatial Planning Bill

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

(The Chair) (Report prepared by Kim Lawson)

L150-019-R04

Purpose of Report

1. To inform the Committee on Marlborough District Council's submission to the Select Committee on the Natural and Built Environment Bill (**NBE Bill**) and Spatial Planning Bill (**SP Bill**).

Executive Summary

2. The Council prepared a submission on the NBE Bill and SP Bill. The sub-committee of the Environmental and Planning Committee approved the submission, and Council filed the submission on 3 February 2023.
3. The Council is scheduled to present its oral submission to the Select Committee on Wednesday, 1 March 2023. The report writer will provide an update as to the outcome of that presentation at the Environment and Planning Committee meeting.

RECOMMENDATION

That the submission on the NBE Bill and SP Bill be received.

Background/Context

4. On 15 November 2022, the Government introduced the NBE Bill and SP Bill to Parliament to repeal and replace the Resource Management Act 1991 and to provide for the development and implementation of long-term, strategic spatial planning across New Zealand. Submissions on the bills closed on 7 February 2023.
5. In November 2022, the Environment and Planning Committee established a sub-committee consisting of the Mayor, the Chair and the Deputy Chair of the Committee to approve any Council submission on the bills.
6. Council staff prepared a draft submission on the bills and presented it to the sub-committee on 26 January 2023. An updated draft was then circulated to all Councillors in preparation for their Councillor briefing on 30 January 2023.
7. The submission of Council essentially focussed on key areas of importance to Marlborough:
 - a) Council strongly supports Marlborough remaining one of the 15 regions required to develop a Regional Spatial Strategy (RSS) and a Natural and Built Environment Plan (NBE Plan) under the SP Bill and NBE Bill respectively, separate from Nelson and Tasman.
 - b) Marlborough is best suited to become one of the first three regions to be part of the Ministry for the Environment's model project and commence working on its RSS and NBE Plan.
 - c) To improve efficiency, and reduce complexity, there should be an option to combine the RSS and NBE Plan into one planning document.
 - d) There needs to be clear direction in the National Planning Framework as to how the principles of Te Tiriti O Waitangi are to be interpreted and implemented by persons exercising the powers and functions under the NBE Bill and SP Bill.

- e) Local government participation is required on the Freshwater Working Group to understand the local or regional context for freshwater allocation. Clearer direction is also required in respect of allocation statements, as well as their timing and sequencing with the current freshwater planning process to ensure efficient and effective integration into RSS and NBE Plans.
 - f) Council is concerned with ensuring the requirements under the NBE Bill and SP Bill are operationally workable. Areas of concern are highlighted with respect to freshwater farm plans, contaminated land, biodiversity and coastal management.
 - g) The Climate Adaptation Act needs to progress without delay and with input from local government. It needs to be aligned and integrated with the NBE Bill, SP Bill and the NPF to effectively respond to climate change and meet the objectives of the reform.
8. In accordance with its delegation, the sub-committee approved the Council's submission on the bills on 2 February 2023 and Council staff filed the submission on 3 February 2023.

Next Steps

- 9. The Select Committee has allocated the Council 25 minutes to present its submission on Wednesday, 1 March 2023. The Mayor will be presenting Council's submission to the Select Committee with the assistance of Hans Versteegh (Environmental Science and Policy Group Manager), Pere Hawes (Manager, Environmental Policy) and Kim Lawson (Strategic Planner).
- 10. The report writer will be able to report to this Committee as to the outcome of that presentation at the Committee meeting on 9 March 2023.

Attachment

Attachment 1 – Submission on Natural and Built Environment Bill and Spatial Planning Bill

The above report is available on Council's website (refer to the following link <https://www.marlborough.govt.nz/your-council/meetings>)

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

10. EDS Legal proceedings – NES-PF

(The Chair) (Report prepared by Kim Lawson)

M150-018-43

Purpose of Report

1. To inform the Committee of the legal proceedings filed by the Environmental Defence Society (EDS) and served on the Council.

Executive Summary

2. EDS has sought declarations in the Environment Court that the National Environmental Standards for Plantation Forestry (NES-PF) breach the Resource Management Act 1991 (RMA) for permitting harvesting (and related earthworks) in high erosion risk areas of the Marlborough Sounds.
3. EDS has served the proceedings on the Council, and other parties. Council has instructed a barrister to assist and represent it in these proceedings.
4. The Environment Court has made directions relating to the filing and serving of documents. Council is determining its position and taking legal advice as to how best to respond to the proceedings.

RECOMMENDATION

The information be received.

Background/Context

5. EDS has sought declarations in the Environment Court that the NES-PF breach the RMA for permitting harvesting (and related earthworks) in high erosion risk areas ("orange zones") of the Marlborough Sounds.
6. The NES-PF permits harvesting in low, moderate and high-risk areas if certain regulations in the NES-PF are complied with. For unique and sensitive environments, the NES-PF allows for a rule in a plan to be more stringent. In Marlborough it is recognised that the Sounds environment is a sensitive environment. Accordingly, planting, harvesting and related earthworks, as well as replanting within 200m of the coastal marine area, are not permitted, and consent is required as a restricted discretionary activity under the Proposed Marlborough Environment Plan.
7. EDS is using the Marlborough Sounds as an example to support its argument that the NES-PF is in breach of the RMA. EDS served the Council with the proceedings on 7 February 2023. The Council is listed as the Respondent, and it is unclear why that is the case. Apart from EDS using Marlborough as an evidential example in support of its case, the NES-PF are Government regulations, and the Council has no power to change them if they are found to be in breach of the RMA and inconsistent with its statutory purpose.
8. EDS also served the New Zealand Forest Owners Association Incorporated (NZFOA), the Minister for the Environment, the Minister for Forests (the Ministers), all Te Tau Ihu Iwi and Ngāi Tahu. The Environment Court also subsequently directed EDS to serve Crown law, given the whole-of-Government interest in the proceeding.
9. Following service of the proceedings, Council, the Ministers and NZFOA filed a joint memorandum seeking an extension of time to file affidavit evidence. The Environment Court granted that request and directed that any persons who wish to join the proceedings must:
 - a) lodge and serve a notice of support or opposition specifying grounds (and indicate whether they are agreeable to the proceedings being referred to mediation) by Friday 3 March 2023; and

- b) lodge and serve any affidavits stating the evidence relied on in support of (a) by 3 April 2023.
- c) EDS is to confer with parties and file a case management memorandum by Friday, 10 March 2023 as previously directed.

10. The Council has instructed barrister John Maassen to represent it in these proceedings.

Assessment/Analysis

11. Council is currently determining its position in respect of these proceedings and taking legal advice.

Next Steps

- 12. Council is required to comply with the Court’s directions. It is required to lodge and serve its notice by Friday, 3 March 2023, file affidavit evidence by Monday, 3 April 2023 and confer with EDS regarding case management.
- 13. Council will report back to the Committee as to progress.

Attachments

- Attachment 1** – Notice of Application for Declarations by EDS
- Attachment 2** – Application for Declarations by EDS
- Attachment 3** – First Memorandum in relation to Declarations on behalf of EDS
- Attachment 4** – Affidavit of Mark Bloomberg on behalf of EDS
- Attachment 5** – Affidavit of Robert James Davidson on behalf of EDS
- Attachment 6** – Affidavit of Dr James Whitney Griffiths on behalf of EDS
- Attachment 7** – Affidavit of Dr Sean Jeffrey Handley on behalf of EDS
- Attachment 8** – Affidavit of Gary Vernon Taylor on behalf of EDS
- Attachment 9** – Minute of the Environment Court dated 7 February 2023
- Attachment 10** – Joint Memorandum of Counsel dated 20 February 2023
- Attachment 11** – Environment Court directions email dated 20 February 2023

The above attachments are contained in a single document which is separately attached to the agenda and available on Council’s website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

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

11. Regional Sea Level Rise Modelling

(The Chair) (Report prepared by Jamie Sigmund)

I100-004-P267, E320-003-001

Purpose of Report

1. To provide Council with information on the initiation of region wide Sea Level Rise modelling.

Executive Summary

2. The National Institute of Water and Atmosphere (NIWA) has been engaged to undertake 'first pass' Sea Level Rise (SLR) inundation modelling for the region.
3. The SLR modelling will use the latest national sea level rise projections, vertical land movement data, and recently updated national SLR guidance material (MfE, August 2022).
4. The project is a specific action within the MDC Climate Change Action Plan 2020 (2. (b)).

RECOMMENDATIONS

1. **That the information be received.**
2. **That upon completion of the 'first pass' SLR modelling that modelling results, and future considerations are reported back to Council.**

Context

5. Marlborough has a unique coastal landscape, with a diverse range of physical and topographical characteristics across 1,800km of coastline. From the sand dune and gravel beaches of the Southeast to the green bush clad drowned valleys to the North. The region has bespoke variability found nowhere else, it's part of what makes our region special and distinct from many parts of New Zealand.
6. Having this unique coastal landscape and varying topography would have in the past made SLR modelling quite complicated, but with the completion of LiDAR acquisition for the regions coastal margin NIWA (on our behalf) are now able to 'model' the likelihood of sea level rise 'extent', and the potential depth of water at locations that may be inundated in the future with greater precision.
7. Using LiDAR for the starting point of this model any 'potential' rises of the sea, and its spatial extent or position with reference to existing topology can be modelled with sub metre accuracy. This creates a scientifically robust 'bottom line' from which Council and the wider community can 'trust' to deliver a true representation of the physical reality of the situation now and help to understand what it may look like in the future.
8. In undertaking this initial 'first pass' SLR project Council have adopted the processes and guidance as identified by the Ministry for the Environment (MfE) National Guidance for Local Government (Dec 2017), particularly the Dynamic Adaptive Pathways Planning (DAPP) process contained within the guidance, and the subsequent SLR interim guidance (Aug 2022).
9. This guidance material outlines a ten-step decision making cycle (DAPP) for managing the implications of 'Climate Change' and the potential impacts of SLR (see image below). The guidance material focuses on three main types of coastal hazards that are exacerbated by climate change.
 - a) Coastal erosion caused by storms, sea-level rise and changes in long-term sediment processes and budgets (including impacts on cliffs).
 - b) Coastal inundation caused by storms and changed climate conditions, or gradual persistent inundation from high tides due to sea-level rise.

- c) Rising groundwater and salinisation in coastal lowlands caused by sea-level rise.
10. This project focuses on SLR and the initiation of Step 1 (What is happening? preparation and context) and Step 2 (Hazard and Sea-level Rise Assessments) from the ten-step decision cycle. It also seeks specialist knowledge about coastal hazards, and future considerations in line with points **a-c** above.

The 10-Step Decision Cycle / Dynamic Adaptive Pathways Planning (DAPP)



11. What does ‘first pass’ modelling mean? First pass is used to describe a qualitative process which can be carried out without detailed local data to develop a preliminary understanding of climate change / SLR risks for our region, it can be used to define focus areas and identify preliminary hazard identification work, it provides a rapid starting point for understanding broader climate change and SLR risk.
12. Through this ‘first pass’ approach we will identify where we may need to spend more time gathering and considering further information. Including the screening of areas for further location specific investigation (hydrologically complicated scenarios), other ‘hazard projects’, and additional modelling including the consideration of ‘hydrodynamic modelling’ if the first pass suggests it is necessary.
13. This SLR project is complementary to several existing projects currently underway across both the Regulatory and Asset & Service Departments of Council. It is vitally important to the organisation that processes are put in place to improve our climate change planning and hazard information for the future, this project acts as a foundational element for this new effort.
14. This ‘first pass’ will help to identify which stakeholders should be involved in the next level of investigation, and provide the basis for community engagement, while helping Council decision makers to get resources, support, and future commitment.

Marlborough Environment Plan

15. It's important to highlight to the committee that this 'project' integrates with Climate Change policies, objectives, and methods that have already been actively developed with the community as part of the proposed Marlborough Environment Plan (PMEP). An abbreviated table is provided at 'Resource 3' highlighting the connectivity and a brief description from the plan content to provide context.
16. All appeals on the 'Climate Change' Topic, Issues, Objectives, Policy, and Methods have now been resolved. This is an important factor as having the MEP framework beyond challenge means that we have a strong connection to several strategic elements of the MfE DAPP process and the 10-step decision making cycle.
17. From an MEP 'Implementation' perspective this project is a targeted response to 'Methods' **19.M.4 Research, 19.M.5 Information, 19.M.9 Research, 19.M.10 Community engagement and evaluation and 19.M.11 Monitoring**. While this is giving effect to the MEP implementation it also sets up the need for a future 'Coastal Hazard' longer-term strategic response.
18. Once MDC has the information on SLR and coastal hazard assessments we can begin a process of linking work streams together, creating community awareness of the MfE DAPP process and next steps for Council, creating greater clarity around the SLR work, and efforts underway in the climate change topic.

MDC Climate Change Action Plan 2020

19. This project is a specific action within the MDC Climate Change Action Plan 2020 (2. (b)), with budgetary provision for the project coming from the 'Climate Change Action' group within Council.
20. Council's 'Climate Change Action plan' currently has four high level goals, this project is identified at goal two; *"Marlborough District becomes more resilient to the impacts of climate change"*, particularly focus area (b) *"New coastal development and infrastructure accounts for climate change risks, including sea level rise"*.
21. The calls for action for this focus area include.
 - a) Develop a coastal hazard plan including consideration of the extent of the risks, options and regulatory responses for adaptation, relocation, coastal structures etc.
 - b) Regulatory activities (resource and building consents, designations) continue to account for sea level rise based on the MEP provisions and the latest MfE guidance.
 - c) Undertake and support national initiatives to undertake mapping of the coastal margins.
 - d) Use the Dynamic Adaptive Pathways Planning (DAPP) and other appropriate tools in decision making where appropriate (pMEP connection).

Project Overview

22. NIWA have been contracted to provide an initial 'first pass' spatial mapping assessment, this will utilise the NIWA national extreme sea level inundation assessment, the assessment quantifies extreme sea level that includes astronomical tide, storm surge an estimate of wave setup while considering various levels of future sea level rise.
23. Inundation data from the national assessment will be interrogated for the Marlborough District, and regional inundation levels will be generated for Mean High Water Springs (MHWS) and the 1% AER event (1 in 100-year event).
24. Consistent with interim national guidance on sea level rise projections (MfE, Aug 2022) inundation will be assessed for the years 2050, 2090 and 2130 considering the following sea level rise projections or scenarios of 'Shared Socioeconomic Pathways' SSP.

- SSP 1-2.6
- SSP 2-4.5
- SSP 3-7.0
- SSP 5-8.5
- SSP 8.5 H+

25. 'SSP' are future representative scenarios based on Shared Socio-economic Pathways. These comprise different socio-economic assumptions that drive future greenhouse gas emissions. The scenarios span a wide range of plausible societal and climatic futures, based on greenhouse gas emissions, that result in the stabilisation of global warming at 1.5°C to over 4°C warming by 2100.
26. Local sea level rise is also going to be affected by the up and down movements of our land. We are very aware when these vertical land movements occur in large jumps during earthquakes, but less obvious to us are the smaller shifts that occur continuously between large seismic events. These small but continuous changes add up. Marlborough has a complicated arrangement of Vertical Land Movement (VLM), this can be viewed using the 'takiwa' mapping service (<https://searise.takiwa.co/map/6233f47872b8190018373db9/embed>)
27. Because of the implications of VLM on future SLR predictions we will be incorporating the latest VLM assessment information into the modelling assessment by utilising the estimates developed via the NZ Sea Level Rise Programme (<https://www.searise.nz/>).
28. Utilising the defined extreme sea levels, sea level rise projections and VLM the spatial inundation extent will be delineated via 'bathtub' modelling with reference to the LiDAR data. For this assessment low-lying areas that are not hydrologically connected to the coast may be excluded from the analysis. However, these areas will be captured to inform future assessment.
29. The output of the assessment will be a series of GIS polygons for each time period (3), inundation level (2) and sea level projection (5), a total of 30 layers.
30. A 'first pass' review of available risk and hazard information will be completed based on information supplied by Council. In association with Council a refined future study and investigation programme will be compiled to inform future project stages.
31. The analysis and methodology will be summarised in a concise report accompanying the GIS data files. The outcome of the initial assessment will be presented via an in-person presentation to MDC (future Environment and Planning Committee).

Resources and Attachments

Resource 1 Coastal Hazards and Climate Change: Guidance for Local Government
(<https://environment.govt.nz/publications/coastal-hazards-and-climate-change-guidance-for-local-government/>).

Resource 2 Interim guidance on the use of new sea-level rise projections
(<https://environment.govt.nz/publications/interim-guidance-on-the-use-of-new-sea-level-rise-projections/>).

Resource 3 – MEP 'Climate Change' Topic, Issues, Objectives, Policy, and Methods. An abbreviated table highlighting connectivity between the project and MEP policy direction and intent. page [24]

Author	Jamie Sigmund, Strategic Planner, Implementation & Review
Authoriser	Pere Hawes, Manager Environmental Policy Team

Resource 3

Plan Framework	Description
Issue 19A	Climate change has the potential to affect Marlborough's natural and physical resources and the ability of people and communities to use these resources.
Issue 19B	Climate change could affect natural hazards and create a coastal inundation hazard associated with sea level rise
Objective 19.1	Mitigation of and adaptation to the adverse effects on the environment arising from climate change. This focuses on actions the community can take to reduce the potential for adverse effects on the environment caused by climate change and to respond to any effects that do occur.
Objective 19.2	Avoid and mitigate the adverse effects of natural hazards influenced by climate change. With this objective recognising that the severity and or frequency of those natural hazards could potentially increase as a result of climate change, in these circumstances, any additional adverse effects should likewise be avoided or sufficiently mitigated.
Policy 19.1.2	Improve the community's understanding of the potential effects of climate change on the Marlborough environment. this policy directs specific localised research into long term climate change effects within Marlborough, investigating localised climate change and any potential implications in a Marlborough context.
Policy 19.2.1	Monitor flood hazard on an ongoing basis, recognises that the magnitude and incidence of flooding may increase in response to climate change.
Policy 19.2.2	For planning and development in the coastal environment the following sea level rise allowances and scenarios must be used (until a Dynamic Adaptive Pathways [DAP] planning process is completed) to assess and manage potential coastal hazard risk. The MfE advises local government to use a DAP planning approach to considering the effects of climate change. The approach provides flexibility that allows an agreed course of action to be changed if the need arises.
Policy 19.2.3	Using a collaborative community engagement model, identify and prioritise areas, assets, and infrastructure (e.g., roads) where the environment is under threat of inundation from rising sea levels and associated storm surges. Using that process develop an implementation plan to avoid or mitigate the adverse effects of such outcomes on the community.
'Methods' 19.M.4 Research, 19.M.5 Information, 19.M.9 Research, 19.M.10 Community engagement and evaluation and 19.M.11 Monitoring.	These methods give effect to the MEP implementation, they also set up the need for a future 'Coastal Hazard' longer-term strategic response.

12. 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.

Executive Summary

2. This report provides a rolling summary of hearings scheduled and completed for applications for resource consent.

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. Cirs Allanah Burgess, Ben Minehan and Raylene Innes have commenced their assignments for the MfE Making Good Decision foundation course. The course is scheduled for 29 and 30 March 2023. The Councillors were provided a RMA introduction presentation in anticipation of the course.

Applications that have been scheduled for hearing

6. At the time of writing this report 8 hearings have been completed in the year commencing 1 July 2022. Decisions have been issued for all but one of these applications. A table listing these hearings is attached at Appendix 1.

7. The following hearings have been scheduled:

Tuesday 14 March and Wednesday 15 March 2023 Hearing postponed, a new date to be advised	U200980 – Marberry Estate Limited	Land Use (Disturbance) Land Use (Activity) Land Use (River Surface and Bed Activity)	Fliss Morey	Commissioner M Williams	Council Chambers
Friday 17 March 2023	U220478 – Ngati Rarua Settlement Trust	Land Use (Activity) Land Use (Disturbance)	Jenny Folster	Commissioner A Besier	Council Chambers

Friday 21 April 2023 (Hearing postponed from 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
Wednesday 3 May 2023 (Hearing postponed – new date yet to be advised)	U220614 – J A McDonald	Coastal Permit (Structure) Land use (Activity)	Jo Pitts	Commissioner S McGarry	Council Chambers
Thursday 11 May 2023	U220749 – New Zealand Caravan Association Inc	Subdivision (Allotment Creation) Land Use (Activity)	Ian Sutherland	Commissioner G Rae	Council Chambers

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

U220442 – Broadgreen Limited	Subdivision (Allotment Creation) Land use (Building)	Ian Sutherland
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Next steps

9. 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 2022

Hearing Date	U Number and Name	Details	Planner	Commissioner/Committee	Status
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) 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	Application Granted Decision Issued
Wednesday 26 October 2022	U060329 – P J Woolley – reconvened hearing	S136 transfer of water permit	Glen Parker	Commissioner Welsh	Application Granted Decision Issued
Multiple days	U190438 – The New Zealand King Salmon Company Limited	Coastal Permit	Peter Johnson	Commissioner Welsh Commissioner Enright Commissioner Burge	Application Granted Decision Issued Appealed

<p>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.</p>	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	Application Granted Decision Issued
Tuesday 13 December 2022	U220543 – CMT Group NZ Limited	Land Use	Glen Parker	Commissioner A Besier	Application Granted Decision Issued
Tuesday 21 February 2023	U220748 0-Strathdullan Properties Limited	Subdivision Land Use (Activity)	Ian Sutherland	Commissioner A Besier	Hearing adjourned pending written final reply.

13. Information Package

RECOMMENDATION

That the Regulatory Department Information Package dated 9 March 2023 be received and noted.
