



**Minutes of a Meeting of the
ENVIRONMENT & PLANNING COMMITTEE
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim on
THURSDAY, 1 FEBRUARY 2024 commencing at 9.00 am**

Present

Cirs G A Hope (Chairperson), B A Faulls (Deputy), S A Arbuckle (from 9.05 am), A R Burgess (from 9.17 am), 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 D N Croad

In Attendance

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

Apologies:

Cir Hope/The Mayor:

That the apology from Cir A R Burgess for lateness be received and sustained and the apology for non-attendance from Cir J A Arbuckle be noted.

Carried

E&P-0224-227 Declaration of Interests -

No interests with items on the agenda were declared.

E&P-0224-228 Resource Hearing Sub-Committee Decisions -

Cirs Hope/Minehan:

That the Resource Hearing Sub-Committee Decision as contained within the report dated 28 April 2023 (U220377) and (U220451) and Hearing Sub-Committee Hearings held on 6 September 2023 (U22093) and 14 September 2023 (U220480) be received and the recommendation adopted.

Carried

E&P-0224-229 Resource Hearing Commissioner Decisions -

Cirs Hope/Minehan:

That the Resource Hearing Commissioner Decisions as contained within the reports dated 17 March 2023 (U220478), 27-28 April 2023 (U200980), 11 May 2023 (U220749) and 10 November 2023 (U220736) be received and the recommendations adopted.

Carried

ATTENDANCE: Ms Katie Littlewood, Council's Principal Coastal Scientist, was present in Chambers for the following two items and Dallas Lafont, University of Auckland, was present for the following item via Teams.

E&P-0224-230 Kelp Restoration in Tōtaranui/Queen Charlotte Sound

E325-000-002

Ms Littlewood noted that the purpose of the report was to inform and update the Committee on the progress of the kelp restoration project occurring in Tōtaranui /Queen Charlotte Sound.

Ms Littlewood introduced Ms Lafont to members and noted that the University of Auckland researcher has been studying the effects of kina (*Evechinus chloroticus*) barrens on the health of kelp and rimurimu forests in Tōtaranui/Queen Charlotte Sound. The project is being led by Professor Nick Shears and his team in partnership with Te Ātiawa o Te Waka-a-Māui and supported by Marlborough District Council, SLR Consulting and Port Marlborough.

It was noted that a presentation on the research project had been provided to the Committee in 2023 and Ms Lafont's report is an update on that work. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 2428042).

Members were advised that four trial sites have been established across Tōtaranui/Queen Charlotte Sound to examine how excessive kina grazing inhibits kelp and rimurimu recovery and growth across a range of environmental conditions through the Sound.

Ms Lafont reported that all sites have seen an increase in rimurimu, ranging from an average of 10% more canopy cover at Tahuahua/ Blackwood Bay to 67% at Motuara Island. Kelp species have been recovering well at Motuara Island, and a few juvenile kelp individuals have also been observed at Meretoto/ Ship Cove where none were found previously.

It was noted that the differences in rate and extent of kelp and rimurimu recovery seen between sites are most likely associated with environmental conditions, such as low water motion, sedimentation, and warming ocean temperatures.

It was noted that removal of kina across the four sites was carried out every 2-3 months to mitigate reinvasion of the experimental area. The need for this additional effort indicates that kina removal on its own as a restoration tool is not efficient long-term, as it does not address the underlying issue of the lack of kina predators. Further support and action are required for a long-term, sustainable recovery.

Members were advised that the next steps in this research are currently limited due to time and funding but the team hopes to continue maintaining and monitoring these sites as recovery is still ongoing. May 2024 marks two years since the initial kina removal and would be the target date for the next round of kelp and rimurimu surveys.

In response to a query on whether research sites were restricted to being located on coastal points. Ms Lafont advised that no they're not but water motion does play a large role in a site being potentially successful. Also that a lot of inner bay areas are not suitable reef habitats because they are completely covered in sediment with no rocky base to restart a population.

It was raised whether Tory Channel/Port Underwood had been considered given the colder water temperatures and water flow. Ms Lafont advised that it had but the flushing mechanism doesn't provide the natural protection as kina barrens were found. It was noted that the best solution doesn't focus on one thing it all has to be taken as part of a picture together however the most significant detrimental factor is the lack of predators such as large fish eg snapper, blue cod and crayfish. The predators need to be large to be able to predate the kina.

Cirs Innes/Sowman:
That the information be received.

Carried

ATTENDANCE: Dr Emilee Benjamin, University of Auckland, was present for the following item.

**E&P-0224-231 Green Lipped Mussel Restoration in Te Taihu/
Top of the South Island E325-000-002**

Ms Littlewood noted that the purpose of the report was to provide an update to the Committee on the progress of the green lipped mussel restoration project occurring in Te Hoiere/Pelorus Sound. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2427489).

Dr Benjamin advised that working with the Aquaculture industry, the team have successfully deployed over 50 tonnes of farmed mussels and 24 tonnes of mussel shell material onto the seafloor in various trial locations in Te Hoiere/Pelorus Sound. The team have monitored the mussels and overall ecosystem health in the newly reseeded beds for the past four years.

The results of have shown that in most places where mussels are restored to the seafloor they have survived well, indicating the habitat is still suitable for supporting wild mussel beds. Where mussels are restored there are significant associated ecosystem benefits with an increase in the abundance of fish and seafloor creatures in the vicinity. However, there is very limited recruitment of young mussels into restored mussel beds after three years. This may indicate there is a bottleneck for natural recruitment that needs to be resolved if mussel restoration is going to be successful long-term.

It was noted that natural mussel shell material from aquaculture can be returned to the marine environment to aid mussel restoration by consolidating a muddy seabed to provide a firmer substrate for establishing restored live mussels.

Members were advised there have been some setbacks such as damage to some beds due to the August 2022 storm and mussels being predated by the 11-arm starfish which is not naturally found in the Pelorus Sound/Te Hoiere so doesn't have natural predators.

Dr Benjamin noted that historical mussel beds had been located in the intertidal zone but due to summer water temperatures survival is low and beds have been located in the subtidal zones.

Members were advised that there is very limited recruitment of young mussels into restored mussel beds after three years, suggesting there is a bottleneck for natural recruitment that needs to be resolved if mussel restoration is going to be successful long-term. The ultimate goal for restoration is to get that population to be self-sustaining to ensure the longevity of those reefs. Work is underway to understand more about juvenile mussels.

Members were advised that the project is being extending for further three more years with two more PhD students being added to the team. The wider community collective supporting the project has developed a project plan which will build on previous knowledge and aims to increase the effectiveness of mussel restoration, assess the efficacy of recycling mussel shell from aquaculture to enhance biodiversity and stability of seafloor habitats with accumulated sediment from run off.

It was noted that as part of the next steps the project will be changing from the Te Hoiere Project to a Top of the South Project. New partners are interested in joining to extend the application of mussel restoration methods developed for enclosed waters of the Pelorus Sound/Te Hoiere so they are effective in open coastal waters of Golden Bay/Mohua and Wakapuaka Taiapure at Delaware Bay.

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

Carried

ATTENDANCE: Ms Heli Wade, Council's Te Hoiere Project Manager, and Laura Kelly, Freshwater Ecologist from Cawthron Institute were present via Teams for the following item.

E&P-0224-232 Te Hoiere Project – DOC Ngā Awa Monitoring Programme

E355-021-01-001

Ms Wade noted that the purpose of the report was to provide an update on the Department of Conservation (DOC) Ngā Awa freshwater monitoring Programme in Te Hoiere Project Catchment. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2427478).

The Ngā Awa Monitoring Programme: Te Hoiere Catchment Reporting 2021-22 report was separately attached to the agenda for members' information.

The results presented provided evidence that areas within public conservation land (PCL) in upper Te Hoiere catchment were generally in excellent condition and could be used to assess efforts being made to restore other areas of the catchment.

Ms Kelly noted that the aquatic life scores suggested there is healthy biodiversity across the Te Hoiere catchment. Some sites had lower scores (or no score) for the fish index of biotic integrity (F-IBI) due to a lack of fish, which was likely a result of these sites having relatively high elevation, possible natural barriers and being a substantial distance inland. The survey site reaches harboured a significant number of At Risk and threatened native freshwater fish.

Megainvertebrates were only observed at two sites, with both kōura and shrimps caught during electric fishing. Freshwater mussel surveys did not detect any mussels.

A diverse array of habitat types were recorded across the survey sites. Most sites had more than three meso-habitats available for a range of organisms. Discharge was biased towards low-flow sites, but this reflected both the survey intent to sample all stream orders present and the size of the waterways present within PCL in Te Hoiere catchment. Substrate stability spanned from moderate to high, with most sites being highly stable.

Deposited fine sediment cover was low. This, accompanied by a diverse range of substrate size classes at most sites, indicated good habitat availability for macroinvertebrates and fish, with low infilling of the interstitial spaces. Pesticide residue was not detected at any of the sites tested.

Water quality parameters were excellent or good at most sites. Visual clarity was good or excellent at most sites, although it could not always be assessed due to the size of the waterway.

It was noted that when compared with other recent monitoring of streams and rivers in or near PCL, sites displayed good values for macroinvertebrate indices and visual clarity, but poorer values for nutrient concentrations relative to other sites in the Ngā Awa river restoration programme and NFMP.

Members were advised that repeated sampling will enable assessment of changes over time. The areas of Te Hoiere catchment in PCL effectively remain in reference condition but are likely to be affected by changes in temperature and rainfall patterns arising from climate change.

It was noted that as a result, the wide-ranging dataset collected offers a baseline to inform future analyses of temporal change if similar monitoring was repeated.

Cirs Faulls/Burgess:
That the information be received.

Carried

ATTENDANCE: Mr Jake Oliver, Council's Harbourmaster, was present for the following item.

E&P-0224-233 Tory Channel/Kura Te Au Currents and Tides

H100-001-01

Mr Oliver reported that risk assessments of Tory Channel/Kura te Au have identified that published current and tide predictions do not always align with what is experienced on site. This means that mariners cannot be certain of the conditions that will be experienced until they have entered the channel. To mitigate this risk a model has been developed to determine the currents present and forecast within the channel.

It was noted that the model runs from Dieffenbach Point and Tory Channel entrance, this is as far as it was designed to go but we so have Motuara Island tide station which provides an opportunity to go further into Queen Charlotte Sound to understand the tidal flows there.

Members were provided with a brief demonstration of the software.

Mr Oliver advised that the software would go live on Council's website on Monday, 5 February 2024.

James Oliver, Council's new deputy Harbourmaster was present in Chambers and introduced to members.

Cirs Innes/Hope:
That the information be received.

Carried

ATTENDANCE: Mayor Taylor withdrew from the meeting at 10.53 am.

ATTENDANCE: Mr Matt Oliver, Council's Senior Environmental Scientist Land Resources, was present for the following item.

E&P-0224-234 Spatial Tools for Land Management E355-004-008-07

Mr Oliver reported that the purpose of the report was to provide an update on development of GIS-based spatial tools for land management. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2427475).

It was noted that following the procurement of two significant datasets (LiDAR and radiometrics) a series of spatial tools were developed. Combining both of these datasets existing legacy data and water quality monitoring data can result in improved understanding of landforms, erosion risk and natural hazards. This understanding can be used to implement better practice or regulatory measures.

Members were advised that the Te Hoiere Project has played a major role in obtaining external funding to complete this work.

Mr Oliver noted that the next steps will be to continue development and verification of the datasets. Create field-capable versions of key datasets for use by Catchment Care Officers on their tablets in the field and create open access versions for public use and feedback.

Mr Oliver advised that funding to complete this work will be required in some instances but noted that Council has sought to develop in-house capability during this process. Where a layer is required outside of the Te Hoiere Project area, in many cases, Council will have the ability to create these itself.

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

Carried

ATTENDANCE: Meeting adjourned at 11.02 am and resumed at 11.16 am.

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

E&P-0224-235 Top of the South Marine Biosecurity Partnership

E315-004-002-01

Mr Underwood reported that the purpose of the report was to provide an update to the Committee on recent changes that have occurred in relation to the Top of the South Marine Biosecurity Partnership (TOSMBP).

A copy of the TOSMBP newsletter for 2023 was included with the agenda item for members' information.

Members were advised that the TOSMBP has been operating since 2008 when agencies chose to work together on what was at the time, a new area of biosecurity management to operate in [marine biosecurity]. It has operated unchanged for 15 years.

Mr Underwood noted that the main purpose of the partnership programme was to provide advocacy and education to better manage invasive marine species, their impacts and risk pathways. With Greater Wellington Regional Council (GWRC) showing an interest in joining the partnership, coupled with a market process required in 2023 for the coordination contract, the agencies took the opportunity to take a fresh look at the initiative, including the breadth of the core agency partners. After a re-fresh in relation to the initiative and some other developments in 2023, a new contractor – Boffa Miskell Ltd – has been engaged to deliver coordination services for the TOSMBP.

Mr Underwood reported that going forward Council's marine biosecurity programme will continue under the Regional Pest Management Plan Exclusion programme for Mediterranean fanworm, strongly supported by Marlborough Marinas in relation to risk screening.

Members were reassured that with the new coordination contractor, 2024 will continue to see all partners working closely together to continually seek improvement.

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

Carried

ATTENDANCE: Ms Charlotte Tomlinson, Council's Environmental Scientist – Hydrology, Peter Davidson (Council's Environmental Scientist – Groundwater) and Sadie Harris (Council's Environmental Protection Officer) was present for the following item.

E&P-0224-236 Water Resources Update – January 2024

E320-001-001

Ms Tomlinson advised that the purpose of the report was to provide an update on the current state of water resources as of mid/late January 2024. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2427792).

Members were advised that low rainfall has been recorded in Blenheim every month since June, with 14.2 mm recorded in December 2023. Low rainfall and warm temperatures in Blenheim have led to a moisture deficit of -136 mm in December, which is much higher than the December average of -91 mm. Low rainfall-runoff has led to lower river flows over recent months, and reduced recharge to groundwater.

Flaxbourne River restrictions began early this year, with Class A restrictions in place since mid-November, about a month earlier than is typical. The Awatere River has thus far had intermittent Class C restrictions in place.

The Wairau River had baseflow in the lower quartile by mid-November. Class C water takes were restricted intermittently throughout December, and again since 9 January. Without rain, there is an average period of 10 days from when Class C restrictions begin to when Class B restrictions are met.

Groundwater levels are all in the lower quartile for mid-summer 2023/24, with the exception of the deeper layers in the Southern Valleys and the Waikakaho Valley. Low rainfall runoff has limited recharge since July 2023, with the lowest groundwater levels occurring in the Recharge and Springs sectors of the Wairau Aquifer.

Members were advised that Compliance Monitoring communicate with water take consent holders in a variety of ways, including pre and post-irrigation season newsletters, letters to all new consent holders, and email/Antenno notifications of irrigation status. Ultimately it is the consent holder's responsibility to engage with the resources provided by MDC to determine their water availability.

Ms Thomlinson noted there may be some rain on the way for late January, although dry conditions are expected to continue on the Wairau Plains and in the Awatere Valley. If dry weather is prolonged a dry weather group may be formed and a further update can be made at the March Committee meeting if required.

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

Carried

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

E&P-0224-237 Appeals on PMEP Variation 1: Marine Farming

M100-11-002-07

Mr Hawes noted that this will be an ongoing standard report for the Committee reporting through progress with the resolution of Variation 1 appeals. This variation completed the content of the Proposed Marlborough Environment Plan (PMEP). The hearings panel released its decision on 19 May 2023 and 32 notices of appeal were received by the Environment Court on that decision. Appellants were set out in the report attached to the agenda. It was noted that the appellants are predominantly marine farming interests and most appeals related to very specific arrangement for aquaculture management areas.

Members were advised that the Court had issued directions to Council in terms of a proposed format, structure and timing for formal mediation on Variation 1 appeals to the Court and to the parties. Council had provided a response and the Court have adopted Council's proposals and the appeals will run the same way as the substantive appeals but concentrate on volume one and volume two appeals first.

It was reported that effort to date has focussed on informal discussions on appeals where there were no or few S274 parties. These have tended to be spatial appeals relating to specific AMA. The discussions have been positive. To date, agreement has been reached to resolve, or partially resolve, seven appeals which is one more than noted in the agenda report. Consent memoranda have been prepared in each case and were submitted to the Environment Court during November and December last year.

Proposals to resolve other appeals or appeal points are with two appellants and discussions are continuing with two further appellants and mediation on volumes one and two is due to commence in March.

Members were advised that a workstream with respect to the Schedule 1 appeals is underway. This will involve expert input into determining what benthic information will be necessary to satisfy Council as to the potential effects on the benthos from the siting of a marine farm. A report from the technical experts is expected by March 2024.

All consent orders that are issued will be incorporated into the PMEP Appeals Version.

Cirs Hope/Innes:
That the report be received.

Carried

E&P-0224-238 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.

Mr Hawes noted since the last report to the Committee, eight additional consent orders have been issued by the Court. These include resolution of all appeals on the water allocation and use topic and the water quality topic. All the provisions that deal with water quality and water allocation and use can now be treated as operative so now only need to refer to PMEP.

Mr Hawes noted that an audit of outstanding appeals is underway to establish the extent of provisions that may be able to be made operative. The results of the audit will be reported to the Committee.

Cirs Hope/Sowman:
That the report be received.

Carried

ATTENDANCE: Ms Sarah Pearson, Council's Strategic Planner, was present for the following item.

E&P-0224-239 National Policy Statement for Freshwater Management – Post Election

M100-14-05-02

Ms Pearson noted that the purpose of the report was to provide an update on the new coalition Government's intention regarding the National Policy Statement for Freshwater Management 2020 (NPSFM 2020).

Ms Pearson noted that the Essential Freshwater package was introduced by the Labour Government in late 2020 and created additional requirements for councils in respect of freshwater management and protecting freshwater ecosystem health. In late 2023 the new coalition Government released two coalition agreements which confirmed pre-election party positions that changes would be made to current freshwater legislation and in December 2023 a Bill was introduced to repeal the National Built Environment Act and the Spatial Planning Act. The process is expected to take between 18 to 24 months, including a robust and full consultation process with all stakeholders including Iwi and the public.

Members were advised that the original statutory deadline for councils to give effect to the NPSFM 2020 through notification of a freshwater plan change was 31 December 2024. In mid-December 2023 the Government announced that councils would be given an extra three years, until 31 December 2027, to notify freshwater plan changes which would provide time to replace and start implementation on the new NPS-FM.

Ms Pearson reported that to date the only actual change to the NPSFM 2020 is the extension to the deadline for notifying plan changes. There has been no further information of what a replacement NPS-FM will look like. As such staff will continue to progress appropriate workstreams relating to freshwater.

Members were advised that the direction of Council's NPSFM work programme is likely to change within the next two years but in the meantime this year there will be focus on working our work programmes with Te Taihū with Tasman and Nelson and will also be doing the same with Ngāi Tahu and Ngāti Kuri. Staff will continue to closely monitor Government information on the NPSFM review and provide updates to the committee when changes occur.

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

Carried

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

**E&P-0224-240 New Zealand King Salmon Compliance
Monitoring 2022/2023** **U140294M; U140295M;
U140296M; U160675M; U150081M; U040217M;
U040412M; MFL001**

Members noted that the purpose of the report was to provide the members with an overview of the compliance levels achieved by the New Zealand King Salmon (NZKS) Marine Farms in the Marlborough Sounds following monitoring conducted by Cawthron Institute and SLR in 2022/2023. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2427470).

It was reported that nine NZKS marine farms were assessed during the monitoring period with some non-compliances with resource consent conditions identified.

The overall compliance assessment of all nine farms generated two non-compliant and two technically non-compliant marine farms. The technical non-compliances were both extremely minor in nature and no enforcement action was taken in relation to these.

The two non-compliances were not considered to be significant. Each of the two non-compliances were as a result of a single breach of benthic environmental standards and neither were accompanied by a breach in overall ES level. Council's Compliance QA Peer Review panel recommended a formal warning in relation to these non-compliances and this was issued to the New Zealand King Salmon Company.

The remaining farms were either compliant or had no relevant resource consent conditions.

Cirs Minehan/Sowman:
That the information be received.

Carried

E&P-0224-241 Animal Control Sub-Committee **D050-001-A04**

The minutes of the Animal Control Sub-Committee meeting held on 16 November 2023 were presented for ratification by the Committee.

Cirs Faulls/Sowman:
That the minutes of the Animal Control Sub-Committee meeting held on 16 November 2023 be ratified.

Carried

ATTENDANCE: Clr Adams withdrew from the meeting at 12.15 pm.

E&P-0224-242 Information Package **-**

Cirs Hope/Faulls:
That the Regulatory Department Information Package dated 1 February 2024 be received and noted.

Carried

E&P-0224-243 Decision to Conduct Business with the Public Excluded

Cllrs Hope/Innes:

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- Sub-Committee Minutes (Public Excluded Sections)

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes and Reports	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

Carried

The meeting closed at 12.25 pm.

Record No: 2428399