

**Minutes of a Meeting of the
ENVIRONMENT & PLANNING COMMITTEE
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim
on THURSDAY, 16 NOVEMBER 2023 commencing at 9.00 am**

Present

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

Also Present

Cirs S R W Adams and J A Arbuckle

In Attendance

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

Apologies

Clr Hope/Mr Harvey:

That the apology for non-attendance from Clr J D N Croad be noted.

Carried

E&P-1123-166 Declaration of Interests -

Mayor N P Taylor declared an interest in Item 9 – Appeals on the PMEP.

NB: The order of the agenda was altered at this point and the following Item 8 was heard ahead of Item 1.

ATTENDANCE: Mr Peter Davidson, Council's Environmental Scientist Groundwater Quantity & Quality was present for the following item and Laura Banasiak (ESR Christchurch) and Murray Close (Retired - ESR Christchurch) were present via Teams for the following item.

**E&P-1123-167 National Pesticide in Groundwater Report –
National Survey of Pesticides, Emerging
Organic Compounds and PFAS in Groundwater
2022** **E345-007-001**

Mr Peter Davidson introduced Laura Banasiak and Murray Close to the meeting via Teams. Mr Davidson acknowledged Murray Close who has run the programme since 1990.

The report [2022 National Pesticide in Groundwater](#) was presented and is available on Council's website.

A powerpoint presentation – National Survey of Pesticides and Per- and Polyfluoroalkyl Substances (PFAS) in Groundwater 2022 was shown (CM Ref. 23248461). It was noted that the survey was funded by the regional and Unitary Authorities, whose support ensures the continuation of long-term monitoring of pesticides in groundwater throughout New Zealand.

As part of the presentation and discussion it was reported that pesticides were detected in 9.2% of the 184 wells sampled nationally. Nationally, only two pesticides were present at high concentrations, one of which was dieldrin (persistent insecticide) which exceeded the MAV, and clopyralid (herbicide) present at a

concentration of greater than 1.1 micro g/litre but doesn't have a specified MAV. The herbicide terbuthylazine was measured at a very low concentration at the MDC Renwick municipal supply well. The capture zone for this well is the land to the south-west, above and below the terrace which is dominated by vineyard. PFAS was not detected at any of the wells sampled in Marlborough.

Laura Banasiak provided a response to Cllr Minehan's question on Terbuthylazine and Murray Close advised that the report is made available to MfE and he will confirm that it is being provided to the EPA.

It was reported that Marlborough District Council sampled 10 wells as part of the 2022 survey. This number is down on previous surveys due to work priorities in 2023 including aquifer allocation limit setting as part of the NPS for freshwater management.

It was noted that Marlborough did use to have annual surveys but have gone to four yearly due to budget constraints and minimal pesticides being reported. It was also noted that for the intensive use of the Wairau Plain a pesticide has never been detected that exceeds the maximum allowable value.

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

Carried

ATTENDANCE: Ms Katie Littlewood, Council's Principal Coastal Scientist, was present for the following item.

E&P-1123-168 Coastal Water Temperature Trends Report Card 2015 – 2023

E325-000-001

Ms Littlewood reported that the purpose of the report was to present the annual Coastal Water Quality Report Card prepared by Pauline Mitterwallner. The report card was attached to the agenda item for members' information. To highlight the report a powerpoint presentation was shown (filed in CM Record No. 23248468).

It was reported that coastal water quality is monitored monthly at 22 sites across Tōtaranui/Queen Charlotte Sound and Te Hoiere/Pelorus Sound. The monitoring data has shown that both the Pelorus Sound and Queen Charlotte Sound have exhibited record-breaking high temperatures in 2022, with annual averages reaching approximately 15.7°C for Pelorus and 14.7°C for Queen Charlotte.

Members were advised that the trend analysis based on temperature anomalies and Sen-slope estimates indicate that the persistent heatwave in the Cook Strait has led to a highly significant increase of temperatures across all outer Pelorus sites. The ongoing heatwave in the Cook Strait has not only impacted surface waters but is also affecting deeper ocean layers across the outer Pelorus Sound.

Ms Littlewood reported that some of the potential effects of warming ocean temperatures on marine species and habitats in the Marlborough Sounds is the increased chance of established pests spreading further, reproducing faster and having greater adverse impacts on biodiversity. It will also increase the risk of new invasive pests and diseases becoming established.

Members asked a number of questions at the meeting including how this work sits with the Sustainable Seas work particularly in regard to kelp restoration and shellfish restoration. Ms Littlewood advised that the kelp restoration project is through Auckland University which the Coastal Team have been involved with. The project is in its second year with surveys due to start next week. Ms Littlewood will be assisting in those surveys with the aim of a report being presented to the Committee in 2024.

In regard Sustainable Seas a hui was recently held with Te Ātiawa and stakeholders. It was noted that Te Ātiawa will confirm their involvement in the project with Council following their upcoming board meeting. A report is being completed and it is anticipated that this will be presented to the Committee in 2024.

Members acknowledged that it is daunting to receive reports like this but recognised the importance of the information.

Cirs Innes/Minehan:
That the information be received.

Carried

ATTENDANCE: Ms Rachel Russell, Council's Te Hoiere Programme Manager, was present for the following item.

E&P-1123-169 Te Hoiere Project Update

E355-021-01-001

The 2022-23 Te Hoiere Restoration Project Annual Report was received by the Committee and members noted that it was available on Council's [website](#). To highlight the report a powerpoint presentation was shown (filed in CM Record No. 23248467).

It was noted that the Te Hoiere Restoration Project is a multi-partner project which aims to address land use derived issues alongside wider conservation goals. Over the last year work has continued on both private and public land to improve water quality through fencing, planting and pest control and there has been a focus on communication, in particular the development of a portal on Council's [website](#). This has created a central point of contact and information about the project. Other communication tools include social media and newsletters to improve connection with the wider community.

Members were advised that the Te Hoiere Project has engaged Scarlatti to support a project review in November. The purpose of the review is to ensure that the activities funded over the next 18 months are achieved and to also start planning what the project might look like beyond the current funding.

Ms Russell advised that work is also being undertaken on the development of geospatial tools to enhance our understanding of the landscape and best mitigation actions for landowners. The other upcoming projects noted are forestry, Mātauranga Māori, monitoring and river management plan.

Clr Faulls thanked the team for their mahi and indicated that early in the new year a site visit be undertaken for those interested to places like the Ruapaka Wetland. Clr Faulls noted that a hui will be held next week to discuss the ongoing viability and sustainability of the project with a number of stakeholders present. The Trust is currently working on filling a trustee vacancy. It was also noted that having forestry working with the project is important as they are an integral part of the catchment.

Clr Burgess also noted her appreciation of the mahi from Ms Russell and the team, in particular working in partnership with other stakeholders to achieve the outcomes that we are now seeing and as a consequence having more and more partners come and be involved to do their pieces.

In response to a query regarding fish passages through culverts, Ms Russell advised that council staff are working through a process to assess the priority culverts that have been picked up through the catchment condition survey and NIWA report. It is planned to hold a workshop to go through the process of what culvert replacement looks like in terms of the new regulations.

Cirs Burgess/S Arbuckle:
That the information be received.

Carried

ATTENDANCE: Ms Rosanne Homewood, Council's Catchment Care Advisor, was present for the following item.

E&P-1123-170 Catchment Care for At-Risk Catchments in Marlborough E345-007-001

Ms Homewood provided members with an update on the Catchment Care programme for At-Risk catchments in Marlborough. To highlight this report a powerpoint presentation was shown (filed in CM Record No. 23248466).

Members were advised that the Catchment Care programme is jointly funded by MfE, MDC and landowners and is in year 4 of a 5-year programme. The programme is aimed at improving water quality in degraded/at risk catchments in Marlborough. Catchment Care supports the Are Are Creek, Flaxbourne, Linkwater and Tuamarina catchments.

It was reported that to date there has been a total of 13.32km of fencing funded, approximately 30,000 plants planted, and 12 dung beetle packs released. The programme is on track to meet its targets for fencing and planting at this stage with a further 11,000 plants and 4km of fencing planned for Year 4. Dung beetle releases are behind schedule.

Other areas of progress are an updated Catchment Care website section, which will fit into the new [Marlborough Rural Hub](#) portal. This is a restructured part of the Council website that aims to provide pertinent information in a more accessible way to Marlborough's rural communities. It will also support landowners in their development of Freshwater Farm Plans, with Are Are Creek being the first catchment to be "turned on" and the other At-Risk catchments following shortly after.

Ms Homewood advised that feedback on the new portal would be appreciated.

The successes and challenges of the programme were discussed and further detailed in the agenda.

Clr Burgess/Mr Harvey:
That the information be received.

Carried

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

E&P-1123-171 National Wilding Conifer Control Programme – update E315-019-001-01

Mr Underwood advised that the purpose of the report was to provide the Committee with an update on the National Wilding Conifer Control Programme (NWCCP), on-ground programmes in Marlborough and a recent [one-off] funding announcement. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23248464).

By way of background Mr Underwood reported that since 2016, Council has been managing additional Central Government investment into wilding conifer management in Marlborough through the NWCCP. In the early years, the modest investment focussed on Rangitahi/Molesworth. As part of Budget 2020 under the broader Jobs for Nature banner, the NWCCP received \$100M of funding over four years. This level of funding enabled both a significant lift in investment into the Rangitahi/Molesworth programme along with three additional programmes – Waihopai, Sounds and a community project across the Te Hau/The Ned and Awatere areas.

It was noted that since 2020/2021, Council has acted as both funds manager and contract principle for Rangitahi/Molesworth and Waihopai programmes. The Sounds programme has continued to be managed by the Marlborough Sounds Restoration Trust and Te Hau/The Ned/Awatere programme managed by the South Marlborough Landscape Restoration Trust.

Mr Underwood reported that for the upcoming 2023/2024 season, the NWCCP funding has dropped back to the baseline level of \$10M per annum. Following careful strategic planning within the regions and in

conjunction with programme staff, all programmes in Marlborough will still receive a degree of funding although significantly lower than what is needed to protect the gains. It was noted that the Sounds programme has been able to increase other sources of funding through successful applications being made to third party funders by the Marlborough Sounds Restoration Trust.

Members were advised that for the new one-off funding for 2023/2024, it is anticipated that \$913,000 of the \$7M will be directed to Marlborough targeting areas where maintenance has been deferred in the most vulnerable landscapes. It is likely these additional funds will be directed to the Molesworth and Waihopai programmes, although discussions are still being finalised with local stakeholders and the national programme team at MPI.

It was noted that all contracts and funding agreements are in place for the core 2023/2024. With the new funding, once final details are confirmed, there will be a range of new contract variations made to facilitate the boost to the respective programmes.

Cirs Faulls/Hope:
That the information be received.

Carried

ATTENDANCE: Mr Alan Johnson, Council's Environmental Science and Monitoring Manager and Tim Newsham, Co-Chair Marlborough Landscape Group was present for the following item.

E&P-1123-172 Marlborough Landscape Group Disestablishment

C230-001-M05

Mr Johnson reported that the purpose of the report was to notify Council of the intention to disestablish the Marlborough Landscape Group (MLG) and seek approval to redirect the MLG annual funding of \$20,000 to the Mahi mō te Taiao Grant Scheme.

By way of background Mr Johnson advised that the Marlborough Landscape Group (MLG) was established by Council in 2002 in response to community concern about rapidly changing land use on the Wairau Plains. MLG was an advisory group to Council who provided advice on how to protect and enhance Marlborough's landscape, and also worked to increase public awareness of the landscape. The MLG has achieved many outcomes since 2002 which included planting projects such as the Taylor River Reserve, Grove Road business frontages, and initiating the Greening Marlborough funding to encourage native plantings on vineyards.

Mr Newsham further spoke to the history of the group and provided a kaleidoscope of before and after images showing plantings that the group had undertaken within Marlborough (presentation filed in CM Record No. 23248462).

Clr J Arbuckle, as a past co-chair of the Landscape Group, and Clr Innes, current co-chair, thanked Tim Newsham and members both past and present for their mahi, passion and vision in protecting and enhancing Marlborough's landscape and increasing public awareness of the landscape.

Members also took the opportunity to acknowledge and thank the Chairs and members of the group along with the many volunteers who were invaluable to the group's success and spoke on the projects that had particular meaning to them.

Members discussed the reallocation of the MLG funding of \$20k and were supportive of the fundings being redirected to the Working for Nature/Mahi mō te Taiao grant scheme.

As part of the discussion Mr Johnson noted that the Jobs for Nature scheme is about to finish in 2024/25 and it is likely many community led environmental groups will be seeking options to exist. As Council would not have the resources to supplement all the needs of these groups, an option exists for an expanded Mahi mō te Taiao Grant Scheme category that could provide some leverage funding for groups that implement predator control activities. An expanded category could allow funding to be apportioned over a three-year term instead of annualised funding which would provide an avenue to these community groups to sustain a backbone of these programmes.

Cirs Innes/Mr Harvey:
That Council:

1. **Approve the Marlborough Landscape Group's decision to disestablish.**
2. **Redirect the \$20K Landscape Group annual funding to the Working for Nature/Mahi mō te Taiao grant scheme.**

Carried

ATTENDANCE: The meeting adjourned at 11.14 am and resumed at 11.28 am.

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

E&P-1123-173 Appeals on the PMEP

M100-09-01

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

It was noted that 51 notices of appeal on the PMEP were lodged with the Environment Court. Environment Court mediation on all topics has now been completed and good progress has been made in resolving appeals. There are nine consent memoranda currently being considered by the Court.

Members were advised that aquaculture interests have withdrawn a significant number of appeal points subsequent to the public notice of the Variation 1 decision. Work is ongoing to consider the relationship between outstanding PMEP appeals, and the Variation 1 decision and appeals.

With the gazettal of the NPS for Indigenous Biodiversity, parties are considering how the NPS direction may influence appeals placed on hold pending that gazettal.

Mr Hawes reported that all outstanding consent orders were received from the court last week. This is quite significant for Council as it resolves all appeals on water quality and water allocation and use. This means there is one statutory planning framework to guide that consenting process and provides staff processing those consents, resource users and others in the community with more certainty.

Mr Hawes also noted that the first appeal on variation 1 marine farming has been resolved and that in the new year staff will start to phase out this reporting and report on Variation 1 appeals.

Cirs Hope/Sowman:
That the information be received.

Carried

NB: The Mayor declared a conflict of interest in the above item and did not take part in discussion nor vote on the issue.

E&P-1123-174 Submission to Review of the Canterbury RPS

M100-11-004-03

Mr Hawes noted that the purpose of the report was to seek approval of a Council submission to the review of the Canterbury RPS. The draft submission was attached to the agenda item for members' information.

Mr Hawes explained that the Council is proposing six Freshwater Management Units (FMU) within Marlborough as part of the process of implementing the NPSFM, Waiau Toa/Clarence River is one of those FMUs. The Waiau Toa/Clarence River flows within both Marlborough and Canterbury and the submission seeks to encourage Environment Canterbury to likewise establish a standalone FMU for that part of the Waiau Toa/Clarence River catchment within Canterbury.

Mr Hawes noted that such an approach would recognise the unique and significant freshwater values that exist within this catchment. It also better enables ki uta ki tai and would ensure that the National Objectives Framework under the NPSFM is applied in a consistent manner within the catchment. Freshwater values for the catchment can be identified and documented in the same way, and a common vision and outcomes could be established. A Waiiau Toa/Clarence River FMU within both Canterbury and Marlborough could also enable a collaborative approach to be taken to the setting of attribute states and limits.

Members were advised that Council staff have discussed the nature of the submission with Ngāi Tahu and Ngāti Kuri and understand there is support for the relief sought.

Cirs Hope/Innes:

That the submission to the review of the Canterbury RPS be approved.

Carried

E&P-1123-175 Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023 R450-006-06

Mr Versteegh presented the Policy on 'Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams' to the Committee for adoption. The policy was attached to the agenda for members' information.

It was noted that Section 161 of the Building Act requires a regional authority to develop a dangerous dams, earthquake-prone dams, and flood-prone dams policy within their region and review at intervals of not more than five years. The policy was last reviewed in 2018.

Cirs Innes/Sowman:

That Council adopt the Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023.

Carried

ATTENDANCE: Ms Tonia Stewart, Council's Environmental Protection Officer, was present for the following item.

E&P-1123-176 Winery Wastewater & Grape Marc Monitoring Report E360-006-02

Ms Stewart reported that the purpose of report was to inform the Committee of the Compliance Group's ongoing monitoring of the discharge of winery wastewater and grape marc to land for the period 1 June 2022 – 31 May 2023. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23248460).

Members were advised that Council reported on 39 out of 39 wineries that discharge winery waste to land within the rural environment for the 2022/2023 monitoring period.

For the monitoring period 18 wineries (46%) were assessed as fully compliant, 7 wineries (17%) were technically non-compliant, 14 Wineries (34%) were assessed as non-complaint and 1 winery (3%) was assessed as significantly non-compliant.

It was reported that based on the information provided to date there has been an improvement in record keeping for the entire reporting period. Ponding does remain an area that still requires better management.

Ms Stewart noted that the Compliance and Monitoring Group will continue to take a proactive and constructive partnership approach to monitoring with education, relationship building and graduated enforcement when required with the key objective being the mitigation of adverse environmental effects.

Cllrs Minehan/Hope:
That the information be received.

Carried

ATTENDANCE: Mr Mathew McCormick, Council's Environmental Protection Officer, was present for the following item.

E&P-1123-177 Forestry Monitoring Report E335-003-002-01

Mr McCormick reported that the purpose of the report was to inform the Committee of the Compliance Group's ongoing monitoring programme of forestry activities for the period 1 July 2022 – 30 June 2023. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2328459).

For this monitoring period Compliance staff undertook 18 monitoring inspections, GeoInsight undertook 18 and there were two occasions where both compliance staff and GeoInsight inspected. A total of 38 monitoring inspections were carried out in 35 forestry blocks during the 12-month reporting period. This is 12 more inspections than the previous reporting period, and 6 less than the 2020/21 period.

A further 10 consultation/complaint related site visits were undertaken this period. It was noted that overall, Council's presence on forestry blocks increased to 50+ visits this period. This is not inclusive of Forestry working groups, or annual Environmental/Industry meetings.

Members were advised that of the 35 forestry blocks, four were monitored under a resource consent while the other 31 were monitored under the permitted activity (NES-PF) conditions. Of the blocks monitored, 15 (43%) were fully compliant after the first monitoring visit and required no remedial works or further inspections, 18 (51%) of the forestry blocks were rated non-compliant, 2 (6%) of the forestry blocks were assessed as being significantly non-compliant and no blocks were assessed as technically non-compliant.

Of the non-compliant blocks, 17 had achieved compliance by the end of the monitoring period, one block was remaining with non-compliant status following remedial works and will continue to be monitored to ensure compliance is achieved. Of the significantly non-compliant blocks one remained, this matter is ongoing at this time.

Mr McCormick advised that an environmental workshop will be held in March for management companies and contractors. A summarised version of the workshop will be created to take out to sites as a further educational tool for contractors. Information will also be included in the forestry newsletter.

Cllrs Minehan/Faulls:
That the information be received.

Carried

ATTENDANCE: Mayor N P Taylor withdrew from the meeting at 12.25 pm during the following item.

ATTENDANCE: Ms Karen Winter, Council's Team Leader Environmental Health, was present for the following item.

E&P-1123-178 Environmental Health Activity Summary for 2022/2023 and Review of Survey Results E350-004-009-02

Ms Winter noted that the purpose of the report was to provide the Committee with an overview of the activities undertaken by the Environmental Health Team for the 2022/2023 registration year and detail the results of the customer survey. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23248458).

A list of activities undertaken by the Environmental Health Group were detailed in the agenda item. It was noted that these activities are quantified and reported as performance measures under the Annual and Long Term Plans.

The following performance targets for the Annual Plan 2022/23 have been achieved:

- 100% of other registered premises were inspected; and
- 15 markets and events were inspected during 2022/23, the target was 12.

Ms Winter advised there were 258 verifications of businesses registered under the Food Act 2014 in the 2022/23 registration year. During verifications, requirements of the Plan are assessed and given a result of performing, conforming, non-conforming, non-compliant, or not applicable. Corrective Action Requests (CARs) are provided for any improvement required. The Ministry for Primary Industries (MPI) monitor the Council's performance and provide routine updates on performance against national trends.

The Environmental Health Team investigate complaints regarding food and food premises, along with nuisances under the Marlborough District Council Bylaws. 24 complaints were received regarding food safety and various forms of action were undertaken. There were no infringements or prosecutions in the 2022/23 year.

Members were advised that of the 139 On-licensed premises selling alcohol 130 compliance checks were carried. This exceeds the target of 90% in a financial year. A Controlled Purchase Operation (CPO) was carried out and of the 8 licensed premises tested two premises failed.

Surveys have continued to be undertaken in the 2022/23 registration year – 11 responses to the Health Act inspection were received with an overall mean result for satisfaction of 9.7 out of 10. 55 responses received for the Food Act Verification with overall mean result for satisfaction of 9.7 out of 10.

Cllrs Sowman/Fauls:
That the information be received.

Carried

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

E&P-1123-179 Marlborough Residual Noise Survey

E350-004-009-02

Ms Murrin reported that the purpose of the report was to provide a brief overview of a residual noise survey the Environmental Health team has been conducting at various sites across the Marlborough District. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23248457).

Ms Murrin advised that the Environmental Health Team have commenced an ongoing project that measures the residual sound levels at various locations in the Marlborough District. The survey will provide an understanding of the different noise levels around the district in various zones under the Marlborough Environment Plan (MEP) and how developments are impacting this.

It was noted these noise readings are initially to provide an understanding of the level of noise in a particular area. It is intended that in five years' time the same areas will be monitored to determine whether there have been any significant increases/decreases and identify any cause.

Ms Murrin advised that a total of 23 sites around Marlborough have been selected. These sites ranged from multiple spots in Blenheim to Renwick, Grovetown, Spring Creek, Picton, Rarangi, Wairau Valley, Waihopai Valley and St Andrews. The various locations were chosen to capture the different zones within the Marlborough Environment Plan. Due to the different zones, the noise levels were monitored and compared against the plan rules for each different zone.

A summary of the different noise levels measured in the various locations was contained in the agenda.

Cllrs Sowman/Burgess:
That the information be received.

Carried

E&P-1123-180 Animal Control Sub-Committee

D050-001-A04

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

Cllrs Faulls/Hope:

That the minutes of the Animal Control Sub-Committee meeting held on 23 August 2023 be ratified.

Carried

E&P-1123-181 Information Package

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Cllrs Innes/Minehan:

That the Regulatory Department Information Package dated 16 November 2023 be received and noted.

Carried

The meeting closed at 12.43 pm.

Record No: 23253069