



**Minutes of a Meeting of the  
ENVIRONMENT & PLANNING COMMITTEE  
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim  
on THURSDAY, 24 AUGUST 2023 commencing at 9.00 am**

**Present**

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

**Present via Team**

Clr A R Burgess

**Also Present**

Cirs S R W Adams, S J Arbuckle, J D N Croad and J C Rosene

**In Attendance**

Ms G Ferguson (Consents and Compliance Group Manager), Mr H R Versteegh (Environmental Science and Policy Group Manager) and Ms N Chauval (Committee Secretary)

**Apologies**

Cirs Hope/J Arbuckle:

**That the apology from Clr A R Burgess for early withdrawal from the meeting be received and sustained.**

**Carried**

**E&P-0823-64 Declaration of Interests** -

The Mayor declared an interest in Item 5 – Appeals on the PMEP.

ATTENDANCE: Mr Mike Aviss, Council's Biodiversity Coordinator, was present for the following item.

**E&P-0823-65 Significant Natural Areas Programme Annual  
Report 2022/2023 E310-006-001, E310-012-003**

Members noted that the purpose of the report was to provide an update on the results of the Natural Areas programme 2022/23. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23179426).

The Summary Report on the Results of the Significant Natural Areas project 2022 – 2023 was separately attached to the agenda for members' information.

Mr Aviss noted the following highlights for the Significant Natural Areas Programme for 2022-23:

- alluvial forestland beside Pukaka Valley to be retired from production and restored.
- over 1000 feral ungulates were controlled in an operation in the Outer Queen Charlotte Sound in collaboration with Marlborough Sounds Restoration Trust.
- targeted ecological restoration of SNAs in coastal threatened land environments with 10,000 seedlings planted by volunteers at Mussel Point, Canterbury Gully, Chancet Rocks and Ward Beach and the fencing of two coastal limestone SNAs.
- continued wilding pine control on two large coastal limestone properties.

- total number of SNA sites mapped in Council's database is now 778 along with 142 RAPs (DOC's Recommended Areas for Protection).
- ongoing support and access from landowners to continue with the survey programme
- six new SNA sites identified, documented and mapped during 2022/23.

Members were advised there are currently 34 active projects, with over \$200k of Council funding spent on managing sites during this reporting period. This funding helped leverage a further \$446K from landowners and others, to control pests, weeds and fence vulnerable habitats.

Mr Aviss advised that the SNA monitoring programme was active in visiting 26 sites: 10 Managed (with Council input) and 16 Un-Managed. Managed sites were in better condition and trend than un-managed sites, but the overall condition and trend of all sites was encouraging.

It was noted that the East Coast Beach Vehicle Bylaw 2023 became operative on 1 July 2023. Signs have been erected in a number of locations. Mr Aviss recently visited the area and reported that it does appear that vehicle tracks have reduced and although it is early days it is a positive sign.

In response to a query on whether the SNA programme will continue as a voluntary programme, Mr Hawes, Council's Manager Environmental Policy, advised that Council is required to identify its SNAs within the PMEP within five years.

**Cirs J Arbuckle/Sowman:**  
**That the report be received.**

**Carried**

ATTENDANCE: Ms Charlotte Tomlinson, Council's Environmental Scientist - Hydrology, was present for the following item.

## **E&P-0823-66      2023 Rainfall SoE Report      E320-002-001**

Ms Tomlinson noted that the purpose of the report was to provide an update on rainfall for the 2022/23 hydrological year, and summary statistics for long-term rainfall monitoring sites in Marlborough. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23179439).

The 2023 Rainfall State of the Environment Report was separately attached to the agenda for members' information.

Members were advised that the Marlborough District Council (MDC) currently monitors rainfall at 27 sites throughout the region and receives additional rainfall data from NIWA, the Marlborough Research Centre, and Fire & Emergency New Zealand. Over the past five years, three new rainfall sites have been installed these are in Picton (Waitohi Domain), Branch (Mount Morris) and Lake Elterwater.

Clr Faulls raised whether consideration could be given to an official rainfall recording site established on Rangitoto ke ti Tonga/D'Urville Island, noting that a resident of the island had been measuring rainfall for the past 30 years. Ms Tomlinson agreed to discuss further outside the meeting.

Members were advised that the 2022/23 hydrological year had between 20-60% more rainfall than average across the entire region. In Northern Marlborough, 2022/23 had more rainfall in total than the year prior, however from the Richmond Ranges south 2021/22 was the wetter of the two years.

It was noted that winter 2022 had the highest rainfall of any season at 12 out of the 14 long-term monitoring sites, including at Linkwater (established 1938) and Wairau Valley at Southwold (established 1917).

In Blenheim, July 2022 became the wettest month in 93 years with 220 mm of rain, this is also the first time monthly rainfall has exceeded 200 mm in Blenheim. August 2022 was the first month where over 1 metre of rainfall was recorded at a monitoring site in Marlborough, with 1,241 mm recorded at Tunakino.

Members were advised that the 2024 rainfall SoE report will focus on analysing rainfall from selected sites with long-term records to identify any changes in rainfall over time.

**Cirs Faulls/Minehan:**  
**That the report and presentation be received.**

**Carried**

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

**E&P-0823-67      Appeals on the PMEP      M100-09-01**

Mr Hawes noted that previous reports to the Committee had reported progress in terms of where Council is at with the individual appeals which have been resolved/withdrawn. This told a very limited story because some of the appellants have appeals across multiple PMEP topics. Members were advised that an additional report has been provided that lists all 22 topics that have been mediated with the court's assistance and noted the status for each individual topic. It was reported that a large number have been fully resolved, some have almost been resolved and there is a limited amount of outstanding appeal points.

Members were advised that mediation has commenced with those appeal points on topics that were placed on hold pending the outcome of Marine Farming Variation 1. Council is now going through a process with the court and with those relevant appellants as to the relationship between those outstanding appeals and Variation 1 appeals to find an efficient way to progress these.

It was noted that there are two remaining reporting dates in which to provide the court with an update on outstanding PMEP appeals and Variation 1.

In response to a query, Mr Hawes advised that the variation provisions for the PMEP do merge on the decision and the team are about to complete a process of that merging. It was noted that the appeals against the Variation 1 will be recorded on that content.

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

**Carried**

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

ATTENDANCE: Mr Jamie Sigmund, Council's Strategic Planner – Implementation and Review, was present for the following two items.

**E&P-0823-68      Proposed Variation to the Marlborough  
Environment Plan – Kerepi Variation      M100-11-16**

Mr Sigmund noted that the purpose of the report was to seek approval to proceed with the preparation of a variation to change the zoning of land for a property located at 46 Old Renwick Road, referred to as Kerepi, from 'rural' to 'residential' use.

Members were advised that the approval allows the initiation of a process but does not represent the approval of the variation. The preparation of the variation will involve consultation with relevant parties, including landowners, and tangata whenua. Following consultation an evaluation report pursuant to Section 32 of the RMA will be prepared and that documentation along with the final version of the proposed variation will be brought back to the Environment & Planning Committee for approval to progress to public notification.

Members asked a number of questions and sought clarification on various points at the meeting.

**The Mayor/Clr Innes:**

**That Council approve the preparation of a 'Variation' to the Marlborough Environment Plan, relating to the rezoning of land for a property located at 46 Old Renwick Road, referred to as Kerepi.**

**Carried**

**E&P-0823-69      Variation to the Proposed Marlborough  
Environment Plan, Urban Residential Four  
'Greenfields'**

**M100-11-20**

Mr Sigmund noted that the purpose of the report was to seek approval to proceed with the preparation of a variation to include a new planning framework that considers 'Medium Density Housing', referred to as Urban Residential Four 'Greenfields'. This will include, new provisions, policy, and accompanying zone rule framework.

Members were advised that approval would allow the initiation of a process but did not represent the approval of the variation. The preparation of the variation will involve consultation with relevant parties, including Marlborough's, tangata whenua iwi, Marlborough residents and appropriate ministers of the crown who may be affected.

Following consultation an evaluation report pursuant to Section 32 of the RMA will be prepared 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 response to a query on whether this and the previous item would be heard together it was noted that currently they are being considered as two separate variations.

**Cirs J Arbuckle/Hope:**

**That Council approve the preparation of a variation to the proposed Marlborough Environment Plan, 'Urban Residential Four' (UR4), to include new plan provisions, to manage 'Medium Density Housing' within the 'Greenfields' situation.**

**Carried**

ATTENDANCE: Clr Burgess withdrew from the meeting at 10.42 am.

ATTENDANCE: Mr Matt Oliver, Council's Land Management Scientist, and Sarah Pearson, Council's Strategic Planner were present for the following item.

**E&P-0823-70      Resource Management (Freshwater Farm Plans)  
Regulations 2023 – Overview, timings, and  
implications for Council**

**N100-001-04-01**

It was noted that the purpose of the report was to provide an overview of the Resource Management (Freshwater Farm Plans) Regulations 2023 (Regulations); highlight the implementation requirements on Council and the departmental responsibilities for their delivery, including timelines; and seek Committee approval of the roll out order and progression of drafting an Order in Council in preparation for the request from the Minister. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 23179438). Supporting figures and a link to Ministry for the Environment guidance documents was included with the agenda item for members' information.

Mr Oliver noted the Resource Management (Freshwater Farm Plans (FWFP)) Regulations 2023 were gazetted on 6 June 2023 with 1 August FWFP required in parts of Southland and Waikato. Plans will be rolled out to all regions by the end of 2025.

Members were advised that the Marlborough region will be required to start roll out from mid-2024 with each region determining the order in which it "switches catchments on". Analysis of Council's property records shows

there are potentially 1700 FWFP required in Marlborough. It is proposed that catchments will be progressively ‘switched on’ across the region with all catchments required to be on by the end of 2025. Farm operators will have 18 months following their catchment’s “switch-on” to submit their FWFP for certification.

Mr Oliver advised that it is proposed that catchment roll out timing be aligned with the freshwater planning process and the proposed Marlborough Environment Plan (PMEP) variation to implement the National Policy Statement for Freshwater Management 2020 which is required to be notified by the end of December 2024. The catchment roll out order would reflect the known risks to freshwater, combined with current work programmes and appropriate information availability and would focus initially on the degraded and at-risk of degradation catchments identified in the PMEP.

The following proposed roll out order was identified:

Start Date	Catchments	No. of Farms	No. of Vineyards
Mid-2024	Are Are Creek	~8	~12
Start 2025	Tuamarina River, Pelorus River, Flaxbourne River	~170	~8vy
Mid-2025	Mill Creek, Taylor River, Omaka River, Ōpaoa River, Spring Creek, Kenepuru.	~72	~250
End 2025	Rest of the catchments	~500	~700
	<b>Totals</b>	<b>~750</b>	<b>~970</b>

Members were advised that part of Council’s role is to receive certification reports, action plans and audit grades. Compliance with the FWFP regulations will become part of the Compliance and Monitoring Section’s responsibility and is expected to create additional workload.

It was noted that to assist councils in meeting information management requirements under the FWFP regulations a new Integrated National Farm Data Platform (INFDP) is proposed. Costs for the INFDP are yet to be accurately quantified but much of the initial cost is expected to be borne by Central Government. Ahead of the completion of the INFDP, an interim data platform is being prepared, known as “The Bridge”. Members were advised that it is likely that Council will have to engage with this system ahead of the completion of the INFDP.

Ms Ferguson noted there is budget available for The Bridge and as a result there would be no impact on rates.

Mr Oliver advised that staff will be developing an implementation plan including an assessment of resourcing requirements. A series of meetings with iwi, catchment groups, industry groups along with public meetings to inform stakeholders on the FWFP requirements is anticipated. Initial meetings will be organised for the later part of this year and early next year. From early 2024 the focus will shift to more focused meetings within catchments due for rollout in 2024 and early 2025.

It was noted that Marlborough will not be the first so there is the opportunity to take the learnings from other regions. A critical part is the certifiers and auditors and training of those for our region will be a high priority. The cost of the training is being borne by MfE and as the system is up and rolling it is expected to be a cost neutral for councils but there will be a cost for farm operators.

Members expressed their concerns in regard to workload for Council staff and farmers and also costs involved particularly for farmers.

It was noted that funding has been received from MfE for the next three years to implement some of the catchment management which relates to the farm planning framework, Council currently has two staff employed and a further position to fill. As part of the Long Term Plan these positions have been future funded.

In response to a query on whether a report could be provided to the Council at the end of 2024 before progressing into the other catchments. Mr Oliver advised that it is anticipated that reports will be provided to the Committee on all of the catchments as they are progressed.

Members were advised that website communication is currently being developed along with updated written fact sheets. These will support landowners with key information, clarify common concerns and address anticipated questions on the process and context of FWFP's. Land Resources and Catchment Care staff will be able to provide additional communication directly to landowners to ensure they are able to access key information.

**Clr Hope/The Mayor:**

- 1. That the information be received.**
- 2. That the Committee approve the proposed roll out order and progression with drafting an Order in Council in preparation for the request from the Minister.**

**Carried**

ATTENDANCE: Ms Louise Walker, Council's Strategic Planner, was present for the following three items.

## **E&P-0823-71      Variation 2 and Variation 3 – Hearing Panel Delegation and General Update      M100-11-07**

Members agreed to deal with **Item 9** – Variation 2 and **Item 10** - Variation 3 together.

Ms Walker noted that the submission period has now closed for both variations and the next step in the process is to hold a hearing to provide an opportunity for submitters and further submitters to present evidence on the variation. After the hearing, all the evidence will be considered and a decision made by Council on the variation.

To hear those submissions the following were nominated for the panel - Clrs Barbara Faulls and Raylene Innes, and Ms Sharon McGarry, Clr Faulls was nominated as Chair. It was proposed that an iwi commissioner be appointed as the third person to sit on the panel. Members were advised that in order to find the correct person for this role, Marlborough's iwi authorities will be consulted and a person recommended through a further report to the Committee.

The proposed dates for the hearings are 25<sup>th</sup> and 26<sup>th</sup> of October 2023. The hearings for Variations 2 and 3 are proposed to run consecutively, with the same hearing panel, to provide efficiencies in the process.

**Clrs J Arbuckle/Sowman:**

- 1. That the update on the progress for Variation 2 and 3 be received.**
- 2. That Council appoint a panel consisting of Clrs Barbara Faulls and Raylene Innes, Sharon McGarry and an iwi commissioner (to be determined through consultation with iwi authorities) and to delegate authority to that panel to conduct the hearing, to hear and make determinations on submissions and further submissions and to make a decision on Variation 2 and 3.**
- 3. That Clr Barbara Faulls be appointed as the Chairperson of the panel.**

**Carried**

## **E&P-0823-72      Variation 4: Road Stopping – Decision on Variation      M100-11-11**

Ms Walker advised that the road stopping process under the Local Government Act (LGA) has previously been completed at three locations that form Variation 4. Each site subject to the road stopping has been amalgamated with the adjacent, privately owned, land. As there is no underlying zoning at any of the road





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

**E&P-0823-76 Dairy Shed Effluent and Stream Crossing Survey 2022/2023 E330-001-004, E330-001-005**

Members noted that the purpose of the report was to inform the Council of the Compliance Group's monitoring of dairy shed effluent and stream crossings during the 2022/23 dairy season. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23179431).

The Dairy and Stream Crossing Survey 2022/23 Snapshot was attached to the agenda for members' information.

It was noted that the 2022/2023 dairy season was a challenging year for Marlborough dairy farmers. The August weather event caused significant flooding impacting on Marlborough's rural community. The Dairy effluent inspections were delayed until September allowing farmers some time and space to recover during the difficult period.

In the 2021/2022 monitoring period Marlborough had 44 operating dairy farms there are now 43.

Council inspected 42 out of 43 dairy farms in 2022/23. All 42 of these farms were monitored against the PMEP or resource consent conditions. 32 of these were monitored against the activity standards within the PMEP that have legal effect. The percentage of farms that were rated as compliant with the PMEP was 97% (30 farms). This is a 6% increase from last year.

Resource consent compliance following inspections was 91% (10) farms were rated as compliant and 3% (1) farm was rated as non-compliant. No farms were rated technically non-compliant or significantly Non-compliant.

Members were advised that the non-compliance observed was due to herd size exceeding the resource consent conditions. The consent holder was sent a please explain letter. The resource consent has now been surrendered and is operating under the PMEP rural environment zone where discharge of dairy farm effluent onto land is a permitted activity.

Stream crossing elimination is continuing to progress with only one farm with two stream crossings remaining.

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

**Carried**

ATTENDANCE: Clr Innes withdrew from the meeting at 12.20 pm during the following item.

**E&P-0823-77 Noise Control Contract Performance 2022/2023 E350-007-009-02**

Ms Ferguson noted that the purpose of the report was to update the Committee on the performance of the Noise Control Contractor from 1 July 2022 to 30 June 2023 and explain how they perform their function. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 23179429).

It was reported that there were 906 complaints received regarding excessive noise from 1 July 2022 to 30 June 2023 this is an increase of 37 from the previous year. From 1 July 2022 to 30 June 2023 there were 72 Excessive Noise Directions issued and 8 seizures of equipment. Four of the items seized were disposed of while the other four continue to be held for the six-month period required to see if they will be claimed or allow the appeal period to be completed.

There were no Noise Abatement Notices issued during this period.

Monthly meetings are held with the local Armourguard manager to discuss any developing issues or concerns. It was reported that the Contractor has continued to provide the required service to ensure any noise complaints are dealt with professionally and promptly.

**Cirs Sowman/J Arbuckle:**  
**That the information be received.**

**Carried**

## **E&P-0823-78      2022/23 Regulatory Budget Carryovers** **R450-002-G01, F275-001-02**

A request for Regulatory 2022/2023 Budget Carryovers to be incorporated into the 2023/2024 budget was put forward for consideration by the Committee. A list of the carryovers were attached to the agenda item for members' information.

It was noted that a number of works scheduled for completion in 2022/23 did not proceed or were not completed for a variety of reasons. There is no rating impact arising from the carryover action.

**Cir Hope/The Mayor:**  
**That the 2023/2024 budget be amended to incorporate the Regulatory Department 2022/2023 carryovers.**

**Carried**

## **E&P-0823-79      Information Package**      -

**Cir Hope/The Mayor:**  
**That the Regulatory Department Information Package dated 24 August 2023 be received and noted.**

**Carried**

The meeting closed at 12.27 pm.

Record No: 23186324