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16 August 2024

Record No: 24196797  
File Ref: D050-001-E01  
Ask For: Nicole Chauval

## **Notice of Committee Meeting – Thursday 22 August 2024**

A meeting of the Environment & Planning Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **22 August 2024 commencing at 9.00 am.**

### **BUSINESS**

As per Agenda attached.

JOHN BOSWELL  
**CHIEF EXECUTIVE**





**Meeting of the ENVIRONMENT & PLANNING COMMITTEE  
to be held in the Council Chambers, District Administration Building, Seymour Street,  
on THURSDAY, 22 AUGUST 2024 commencing at 9.00 am**

<b>Committee</b>	<p>Clr G A Hope (Chairperson)          Clr B A Faults (Deputy)          Clr S J 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)          Mr R Smith (Iwi Representative)</p>
<b>Departmental Head</b>	<p>Mr H Versteegh (Environmental Science and Policy Group Manager)          and Ms G Ferguson (Consents and Compliance Group Manager)</p>
<b>Staff</b>	<p>Nicole Chauval (Committee Secretary)</p>

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## **1. Apologies**

No apologies received.

## **2. Declaration of Interests**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### 3. ARATERE Grounding Incident Response

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(Clr Innes) (Report prepared by Jake Oliver)

H100-001-01

#### Purpose of Report

1. To brief Council on the response led by the Harbourmaster to the ARATERE grounding in Picton Harbour.
2. To provide Council with a copy of the report written on the response.

#### Executive Summary

3. On or about 21:30 on the 21st June 2024, MV ARATERE ran aground in Titoki Bay, Picton Harbour in the Marlborough Sounds.
  4. The Harbourmaster stood up a response to the grounding, which was based out of the Nautical and Coastal (N&C) Office in Picton.
  5. A tier 2 regional oil spill was declared at 00:54 on the 22nd June by the ROSC in response to a potential oil spill due to the grounding of the ship.
  6. The ship was re-floated at or about 21:08 on the 22nd June 2024 with the assistance of the Port Marlborough tugs, MONOWAI and MAUNGATEA.
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#### RECOMMENDATIONS

1. That the information be received.
  2. That the report be released to external stakeholders.
  3. That the Nautical and Coastal team commence working on the recommendations in the report.
  4. That Council commences work on the recommendations in the report.
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#### Background/Context.

7. On or about 21:30 on the 21st June 2024, MV ARATERE ran aground in Titoki Bay, Picton Harbour in the Marlborough Sounds.
  8. The Harbourmaster stood up a response to the grounding, which was based out of the N&C Office in Picton. The first stage of the event involved the mobilisation of the N&C Team, Council executives, the Mayor, and casual members of the N&C Team.
  9. An exclusion zone was declared around the ARATERE and Cook Strait traffic was paused after the ship had grounded. Vessel traffic was permitted to resume once it was established that the ARATERE was stable.
  10. A tier 2 oil spill was declared based on a potential marine oil spill having occurred during the grounding or occurring during the re-floating attempt. The regional marine oil spill response team supported by CDEM was mobilised to fulfil IMT roles and functions. The team also prepared and deployed booms alongside ARATERE in preparation for any oil spill that may eventuate.
  11. Following the first berthing of the ship, ARATERE successfully manoeuvred in and around Picton between the No. 2 Long Arm, Waimahara Wharf, and the No. 1 Anchorage on several occasions.
  12. Police were the initial lead agency for the incident. During the response it became apparent that Police were standing down as the lead agency. At this point there was no defined handover to another lead agency nor was it clear who the responsibility for being the lead agency fell to.
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13. Following the declaration of a Tier 2 marine oil spill response, the lead agency for this became the Council. However, the overall lead agency in respect to the grounding was not clear.
14. The provision of members of the Maritime Response Team based in Auckland and Wellington was instrumental in providing the technical support to the regional team. This support covered both IMT planning roles and operational deployment and recovery of equipment. Unfortunately, the support provided by MNZ was removed very quickly after the initial response. This left a notable burden on the N&C team and regional team to recover the equipment and rehabilitate the booms before returning them to storage. The burden is exacerbated by the return to normal operations and running of the harbour, whilst the on-going clean-up both of equipment and processing of incident documentation must continue.
15. A formal debrief was held with the Nautical and Coastal Team on the 1st July. This was attended by the members of the N&C Team and the Environmental Science and Policy Group Manager.
16. A formal debrief was also held on the 5th July with the regional oil spill response team and included representatives from Coastguard, Civil Defence, Port Marlborough, the Mayor, Environment Canterbury, Maritime NZ Maritime Response Team, and wider MDC team.
17. The lessons learnt during the debrief were captured in the incident report. From those lessons a number of recommendations have been made. These are for the Nautical and Coastal Team, the wider MDC team, and Maritime New Zealand.

### **Next Steps**

18. To begin working through the recommendations in the report as a team.

### **Presentation**

A presentation will be given by the Harbourmaster

### **Attachment**

**Attachment 1** – ARATERE Grounding Incident Report

page [4]

Author	Jake Oliver, Harbourmaster
Authoriser	Hans Versteegh, Environmental Science and Policy Group Manager

# Aratere Grounding Report, Picton Harbour

21 June 2024





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## 1 Executive Summary

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On or about 21:30 on 21 June 2024, MV ARATERE ran aground in Titoki Bay, Picton Harbour in the Marlborough Sounds.

The Harbourmaster stood up a response to the grounding, which was based out of the Nautical and Coastal (N&C) Office in Picton.

Cook Strait traffic was suspended for a period during the response in order to establish whether the ship was stable and whether traffic would be able to safely enter and depart the port. Cook Strait ferry traffic was resumed during the night. The conditions attached to the resumption of traffic, were ships to maintain a safe distance from the ship during manoeuvring, proceed at slow speed, and reduce wake so far as possible.

A Tier 2 regional oil spill was declared at 00:54 on 22 June by the Regional On Scene Commander (ROSC) in response to a potential oil spill due to the grounding of the ship.

The ship was re-floated at or about 21:08 on 22 June 2024 with the assistance of the Port Marlborough tugs, MONOWAI and MAUNGATEA.

## 2 Incident Overview

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On or about 21:30 on 21 June 2024, MV ARATERE ran aground in Titoki Bay, Picton Harbour in the Marlborough Sounds.

The Harbourmaster stood up a response to the grounding, which was based out of the N&C Office in Picton. The first stage of the event involved the mobilisation of the N&C Team, Council executives, the Mayor, and casual members of the N&C Team.

The Deputy Harbourmaster boarded the ship to liaise between the Master and the Harbourmaster. The Deputy Harbourmaster gathered information and intelligence which was fed back to the Harbour Office for key decision making.

An exclusion zone was declared around the ARATERE and Cook Strait traffic was paused after the ship had grounded. Vessel traffic was permitted to resume once it was established that the ARATERE was stable.

A Tier 2 oil spill was declared based on a potential marine oil spill having occurred during the grounding or occurring during the re-floating attempt.

The regional marine oil spill response team supported by Civil Defence Emergency Management (CDEM) was mobilised to fulfil Incident Management Team (IMT) roles and functions. The team also prepared and deployed booms alongside ARATERE in preparation for any oil spill that may eventuate.

Harbourmaster vessels were deployed once the N&C team were able to mobilise. The Harbourmaster vessels were designated to patrol the area to ensure that members of the public remained clear of ARATERE for both the safety of the ship and members of the public.

Harbourmaster vessels were also engaged with the monitoring of the ship, providing information to the bridge team, monitoring the booms deployed and assisting with the deployment of, movement, and recovery of the booms.

ARATERE was successfully refloated with the assistance of the Port Marlborough tugs, MONOWAI and MAUNGATEA at or about 21:08 on 22 June.

Harbour booms were prepared and placed on standby at the No. 2 Long Arm wharf in Picton in preparation for the ship to be received alongside on 23 June.

Following the first berthing of the ship, ARATERE successfully manoeuvred in and around Picton between the No. 2 Long Arm, Waimahara Wharf, and the No. 1 Anchorage on several occasions.

### 3 Response Arrangements

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Initially the Police were the lead agency for the incident, although communications to establish this could be improved. It was not clear where or how Police were managing the incident from. To the best of the Marlborough District Council's (MDC) team knowledge Police had not stood up an Incident Control Point (ICP).

During the response it became apparent that Police were standing down as the lead agency. At this point there was no defined handover to another lead agency nor was it clear who the responsibility for being the lead agency fell to.

Recommendation EXT-01: If Police are standing down as the lead agency, a formal handover to the new lead agency should take place. To ensure that there is continuity in the response and that co-ordination of activities and communications takes place.

Following the declaration of a Tier 2 marine oil spill response, the lead agency for this became the Council. However, the overall lead agency in respect to the grounding was not clear.

Contact was only achieved with the Maritime Incident Response Team (MIRT) Controller following a request made from the Harbourmaster/ROSC to the National On Scene Commander (NOSC). This request was made as the MDC media team had noticed reports that MNZ were managing the incident. To the best of the Harbourmaster's knowledge at the time, although contact had been made with the Maritime Response team in Auckland and the NOSC for support with the marine oil spill component. There had been no contact made by Maritime New Zealand (MNZ) to establish communication and gain situational awareness by the MIRT from the local Harbourmaster. Once communication had been established with the MIRT, the information flow was set up.

Recommendation EXT-02: If the MIRT stands up for a response. The MIRT should instigate communications with the region's Harbourmaster during incidents within regional waters. Considering that MNZ know who the MIRT controller is and have contact details for all Harbourmasters. It would be appropriate that the first communication comes from MNZ.

Although the N&C office in Picton was a logical ICP at the beginning of the incident, it did not take long for the office to reach capacity in size and equipment available to the team. The CDEM team provided necessary support with equipment that permitted the operation to remain in Picton at the N&C office.

Recommendation INT-01: The N&C team determine with the assistance of CDEM, the key items of equipment to hold at the office to allow an initial IMT setup.

Recommendation PRO-07: Create an office spatial plan based on the Co-ordinated Incident Management System (CIMS) structure. Ensure that CDEM are involved and provide advice.

The response consumed all the full-time N&C team immediately. Without the pool of casual staff to crew the Harbourmaster vessels, the team would not have been capable of providing a 24-hour on water presence. In this event, the support and provision of vessel by Coastguard was essential for the N&C team set up plans for fatigue management.

Recommendation INT-02: A review of the pool of casual staff is conducted to ensure that the skills required are available.

Recommendation INT-03: The pool of casual staff is considered and expanded if necessary to provide more resilience during an incident.

Recommendation INT-04: That MDC develops a fatigue management plan and policies to guide teams during a response.

The provision of members of the Maritime Response Team based in Auckland and Wellington was instrumental in providing the technical support to the regional team. This support covered both IMT planning roles and operational deployment and recovery of equipment. Unfortunately, the support provided by MNZ was removed very quickly after the initial response. This left a notable burden on the N&C team and regional team to recover the equipment and rehabilitate the booms before returning them to storage. The burden is

exacerbated by the return to normal operations and running of the harbour, whilst the on-going clean-up both of equipment and processing of incident documentation must continue.

Recommendation EXT-03: Should Maritime Response team members be deployed to assist with a regional response. The team members remain in the region for a longer period to assist the regional team.

## 4 Incident Timeline

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The following times are the key times captured during the event.

### 21 June 2024

- 21:46 – The Harbourmaster, Captain Jake Oliver was first notified of the incident. Notification received from Captain Luke Grogan, PMNZ Pilot.
- 21:49 – Deputy Harbourmaster, Captain James Oliver was advised of the incident and requested to attend the N&C Office.
- 21:51 – Mr David Baker was advised of the incident and requested to attend the N&C Office.
- 21:55 – Mr Hans Versteegh, Environment and Policy Group Manager was advised of the incident.
- 21:57 – Ms Janina Duessler, N&C Team Co-ordinator was advised of the incident and requested to attend the N&C Office.
- 22:10 – Mr Mark Wheeler, MDC Chief Executive was advised of the incident and that the team was mobilising to respond. Mr Wheeler was requested to advise the Mayor, and MDC Communications Manager.
- 22:14 – The Harbourmaster confirmed the incident with Rescue Co-ordination Centre NZ (RCCNZ) and requested that the Oil Spill Duty Officer (OSDO) to call to discuss oil spill implications.
- 22:17 – The Harbourmaster received the first call from the ARATERE advising of the incident and status of the ship. The report included that after soundings and inspections, there was no apparent hull breach, persons were safe, and the ship was in a stable condition.
- 22:21 – Mr Brian Patton, Civil Defence Emergency Management Group Manager was advised of the incident. The Harbourmaster's intention was to manage the incident from the Picton Office. However, the Blenheim ECC may be required if the incident escalates.
- 22:23 – The OSDO contacted the Harbourmaster for an update and briefing on the incident.
- 22:37 – CONNEMARA was advised of the incident and that Picton Harbour was closed to traffic.
- 22:40 – Picton Harbour Radio was advised that the Harbourmaster had closed the port.
- 23:00 – The Master on ARATERE was directed to take a pilot under s60A(2) of the Maritime Transport Act 1994 as delegated to the Harbourmaster.
- 23:01 – Harbourmaster discussed the incident and provided a briefing to the duty NOSC.
- 23:14 – The Deputy Harbourmaster provided an update on the status of the ship. The Deputy Harbourmaster was requested to ascertain the levels and locations of fuel on board and the Master's intentions.
- 23:35 – Harbourmaster Direction 04-2024 was issued. An exclusion zone of 500m was declared around ARATERE. This Direction was issued under section 33F of the Act.
- 23:40 – Deputy Harbourmaster confirmed the departure drafts of the ship were Fwd: 5.5m, Aft: 5.4m. Luke Grogan reported that the Fwd draft after grounding was F:2.5m.

## 22 June 2024

- 00:22 – CONNEMARA was permitted to enter the harbour and berth. The conditions of entry were for CONNEMARA to proceed past ARATERE with minimum safe speed and minimum wake.
- Cook Strait traffic was permitted after the first manoeuvre by CONNEMARA to continue on a ship-by-ship permission basis. Provided that ARATERE was stable and had no objection to the intended manoeuvre.
- 02:30 – The majority of the team were stood down.
- 06:00 – N&C Office stood up with the first arrivals of the N&C team and members of the wider MDC team.
- 07:02 – The Master of ARATERE was further directed to take a pilot pursuant to s60A(2) of the Act, as delegated to the Harbourmaster.
- 07:30 – Confirmation received from an Interislander commissioned dive survey of the ship that there was no apparent hull breach or significant damage.
- 07:34 – The Harbourmaster was advised of a plan to connect two PMNZ tugs to the stern of the ship and prepare to tow the ship.
- 07:59 – Luke Grogan called the Harbourmaster to advise of the following:
- Calculated 1100 tonnes of grounding force. This needs to be reduced to less than 100 tonnes before a re-floating can take place.
- 08:00 – The Harbourmaster contacted the duty NOSC requesting a meeting with the MNZ MIRT Controller.
- 08:23 – The Harbourmaster discussed the incident with Mr Ryan Lock, General Manager Port and Marine at Port Marlborough (PMNZ). The planned 09:00 re-floating was likely to be abandoned due to the level of unknown factors.
- It was expected that without confirming the grounding force remaining and subsequent plan there was a considerable risk of severe damage to the ship.
- 08:25 – A conference call took place between MIRT Controller, Kenny Crawford, NOSC Mick Courtneil and the Harbourmaster. The intended 09:00 re-floating operation was agreed to be abandoned until further details were known and the risks better understood. KiwiRail were still intending for the re-floating operation to go ahead. Agreement made that the Harbourmaster, MIRT Controller and NOSC would re-convene at 09:00 for a Situation Report (SITREP).
- 08:37 – The Harbourmaster discussed with Luke Grogan and Ryan Lock the remaining grounding force is approximately 800 Tonnes. If pulling the vessel off in the current state, is it was not known what damage would result.
- 08:41 – The decision was made not to attempt to re-float the ship.
- 09:00 – A conference call with MIRT Controller, NOSC, Harbourmaster. Confirmation that the re-floating would not take place at 09:08 with the HW.
- 09:32 – The PMNZ tugs MONOWAI and MAUNGATEA instructed by the Harbourmaster via VHF Ch. 18 to remain on station by the ARATERE for 30 minutes whilst the tidal cycle moves through HW. After 30 minutes if there is no change to the state of the vessel, the tugs were to dismiss to berth in Picton.
- 10:30 – Boom deployment tasking 001 was signed off by the ROSC. Initial environmental surveys commenced along the shoreline.
- 11:44 – A meeting was held at the PMNZ Office with PMNZ, KiwiRail, MDC Harbourmaster/ROSC, MNZ and Minister Simeon Brown.
- 13:30 – Environmental shoreline surveys completed.

16:00 – A meeting was held at the PMNZ Office with PMNZ, MDC, KiwiRail and MNZ. The re-floating plan was discussed, and further points of clarification sought from KiwiRail.

18:00 – The team commenced shifting the Northern and Southern booms to be parallel to the shoreline. The re-floating meeting took place at the PMNZ Office. Agreement reached to attempt to re-float the ship with the HW at 21:48.

Conditions for attempting to re-float the ship:

- Pilots onboard
- No further attempt to take place after 30 minutes beyond the HW time unless significant progress has been made.

19:38 – The retraction of the booms completed.

20:11 – The Port of Picton was closed by the Harbourmaster.

21:08 – MV ARATERE afloat.

21:40 – Incident control handed over to Captain Ian Fox, Canterbury Regional Harbourmaster acting under night orders.

22:12 – The Port of Picton opened. Broadcast made on VHF Ch. 18.

22:14 – ARATERE at anchor at No. 1 anchorage.

### **23 June 2024**

08:11 – The harbour booms deployed on standby at the No. 2 Long Arm in preparation for ARATERE to be received alongside during the day.

09:10 – Ian Fox appointed as a Harbourmaster and ROSC for Marlborough.

09:24 – The team commenced recovery of deployed oil spill booms.

11:00 – A meeting was held with PMNZ, Harbourmaster, KiwiRail and MNZ to discuss next steps for the ship.

12:05 – Handover of Harbourmaster and ROSC functions from Ian Fox to Jake Oliver.

18:15 – ARATERE was safely berthed alongside No. 2 Long Arm wharf.

## **5 Environmental Conditions**

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On the night of the grounding, and over the weekend the environmental conditions were as follows:

Wind: SSW <5 knots at the time of grounding.

Tide times:

HW: 21 / 21:07 – 1.4m

LW: 22 / 02:28 – 0.3m

HW: 22 / 09:09 – 1.3m

LW: 22 / 14:43 – 0.3m

HW: 22 / 21:48 – 1.5m



Please contact  
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 for more information

Waitohi Wharf -  
 (41.282S, 174.006E)

Issued Jun 22, 2024 12:00 AM NZST

Date & Time		Atmospheric				Currents	
NZST (UTC +12:00)		Wind speed <i>kt</i>	Wind gust <i>kt</i>	Direction	Visibility <i>km</i>	Knots <i>kt</i>	Direction
Sat 22 Jun	00:00	3	4	SSW	24	0.03	NNW
	02:00	3	3	SSW	24	0.03	NNW
	04:00	2	3	SSW	24	0.02	NW
	06:00	2	2	S	24	0.02	NW
	08:00	1	2	SSW	24	0.02	NW
	10:00	1	2	SSW	24	0.01	WNW
	12:00	1	5	NNE	24	0.02	WSW
	14:00	2	7	S	24	-	-
	16:00	3	5	NNE	24	-	-
	18:00	5	9	ENE	24	-	-
	20:00	2	4	ENE	17	-	-
22:00	6	10	NE	24	-	-	
Sun 23 Jun	00:00	8	11	NNE	11	-	-
	02:00	8	12	NE	12	-	-
	04:00	11	17	NE	9	-	-
	06:00	10	16	FNE	21	-	-
	08:00	9	15	FNE	24	-	-
	10:00	8	13	ENE	15	-	-
	12:00	7	12	NE	18	-	-
	14:00	5	9	NNE	24	-	-
	16:00	5	10	NE	22	-	-
	18:00	5	9	ENE	23	-	-
	20:00	4	7	E	24	-	-
22:00	4	8	E	23	-	-	
Mon 24 Jun	00:00	5	10	ESE	24	-	-
	02:00	5	11	SE	24	-	-
	04:00	7	14	SSE	24	-	-
	06:00	7	13	SSW	24	-	-
	08:00	6	13	SSW	24	-	-
	10:00	4	11	WSW	24	-	-
	12:00	4	5	NNW	24	-	-
	14:00	6	9	NNW	24	-	-
	16:00	4	7	N	24	-	-
	18:00	2	4	E	24	-	-
	20:00	4	6	ESE	24	-	-
22:00	5	8	ESE	24	-	-	
Tue 25 Jun	00:00	3	6	SSE	16	-	-
	02:00	2	5	SSW	9	-	-
	04:00	2	5	SSW	8	-	-
	06:00	2	6	SSW	7	-	-
	08:00	2	7	SSW	9	-	-
	10:00	4	10	S	25	-	-
	12:00	5	13	SSE	37	-	-
	14:00	6	14	SSE	29	-	-
	16:00	4	15	SSE	34	-	-
	18:00	2	14	S	37	-	-
	20:00	2	8	S	17	-	-
22:00	2	8	S	6	-	-	

Pressure = Air pressure at sea level, Vis = expected visibility in air, Dpm = direction,  
 Hs = Significant wave heights (individual waves may be up to twice as large), Hx = Max wave height, Tp = Peak period  
 "Swell" and "wind-sea" waves are separated by an 8-second period cutoff







Please contact  
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 for more information

Waitohi Wharf -  
 (41.282S, 174.006E)

Issued Jun 22, 2024 6:05 AM NZST

Date & Time		Atmospheric				Currents	
NZST (UTC+12:00)		Wind speed <i>kt</i>	Wind gust <i>kt</i>	Direction	Visibility <i>km</i>	Knots <i>kt</i>	Direction
Sat 22 Jun	00:00	3	4	SSW	24	0.04	NNW
	02:00	3	3	SSW	24	0.03	WNW
	04:00	2	3	SSW	24	0.05	W
	06:00	2	2	S	24	0.04	W
	08:00	1	2	SSW	24	0.04	WSW
	10:00	1	2	SSW	24	0.06	SW
	12:00	1	5	NNE	24	0.08	SSW
	14:00	2	7	S	24	0.08	SSW
	16:00	3	5	NNE	24	0.09	SW
	18:00	5	9	ENE	24	0.07	SW
	20:00	2	4	ENE	17	0.04	WSW
	22:00	6	10	NE	24	0.05	WSW
Sun 23 Jun	00:00	8	11	NNE	11	0.15	SSW
	02:00	8	12	NE	12	0.27	SW
	04:00	11	17	NE	9	0.25	SW
	06:00	10	16	ENE	21	0.10	SW
	08:00	9	15	ENE	24	0.17	SW
	10:00	8	13	ENE	15	0.22	SW
	12:00	7	12	NE	18	0.09	SSW
	14:00	5	9	NNE	24	0.11	SSW
	16:00	5	10	NE	22	0.08	SSW
	18:00	5	9	ENE	23	0.06	SW
	20:00	4	7	E	24	0.03	W
	22:00	4	8	E	23	0.03	WNW
Mon 24 Jun	00:00	5	10	ESE	24	0.04	NW
	02:00	5	11	SE	24	0.05	NW
	04:00	7	14	SSE	24	0.07	NNW
	06:00	7	13	SSW	24	0.08	S
	08:00	6	13	SSW	24	0.05	NNE
	10:00	4	11	WSW	24	0.03	NE
	12:00	4	5	NNW	24	0.03	E
	14:00	6	9	NNW	24	-	-
	16:00	4	7	N	24	-	-
	18:00	2	4	E	24	-	-
	20:00	4	6	ESE	24	-	-
	22:00	5	8	ESE	24	-	-
Tue 25 Jun	00:00	3	6	SSE	16	-	-
	02:00	2	5	SSW	9	-	-
	04:00	2	5	SSW	8	-	-
	06:00	2	6	SSW	7	-	-
	08:00	2	7	SSW	9	-	-
	10:00	4	10	S	25	-	-
	12:00	5	13	SSE	37	-	-
	14:00	6	14	SSE	29	-	-
	16:00	4	15	SSE	34	-	-
	18:00	2	14	S	37	-	-
	20:00	2	8	S	17	-	-
	22:00	2	8	S	6	-	-

Pressure = Air pressure at sea level, Vis = expected visibility in air, Dpm = direction.  
 Hs = Significant wave heights (individual waves may be up to twice as large), Hx = Max wave height, Tp = Peak period.  
 "Swell" and "wind-sea" waves are separated by an 8 second period cutoff.



## 6 Intelligence

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The initial report of the grounding consisted of a notification that ARATERE had grounded North of Bob's Bay in Picton Harbour.

The first report contained no information about hull damage, oil spill, oil spill risk or stability of the ship.

During the first two hours, the team were able to establish that fuel quantity onboard from a NAPA stability condition, the seabed type, current and forecast environmental conditions, confirm the crew list, general arrangement plan, and watertight subdivision plan and tank profile arrangement plan, and details of any dangerous goods being carried.

The key decisions enabling this level of detail to be understood was to have the Deputy Harbourmaster to embark the ship as a liaison, have a Coastal Scientist attend the office to determine the environmental information from MDC systems, and open communications with Interislander and the MNZ Maritime Response team based in Auckland.

The intelligence phase determined that:

The fuel onboard was:

- 494m<sup>3</sup> of diesel, with a density of 0.84 t/m<sup>3</sup>
- 5.0m<sup>3</sup> of lubricating oil with a density of 0.9 t/m<sup>3</sup>

The seabed type was soft sands, and sediment with minimal rock.

The ship was carrying the following dangerous goods:

- Cartridges for weapons, Inert projectiles, UN Number 0012, Class 1.4s – 1106Kg.
- Paint, UN Number 1263, Class 3 – 100Kg.

KiwiRail engaged Marine Services New Zealand (MSNZ) to conduct dive surveys of the ship to ascertain the seabed type, damage and point of grounding. The outcome of these surveys identified that the vessel was aground at the bow, but there was no apparent hull breach. Further details of the dive survey are not covered in this report as the work was not part of the Harbourmaster and MDC response to the incident.

During the event Skyworks UAS was contracted to provide live stream imagery of the ship aground along with photos, videos, and a further live stream during the re-floating operation. This imagery was essential to keep the IMT, Harbourmaster/ROSC and other parties apprised of the situation and monitor key developments.

Recommendation PRO-01: To finalise a contract for drone services between MDC and Skyworks to assist with response activities. Setting and agreeing levels of service and costs.

## 7 Planning

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Planning was undertaken during the evening of 21 June to always maintain a Harbourmaster vessel on the water.

During the morning of 22 June initial planning was undertaken to prepare for the deployment of oil spill booms alongside the vessel, whilst maintaining a clear accessway for essential vessels requiring access to the ARATERE.

Throughout the response the planning team were tasked to plan ahead by 24 – 48 hours. So that teams could be maintained on the water and in the N&C Office as an IMT. This was achieved with support from CDEM IMT members attending and providing expertise in the IMT functions.

Recommendation TR-01: The N&C Team undertake CIMS training to develop skills and expertise in IMT roles. This will allow flexibility within the team and scalability for incidents. Upskilling the team will also allow the initial stages of a response to have greater coordination and structure.

## 8 Operations

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The night of 21 June was coordinated by the N&C team coordinator. This role operated as the planning, operations, and logistics manager for the initial phase.

Recommendation TR-02: That more team members are upskilled to cover multiple functions in the office during a response so that there is not an over reliance on certain team members. This will provide resilience to cover if a team member is not available.

In order to maintain a 24-hour presence on the water by the team, most of the casual staff were called in to assist. Continuous presence was only possible with the support of Coastguard vessels.

Recommendation TR-03: As a minimum N&C team members that operate in the field should be qualified to SRL level and complete skipper familiarisations on the Harbourmaster vessels. This will provide more cover on the water during a response and allow better fatigue management.

At 23:35 on 21 June an exclusion zone was declared by the Harbourmaster. Although the Harbourmaster vessels were briefed, WebEOC was updated, and Picton Harbour Radio were advised, a navigation warning or formal message was not broadcast to advise the public.

Recommendation PRO-02: The navigation warning system is upgraded, and the process is documented to allow other members of the N&C team or IMT members to promulgate critical information during a response.

Recommendation PRO-03: The marine emergency manual is updated to document a clear pathway for critical information to be broadcast to the public.

The regional oil spill team was mobilised for the response to a potential marine oil spill. The deployment of oil spill booms required services of a barge. Tory Channel Contracting (TCC) provided a Maritime Operator Safety System (MOSS) compliant commercial barge to MDC for the team to load equipment on to, and then deploy the booms from.

It became evident during the regional team debrief held at the Queen Charlotte Yacht Club on 5 July, that the operations although successful there were improvements to be made.

## 9 Logistics

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Logistics for the response were coordinated from the N&C office. The provision of IMT from CDEM for the logistics function was critical to the function of the response.

The logistics team arranged the required accommodation for members of the team from outside Picton. This included team members from Blenheim that could not travel safely home during the response.

## 10 Public Communications

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Public communications were run from the N&C office with support from other members of MDC's communications team and IT team based outside the N&C office.

During the response the majority of PIM and media interactions was led by the Mayor with support from the MDC communications team. This allowed the Harbourmaster/ROSC to focus on leading the response.

Regular updates and communication between the Mayor, Harbourmaster and communication team allowed the information to be promulgated well to the media.

Recommendation COM-01: To integrate the PIM further into the response team in the office. This would assist with promulgating key messages or controls to the public. Desktop exercises of scenario incidents should be conducted to work on the integration of the PIM function into the team.

## 11 Lessons Learnt

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A formal debrief was held with the N&C Team on 1 July. This was attended by the members of the N&C Team and the Environmental Science and Policy Group Manager. A formal debrief was also held on 5 July with the regional oil spill response team and included representatives from Coastguard, Civil Defence, Port Marlborough, the Mayor, Environment Canterbury, Maritime NZ Maritime Response Team, and wider MDC team.

From the N&C Team debrief, the following lessons were captured:

### Positive Points:

- Logs and time keeping was set up quickly from the start.
- Bringing in the CDEM IMT at the very beginning allowed the team to scale up.
- There was exceptionally effective communication between the Harbourmaster/ROSC, NOSC and OSDQ.
- The drone imagery allowed the ICP team to have good situational awareness.

### Lessons Learnt / Development opportunities.

- Should the incident have been further out in the Sounds or of greater magnitude, the N&C Office would have been insufficient. Consideration must be given to utilising the ECC in Blenheim.
- Recommendation PRO-04: Establish the criteria for deciding whether an incident response is to be based out of Picton or Blenheim. This should be included in the Marine Emergency Manual.
- There were issues communicating with the various teams. This led to some confusion for some team members knowing who to call for direction.
- Roles need to be defined clearer. Defining each function manager and the reporting lines with supervisors would allow improve communication flow and coordination of activities.
- Recommendation PRO-05: Develop the marine emergency manual to define roles and responsibilities for an incident. The manual should explain how these roles will be identified.
- There is a vulnerability for team communicating from the ICP to field teams as the only method of secure communications is via mobile phone networks. The only access to broadcast communications is through the general VHF network.
- Recommendation COM-02: Investigate what is required to equip Harbourmaster vessels, the N&C office, and N&C team members with hand-held radios capable of accessing secure communications.
- Communications to key stakeholders was established although could be improved. One Iwi requested more updates. This could be improved by inviting Iwi representatives into the ICP.
- Recommendation TR-04: N&C Team to run tabletop exercises for incident scenarios with objectives and include MDC Māori partnerships manager.
- There were reports of some team members having potentially operated equipment without the correct certification. A centralised database of personnel with qualifications combined with a site supervisor would ensure that personnel are fully confirmed to hold the appropriate certification to operate equipment.
- Recommendation TR-05: Review the list of oil spill responders and N&C team casual staff qualifications. Request details of qualifications from team members and hold in a centrally accessible location.
- The N&C team field operating staff should all obtain SRL certification and be signed off as skippers for Harbourmaster vessels.
- Recommendation TR-06: N&C team to become qualified skippers of Harbourmaster vessels.

- Only the Harbourmaster/ROSC and the Nautical & Coastal Team Coordinator have access to WebEOC. This means that the team may not have access to the current list of oil spill team responders to ensure they are current and qualified.
- Although the team coordinator managed to set up rosters to manage the team and ensure rest breaks. This was challenging to do with the workload at the time. Draft rosters should be created that show a period of response and the options to maintain different scenarios.
- Recommendation PRO-06: Create draft rosters and append to the marine emergency manual.
- The N&C office reached capacity during this incident. As the team has not managed a larger incident from the office previously, the office space was allocated organically. An office spatial plan should be created as part of the marine emergency manual. This would allow the team to set up the office for an incident using the CIMS structure and allow a response to grow and integrate more team members.
- Recommendation PRO-07: Create an office spatial plan based on the CIMS structure. Ensure that CDEM are involved and provide advice.
- During the incident, the team could not use purchase orders to access goods and services in Picton. Consideration should be given to ensuring that the marine emergency manual lists functions in Council that have access to Council credit cards or how to obtain financial assistance during a response at any time during the day or night.
- Recommendation PRO-08: Include details on how to access Council finance outside of regular Council business hours in the marine emergency manual.
- Boats and equipment were not handed over between teams efficiently, nor were good house-keeping practices followed. The marine emergency manual should be expanded to have example handover checklists ready for deployment on to the boats. This would provide marine teams to have guidance on the general expectations and ensure that boats and equipment are maintained.
- Recommendation PRO-09: Create handover checklists and include in the marine emergency manual.
- During the clean-up of the marine oil spill equipment the team felt that it would have been beneficial to have more staff assigned to the work.
- During a review of the vessel logbooks, although the details were good, there are opportunities for improvement.
- Recommendation TR-07: Conduct logbook training with the N&C Team.
- Recommendation PRO-10: Create example logbook entries for inclusion in the marine emergency manual and vessel logbooks.

At the formal debrief held on 5 July the following key points were captured:

- The identification of persons and roles can be improved for team members arriving at the ICP. An example of this is the use of coloured bibs by CDEM. Recommendation TR-01.
- Having a second in command / formally designating a response manager function during the response. This would provide continuity if the Harbourmaster/ROSC is attending briefings or otherwise engaged. Recommendation TR-01.
- Although deployment and recovery of the equipment worked well, the field team felt that more resources would have improved the efficiency of the operation.
- The field team felt that they would have benefitted from more welfare being provided on the barge. An example of this was the lack of toilet facilities.
- The field team fed back that they would have benefitted from a formal appointment of a field supervisor on the barge and at the shed. This would have enabled them to have a contact back into the ICP for concerns or questions.
- The boom plan that was provided to the field ops team was good, however they would have benefitted from it having distance measurements and water depths on it. This would have allowed a more efficient deployment and anchoring to take place.
- The field team highlighted that having the plan available on a tablet would allow changes to the plans to be delivered automatically to them, rather than relying on paper plans being sent out on a Harbourmaster vessel. This would free up Harbourmaster assets for other work.

- Better promulgation of Harbourmaster Instructions and Directions would have provided better information to the public. Recommendation COM-01. Recommendation PRO-02.
- More regular full team briefings and updates would have kept the field ops team more in the picture about the plan and developments. Recommendation TR-02.
- Ensuring that drivers are provided for tired team members to ensure the team are transported home safely after shifts. Recommendation INT-02 Recommendation INT-04.
- KiwiRail's media team were not integrated in the PIM messaging from MDC / PMNZ. This led to some media releases conflicting.
- Space is needed for the media team to set up and work from.
- More key message updates are needed. This could be tied in with more regular briefings to the IMT.

## 12 Recommendations

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The following recommendation have been collated from within this report.

### Communications

Recommendation COM-01: To integrate the PIM further into the response team in the office. This would assist with promulgating key messages or controls to the public. Desktop exercises of scenario incidents should be conducted to work on the integration of the PIM function into the team.

Recommendation COM-02: Investigate what is necessary to equip Harbourmaster vessels, the N&C office, and N&C team members with hand-held radios capable of accessing secure communications.

### External Agencies

Recommendation EXT-01: If Police or another lead agency are standing down as the lead agency, a formal handover to the new lead agency should take place. To ensure that there is continuity in the response and that co-ordination of activities and communications takes place.

Recommendation EXT-02: The MIRT should instigate communications with the Regional Harbourmaster during incidents within regional waters. Considering that MNZ know who the MIRT controller is and have contact details for all Harbourmasters. It would be appropriate that the first communication comes from MNZ.

Recommendation EXT-03: Should Maritime Response team members be deployed to assist with a regional response. The team members remain in the region for a longer period to assist the regional team.

### Internal MDC

Recommendation INT-01: The N&C team determine with the assistance of CDEM, the key items of equipment to hold at the office to allow an initial IMT setup.

Recommendation INT-02: A review of the pool of casual staff is conducted to ensure that the skills required are available.

Recommendation INT-03: The pool of casual staff is considered and expanded if necessary to provide more resilience during an incident.

Recommendation INT-04: That MDC develops a fatigue management plan and policies to guide teams during a response.

### Training

Recommendation TR-01: The N&C team undertake CIMS training to develop skills and expertise in IMT roles. This will allow flexibility within the team and scalability for incidents. Upskilling the team will also allow the initial stages of a response to have greater coordination and structure.

Recommendation TR-02: That more team members are upskilled to cover multiple functions in the office during a response so that there is not an over reliance on certain team members. This will provide resilience to cover if a team member is not available.

Recommendation TR-03: All N&C team members that operate in the field should be qualified to SRL level and complete skipper familiarisations on the Harbourmaster vessels. This will provide more cover on the water during a response and allow better fatigue management.

Recommendation TR-04: N&C team to run tabletop exercises for incident scenarios with objectives and include MDC Māori partnerships manager.

Recommendation TR-05: Review the list of oil spill responders and N&C team casual staff qualifications. Request details of qualifications from team members and hold in a centrally accessible location.

Recommendation TR-06: N&C team to become qualified skippers of Harbourmaster vessels.

Recommendation TR-07: Conduct logbook training with the N&C team.

## **Processes**

Recommendation PRO-01: To finalise a contract for drone services between MDC and Skyworks to assist with response activities. Setting and agreeing levels of service and costs.

Recommendation PRO-02: The navigation warning system is upgraded, and the process is documented to allow other members of the N&C team or IMT members to promulgate critical information during a response.

Recommendation PRO-03: The marine emergency manual is updated to document a clear pathway for critical information to be broadcast to the public.

Recommendation PRO-04: Establish the criteria for deciding whether an incident response is to be based out of Picton or Blenheim. This should be included in the Marine Emergency Manual.

Recommendation PRO-05: Develop the marine emergency manual to define roles and responsibilities for an incident. The manual should explain how these roles will be identified.

Recommendation PRO-06: Create draft rosters and append to the marine emergency manual.

Recommendation PRO-07: Create an office spatial plan based on the CIMS structure. Ensure that CDEM are involved and provide advice.

Recommendation PRO-08: Include details on how to access Council finance outside of regular Council business hours in the marine emergency manual.

Recommendation PRO-09: Create handover checklists and include in the marine emergency manual.

Recommendation PRO-10: Create example logbook entries for inclusion in the marine emergency manual and vessel logbooks.



## 13 Glossary

Definition	Meaning
Aft draft	Draft towards the stern of the ship.
CDEM	Civil Defence Emergency Management.
CIMS	Coordinated Incident Management System.
ECC	Emergency Coordination Centre.
Fwd draft	Forward draft of the ship.
HW	High Water.
ICP	Incident Control Point.
IMT	Incident Management Team. Based on the Coordinated incident management system structure.
LW	Low Water.
MDC	Marlborough District Council.
MIRT	Maritime Incident Response Team.
MNZ	Maritime New Zealand.
MOV	Met Ocean View. A weather subscription service provided by NZ Met Service. The subscription is held by MDC and PMNZ.
MOSS	Maritime Operator Safety System.
MSNZ	Marine Services NZ. A Picton based marine contracting business.
N&C	Nautical and Coastal.
NAPA	A ship stability computer programme.
NOSC	National On Scene Commander, a person appointed under the Maritime Transport Act 1994 by the Director of Maritime New Zealand.
OSDO	Oil Spill Duty Officer.

<b>Definition</b>	<b>Meaning</b>
PIM	Public Information Management.
PMNZ	Port Marlborough New Zealand.
RCCNZ	Rescue Coordination Centre New Zealand.
ROSC	Regional On Scene Commander, a person appointed under the Maritime Transport Act 1994 by the Marlborough District Council Chief Executive.
SITREP	Situation Report Update.
SRL	Skipper Restricted Limits Certificate. The required maritime qualification to be skipper on a Harbourmaster vessel.
the Act	Maritime Transport Act 1994.
TCC	Tory Channel Contracting. A Picton based commercial operator.
VHF	Very High Frequency radio.
WebEOC	MNZ's platform for incident management and information.

## 4. Motuweka / Havelock Estuary - Broadscale Habitat Mapping Report 2024

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(Clr Burgess) (Report card prepared by Katie Littlewood)

E325-000-002-15, E325-006-002-03

### Purpose of Report

1. To report the findings from the State of the Environment (SOE) monitoring in Motuweka/Havelock Estuary in 2024.

### Executive Summary

2. A State of Environment monitoring report for Motuweka/Havelock Estuary has been prepared by Salt Ecology for MDC, outlining results and changes to the estuary since previous surveys.
3. Findings observed highly significant losses to seagrass beds and high levels of mud-elevated sediment present over majority of the estuary. Conversely, salt marsh extent and condition were rated 'very good' and a reduction in macroalgae was noted.

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### RECOMMENDATION

That the information be received.

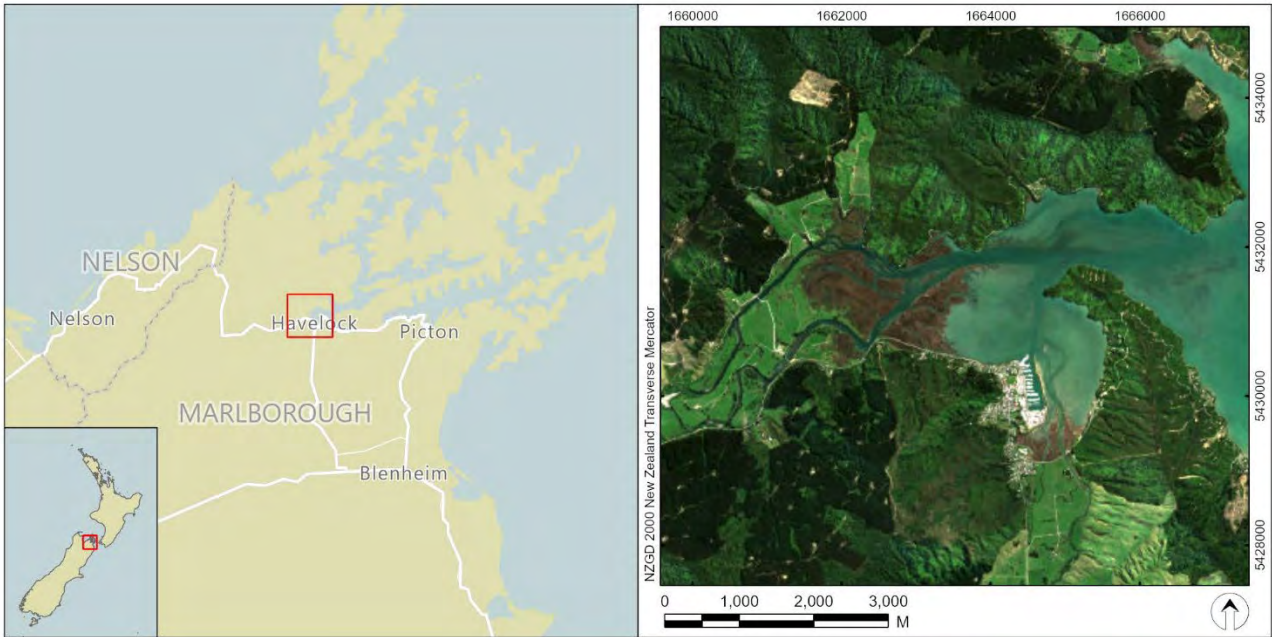
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### Background/Context

4. The Marlborough coastal marine area includes over 65 estuaries and intertidal areas. These areas are biodiversity hotspots providing habitat and nursery grounds for many species and providing numerous ecosystem services. These areas are also receiving environments where the impacts of land use and activities upstream are easily observed.
5. Estuary and intertidal monitoring include broadscale mapping, fine-scale mapping, seagrass mapping and sediment validation, which give Council robust information about the state of each estuary and intertidal areas in our CMA, and how they change over time.
6. In March 2024 Salt Ecology were contracted to undertake a repeat SOE broadscale mapping at Motuweka/Havelock Estuary and provide a report to MDC (Attachment 1) outlining their findings. Previous surveys have been conducted in 2001, 2014 and 2019.

### Report Findings

7. Motuweka is a large ~800-hectare estuary. The catchment is dominated by indigenous forest with the lower catchment area being predominantly exotic forestry and pasture. There are two main freshwater inputs into Motuweka – Te Hoiere/Pelorus River and Kaituna River.
8. At the head of both Te Hoiere and Kaituna are extensive saltmarshes (~189ha) with a condition rating of 'very good'. Mud-elevated sediments were high throughout these saltmarshes, highlighting their ability to trap fine sediments.
9. Seagrass habitat had significantly declined (~21ha decrease) in both extent and density since the previous survey in 2014. There is only 1.1ha remaining and 97% of this is low density coverage (>50%).
10. Mud-elevated sediments are present across ~71% of the intertidal area, a condition rating of 'poor' and pacific oysters' distribution has remained relatively stable over time. Macroalgae extent has reduced since the 2014 survey, likely in response to the reduction in spartina sp. and limited light availability.



**Presentation**

A short presentation will be given by Katie Littlewood (15 mins)

**Attachment**

**Attachment 1** – Havelock Report 2024 FINAL

page [25]

Author	Kate Littlewood, Principal Coastal Scientist
Authoriser	Hans Versteegh, Environmental Science and Policy Group Manager

**OVERVIEW**

In 2001, Marlborough District Council (MDC) commenced State of the Environment monitoring in Havelock Estuary (~800ha; hereafter Havelock) to establish a broad-scale baseline record of intertidal substrate and vegetation (Robertson et al. 2002). A review of the MDC estuary monitoring programme in 2022, designated Havelock a Tier 1 monitoring site requiring ~5-yearly broad-scale monitoring. The March 2024 survey represents a repeat broad-scale survey, with outputs limited to provision of data, and a short report (presented here) summarising broad-scale results and any key changes since previous surveys in 2001, 2014 and 2019.



Fig. 1. Havelock Estuary, Marlborough.

**METHODS**

Broad scale mapping of dominant intertidal substrates (subjectively classified) and vegetation types (e.g., seagrass, salt marsh, macroalgae) was undertaken on 11-12 March 2024 using National Estuary Monitoring Protocol (NEMP) methods (Robertson et al. 2002), and refinements by Salt Ecology (Stevens et al. 2023). Temporal changes in the spatial extent and location of features are used to track changes in estuary condition.

The approach combined the use of imagery, detailed field ground-truthing, and post-field digital mapping using GIS technology. Three imagery sources were used: December 2018 (30cm/pixel) and January 2024 (7.5cm/pixel) colour aerial imagery sourced from LINZ Data Service, and January 2023 (50cm/pixel) satellite imagery sourced from Apollo Mapping. QA/QC procedures applied through the phases of field data collection, digitising, and GIS data processing are described in Stevens et al. (2023).

For vegetation, dominant species and, where applicable, percent cover were recorded. In addition, for macroalgae, field data collection included wet-weighting macroalgal biomass to enable calculation of Opportunistic Macroalgal Blooming Tool (OMBT) scores. Results are assessed against established or developing estuarine health metrics (Table 1).

GIS layers for 2001, 2014 and 2019 were also QA/QC checked. Previous surveys did not map some features (i.e., margin or substrate underneath salt marsh in 2002 and 2014) and, in 2019, digitising errors, incomplete or missing data, and inconsistencies with validation results have prevented its use in any temporal comparisons.

Table 1. Indicators used to assess results in the current report.

Indicator	Unit	Very good	Good	Fair	Poor
<b>Mapped indicators</b>					
200m terrestrial margin <sup>1</sup>	% densely vegetated	≥ 80 to 100	≥ 50 to 80	≥ 25 to 50	< 25
Mud-elevated substrate <sup>2, 3</sup>	% AIH of 25-100% mud	< 1	1 to 5	> 5 to 15	> 15
Macroalgae (OMBT) <sup>4, 5</sup>	Ecological Quality Rating	≥0.8 to 1.0	≥0.6 to <0.8	≥0.4 to <0.6	0.0 to <0.4
Seagrass <sup>7</sup>	% decrease from baseline	< 5	≥ 5 to 10	≥ 10 to 20	≥ 20
Salt marsh extent (current) <sup>1</sup>	% of intertidal area	> 20	> 10 to 20	> 5 to 10	0 to 5
Historical salt marsh extent <sup>1, 5</sup>	% historical remaining	≥ 80 to 100	≥ 60 to 80	≥ 40 to 60	< 40
High Enrichment Conditions <sup>1, 6</sup>	ha	< 0.5	≥ 0.5 to 5	≥ 5 to 20	≥ 20
High Enrichment Conditions <sup>1, 6</sup>	% AIH	< 1	≥ 1 to 5	≥ 5 to 10	≥ 10

<sup>1</sup>General guidance as used in SOE reports for council(s) since 2007; <sup>2</sup>Ratings derived from Estuary Trophic Index (see references in Stevens et al. 2023); <sup>3</sup>Mud-elevated substrate modified from Estuary Trophic Index to apply to the intertidal area excluding salt marsh, not the whole estuary area; <sup>4</sup>OMBT = Opportunistic Macroalgal Blooming Tool (see method references in Stevens et al. 2023); <sup>5</sup>Estimated from historic aerial imagery; <sup>6</sup>The final condition rating is based on the worst of the two High Enrichment Condition (HEC) scores.

## BACKGROUND

The estuary catchment is dominated in the middle and upper reaches by indigenous forest (65.8%), while the lower catchment is predominantly exotic forestry (13.1%) and pasture (12.3%). The small settlement of Havelock represents the gateway to the Pelorus Sound and is located on the estuary margin, with a large marina built following reclamation of part of the estuary (see images below). Low gradient land toward the heads of the Pelorus and Kaituna Arms support extensive salt marsh that is significant in a regional context. Elsewhere, much of the southern margin, and the southwest margin of Kaituna Arm, is hardened for infrastructure and roading protection, or is naturally steep.

There are two main freshwater inputs into Havelock, the Pelorus River (flow ~38 m<sup>3</sup>/s) and Kaituna River (~6 m<sup>3</sup>/s; CLUES 10.8). Previous studies have documented the transport of large volumes of sediment from these rivers during high flow events (Ulrich and Handley 2020; Swales et al. 2021). Land uses that are known sources of sediment (i.e., pasture and exotic forestry), steep topography and highly erodible clay soils lead to high catchment sediment loads (Ulrich and Handley 2020). Further historic land clearance and modification of river channels have also resulted in excess sediments (e.g., bank erosion). These factors have led to a significant increase in fine sediment deposition in the estuary with pre-human sedimentation rates estimated to be 0.2 to 0.3mm/y an order of magnitude lower than contemporary estimates of 2.2 to 3.6mm/y (Swales et al. 2021), which exceed the ANZECC default guideline value of 2mm/y.

While the historical extent of the salt marsh has not been formally determined, imagery from 1957 shows the

marina resulted in significant reclamation in the Kaituna Arm (see photos below). Paradoxically, there was an increase in salt marsh extent between 1957 and 2004 following the introduction of the invasive weed *Spartina* sp. (see 2002 photo; Table 2). However, after a successful eradication programme by the Department of Conservation and MDC in the early 2000s, only a few remnant root beds of dead *Spartina* sp. plants remain.

## KEY FINDINGS

A summary of the 2024 results is provided below and in Fig. 2 and Table 2. Supporting GIS files, spreadsheet summaries, and maps have been supplied to MDC, along with QA/QC checked data from 2002, 2014 and 2019.

In 2024, 189ha of salt marsh was recorded in Havelock, a condition rating of 'very good' (Table 2). Rushland (*Juncus kraussii* and *Apodasmia similis*) was the dominant salt marsh class with smaller areas of herbfield (*Samolus repens*), estuarine shrub (*Plagianthus divaricatus*) and reedland (raupō). Mud-elevated (>25% mud) sediments comprised 97% of salt marsh substrate, consistent with salt marsh's ability to trap fine sediments.



Rushland and herbfield toward the west of the estuary.



Aerial imagery from Kaituna Arm in 1957 (left) showing rushland extent prior to the marina reclamation; in 2002 (middle) showing the marina reclamation and extensive beds of *Spartina* sp. on the seaward edge of rushland; 2024 (right) showing present day reclamation, eradication of *Spartina* sp. and remaining rushland. Imagery sourced from MDC Smart Maps – Historic Aerial Photos.

The effects of elevated sediment inputs are also evident on the tidal flats with mud-elevated (>25% mud) sediments present over ~71% of the available intertidal area (i.e., AIH; area outside of salt marsh; Table 2), a condition rating of 'poor'.



Mud-elevated (>25% mud) sediments in the Kaituna Arm (left) and central flats of the Pelorus Arm (right).

Pacific oysters, an invasive species, have been observed in all three broad-scale surveys between 2002 and 2024. In some areas they have a patchy distribution, however the main beds on the central flats have remained relatively stable over time. A decrease recorded in spatial extent between 2014 and 2024 (from 20ha to 14ha) likely reflects improvement in mapping resolution with higher resolution photos available in 2024.

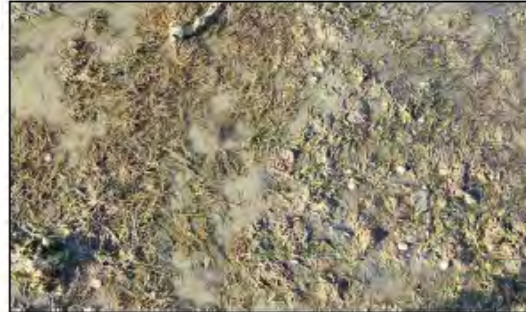


Pacific oyster beds growing in mud-elevated (>25% mud) sediments on the central flats looking toward Havelock township.

Concerningly, in March 2024, seagrass habitat had significantly declined in both spatial extent and cover (density), representing a condition rating of 'poor' (Table 2). Since 2014, ~21 hectares of seagrass have been lost, with only 1.1 hectares remaining in 2024 (Fig. 2). Of this, 97% had less than 50% cover. The most significant losses were near the estuary entrance, where previously dense beds were now sparse and fragmented, showing signs of stress from sediment deposition, epiphytic growth, and smothering by macroalgae (see photos). Sediment stress on seagrass beds was noted in 2014 (Stevens & Robertson 2014).



Direct smothering by sediment or macroalgae appears to be the most likely cause of seagrass loss in Havelock, with poor water clarity and scouring following flood events likely contributing to further losses.



Macroalgal growth and fine sediment deposition on seagrass.



Fragmented seagrass bed with sparse cover and fine sediment deposition on the surface, footprints represent bed margin.



Fragmented seagrass bed growing in firm muddy sand in the lower estuary, toward the entrance.

Macroalgae is a natural feature of estuaries, however if it reaches nuisance levels, usually as a consequence of elevated nutrient inputs, it can lead to deterioration of the underlying sediments. Macroalgae was scarce in 2002 but widespread (24% of the AIH) in 2014. Between 2014 and 2024 there was a reduction in macroalgal extent from 24% to 10% of the AIH, and a resultant improvement in the OMBT score (Table 2). The most significant reductions have occurred in the Kaituna Arm, where in 2014 macroalgal growths were concentrated among decaying *Spartina* beds. *Spartina* root beds and associated macroalgal growth were almost completely absent in 2024.

For the Environment  
Mō te taiao

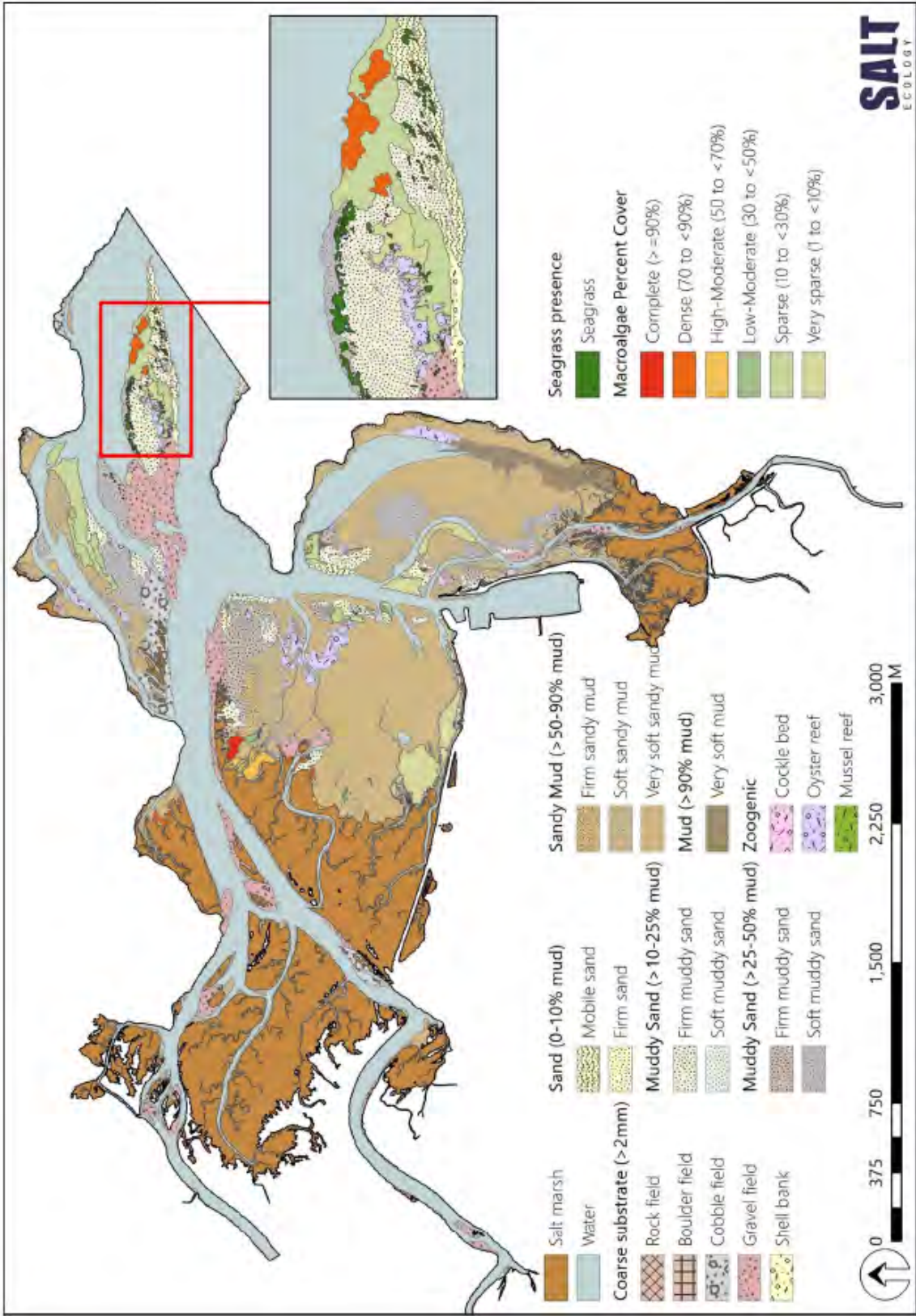


Fig. 2. Distribution of salt marsh, seagrass, macroalgae and substrate, Havelock Estuary, March 2024. Maps were digitised by Thomas Scott-Simmonds.



## 5. Nydia Bay - Broadscale Habitat Mapping Report 2023

(Clr Burgess) (Report card prepared by Katie Littlewood)

E325-000-002-15, E325-006-009-03

### Purpose of Report

1. To report the findings from the State of the Environment (SOE) monitoring report in Nydia Bay in 2023.

### Executive Summary

2. A State of Environment monitoring report for Nydia Bay has been prepared by Salt Ecology for MDC.
3. Findings show the estuary in a 'good' to 'very good' condition however mud elevated sediments were rated 'poor' and physical damage to high-value habitats were observed.

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## RECOMMENDATION

That the information be received.

---

### Background/Context

4. The Marlborough coastal marine area includes over 65 estuaries and intertidal areas. These areas are biodiversity hotspots providing habitat and nursery grounds for many species and providing numerous ecosystem services. These areas are also receiving environments where the impacts of land use and activities upstream are easily observed.
5. Estuary and intertidal monitoring include broadscale mapping, fine-scale mapping, seagrass mapping and sediment validation, which give Council robust information about the state of each estuary and intertidal areas in our CMA, and how they change over time.
6. SOE monitoring in estuaries and intertidal areas are important to establish broadscale baseline records of intertidal substrate and vegetation and ongoing changes in these environments over time.
7. In December 2023 Salt Ecology were contracted to undertake the first SOE broadscale mapping at Nydia Bay Estuary and provide a report to MDC (Attachment 1) outlining their findings.

### Report Findings

8. Nydia Bay consists of four intertidal areas (Image 1) with large areas of salt marsh habitat, particularly herb field on the southeast and southwest flats. The catchment surrounding Nydia Bay is dominated by indigenous forest with the lower catchment areas regenerating after clearance during early settlement.
9. The broad-scale condition ratings suggest that Nydia Bay's intertidal areas are generally in 'good' to 'very good' condition. However, mud-elevated sediments were rated as 'poor' on both the North and Northwest intertidal flats.
10. The most significant and manageable threats to seagrass and salt marsh were identified as vehicle use on the Southwest and Southeast intertidal flats, resulting in physical damage, ultimately leading to losses of these high-value habitats.



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri, Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors, Esri, HERE, Garmin, FAO, NOAA, USGS

**Presentation**

A short presentation will be given by Katie Littlewood (15 mins).

**Attachment**

**Attachment 1** – NydiaBay\_Report\_2024\_FINAL

page [31]

Author	Kate Littlewood, Principal Coastal Scientist
Authoriser	Hans Versteegh, Environmental Science and Policy Group Manager



**NYDIA BAY: 2023/2024 BROAD-SCALE INTERTIDAL HABITAT MAPPING SUMMARY**

Salt Ecology Short Report 038. Prepared by Keryn Roberts for Marlborough District Council, May 2024

**OVERVIEW**

In 2022, Marlborough District Council (MDC) commissioned a plan for monitoring intertidal areas across the region. Nydia Bay was designated a Tier 2 monitoring site requiring broad-scale intertidal habitat mapping every ~10 years. Nydia Bay was chosen for monitoring because it has four intertidal areas of moderate size with large areas of salt marsh habitat, particularly herbfield on the southwest and southeast flats. The northern flats drain a native bush catchment (Fig. 1). In December 2023, MDC contracted Salt Ecology to undertake inaugural broad-scale intertidal habitat mapping, and to provide GIS outputs, data summaries, and a short report summarising broad-scale results. MDC supported the field survey with a vessel and skipper and science staff.



Fig. 1. Nydia Bay and location of intertidal flats.

**METHODS**

Broad scale mapping was undertaken on 20 December 2023 using National Estuary Monitoring Protocol (NEMP) methods (Robertson et al. 2002), and refinements by Salt Ecology that improve the utility and accuracy of the NEMP approach as detailed in Stevens et al. (2023). In short, broad scale mapping characterises the spatial extent and location of dominant intertidal substrates (subjectively classified) and vegetation types (e.g., seagrass, salt marsh, macroalgae), with temporal changes in features providing valuable indicators of estuary condition.

The approach combined the use of aerial imagery, detailed field ground-truthing, and post-field digital mapping using GIS technology. Aerial imagery of Nydia Bay was sourced from LINZ Data Service and consisted of 30cm/pixel colour aerial imagery captured in December 2018. QA/QC procedures applied through the phases of field data collection, digitising, and GIS data collation and processing are described in Stevens et al. (2023).

For vegetation, dominant species and, where applicable, percent cover were recorded. In addition, for macroalgae, field data collection included wet-weighting macroalgal biomass to enable calculation of Opportunistic Macroalgal Blooming Tool (OMBT) scores (see Stevens et al. 2023 and references therein). In addition to the authors' expert interpretation, results are assessed against established or developing estuarine health metrics, drawing on approaches from New Zealand and overseas (Table 1).

Table 1. Indicators used to assess results in the current report.

Indicator	Unit	Very good	Good	Fair	Poor
<b>Mapped indicators</b>					
200m terrestrial margin <sup>1</sup>	% densely vegetated	≥ 80 to 100	≥ 50 to 80	≥ 25 to 50	< 25
Mud-elevated substrate <sup>2, 3</sup>	% AIH of 25-100% mud	< 1	1 to 5	> 5 to 15	> 15
Macroalgae (OMBT) <sup>2,4</sup>	Ecological Quality Rating	≥ 0.8 to 1.0	≥ 0.6 to < 0.8	≥ 0.4 to < 0.6	0.0 to < 0.4
Seagrass <sup>7</sup>	% decrease from baseline	< 5	≥ 5 to 10	≥ 10 to 20	≥ 20
Salt marsh extent (current) <sup>1</sup>	% of intertidal area	> 20	> 10 to 20	> 5 to 10	0 to 5
Historical salt marsh extent <sup>15</sup>	% historical remaining	≥ 80 to 100	≥ 60 to 80	≥ 40 to 60	< 40
High Enrichment Conditions <sup>16</sup>	ha	< 0.5	≥ 0.5 to 5	≥ 5 to 20	≥ 20
High Enrichment Conditions <sup>16</sup>	% AIH	< 1	≥ 1 to 5	≥ 5 to 10	≥ 10

<sup>1</sup>General guidance as used in SOE reports for council(s) since 2007; <sup>2</sup>Ratings derived from Estuary Trophic Index (see references in Stevens et al. 2023); <sup>3</sup>Mud-elevated substrate modified from Estuary Trophic Index to apply to the intertidal area excluding salt marsh, not the whole estuary area; <sup>4</sup>OMBT = Opportunistic Macroalgal Blooming Tool (see method references in Stevens et al. 2023); <sup>5</sup>Estimated from historic aerial imagery; <sup>6</sup>The final condition rating is based on the worst of the two High Enrichment Condition (HEC) scores.



## KEY FINDINGS

A summary of the 20 December 2023 broad-scale mapping results for Nydia Bay is provided below and in Fig. 2 and Table 2. Supporting GIS files, spreadsheet summaries and maps have been supplied to MDC.

The catchment surrounding Nydia Bay intertidal areas was dominated by indigenous forest, mānuka and/or kānuka and broadleaved indigenous hardwoods, with many of the lower catchment areas regenerating after clearance during early settlement. The catchment of the North flats represents complete native vegetation cover down to the margins of the estuary. Exotic forestry (0.3-7%) and/or pasture (0-5%) are a small feature of the Northwest, Southwest and Southeast catchments.

Salt marsh across all four intertidal areas was dominated by rushland (*Juncus kraussii* and *Apodasmia similis*) and herbfield (*Samolus repens*; Fig. 2) and was rated 'good' to 'very good' (Table 2). Indigenous forest/scrub transitioned directly to salt marsh in both the North and Northwest flats. Pasture and residential development were within the 200m terrestrial margin and down to the estuary edge in the Southwest and Southeast flats. Vehicle tracks were also common on the southern flats where vehicle access to residential areas had been established through herbfield (see photo). The most common substrate type in salt marsh was gravel field. Mud-elevated (<25% mud) substrates were localised to rushland on the Southwest and Southeast flats.

While historic salt marsh extent has not been formally determined, historic imagery from 1943, combined with shoreline elevation profiles, indicate that present-day extent on the North and Northwest flats likely represent close to 'natural state' cover. Losses on the Southeast and Southwest flats of ~10-30% are evident due to land clearance and direct physical impacts such as vehicle tracks (discussed above) and dredging for boat access.



Established vehicle tracks through the salt marsh herbfield (top) and dredging for boat access (bottom).

Despite the catchment and margin of both northern flats being densely vegetated, the intertidal flats in the lower tidal range were dominated by mud-elevated (>25% mud) sediments, a condition rating of 'poor' (Table 2; Fig. 2). Low sediment loads (Table 2) suggest potential historic inputs during land clearance (see photo) and/or sediment inputs from the wider Pelorus Sound could be contributors. On the southern flats mud-elevated sediments were localised to areas within vegetation (e.g., rushland or seagrass) or small depositional zones, and were rated 'fair' to 'good'. Gravel field was the most common substrate feature in the Bay. Pacific oyster beds were a sub-dominant substrate feature in the mid-low tidal range, with small but distinct beds observed across all intertidal areas.



Land clearance visible in imagery from 1958 (left) and regenerating native bush in 2018 (right; MDC Smart Maps).

The total area of seagrass comprised 1.1ha across the four largest intertidal flats, with the largest patches observed on the Southwest and Southeast flats. Seagrass was growing in gravels, firm-muddy sand (>10-25% mud) and soft-muddy sand (>25-50% mud). While seagrass was present in high to moderate cover, impacts were evident due to sediment deposition and epiphytic growth (see photo below), low levels of macroalgae cover, and physical damage. Small areas of subtidal seagrass were observed and are recorded in the electronic output.



Epiphytic growth and sediment deposition on seagrass beds.

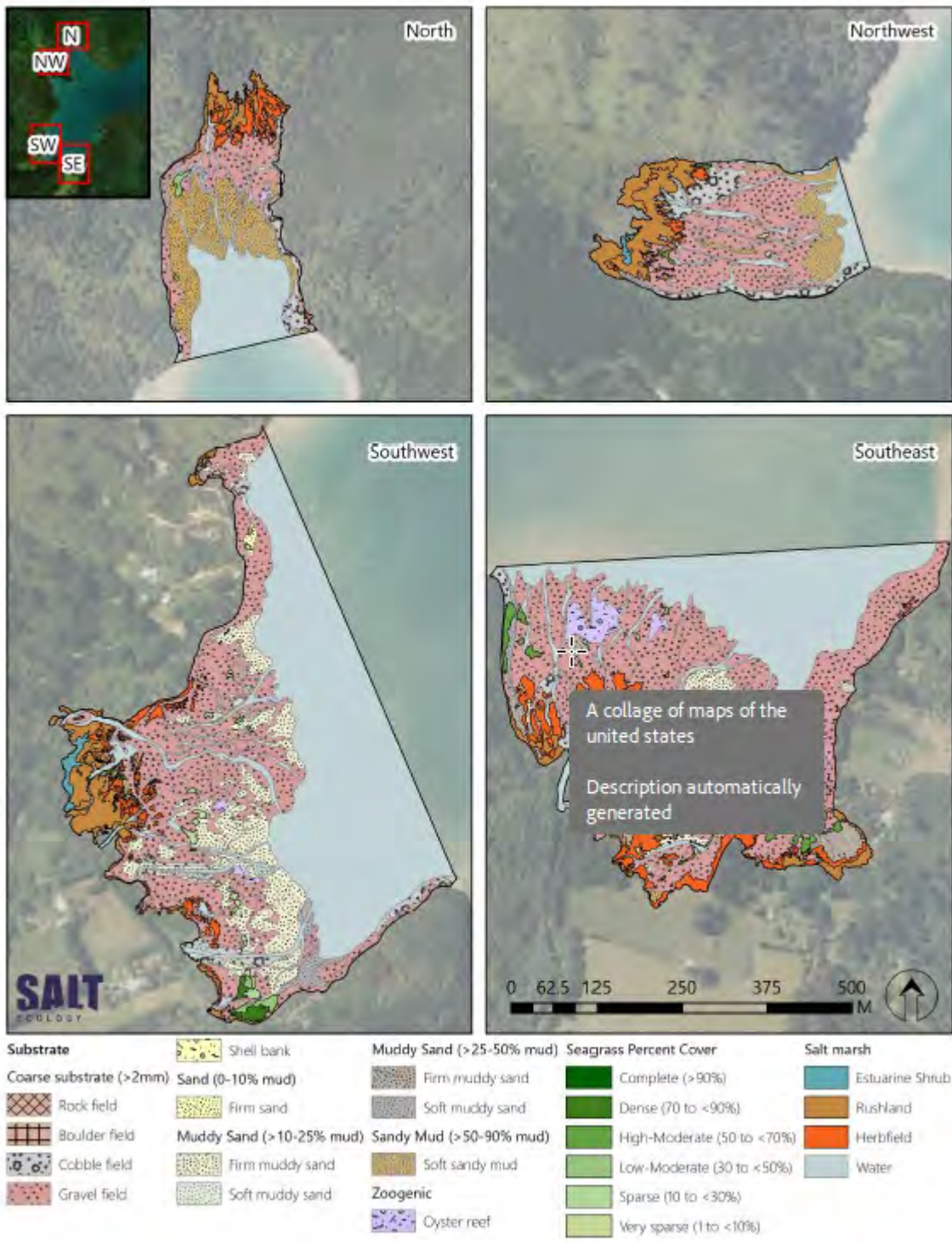


Fig. 2. Distribution of salt marsh, seagrass and substrate, Nydia Bay intertidal areas, December 2023.

Limited image resolution and tide height of historic imagery (1943 and 1958) prevents an accurate appraisal of historic seagrass extent. However, it appears seagrass historically grew lower in the tidal range, an area that is now subject to reduced water clarity due to resuspension of fine sediments. The most significant and manageable loss of present-day seagrass is physical damage observed on the Southwest flats caused by vehicle use that has left deep tyre tracks through seagrass beds.



Deep vehicle tracks through seagrass (Southwest flats).

Macroalgae is a natural feature of estuaries, however if it reaches nuisance levels, usually as a consequence of elevated nutrient inputs, it can lead to deterioration of the underlying sediments. Consistent with low predicted nutrient loads (Table 2), intertidal areas had no macroalgal growths of concern, with only small patches of macroalgae recorded on the Southwest and, to a lesser extent, Southeast intertidal flats. Reflecting the lack of growth at nuisance levels, the OMBT scores for all intertidal areas were rated 'very good'. Small areas of subtidal macroalgae were observed and are recorded in the electronic output.

## SUMMARY

The broad-scale condition ratings suggest that Nydia Bay's intertidal areas are generally in 'good' to 'very good' condition (Table 2). However, despite the presence of native bush catchments, mud-elevated sediments were rated as 'poor' on both the North and Northwest intertidal flats. Although mud-elevated sediments were not a prominent feature on the southern intertidal flats, sediment deposition, along with epiphytic growth, was observed on seagrass beds. Overall, the most significant and manageable threats to seagrass and salt marsh were identified as vehicle use on the Southwest and Southeast intertidal flats, resulting in physical damage to herbfield and seagrass beds, ultimately leading to losses of these high-value habitats.



Southwest salt marsh habitat and steep surrounding bushland.

## REFERENCES

- Robertson B, Gillespie P, Asher R, Frisk S, Keeley N, Hopkins G, Thompson S, Tuckley B 2002. Estuarine Environmental Assessment and Monitoring: A National Protocol. Prepared for supporting Councils and the Ministry for the Environment. Sustainable Management Fund Contract No. 5096.
- Stevens LM, Roberts KL, Forrest BM, Scott-Simmonds T 2023. Synoptic Broad Scale Ecological Assessment of Pūrākaunui Inlet. Salt Ecology Report 113, prepared for Otago Regional Council, June 2023. 53p.

Table 2. Summary of broad scale indicator condition ratings.

Broad-scale Indicators	Unit	Condition Rating			
		North	Northwest	Southwest	Southeast
<b>Supporting indicators</b>					
Total estuary area	Ha	6.4	6.6	24.3	22.9
TN load <sup>1</sup>	T/y	1.0	1.2	2.3	3.4
Sediment load <sup>2</sup>	KT/y	1.0	1.1	2.1	3.0
<b>Mapped indicators</b>					
200m terrestrial margin	% densely vegetated	100.0	100.0	84.5	75.6
Mud-elevated substrate	% AIH of 25-100% mud <sup>3</sup>	50.1	16.7	4.6	9.6
Macroalgae (OMBT <sup>4</sup> )	Ecological Quality Rating (EQR)	1.00	1.00	0.945	1.00
Seagrass (>50% cover)	% AIH	0	0.7	1.4	3.3
Seagrass (>50% cover)	% decrease from baseline	nd.	nd.	nd.	nd.
Salt marsh extent (current)	% of intertidal area	17.9	22.0	13.7	16.7
Historical salt marsh extent <sup>5</sup>	% of historical remaining	> 80%	> 80%	60 - 80%	> 80%
High Enrichment Conditions	ha	0.0	0.0	0.0	0.0
High Enrichment Conditions	% of AIH	0.0	0.0	0.0	0.0

<sup>1</sup>CLUES version 10.8 (LC8D5), run date April 2024; <sup>2</sup>Hicks et al. (2019) & Oldham (2022); <sup>3</sup>Excludes salt marsh area; <sup>4</sup>OMBT = Opportunistic Macroalgal Blooming Tool; <sup>5</sup>Estimated from historic aerial imagery and modification observed during field visits.

## 6. Making of Pest Conifer Part of Regional Pest Management Plan

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

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(Cllr Faulls) (Report prepared by Alan Johnson)

E315-002-005-07

### Purpose of Report

1. To seek that Council resolves to:
  - a) Modify the Regional Pest Management Plan 2018 (RPMP) to insert the amended provisions highlighted in **Attachment 1** as directed by the Environment Court under section 76(8)(a) of the Biosecurity Act 1993;
  - b) Make the part of the RPMP that relates to pest conifers, including section 5.22, by fixing the Council's seal to the RPMP 2018 (updated 2024) as set out in **Attachment 1**; and
  - c) Give public notice of the making of part of the RPMP that relates to pest conifers and the commencement date of the pest conifer part of the RPMP.

### Executive Summary

2. The Council reviewed the RPMP 2018 to include a region-wide pest conifer programme and following the hearing of submissions notified its decision on 9 July 2020.
3. As the Committee is aware following an application from a submitter on the pest conifer part of the RPMP, the Environment Court has directed that the Council amend the RPMP as set out in the separately attached report to include a pest conifer Site-led programme specifically for the Stronvar Retirement Area.
4. The pest conifer part of the RPMP has not yet been made operative, pending resolution of the Environment Court application.
5. To make the pest conifer part of the RPMP that the Council adopted in July 2020 operative, including the amendments directed by the Environment Court, the Council must modify the RPMP as directed by the Environment Court and fix its seal to the RPMP.
6. The pest conifer part of the RPMP will commence when the Council fixes its seal. The Council must give public notice of the making of the pest conifer part of the RPMP and the commencement date of this part of the RPMP.

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### RECOMMENDATIONS

That Council:

1. **Modify the Regional Pest Management Plan to insert the amended provisions highlighted in the separately attached report as directed by the Environment Court under section 76(8)(a) of the Biosecurity Act 1993.**
  2. **Make the pest conifer part of the Regional Pest Management Plan by fixing the Council's seal to the Regional Pest Management Plan 2018 (amended 2024) as set out in the separately attached report in accordance with section 77(1) of the Biosecurity Act 1993.**
  3. **Give public notice of the making of the pest conifer part of the Regional Pest Management Plan and the commencement date of the part of the plan, being 14 October 2024 on which the Council fixes the seal, in accordance with section 77(5) of the Biosecurity Act 1993.**
-

## Background/Context

7. In August 2019 the Council initiated a review of its Regional Pest Management Plan (RPMP) and notified a proposal to insert a new region-wide programme for pest conifers. Following a hearing of submissions in February 2020 the Council adopted the recommendations of the Hearing Panel and notified its decision on 9 July 2020.
8. Mr Evans, a submitter on the proposal, made an application to the Environment Court against the Council's decision. Mr Evans sought site-specific relief relating to wilding conifer infestations on part of his property called the Stronvar Retirement Area. Council entered mediation with Mr Evans to try and resolve the application. However, mediation was unsuccessful and the application proceeded to a hearing in the Environment Court.
9. The Environment Court issued a decision, directing a site-led pest programme be included in the RPMP for the Stronvar Retirement Area. The Court left it to the parties to propose the wording to be inserted into the RPMP. Council lodged an appeal to the High Court regarding the lawfulness of the inclusion of a site-led programme. The appeal was dismissed by the High Court in December 2023 and the matter was referred back to the Environment Court for parties to agree on wording to be inserted into the RPMP.
10. The Council sought to agree wording with the Applicant by exchanging proposals. However, agreement could not be reached so parties filed their respective proposals with the Environment Court for it to make its final decision.
11. The Environment Court issued its final decision on 15 May 2024. The Court has directed the inclusion of a new pest conifer site-led programme, which includes a new objective and principal measure that applies only to the Stronvar Retirement Area.
12. The remainder of the pest conifer part of the RPMP that the Council approved in June 2020 has not yet been made operative, pending the resolution of the application to the Environment Court. The Council is now required to take steps to 'make' the pest conifer part of the plan, including the amendments directed by the Environment Court. The Biosecurity Act 1993 refers to the making of a plan or part of a plan. Once a part of a plan is 'made' its provisions commence. This is like a plan under the Resource Management Act 1991 becoming operative.
13. The pest conifer part of the plan that the Council approved in June 2020, as directed to be amended by the Environment Court, is now incorporated in a full version of the RPMP called Regional Pest Management Plan 2018 (amended 2024) in **Attachment 1**.

## Assessment/Analysis

14. The outcome of the final Environment Court decision is a new site-led programme for the Stronvar Retirement Area that sits within the existing region-wide framework that was adopted by the Council in June 2020.
15. The programme includes a new objective 5.22.1.2 which is consistent with the existing region-wide objective for pest conifers, but it solely relates to the Stronvar Retirement Area as identified in Map 10A of **Attachment 1**. Importantly, the Court agreed with the Council's legal submissions to include the phrase 'where feasible' in the objective so that (like the region-wide objective) there is no positive obligation on the Council or the Applicant to contain or reduce pest conifers within the Stronvar Retirement Area if it is not capable of being done.
16. The RPMP includes principal measures to achieve the objectives in the RPMP. The new principal measure that the Court has directed to be included is a blend of the wording proposed by the Council and the Applicant. If the Council does propose to undertake control operations on the Stronvar Retirement Area, the new measure requires that Council work with the Applicant to identify and agree upon appropriate measures to maintain the indigenous biodiversity values at Stronvar and minimise the erosion risk from the management of pest conifers. The measures agreed between the Council and the Applicant would then be recorded in a management plan.



17. The Court has directed under section 76(8)(6) of the Biosecurity Act 1993 that the Council modify the RPMP to insert the amended provisions.
18. Section 77(4)(c) of the Biosecurity Act requires that the Council comply with the Court's directions to modify the RPMP before making the pest conifer part of the RPMP. This is a mandatory requirement. It is also a mandatory requirement for the Council to 'make' the remainder of the pest conifer part of the RPMP that Council approved in June 2020 now that the application has been resolved. The Council 'makes' the plan by affixing its seal.
19. The Council is required to give public notice of the making of the plan under section 77(5) of the Biosecurity Act including the commencement date of the pest conifer part of the plan. The commencement date is the date on which Council fixes the Council's seal to the RPMP.
20. A copy of the RPMP 2018 (amended 2024) including the pest conifer part of the RPMP adopted by Council in 2020 and incorporating the amendments directed by the Environment Court for the Council to affix its seal is attached as **Attachment 1**.

### Option One (Recommended Option)

21. The recommended option is Council:
  - a) Modifies the pest conifer part of the RPMP in accordance with the Environment Court's directions;
  - b) Makes the pest conifer part of the RPMP by fixing the Council's seal and gives public notice of the commencement date of the pest conifer part of the RPMP.

### Advantages

22. Council meets the mandatory requirements of section 77 of the Biosecurity Act 1993 for making a regional pest management plan.

### Disadvantages

23. Legal noncompliance

### Next steps

24. Once the Council's seal is fixed to the Regional Pest Management Plan 2018 (amended 2024), a public notice will be published in the Marlborough Express and on the Council's website giving notice of the commencement of the pest conifer part of the RPMP.
25. Wilding conifer management is included in the Council's Biosecurity Operational Plan 2018-2028 which is reviewed and reported on annually. Staff will update the Operational Plan to include the pest conifer programmes. Council has three months from the commencement date of the pest conifer part of the RPMP to do this but staff will seek to do this before the Biosecurity Operational Plan Report 2023-2024 is finalised.

### Attachment

**Attachment 1** – Regional Pest Management Plan 2018 (amended 2024). The report is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

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

<b>Summary of decision-making considerations</b>			
<b>Fit with purpose of local government</b>			
The proposal enables democratic local decision-making and action by, an on behalf of communities and relates to providing a public service and it is considered good-quality and cost effective.			
<b>Fit with Council policies and strategies</b>			
	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	✓	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Infrastructure Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social well-being	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment & RMA Plans	✓	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land transport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
This proposal contributes to the statutory provisions of the Biosecurity Act 1993 and the Regional Pest Management Plan 2018.			
<b>Nature of the decision to be made</b>			
The options do not involve a significant decision in relation to land or a body of water.			
<b>Financial considerations</b>			
The plan review project has been budgeted for the Biosecurity Activity budgets. The implementation of the planned variation has no budget allocated and is subject to national funding appropriation.			
<b>Significance</b>			
The decision is considered of low significance under Council's Significance and Engagement Policy.			
<b>Engagement</b>			
The review of the RPMP to include a pest conifer programme in the RPMP met the consultation requirements of the Biosecurity Act 1993. The Proposal was notified for submissions and a hearing on submissions was held.			
Council staff will work with the occupier of the Stronvar Retirement Area as required if control operations are proposed on the property.			
<b>Risks: Legal / Health &amp; Safety etc</b>			
There are no known significant risks or legal implications.			
<b>Climate Change Implications</b>			
There are no known climate change implications to this decision.			

## 7. Soil Quality Monitoring Annual Report 2023

(also refer to separately attached report available on Council's website)

(Cllr Burgess) (Report prepared by Matt Oliver)

E355-001-001-23

### Purpose of Report

1. To receive the report on Soil Quality Monitoring for 2023.

### Executive Summary

2. In this investigation, soils were sampled from 25 monitoring sites that include six pasture sites, four cropping sites, fourteen vineyards, six exotic forestry and one native bush site. Five new sites were added to the programme in accordance with the programme review conducted in 2022.
3. This year's results are consistent with all previous years. While many sites show good soil quality, most soils show the effects of human land use. Soil compaction, elevated levels of nitrogen and phosphorus and loss of soil carbon remain the consistent theme of this work. 34% of sites reported soil compaction measurements outside the target range in 2023.

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### RECOMMENDATION

That the report be received.

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### Background/Context

4. Regional councils (and unitary councils) have a responsibility for promoting the sustainable management of the natural and physical resources of their region. Under Section 35 of the Resource Management Act (1991), one of the physical resources that we have a duty to monitor and report on is soil. Specifically, to report on the "life supporting capacity of soil" and to determine whether current practices will meet the "foreseeable needs of future generations". To help meet these goals, the Council undertakes a soil quality monitoring programme (SQM) that involves collecting soil samples from a network of sites that represent the main land use activities and soil types within the region and analysing these samples for a suite of soil physical, biological and chemical properties that have been shown to be robust indicators of soil quality. The aim of this report is to summarise both the current state of, and the long-term trends in, soil quality in the Marlborough region as determined by the results of soil analysis from sampling across a range of land use activities and soil types.

### Soil Quality Monitoring

5. This year's results are consistent with the previous 23 years' worth of results. While many sites show good soil quality, most soils show the effects of human land use with soil quality indicators for many of these falling outside target ranges.
6. 34% of sites reported soil compaction measurements outside the target range. These results put these soils at risk of poor aeration and drainage which may potentially affect pasture production and predispose the soil to surface runoff, nutrient loss, erosion and flooding. While soil compaction may not be permanent, it clearly should be avoided and remediated where necessary. A range of beneficial management options to prevent and remediate soil compaction are outlined in the report.
7. A new soil quality test was introduced in 2020. Hot Water Carbon (HWC) measures the easily available sources of carbon in the soil and provides indications on the level of microbial activity within the soil. In addition, HWC can help understand what risks are posed to soil structure, nutrient availability and water retention from a loss of this soil carbon fraction. A provisional target of >1900 mg/kg has been set. This year, 49% samples failed to reach this target. This is a reflection of the higher number of vineyard samples compared to previous years. Council continues to build data ahead of more detailed reporting on this parameter in future.

8. The programme continues to document the decline in quality of Marlborough's soil resource. To aid in addressing this, a series of soil quality recommendations have been made to help improve the soil quality indicators. The recommendations include a series of practice changes for many land users including changing practice to lift soil carbon levels, reduce excess nutrient levels and reduce soil compaction. Some of these changes may have far-reaching consequences for farm practice. In particular, cropping farms urgently need to lift soil carbon levels to improve soil structure and reduce erosion risks. Dairy farmers need to be aware of and manage elevated nitrogen levels to reduce the risk of nutrient losses to water as well as reduce soil compaction risks from animal treading. Vineyard managers need to improve soil carbon management of the under-vine area and soil compaction of wheel tracks.
9. A secondary but important finding from the Soil Quality Monitoring Programme has been to illustrate the impact of human land use prior to the commencement of the monitoring programme. Further details are provided in the full report but in essence, the monitoring program started too late to capture major declines in SQM parameters and is now only recording minor fluctuations around a land use-related equilibrium.
10. Following the recent publication of a National Environmental Monitoring Standard for SQM, the Land Monitoring forum is undertaking a revision of the target values for SQM. These were set in 2000 with a focus on productivity values. However, the national programme emphasis has shifted to an environmental one. It is expected that the parameters measured will remain the same or be added to using more recently developed methods but the target ranges will be revised to better reflect environmental imperatives.

## Education Programme

11. In 2021 staff undertook to develop an education programme to help improve soil management targeted at industries and activities with documented soil quality issues. Progress was initially slow with this but progress has been made with delivery of four on-farm soil focused workshops in the past year. These were held on dairy and drystock farms in Linkwater, Rai Valley and Kaituna Valley as well as on a series of vineyards in the Awatere Valley and Wairau Plain. These workshops focussed on describing soils, evaluating the soils development at that site and identifying any potential barriers to productivity.
12. The workshops partnered with Landcare Trust, Marlborough Grape Growers Coop, local farmers and Rere Ki Uta Rere Ki Tai (a Our Land and Water sponsored agroecological farming project) the workshops used well-accepted agroecological principles based in sound science rather than using more alternative methods such as regenerative agriculture. Staff continue to seek opportunities to continue holding these workshops with these and other partners. We seek to provide practical hands-on methods to reduce impacts on soil quality on-farm. To date the funding requirements for workshops has been minimal.

## Next steps

13. Continue with Soil Quality Monitoring and continue to implement the findings of the 2022 review.
14. Continue with soil education workshops as funding permits.

## Presentation

A short presentation will be given by Matt Oliver (10 minutes).

## Attachment

**Attachment 1** – Soil Quality in the Marlborough Region 2022. The report is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Matt Oliver- Environmental Scientist- Land Resources
Authoriser	Peter Hamill, Team Leader Land and Water

## 8. Soil Mapping Update

(Clr Burgess) (Report prepared by Matt Oliver)

E355-004-008

### Purpose of Report

1. To provide an update on the joint Council and Manaaki Whenua Landcare Research (MWLR) S-Map soil mapping project.

### Executive Summary

2. Soil mapping work in Marlborough proceeds on schedule and within budget. However, co-funding from MPI is drawing to an end in 2025.
3. Mapping work for Wairau Valley is complete and awaiting upload to S-Map in the August 2024 update.
4. Field work is ongoing in Blind River and Flaxbourne.
5. Envirolink funding for investigating the feasibility of a digital soil mapping solution for the Marlborough Sounds has been received. A workshop has been held.

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### RECOMMENDATION

That the information be received.

---

### Background/Context

6. This project seeks to update the soil mapping for the lowland productive areas of Marlborough from 1960's mapping to more modern and finer-scale mapping.
7. Improvements in mapping are required to ensure soil data is adequate for modern landuse need such as irrigation allocation and nutrient management.
8. The project is on schedule and making good progress with field work, map development and uploading revised mapping to S-Map Online.
9. The programme is funded by pre-existing council budget and significant subsidy from Ministry for Primary Industry.

### Soil Mapping in Marlborough

10. Council is engaged with MWLR to improve soil mapping on the lowland, more highly productive areas of Marlborough farmland. This project involves a combination of desktop GIS modelling work based on Council's recent LiDAR acquisitions and intensive field work to ground truth the desktop work.
  - a) The mapping effort is funded partly by Council contribution from pre-existing budgets and by a 2/3rds subsidy from Ministry of Primary Industries. This has enabled work to proceed at a much faster rate.
  - b) Council has previously commissioned several soil characterisation studies in the region including the Kaituna, Pelorus, Rai, Linkwater, Koromiko and Upper Wairau Valley areas. These studies have identified the common soils of the area but did not extend to mapping the extent of these soils. This work has provided the basis of the desktop analysis.
  - c) Mapping work has now moved to areas without soil characterisation studies. As these studies provide information on the relationships between landscape features and the soils found on them, new areas require development of a soil landscape model. This work has been completed

for much of Blind River but is yet to commence for Flaxbourne. A Council technical report will be developed from the Blind River work in due course.

- d) The results of the mapping effort are updates to the national soil mapping portal, S-Map <https://smap.landcareresearch.co.nz/>. This will see improved visual maps, improved soil attribute data and data available on factsheets for users.
- e) One of the major outcomes from the project is a better understanding the attributes of a soil at any given point. These attributes will include data around soil texture, water holding capacity, soil carbon, nutrients etc. Previously, this type of data was not available or was assigned from other sources/regions depending on the soil types. This type of data will be extremely important for future land use decision making.
- f) The field work component is time-consuming and dependant on landowner permissions to sites. Staff wish to express thanks to the many landowners who have allowed access for field work.

### *Wairau Valley*

- 11. In the Wairau Valley, the soils have high stone content. This renders quick soil auger observations impossible and necessitates digging of soil pits. This has made field work slow and physically demanding.
  - a) Because of this, the field work incorporated proximal soil sensing techniques to guide the selection of observation pits. This has enabled correlation between the 2020 LiDAR data and subsurface properties detected by the remote sensed data. Each transect was also manually surveyed. This has enabled extrapolation of soil properties across a wider area by using the more complete LiDAR coverage. This work was recently published in Soil Horizons <https://www.landcareresearch.co.nz/publications/soil-horizons/soil-horizons-articles/tactical-use-of-proximal-sensing-tools-for-the-s-map-soil-survey/>
  - b) Combined with 36 existing observations from the earlier soil characterisation report (Campbell, Oliver, & Rait, 2016), 174 observations have been carried out in Wairau Valley to date. Soil polygon linework been completed using a segmentation approach and a range of topographic covariates derived from Council's LiDAR data sets and historic aerial imagery. The finished mapping will be uploaded to S-Map Online in August 2024.
  - c) In addition to the completed mapping, a further 100 soil observations sites have been identified for future field work. Typically, these sites are ones where access was not possible, the sites were considered lower priority during the field work campaigns or have displayed unusual characteristics as the mapping and modelling has proceeded. Observations from these sites would enable confirmation of soil attributes that have been inferred from modelling during this current mapping. Confirming the modelled properties enables increased confidence in; and reliability of; the mapping. Council staff will perform this work as resources permit. Updates to this mapping will occur alongside annual updates and fall within current Council budgets.

### *Desktop Review - Wairau Plain*

- 12. In addition to field mapping work, desktop reviews of existing soil mapping have also been carried out to ensure that more recently mapped areas are up to date. The final review project for the current Wairau Plains soil map is paused. Financial constraints and retirement of the reviewer have meant that this work must await both funding and a new reviewer.

## **Next Steps**

### *Blind River*

- 13. The current project for soil mapping is Blind River. The area was last mapped by Gibbs and Beggs (1953). No soil attribute data is available for the area.
- 14. Work has commenced in Blind River with multiple field trips by staff to develop a soil-landscape model. This work is analogous to the earlier soil characterisation work from other parts of the Region. However, this work focusses on the relationships between soils and the characteristics of the

landscapes they are found in. This information can then be used within a GIS to extrapolate soil characterisation across a wider area. This work will in time be developed into a Council Technical report. The 78 observations from this work have enabled an overview of the soils of the area:

15. Initial field work with MWLR has started and is expected to be completed with one more week of work. Additional targeted observations will need to be made by Council staff to support the mapping effort. This doesn't represent additional workload for Council staff as they would have been involved in field work anyway.
16. Mapping is expected to be completed for upload to S-Map for August 2025.

### *Flaxbourne*

17. The final area to map will be Flaxbourne. Unfortunately, MWLR may no longer have capacity to undertake mapping in this area under the MPI funded S-Map expansion programme. This co-funding arrangement has enabled faster expansion of soil mapping in the region but on-going funding for this has yet to be confirmed beyond EOFY 2024-25 under part of the current governmental fiscal constraints. This will leave Council as the sole funder for this work. Under the current LTP budget, work can continue but it will take longer. A map for Flaxbourne will probably take at least 2 more years to develop and require additional Council staff input.
18. Funding arrangements are yet to be confirmed with MPI, but Council staff will advocate on MWLR staff for continuation of co-funding for this important work.
19. The Blind River Soil-Landscape model is expected to have limited applicability further south in Flaxbourne due to the reduced loess deposition in that area. It is expected that a new model will be required to cope with the inclusion of different parent materials and tectonic setting. Work on this will commence early in 2025.

### *Marlborough Sounds*

20. With the recent procurement of LiDAR across the Marlborough Sounds, the possibility exists to update the very coarse scale 1960s soil mapping in the area. This will be important for Council to develop a better understanding on landsliding and sediment loss risk in the Sounds. A feasibility study (Envirolink-funded) into the practicality of improving soil mapping in the Marlborough Sounds using a digital soil mapping approach has been commenced. There are potentially significant national benefits to developing a digital soil mapping approach for steepland landscapes like the Marlborough Sounds.
21. The recent failed peer review for Land Use Capability revision work (**CM Ref:** 2463276 & 2463280) is another driver for this work. LUC underpins the Erosion Susceptibility classification mapping for the NES – Commercial Forestry and therefore controls forestry activity in the area. One of the key reasons for the inability to adequately reclassify the LUC classification in the Sounds was the lack of sufficiently detailed soil mapping.
22. The feasibility study will look at the best approach to implement a digital soil mapping solution for improving the areas soil mapping. This will include identifying all relevant legacy data, extracting soil-landscape relationships from this data and seeking guidance from experts previously involved in mapping in the area. Identifying locations where improved soil mapping is required is also a key part of the feasibility work. At this early stage, the researchers envisage focussing on areas where human activity is present (forestry, farming) plus on areas where significant downslope risks might exist such as towns, roads etc. Public Conservation land with few downslope risks will be lower priority for mapping. Results of the feasibility study are expected later in 2024.
23. A workshop commencing this work will be held between the time of writing and Committee meeting and results will be summarised to the Committee.

### **Presentation**

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

Author	Matt Oliver, Senior Environmental Scientist - Land Resources
Authoriser	Peter Hamill, Team Leader Land and Water

## 9. Surface Water Quantity – Report Card 2023/24

(Clr Burgess) (Report prepared by Charlotte Tomlinson)

E375-001-001-03

### Purpose of Report

1. To update the Committee on surface water hydrology for the 2023/24 hydrological year.

### Executive Summary

2. The 12 months July 2023 to June 2024 have been very dry, with every rainfall monitoring site in the region recording below-average rainfall for the 2023/24 hydrological year.
3. Blenheim has recorded 374 mm of rain, the third lowest annual rainfall total at the site in the 94 years 1930-2024.
4. The El Niño event from September 2023 to May 2024 will have contributed to dryness in the east of the country, including Marlborough. A medium-scale drought was declared for the Top of the South in mid-March.
5. River flows were lower than average across the region, due to low rainfall and runoff. Average flow in the Wairau at Tuamarina was 54 m<sup>3</sup>/s in the 2023/24 hydrological year, compared to a long-term mean flow of 100 m<sup>3</sup>/s.
6. Despite very dry summer conditions, the Wairau at Barnett's Bank only dropped below the minimum flow of 8 m<sup>3</sup>/s in late March. Small rainfall events in the catchment kept the flows above the minimum for much of the irrigation season.

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### RECOMMENDATION

That the report be received.

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### Background/Context

7. Rainfall is measured at 26 sites across Marlborough. Rainfall data is used for long-term climate monitoring to enhance our understanding of climate and water resources. Rainfall data is also used during storm events to monitor storm progression and measure total rainfall.
8. River level is measured at 32 sites in the region, with 17 of these also measuring river flow. MDC monitor river flow over time to understand trends in water quantity, and to understand how climate change, land use changes, and human interventions such as river structures or water abstraction are affecting water quantity.
9. A full rainfall state of environment report was presented to the committee in 2023 and contained in-depth analysis of rainfall data for monitoring sites across the region. A full surface water state of environment report is planned to be published in 2025.
10. In the years between full reports, annual report cards provide a snapshot of hydrological changes. This agenda item presents the report card for 2023/24.

### Next steps

11. The report card will be made available on the Council website.

### Attachment

Attachment 1 – Surface Water Quantity Report Card 2023/24

Page [45]

Author	Charlotte Tomlinson, Environmental Scientist – Hydrology
Authoriser	Alan Johnson, Environmental Science & Monitoring Manager



# Surface Water Quantity Report Card – 2023/24

## Key Points

- This Report Card is an update on the surface water hydrology in the Marlborough Region for the 2023/24 hydrological year (July 2023 to June 2024).
- Every rainfall monitoring site in Marlborough has recorded below average rainfall for the hydrological year.
- Blenheim recorded 374 mm of rainfall, the third lowest annual rainfall total at the site in 94 years.
- El Niño conditions lasted from September 2023 to May 2024.
- A medium-scale adverse event (drought) was declared for the Top of the South Island on the 14 of March 2024.
- River flows were low due to low rainfall and runoff, with the second lowest mean annual flow on record of 54 m<sup>3</sup>/s recorded at Wairau River at Tuarimaru.
- Want to know more? Hydrology reports including monthly/seasonal updates can be found on the MDC website: [www.marlborough.govt.nz/environment/hydrology](http://www.marlborough.govt.nz/environment/hydrology)

## What we measure and why

Marlborough District Council operate 26 real-time rainfall sites across Marlborough. Additional sites are operated by NIWA, the Marlborough Research Centre and Fire & Emergency NZ. Rainfall data is used for long-term monitoring to enhance our understanding of climate and water resources, as well as during severe weather events to monitor storm progression and rainfall totals. MDC also operate 32 real time river level sites across the region. At 17 of these sites, staff regularly take field measurements to convert river level to real-time flow. NIWA also operate 2 flow sites in Marlborough.



Figure 1. Map of MDC rainfall monitoring



Figure 2. Map of MDC river level (light blue) and flow (dark blue) monitoring sites.

River flows change seasonally and over longer time periods. It is important to monitor river flows over time to understand how water availability is changing, due to climate change, changes to catchment land use, or other human interventions such as water abstraction. River flow data is used to determine sustainable water allocation in each catchment and understand aquifer recharge rates. Real-time river data is also crucial for flood management.

This report presents an update on the surface water hydrology of the region for the 2023/24 hydrological year (July 2023 to June 2024).

## 2023/24 Summary

The 12 months July 2023 to June 2024 have been very dry for much of Marlborough. Blenheim recorded 374 mm of rainfall, which is 58% of the long-term average annual rainfall, and the third lowest annual rainfall total at the site in the 94 years 1930-2024. The El Niño event lasting from September 2023 to May 2024 will have contributed to dryness in eastern parts of New Zealand, including Marlborough. A medium-scale adverse event (drought) was declared for the Top of the South on the 14 of March 2024.

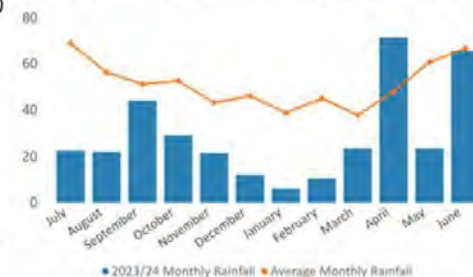
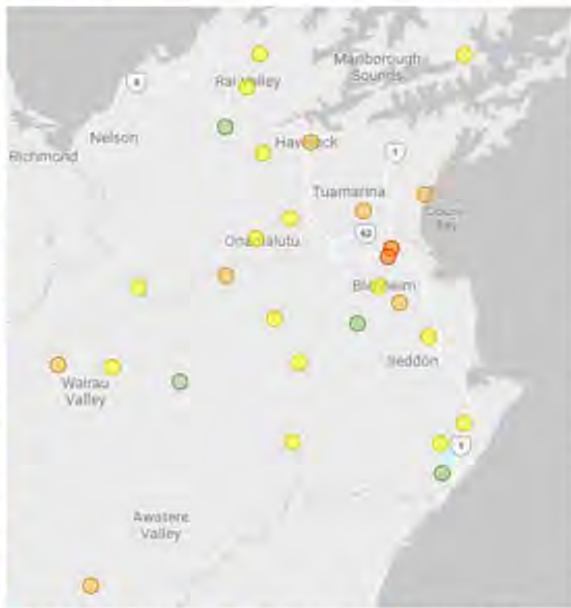


Figure 3. Blenheim monthly rainfall 2023/24, compared to average monthly rainfall.



● Less than 50%    ● 70 to 80%    ● Over 100%  
● 50 to 60%    ● 80 to 90%  
● 60 to 70%    ● 90 to 100%

**Figure 4. 2023/24 hydrological year total rainfall, as a percentage of average rainfall at each monitoring site.**

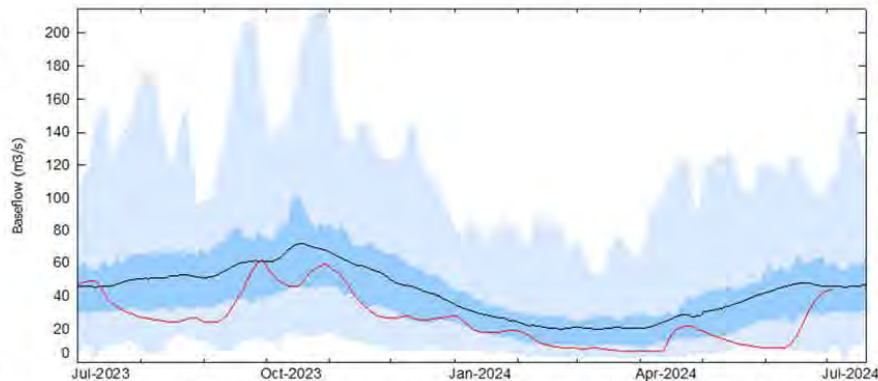
When compared to average, the lowest 12-month rainfall totals were recorded in Blenheim at the MDC and Marlborough Research Centre sites, which recorded 57% and 58% of average annual rainfall respectively. Other rainfall sites around the region recorded between 63% to 84% of average annual rainfall. The Branch at Branch Recorder rainfall site recorded 850 mm total for the hydrological year, the lowest rainfall total since the site was established in 1978. There was no clear spatial pattern to rainfall over the last 12 months across the region. None of the rainfall monitoring sites in Marlborough recorded average or above average rainfall for the year.

Over the summer months, the Wairau Plains (including Blenheim), and the lower Wairau and Waihopai Valley received between 20-30% of average summer rainfall. Sites south of the Wairau River generally received less than 50% of average summer rainfall. The Te Hoiere/Pelorus area received between 80-100% of average summer rainfall.

Prolonged low rainfall has led to consistently below-average baseflow in the Wairau River at Tuamarina for the 12-month period July 2023 to June 2024. Despite very dry summer conditions, the Wairau River at Barnett's Bank only dropped below the 8 m<sup>3</sup>/s minimum flow (for management purposes) in late March, due to small top-up rainfall events keeping river levels above the minimum flow prior in the season.

Average flow in the Wairau at Tuamarina is approximately 100 m<sup>3</sup>/s. For the 2023/24 hydrological year, average flow was 54 m<sup>3</sup>/s, which shows the effect of the dry conditions over the past 12 months. The only year to record a lower mean annual flow was 1997/98, with mean flow of 51 m<sup>3</sup>/s. 1997/98 was widely regarded as one of the strongest El Niño events in recorded history.

The largest flood flow recorded in the 2023/24 year in the Wairau River was 1,200 m<sup>3</sup>/s on the 12 of April 2024. This was a small event with peak flow below the mean annual flood (1,980 m<sup>3</sup>/s). By early April, the Wairau catchment was in drought, following months of low rainfall. This meant that a greater quantity of rainfall was required to start producing runoff, and the resulting flood peak was smaller than if the same amount of rain had fallen when the catchment was at average antecedent moisture conditions. Parts of the Wairau catchment had 36-hour rainfall totals with an average exceedance probability (AEP) of 9%, meaning there is only a 9% chance in any single year of that rain event occurring.



**Figure 5. Wairau River at Tuamarina baseflow, from 1 July 2023 to 30 June 2024. The black line is average baseflow and the red line is the 2023/24 baseflow. The dark blue shading shows the middle 50% of data and the light blue shows the upper and lower quartiles.**

The effect of subdued river flows over the past 12 months has flow-on effects to the Wairau Aquifer, where a lack of recharge to groundwater means the water level has been within the lower quartile for all 12 months from July 2023 to June 2024. Throughout the year, groundwater levels have consistently been at or near the minimum observed levels since records began in 1973.

August 2024

File ref: E375-001-003

For more information on surface water quantity go to [www.marlborough.govt.nz/environment/hydrology](http://www.marlborough.govt.nz/environment/hydrology)

Marlborough District Council ph. 03 520 7400

# 10. Significant Natural Areas Programme Annual Report 2023/2024

(also refer to separately attached report available on Council's website)

(The Chair) (Report prepared by Mike Aviss)

E310-006-001

## Purpose of Report

1. To update the Committee on the results of the Significant Natural Areas Programme 2023/2024.

## Executive Summary

2. This report records the outputs of the Significant Natural Areas (SNA) programme over the 2023/24 year, including new sites surveyed, the restoration or management of threats in SNAs and the monitoring of their condition. It also reports on the results of associated projects, such as publicity.

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## RECOMMENDATION

That the information be received

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## Background/Context

3. Through the Resource Management Act 1991 and pursuant to the Biodiversity Chapter in the Marlborough Environment Plan, the Council has a role in maintaining and protecting indigenous biodiversity and significant natural areas in the Marlborough region.
4. Since 2001 the Council has implemented the SNA programme, which has involved extensive field based ecological survey work and a subsequent protection and monitoring programme.
5. The 2023/24 SNA report is attached to this report which provides an overview of activities and projects undertaken during the year.

## Programme Highlights

6. The total number of SNA sites mapped in our database is now 782 along with 166 Recommended Area for Protection (RAPs).
7. The survey programme of SNAs is ongoing as landowners agree to provide access to their land. 13 new SNA sites were documented and mapped during 2023/24.
8. Our Landowner Assistance Programme helps landowners to protect and restore SNA sites. There are currently 32 projects active, with \$232,550 of Council funding spent on managing sites during this reporting period. With other contributions made, including from landowners, this increased to \$541,384.
9. This funding assistance has been provided to 167 sites since 2003. In that time, \$1,854,488 has been allocated by MDC and this has leveraged funds from landowners and others totalling \$5,168,130 spent protecting and enhancing SNAs in Marlborough.
10. The SNA monitoring programme was active in visiting 38 sites: 24 Managed and 14 Un-Managed. As expected, managed sites were in better condition and trend than un-managed sites. The most obvious threats to sites in the north are possums while in the south, old man's beard is a real issue.
11. Modification of the coast by the 2016 earthquake induced uplift, and the subsequent increased access by vehicles into the coastal environment, is an ongoing issue effecting threatened indigenous ecosystems and species. After consulting with the community, Council introduced a Bylaw in

July 2023 to address damage and access issues. Results have been mixed. Restoration of indigenous biodiversity along the coast has become an important focus for the SNA programme.

### **Next Steps**

12. This report will be made available on the website.

### **Presentation**

A short presentation will be given by Mike Aviss (15 minutes).

### **Attachment**

**Attachment 1** – Summary Report on the Results of the Significant Natural Areas Project 2022-23. The report is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Mike Aviss, Biodiversity Coordinator
Authoriser	Peter Hamill, Team Leader Land & Water

# 11. River Health – Report Card 2024

(The Chair) (Report prepared by Steffi Henkel)

E375-001-001-03

## Purpose of Report

1. To present the annual River Health State of the Environment Report Card.

## Executive Summary

2. Water quality of rivers and streams is monitored monthly at sites located across the Marlborough region.
3. The results from several parameters monitored over a period of three years are used for the calculation of a water quality index, which allows ranking and categorising of the sites. 68% of waterways are in the fair or good categories which represent acceptable water quality.
4. Initiatives such as the Catchment Care programme and the Te Hoiere Project aim to improve the health of rivers with low water quality indices, such as the 32% of monitored rivers with marginal water quality. None of the currently monitored waterways have water quality in the poor category.
5. Results are also reported using attribute state limits of the National Policy Statement for Freshwater Management (NPS-FM). Monitoring sites with several NPS-FM attribute states in the C or D/E band also have low water quality indices. This confirms that both, the water quality index and NPS-FM state reporting provide equivalent results.
6. Some of the poorer NPS-FM states are a result of natural conditions and include lower macroinvertebrate scores in spring-fed streams.
7. The monitoring data shows that some Anticipated Environmental Results in the Marlborough Environment Plan associated with river health are met, while others require further work to be undertaken.

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## RECOMMENDATION

That the report be received.

---

## Background/Context

8. Rivers and streams are an important part of New Zealand culture, and their health has been a focal point of public interest in recent years. Regular reporting on river water quality provides valuable information for the public, but it is also essential for the development and evaluation of regulatory and non-regulatory resource management tools.
9. River Health is monitored at 35 sites that have been monitored for 10 to 15 years. Following a recent monitoring network review, additional monitoring sites were added in the last two years to improve regional coverage and representativeness, but there is yet insufficient data for these new sites to allow reporting on water quality.
10. Data collected from the longer established monitoring sites is summarised using a water quality index. This index is number between 0 and 100, with higher numbers representing better water quality. It allows water quality to be categorised into five classes: excellent, good, fair, marginal and poor. Excellent, good and fair water quality is considered acceptable, while marginal and poor water quality indicates that improvement actions are needed.

11. The National Policy Statement for Freshwater Management (NPS-FM) contains parameter limits that define bands ranging from A to D/E. While the A band represents minor effects on river health, the D-or E-bands are mostly considered unacceptable.
12. The Proposed Marlborough Environment Plan (PMEP) contains measures to assess the effectiveness of the plan in managing the natural resources. These are referred to as “Anticipated Environmental Results” (AERs). There are several AERs that relate to river health (15.AER.1 in the PMEP).
13. A full report on the state and trends of river water quality is published every three years. The last such report was presented to the Committee last year in 2023 and contains in-depth analysis of parameter results and changes over time.
14. In the years between full reports, annual report cards provide updated water quality indices and NPS-FM attribute bands. This agenda item presents the report card for 2024.

**Next steps**

15. The report card will be made available on the Council website.
16. An updated report card will be presented next year.
17. A detailed report is planned for 2026.

**Attachment**

**Attachment 1** – Report Card – River Health 2024

Page [51]

Author	Steffi Henkel, Environmental Scientist – Water Quality
Authoriser	Alan Johnson, Environmental Science & Monitoring Manager



# River Health - Update 2024

## Key Points

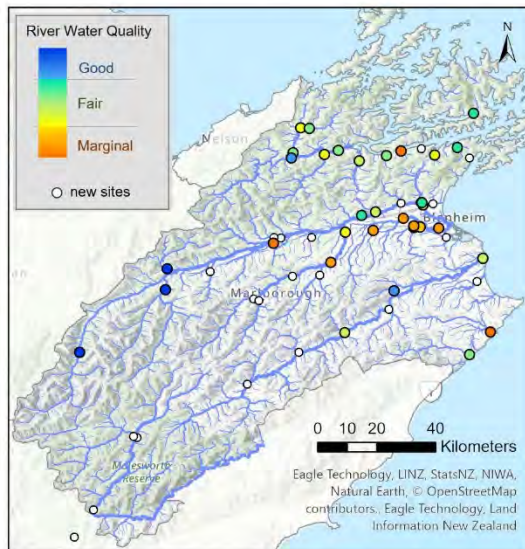
- ◆ This Report Card is an update on the state of Marlborough's rivers. A more in-depth analysis of river health can be found in 3-yearly reports available on the website.
- ◆ Water quality of streams and rivers in the Marlborough region is monitored monthly using a number of different measures.
- ◆ Three years of monitoring data is combined to calculate water quality indices.
- ◆ The majority of river monitoring sites have good or fair water quality.
- ◆ The water quality index allows prioritisation of improvement actions. There are several programmes with the aim to improve river health.
- ◆ Sites with several NPS-FM states in the C or D/E band also have low water quality indices.
- ◆ The Marlborough Environment Plan includes measures to assess its effectiveness.

## River Health Monitoring

Healthy rivers and streams are integral to the social and economic wellbeing of the region. In order to assess the health of Marlborough's waterways, council has a network of monitoring sites to provide information which assists in the management of that natural resource.

The map in Figure 1 shows the water quality at 35 long-term monitoring sites using a water quality index described later in this document. Also shown are sites that were added recently to ensure better regional coverage and representation. We do not yet have sufficient data to determine the water quality at these new sites.

Every three years, full reports provide in-depth analysis of river health and examination of changes over time. The last such report was published in 2023 and can be found on the council website. In the years between full reports, report cards, such as this one provide updated information.



**Figure 1: River water quality at long-term monitoring sites (coloured) and new monitoring sites (white).**

## What We Measure and Why

Monitoring sites are visited each month. During these visits field observations and samples are taken to collect measurements that allow river health to be assessed. Below are nine of the most important parameters measured:

- **Water Temperature and Dissolved Oxygen**  
High Water Temperatures and low Dissolved Oxygen levels effect the survival of aquatic insects and fish.
- **pH**  
Deviations from natural pH values can impact the growth and reproduction of fish, and in extreme cases cause fish kills.
- **E. coli concentration**  
E. coli are an indicator for faecal contamination, which has negative affects on aquatic ecosystems and presents a

health risk to recreational users.

- **Dissolved Inorganic Nitrogen and Dissolved Reactive Phosphorus**  
These are the forms of Nitrogen and Phosphorus that are easily taken up by plants. High concentrations lead to excessive algae growth, which impacts aquatic habitat quality and oxygen levels.
- **Nitrate Nitrogen and Ammonia Nitrogen**  
High concentrations of these forms of Nitrogen are toxic to aquatic life.
- **Turbidity**  
Turbidity is a measure for sediment in the water. Fine sediment affects the growth of aquatic insects and fish. When sediment settles on river beds, it smothers habitats and degrades food sources. Reduced water clarity also impacts on the recreational values of rivers.

## The Water Quality Index

To report on the state of river water quality, data from three consecutive years is combined and used to calculate a water quality index for each site. The index is a number between 0 and 100, with higher values representing better water quality. The value of the water quality index is based on how often and by how much limits for the different parameters (measures) are exceeded. The limits used for the calculation of the index are based on those in the National Policy Statement for Freshwater Management and associated documents.

The figure below shows the water quality index for the monitoring sites as blue bars on the left side of the graph. The right side of the graph shows the parameters that exceed limits and therefore cause a reduction in the index.

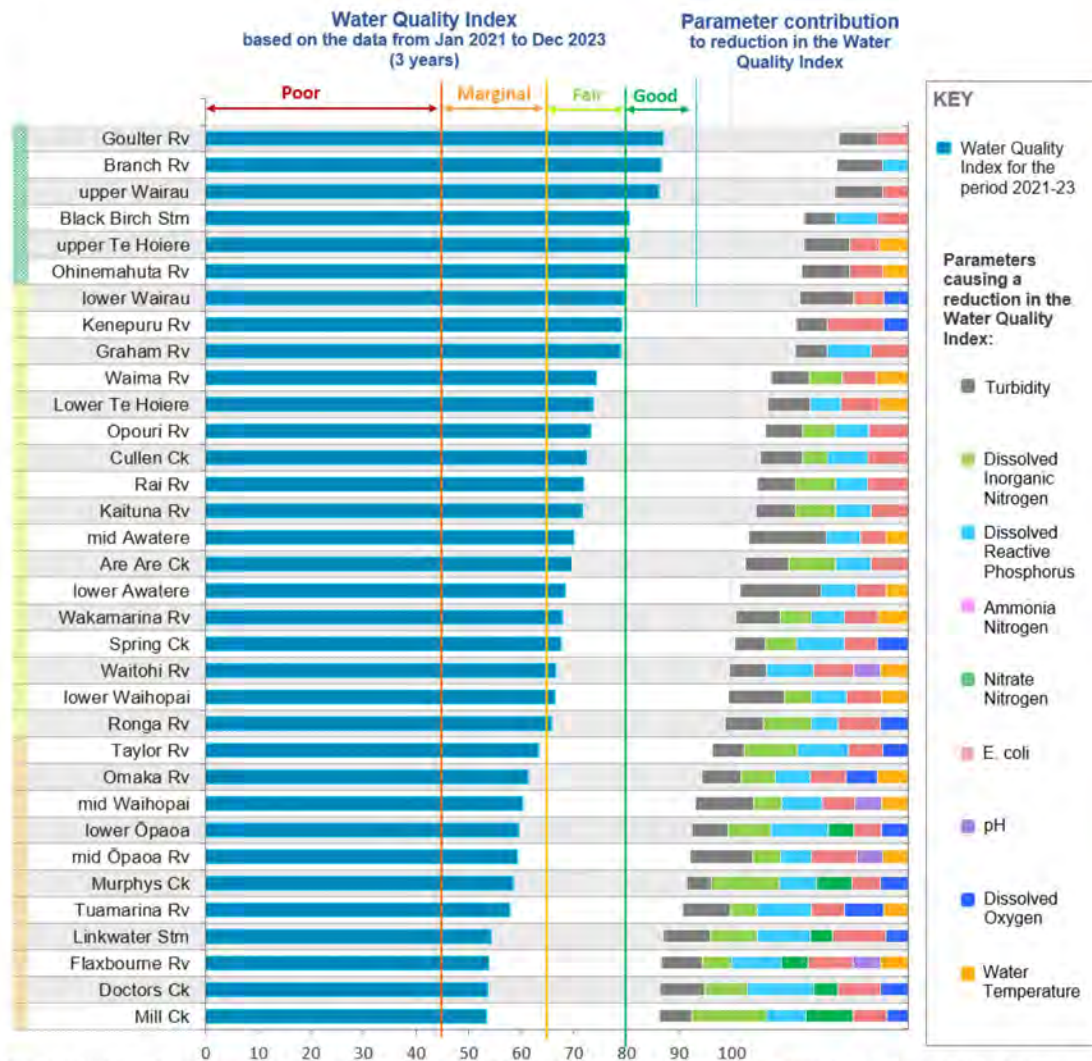


Figure 2: Water Quality Indices for the period 2021-2023 and the parameters contributions to the reduction in the indices.

One advantage of the index is the ability to rank sites based on their water quality. In Figure 2 sites are ranked from the best on top to the worst at the bottom of the graph. This allows management to be targeted to the waterways with the most degraded water quality. To further direct improvement actions, sites are divided into five classes. The classes "excellent", "good" and "fair" represent acceptable water quality, while streams and rivers in the "marginal" and "poor" categories require improvements. Additionally, Figure 2 shows the parameters that need to be focused on. However, degraded sites usually show a wide range of parameters that exceed limits, demonstrating the interconnectedness of the different measures.

The majority of monitoring sites have water quality within the categories good or fair.

Sites and their associated catchments with low water quality indices (within or close to the marginal water quality category) are the centre of the Catchment Care programme and initiatives such as the Te Hoiere Project that aim to improve river health in collaboration with landowners.





## 12. Appeals on the PMEP

(The Chair) (Report prepared by Pere Hawes)

M100-09-01

### Purpose of Report

1. To inform the Committee of progress with resolving appeals made to the Environment Court on the PMEP.

### Executive Summary

2. 51 notices of appeal on the PMEP were lodged with the Environment Court.
3. Scheduled Environment Court mediation on all topics has now been completed, although requests for further Court assisted mediation are being made when the parties consider that progress can be made.
4. One consent memoranda has been approved by the Court since the last report to the Committee. Two further consent memoranda to resolve outstanding appeals are in preparation.
5. Court fixtures have been scheduled to hear outstanding appeals on coastal occupancy charges and on king shag feeding habitat later this year.
6. Work is ongoing to consider the relationship between outstanding PMEP appeals, and the Variation 1 decision and appeals.

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### RECOMMENDATION

That the report be received.

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### Background/Context

7. The PMEP Hearings Panel publicly notified their decision on the PMEP on 22 February 2020.
8. The Environment Court received 51 notices of appeal. The list of appellants is shown in Attachment 1. The full notices of appeal are available on the Council website: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/appeal-process/appeals-received>. There were a total of 1307 appeal points.
9. The Environment Court manages all appeal processes in accordance with their Practice Note 2023. There are typically three options. The matters subject to appeal can be resolved between the parties (informal mediation), they may be resolved through Court assisted mediation (formal mediation), or they may proceed to Court hearing (in which case the Environment Court determines the outcome). Appellants may also withdraw their notice of appeal.
10. In accordance with Council's Instrument of Delegation, any agreed settlement between the parties achieved through mediation must be approved by either the Manager of Environmental Policy or the Manager of Environmental Policy, Science and Monitoring, or otherwise deferred back to the Committee. The Managers are required to consult with the Chair as part of the process of reaching agreement.
11. An agreement to resolve appeals from either formal or informal mediation is referred to as a "consent memorandum". If the Court agrees to the mediated agreement, it confirms the agreement by way of a Court decision called a "consent order".
12. Given the number of appeal points (1307), the resolution of appeals has been a focus of the work programme of the Environmental Policy Group for the past three years and continues to be so.

However, given the progress with the resolution appeals documented in previous reports to the Committee, being able to make the PMEP operative or operative in part is getting closer. It is anticipated that this step will occur this calendar year.

## **MEP Appeals Version**

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

## **Progress with resolution of appeals**

14. To date, 22 appeals have been resolved in full and five appeals have been withdrawn. The status of all appeals is recorded in Attachment 1. There are a total of 29 notices of appeal remaining. However, there are a limited number of appeal points that remain unresolved for most of these appeals.
15. Progress with resolution of appeals by topic is included in Attachment 2. Most outstanding appeal points fall within the natural character, landscape or indigenous biodiversity topics. The majority of these appeal points are now linked to appeals on Variation 1. Some appeal points in the indigenous biodiversity topic were on hold pending the gazettal of the NPSIB. Recent progress has been made on these appeal points (see topic below).
16. A total of 56 consent orders have been issued by the Environment Court.
17. Since the last report to the Environment and Planning Committee on 11 July 2024, one additional consent order has been issued by the Court.
18. Two further consent memoranda are in preparation.
19. At this point in time, only nine appeal points are to be heard by the Environment Court in two fixtures. The Court has now confirmed the date for these hearings (see below).
20. Where there are outstanding appeal points, either workstreams are in place to progress resolution or the appeal points are on hold pending other processes. The details are set out below.

## **Environment Court Mediation**

21. Matters discussed during mediation are confidential to the parties to allow discussions to occur on a without prejudice basis. For this reason, an update on progress with resolution of the specific appeal points or the detail of the resolution is unable to be provided to the Committee as part of this agenda item. As per the Council delegation, the Chair of the Environment and Planning Committee was briefed about the general course of the mediation to date and on the specific agreed outcomes from that mediation.
22. The mediation process is overseen by an Environment Court Commissioner.
23. Environment Court mediation has now been completed for all 22 topics. In total, there were more than 80 days of mediation over a period of two and a half years.
24. All consent orders issued by the Environment Court referenced in this report can be accessed here: <https://eservices.marlborough.govt.nz/programmes/ListProgrammeEvents?id=2621046#info-2677877>.
25. As recorded above, all consent orders are incorporated into the PMEP Appeals Version.

## ***Natural Character***

26. Mediation on the Natural Character Topic has involved lengthy mediation and discussions between the parties since February 2021, as set out in previous reports to the Committee.

27. Almost all of the remaining appeal points in the Natural Character Topic are on the natural character overlays and are linked to the outcome of Variation 1 appeals (see below). In the meantime, Council and the appellants continue to explore an alternative means of addressing the relief requested.

### *Landscape*

28. Almost all of the remaining appeal points in the Landscape Topic are on the landscape overlays and are linked to the outcome of Variation 1 appeals (see below). In the meantime, Council and the appellants continue to explore an alternative means of addressing the relief requested.

### *Indigenous Biodiversity*

29. Mediation on the Indigenous Biodiversity has involved lengthy mediation and discussions between the parties since June 2021, as set out in previous reports to the Committee.
30. There are outstanding appeal points in this topic that were deferred pending the gazettal of the National Policy Statement for Indigenous Biodiversity (NPSIB). The NPSIB was gazetted on 7 July 2023 and it came into effect on 4 August 2023.
31. The outstanding appeal points on Policy 8.1.1. and Appendix 3, criteria for ecological significance, have been resolved. A consent memorandum was submitted to the Court on 4 June 2024. A consent order was issued by the Court on 15 July 2024. The resolution of these appeals is significant as there is now certainty as to the criteria to be used in Council's Significant Natural Areas, Significant Wetlands and Ecologically Significant Marine Site programmes. The criteria in the PMEP are used to evaluate potential sites of significance and validate existing sites of significance.
32. There is a proposal (put forward by Council) currently in circulation with the parties to resolve the outstanding appeal points on significant natural areas. The government is making changes to the requirements of the NPSIB that apply to significant natural areas in terms of implementation timeframes. It has also committed to further, but undisclosed, changes. This state of flux is creating uncertainty as to the planning regime that will apply to significant natural areas and is influencing the position of parties.
33. A hearing has been scheduled by the Court to hear the outstanding appeal points on king shag feeding habitat. The hearing is scheduled for a week and is to occur in the Nelson Court House from 18-22 November 2024.

### *Coastal*

34. A hearing has been scheduled by the Court to hear the outstanding appeal points on coastal occupancy charges. The hearing is scheduled for a week and is to occur in the Blenheim Court House from 10-13 December 2024. This is the last matter to be resolved within this topic.

### *Transportation*

35. There are two outstanding matters in this topic: Managing reverse sensitivity effects adjoining State Highway and the Main North Line rail; and Policy 13.15.2 (which manages adverse effects on marine transportation).
36. There is an active workstream on the Waka Kotahi and KiwiRail appeals related to managing reverse sensitivity effects adjoining State Highway and the Main North Line rail. Further formal mediation occurred on 29 July 2024. Agreement was reached at mediation and a consent memorandum is in preparation.
37. The appeal on Policy 13.15.2 is linked to appeals on Variation 1 appeals (see below).

### *Natural hazards*

38. The outstanding appeal point in this topic relates to the status of maimai. The appellant has now confined the relief requested to one location. The outstanding appeal point is on hold pending the outcome of another non-RMA planning process that applies to that location.

### *Waste and discharge of contaminants to land*

39. The only outstanding appeal point in this topic relates to the discharge of stormwater to land. As a result of further informal mediation on 27 June 2024, agreement was reached and a consent memorandum is in preparation.

### *Forestry*

40. The remaining two appeal points are on hold pending the outcome of discussions considering the influence of the NPS for Indigenous Biodiversity on outstanding Topic 5 appeals (see above). The proposals highlighted above for the Indigenous Biodiversity topic may influence the outcome of these appeal points.

### *Other topics*

41. Mediation has previously resolved all appeal points for the following topics: Topic 1: Cultural Matters, Topic 2: Water Allocation and Use, Topic 13: Water Quality, Topic 11: Rural, Topic 12: Air Quality, Topic 14: Soil Quality and Land Disturbance, Topic 17: Energy, Topic 17: Climate Change, Topic 18: Nuisance, Topic 20: Zoning.

### *Relationship with Variation 1: Marine Farming*

42. A significant number of appeal points made by marine farmers were placed on hold during mediation pending the notification of a decision on Variation 1. This was especially the case for appeal points in Topic 3: Natural Character, Topic 4: Landscape and Topic 5: Indigenous Biodiversity.
43. The decision on Variation 1 was publicly notified on 19 May 2023.
44. Environment Court mediation on appeals to Variation 1 commenced on 12 March 2024 and is ongoing. Mediation on spatial (AMA) appeals is set to occur in October and November this year.

### **Next steps**

45. Two consent memoranda to resolve outstanding appeals in the Transportation and Waste topics are in preparation. For the latter, subject to Court issuing a consent order, all appeals in the Waste topic will have been resolved.
46. Any resulting consent orders issued by the Court will be reported to the Committee through future updates.
47. A significant focus of future effort will be addressing the relationship between outstanding PMEP appeals and Variation 1 appeals.
48. The Court has confirmed fixtures for outstanding appeals on coastal occupancy charges and on king shag feeding habitat. These are to occur in November and December respectively this year.
49. Progress with the resolution of appeals will continue to be regularly reported to the Committee through future agenda items.
50. Given the good progress already made, 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.

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

**Attachment 1**

<b>Appellant</b>	<b>Environment Court Reference</b>	<b>Status</b>
Dominion Salt Limited v Marlborough District Council	ENV-2020-CHC-21	Resolved
GJ Gardner v MDC	ENV-2020-CHC-31	Resolved
Timberlink New Zealand Limited v MDC	ENV-2020-CHC-30	Withdrawn
Talley's Group Limited v MDC	ENV-2020-CHC-32	Resolved
Nelson Marlborough Fish and Game v MDC	ENV-2020-CHC-35	
Chorus New Zealand Limited and Spark New Zealand Trading Limited v MDC	ENV-2020-CHC-37	Resolved
Okiwi Bay Ratepayers Association v MDC	ENV-2020-CHC-38	Resolved
Te Rūnanga a Rangitāne o Wairau v MDC	ENV-2020-CHC-39	Resolved
Minister of Conservation v MDC	ENV-2020-CHC-42	Resolved
Aroma (N.Z.) Limited and Aroma Aquaculture Limited v MDC	ENV-2020-CHC-45	
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu v MDC	ENV-2020-CHC-46	Resolved
McGuinness Institute v MDC	ENV-2020-CHC-48	Resolved
Matthew Burroughs Broughan v MDC	ENV-2020-CHC-52	Resolved
Port Marlborough New Zealand Limited v MDC	ENV-2020-CHC-49	Resolved
Trustpower Limited v MDC	ENV-2020-CHC-50	
The New Zealand King Salmon Co. Limited v MDC	ENV-2020-CHC-51	
Jennifer Susan Cochran v MDC	ENV-2020-CHC-53	Resolved
One Forty One (previously Nelson Forests) v MDC	ENV-2020-CHC-54	Resolved
Colonial Vineyard Ltd v MDC	ENV-2020-CHC-59	Withdrawn
Villa Maria Estate Limited v MDC	ENV-2020-CHC-61	Withdrawn
New Zealand Transport Agency v MDC	ENV-2020-CHC-56	
Transpower New Zealand Limited v MDC	ENV-2020-CHC-68	
Royal Forest and Bird Protection Society of New Zealand Incorporated v MDC	ENV-2020-CHC-64	
KiwiRail Holdings Limited v MDC	ENV-2020-CHC-57	
J V Meachen v MDC	ENV-2020-CHC-69	
Te Runanga o Ngati Kuia Trust v MDC	ENV-2020-CHC-70	Resolved
Brentwood Vineyards Limited and others v MDC	ENV-2020-CHC-66	Resolved
BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited v MDC	ENV-2020-CHC-72	Resolved
Horticulture New Zealand v MDC	ENV-2020-CHC-72	Resolved
Rebecca Light v MDC	ENV-2020-CHC-79	Resolved
East Bay Conservation Society Incorporated v	ENV-2020-CHC-78	

Appellant	Environment Court Reference	Status
MDC		
Minister of Defence v MDC	ENV-2020-CHC-76	
Levide Capital Ltd v MDC	ENV-2020-CHC-65	Withdrawn
Delegat Limited v MDC	ENV-2020-CHC-75	Resolved
AJ King Family Trust and SA King Family Trust v MDC	ENV-2020-CHC-73	
Environmental Defence Society Incorporated v MDC	ENV-2020-CHC-67	
Federated Farmers of New Zealand v MDC	ENV-2020-CHC-58	Resolved
Sanford Limited v MDC	ENV-2020-CHC-60	
Friends of Nelson Haven and Tasman Bay Inc	ENV-2020-CHC-33	
Omaka Valley Group Inc	ENV-2020-CHC-34	Resolved
Heritage New Zealand Pouhere Taonga	ENV-2020-CHC-36	Resolved
HARO Partnership	ENV-2020-CHC-40	
KPF Investments Limited and United Fisheries Limited	ENV-2020-CHC-41	
Te Ātiawa o Te Waka-a-Māui Trust	ENV-2020-CHC-43	Withdrawn
Beleve Limited, RJ Davidson Family Trust and Treble Tree Holdings Limited	ENV-2020-CHC-44	
Goulding Trustees Limited and Shellfish Marine Farms Limited	ENV-2020-CHC-47	
Clearwater Mussels Limited and Talley's Group Limited	ENV-2020-CHC-55	
Oldham and Others	ENV-2020-CHC-62	
Apex Marine Farm Limited	ENV-2020-CHC-63	
Marine Farming Association Incorporated and Aquaculture New Zealand	ENV-2020-CHC-74	
Just Mussels Ltd, Tawhitinui Greenshell Ltd and Waimana Marine Ltd	ENV-2020-CHC-77	

*Attachment 2*

<b>Topic</b>	<b>Status</b>
1: Cultural Matters	Completed: All appeals resolved
2: Water Allocation and Use	Completed: All appeals resolved
3: Natural Character	Substantial progress. Some appeal points on hold pending Variation 1 appeals.
4: Landscape	Substantial progress. Some appeal points on hold pending Variation 1 appeals.
5: Indigenous Biodiversity	Substantial progress. Some appeal points on hold pending Variation 1 appeals. Matters related to NPSIB also on hold.
6: Public Access and Open Space	One remaining appeal point
7: Heritage Resources	Completed: All appeals resolved
8: Natural Hazards	One remaining appeal point
9: Urban Environments	Completed: All appeals resolved
10: Coastal Environments	One remaining appeal point. Appeal point to be heard by the Court.
11: Rural Environments	Completed: All appeals resolved
12: Air Quality	Completed: All appeals resolved
13: Water Quality	Completed: All appeals resolved
14: Soil and Land Disturbance	Completed: All appeals resolved
15: Waste & Discharges to Land	Two remaining appeal points on one sub-topic. Agreement reached and consent memorandum in preparation.
16: Transportation	Three remaining appeal points on two sub-topics. Agreement reached on one sub-topic and consent memorandum in preparation. Other sub-topic on hold pending Variation 1 appeals.
17: Energy & Climate Change	Completed: All appeals resolved
18: Nuisance effects	Completed: All appeals resolved
19: Utilities	Majority of appeal points resolved
20. Zoning	Completed: All appeals resolved
21: Forestry	Two remaining appeal points on one sub-topic. On hold pending NPSIB (see Topic 5).
22: Miscellaneous	One remaining appeal point



## 13. Variation 6 and 7 – Hearing Panel Delegation and General Update

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(The Chair) (Report prepared by Jamie Sigmund)

M100-11-16, M100-11-20

### Purpose of Report

1. To receive an update on the progress of Variation 6 Kerepi, and Variation 7 Urban Residential Four.
2. To appoint and to delegate authority to a panel to conduct a hearing, to hear and make determinations on submissions and further submissions and to make a decision on Variation 6 'Kerepi', and Variation 7 'Urban Residential Four'.
3. To appoint a chairperson of the hearings panel.

### Executive Summary

4. Council is proposing changes to 'zoning' and proposing a new planning framework introducing 'medium density housing (greenfields)' to the proposed Marlborough Environment Plan and has been progressing these matters through two variations to the plan, the process for this is set out in Schedule 1 of the Resource Management Act 1991 (RMA).
5. The further submission period for both variations closed on 21 August 2024. 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 and for that evidence to be considered and a subsequent decision on the variation made by Council.
6. As provided for in Section 34 of the Resource Management Act 1991, Council can delegate authority to a panel to conduct the hearing and make a decision on the variation.

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## RECOMMENDATIONS

That Council:

1. **Receive the update on the progress for Variation 6 Kerepi, and Variation 7 Urban Residential Four.**
2. **Appoint a panel consisting of two councillors, Cllr Barbara Faulks and Cllr Raylene Innes, and two independent commissioners Mr Maurice Dale, and Mr Matt Heale, 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 6 and 7.**
3. **Appoint Cllr Barbara Faulks as the Chairperson of the panel.**

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### Background/Context

7. Schedule 1 of the RMA sets out the process through which a variation (when a plan is proposed) or a plan change (when a plan is operative) is to progress. As an overview of the process, Council is required to consult on the variation with iwi authorities and statutory parties, produce an evaluation report under Section 32, publicly notify the variation, receive submissions, summarise submissions, publicly notify the summary, draft a Section 42A report evaluating submissions and further submissions before progressing to a hearing.
8. A Section 32 report – a report evaluating the appropriateness of options in achieving the purpose of the Resource Management Act 1991 (RMA) – has been provided and adopted by Council.

9. Variation 6 and 7 were publicly notified for submissions on the 17<sup>th</sup> April 2024, submission closed on the 14 May 2024, 8 parties submitted on Variation 6, with 13 submissions received on Variation 7.
10. A summary of decisions requested was publicly notified for further submissions on 8 August 2024, this process will be open for ten working days.

### **Assessment/Analysis**

11. As mentioned earlier, Schedule 1 of the RMA sets out the process through which a variation is to progress. The next stage in the process for both Variation 6 and 7 is to hold a hearing for submitters and further submitters to present evidence in support of their submission or further submission on the variation. A hearing panel will then make determinations on the submissions and further submissions lodged with Council and the additional evidence received through the hearing process.
12. The most efficient and effective mechanism to complete the above is to delegate authority to a hearing panel to conduct a hearing and to determine submissions and further submissions on the variation. The hearing panel would also be delegated the authority to make a decision on the variation.
13. I am proposing Clr Barbara Faulls be appointed to the Hearing Panel and to chair the process.
14. In addition to Clr Faulls, I propose appointing Clr Raylene Innes, and commissioners Maurice Dale and Matt Heale to the Panel. All three hold good knowledge of urban development, with each holding the Making Good Decisions accreditation.
15. Matt Heale is proposed to the panel with over 30 years planning experience in resource management plan development, project management, review and implementation roles, Matt has worked with a broad range of iwi, community, and key stakeholders. He is a qualified RMA Hearings Commissioner (chair endorsed) and a freshwater commissioner.
16. Maurice Dale has worked as a planner since 1998, Maurice has a broad range of experience and skills in statutory planning under the Resource Management Act 1991, encompassing policy making and project consenting for Councils and government agencies.
17. At this stage the hearing is proposed to run for 1.5 days, with a hearing date set for the 8<sup>th</sup> and 9<sup>th</sup> of November 2024.

Author	Jamie Sigmund, Strategic Planner
Authoriser	Pere Hawes, Manager Environmental Policy

## 14. Animal Control Sub-Committee

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(Clr Faults)

D050-001-A04

1. The minutes of the Animal Control Sub-Committee meeting held on 11 July 2024 are **attached** for ratification by the Committee
- 

### **RECOMMENDATION**

**That the minutes of the Animal Control Sub-Committee meeting held on 11 July 2024 be ratified.**

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**Minutes of a Meeting of the  
ANIMAL CONTROL SUB-COMMITTEE**  
held in the Koromiko Room, District Administration Building, Seymour Street, Blenheim on  
**THURSDAY, 11 JULY 2024 commencing at 3.00 pm**

**Present**

Cirs B A Fauls (Chairperson), B J Minehan and T P Sowman

**In Attendance**

Jamie Clark (MDC Animal Control – Contract Manager), Rachel Williams (Compliance Manager) and Nicole Chauval (Committee Secretary)

**Apologies**

**Cirs Fauls/Sowman:**

**That the apology from Emyr Butler (Team Leader - RMA Enforcement & Investigation), Maighan Watson (Projects & Contracts Manager) and Robert Hutchinson (Reserves & Amenities Officer) be received.**

**Carried**

**1. Animal Control Sub-Committee – Minutes**

The minutes of the Animal Control Sub-Committee held on 18 April 2024 were presented for ratification by the Committee.

**Cirs Fauls/Sowman:**

**That the Minutes of the Animal Control Sub-Committee meeting held on 18 April 2024 be confirmed as a true and correct record.**

**Carried**

**2. Matters arising, action items & update from previous minutes – 18 April 2024**

**Actions**

	Description	Comments
1.	Contact SPCA to discuss Animal Control Sub-Committee members visiting the centre instead of the SPCA attending an Animal Control Sub-Committee meeting.	Agreed to arrange a visit for <b>Tuesday 1 October 2024</b> following the Animal Control meeting.  Interested staff are welcome to attend.

**1. Key Areas**

a) **Bylaws**

- **Waitohi Domain** – Te Ātiawa Trust raised concerns about the use of recreational parks near the Waitohi and Waikawa Awa (rivers) as dog parks. During a visit to the area dog faeces had been observed in the grass close to each awa. They would like to see if anything can be done to limit access to the awa’s riparian edges.
- Waitohi Domain - This is a dog off lead area.
- Waikawa Foreshore reserve is on lead and prohibited.

Members discussed the concerns raised by Te Ātiawa Trust noting that people not picking up after their dogs is also a regional issue. Members appreciated the concerns raised and noted that Animal Control Officers will be increasing their patrols of the area. This will provide

opportunities to educate dog owners in taking responsibility for picking up after their dog/s and disposing of any waste appropriately.

A response has been provided to Te Ātiawa Trust advising them of the Dog Control Bylaw review noting that it would require Council approval to undertake a review earlier than the scheduled review in 2031. It was also noted that they need to advise Animal Control as soon as possible of any issues as delays make follow-up difficult. No response to the letter has been received.

- **Ward Domain/Flaxbourne War Memorial**
- Flaxbourne Settlers Association wanted 'No Dog' signs.
- This is a dog on leash area.

Members were advised that officers have been on site to ensure that signs are up and maps are correct. The Association has been advised that they need to contact Animal Control as soon as possible of any issues.

It was queried whether the status of the Domain would affect the dog trials that are held at the Domain on A&P Days. It was reported that the Association can apply for an exemption for that period of time that would allow the activity.

A letter has been sent to the Flaxbourne Settlers Association.

b) **Contractor**

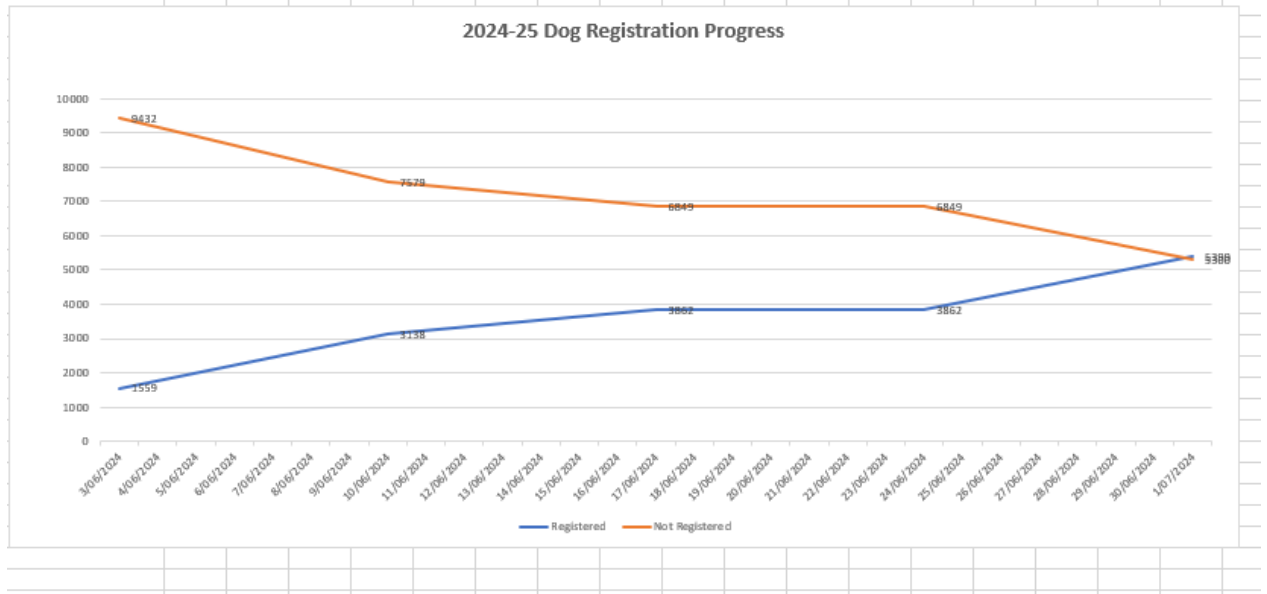
- An Animal Control Officer has resigned and their last day will be 17<sup>th</sup> July 2024. Advertising for a replacement is underway with interviews to be conducted.
- Currently investigating a serious sheep attack in Spring Creek. The offender has declined to surrender the dogs involved and their property isn't dog proofed. Members were provided with an update on the investigation, the dogs are currently in the pound.
- Members were also updated on another incident between two dogs. Both dogs are currently in the pound.

c) **Review fees**

- Few comments from some survey results, fees too expensive but is consistent with other year's comments.

d) **Dog Registration Update**

	3/06/2024	10/06/2024	17/06/2024	#####	1/07/2024	8/07/2024	15/07/2024	#####	#####	5/08/2024	12/08/2024	19/08/2024	#####	2/09/2024	9/09/2024	16/09/2024	#####	#####	
Registered	1559	3138	3862	3862	5399	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Not Registered	9432	7579	6849	6849	5300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	10991	10717	10711	10711	10699	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Percentage Regs	14.18	29.28	36.06	36.06	50.46	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####



- 8000 Registration Renewal Forms sent out 25 May 2024 onwards
- Emailed Forms sent out = total 109
- Media release sent out and should have been received
- Reminder letters, possible date mid July 2024
- Penalty fees involved 1 August 2024

It was reported that as at today's date there are 7512 dogs registered and 3197 still to register. This is similar to 2023.

Members were advised that in 2022, 3400 reminder letters were sent out at a cost of \$4794, in 2023 3500 letters were sent at a cost of \$4935 for 2024 reminder letters are at 3001. It was discussed whether this was a good use of dog registration money and whether the posting of reminder letters cease from 2025.

Members discussed the proposal and agreed to cease sending reminder letters from 2025. Email reminders would be sent to dog owners and reminder notices would be advertised via various means.

**Clr Faulls/Sowman**

1. That from 2025 posted Dog Registration Reminder Notices to cease and Dog Registration Reminder Notices be emailed.
2. That various forms of advertising be used to remind dog owners that dog registrations are due.

**Carried**

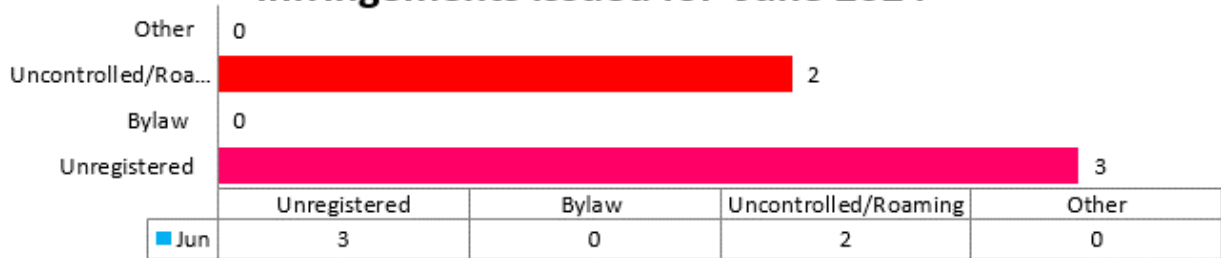
e) **Education Update**

2023-24	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total	Target	Differential
Primary schools & pre schools	0	3	6	5	20	1	0	0	4	5	9	0	53	30	-23
Teenagers & Adults	0	0	0	0	0	0	0	2	0	0	0	0	2	0	-2
Public events	0	0	0	0	1	0	0	0	2	0	0	0	3	5	2
promote yearly via advertising dog safety	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Marlborough Dog Owner Guide	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1

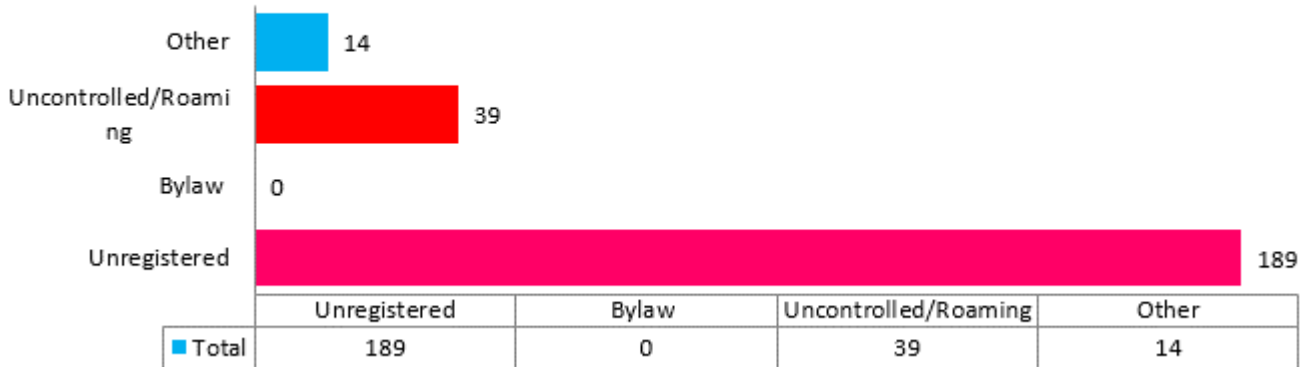
Members acknowledged the positive comments received for the programme.

f) **Infringements**

**Infringements issued for June 2024**



**Infringements issued for 2024**

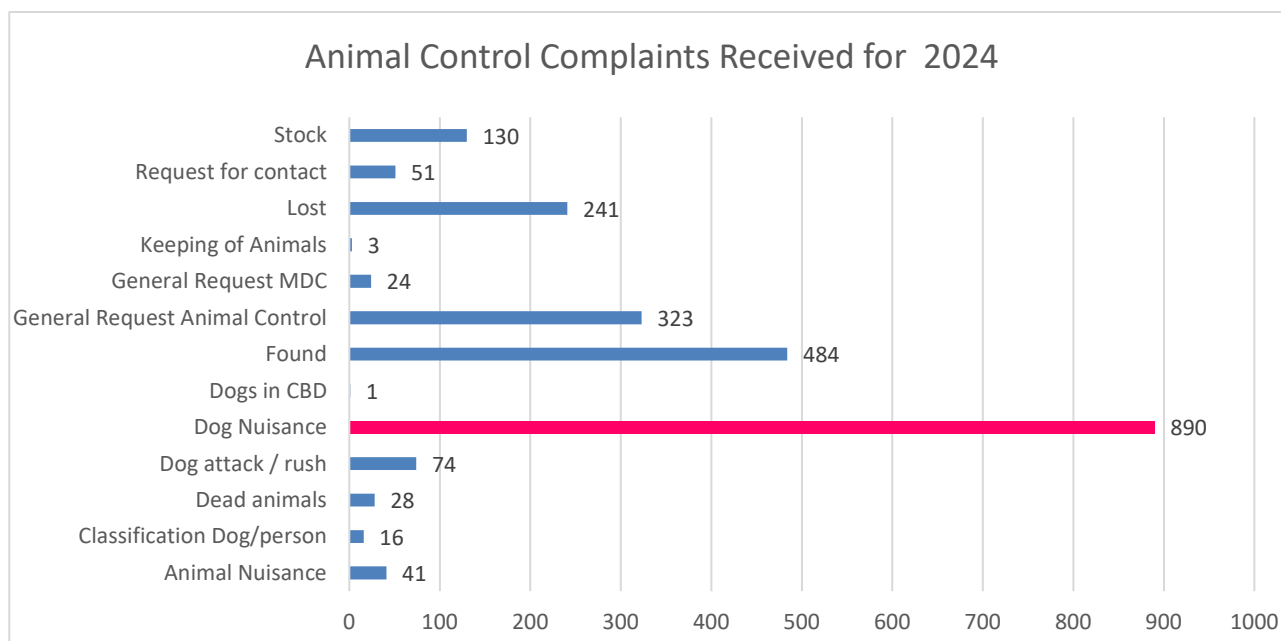


g) **Microchipping Update**

2023/24 July	Numbers Not Microchipped	
<b>Companion Dog</b>	<b>1</b>	
Responsible Dog Owner Category 1	0	
Standard Dog Category 2 (this includes menacing dogs)	495	
Old Dogs(12 years and over)	32	
Working Dogs*	0	<b>Exempt 36A(2A)</b>
police	1	
Dangerous Dogs	0	
<b>Total dogs</b>	<b>528</b>	

It was noted that in August Animal Control will provide a plan on how they will get the remaining dogs microchipped by the end of the financial year.

**h) CRM Complaints Received**



**i) Infrastructure – Pound**

- Minor issue with the gate, is being fixed.

**3. Decision to Conduct Business with the Public Excluded**

**Clr Faulls/Minehan:**

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

- Dog Park

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
Dog Park	To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) as provided for under Section 7(2)(i).	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.

**4. Pet Remembrance Area**

- Part of the Blenheim Dog Park Project – quiet area for reflection, currently on hold.



Members were advised that a number of areas in Havelock have been considered for a dog park but have proved to not be suitable, further areas within Havelock are being investigated.

It was suggested that supporters of a dog park in Havelock make a submission to the 2024-25 Annual Plan seeking consideration of a dog park in Havelock.

## 5. Signage update

- **Endeavour Park** – prohibited – can walk around the two adjoining streets and join up with permitted walkways. Education is the approach being made by Animal Control Officers to explain to users where the exercise area is.
- **Waitohi Domain** - refer to early discussion.
- **Walkways Picton to Waikawa** - sign posted and on website. Education is the approach being made by Animal Control Officers to explain to users where the exercise area is.
- **Sandy Bay** - It was queried whether a solution has been found between DOC and Parks and Open Spaces for Sandy Bay. Members were advised that it is DOC's responsibility, Council is only responsible for the Sandy Bay reserve and that is a dogs on leash area. Legislation is that dogs are allowed on the foreshore as long as they are under control and they do not have to be on a leash.
- **Directed Patrolling of areas** - warning /responses, new signs/Education.

## 6. SPCA Update

- LTP Submissions made to Council  
Members noted the LTP submission received from the SPCA.
- Suitable dates / times for visit ( 3/10/24)  
Members discussed the date for the next meeting and agreed to bring it forward to Tuesday, 1 October 2024, 1.30 pm (Koromiko Room) followed by a visit to the SPCA. Staff are welcome to attend the SPCA visit.

Rachel Williams to provide members with some background information to assist with the visit.

## 7. Cat Management

- Update to councillors 20/05/24
- Update information requested by Mayor 21/05/24
- 4Paws request meeting with Mayor and Chair of Sub Committee

Members discussed cat management in Marlborough noting that there may be funding available from Working for Nature Grants to assist with cat management.

Members discussed working with SPCA and Marlborough 4 Paws on cat management.

During discussion it was noted that any approved funding would have conditions associated with it. Possible conditions could be that recipients would be required to identify what the money was to be spent on and an accountability report would be required once the money had been spent.

Information was tabled on the Community Grants funding that organisations had received to-date and the number of welfare complaints received for 2023-24 (CM File Ref. 24187742 and 24192093).

Members were advised that Hamilton City Council has a Cat Management Fund with criteria and guidelines. These can be viewed on the website [here](#)

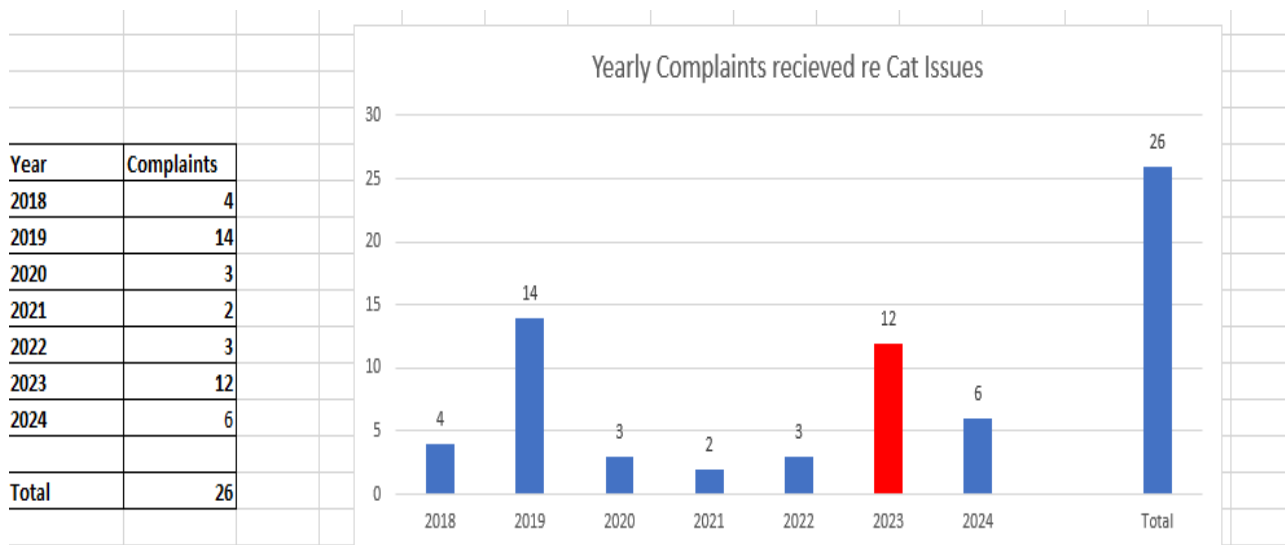
Members did not support progressing a Cat Bylaw for Marlborough. Considered it requires central government legislation similar to the Dog Control Act 1996 to be effective.

A cat fact sheet has been created to help educate people on cats and is available on Council's website [here](#)

Clr Minehan discussed a possible 'high viz' cat ear tag. An email was sent to a company to investigate whether it was possible to make, no response as yet. It was noted that having a tag would enable easy and quick identification between a domestic and wild cat.

At the conclusion of the discussion it was agreed that Clrs Fauls, Minehan and Sowman draft an agreement in collaboration to circulate to staff.

A meeting to be arranged with the SPCA and Marlborough 4 Paws to discuss possible funding and expectation and outcomes. (Clrs Fauls and Minehan)



Note: Regarding CRM Complaints relating to Bylaw Breaches there were 21 received for Poultry & Roosters for 2023-24 reporting period.

## 8. General Business

No items.

## 9. Decision to Conduct Business with the Public Excluded

**Clrs Fauls/Minehan:**

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

- **Confirmation of Public Excluded Minutes**

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	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.

There be no further business the meeting closed at 4.28 pm.

## Actions

	Description	Person Responsible	Time frame
1.	Draft a Cat Management agreement and circulate to staff.	Cirs Faulls, Minehan and Sowman	As soon as practical
2.	Arrange visit to SPCA, 1 October following Committee meeting.	Jamie Clark/Rachel Williams	As soon as practical
3.	Meeting to be arranged with the SPCA and Marlborough 4 Paws to discuss funding and the expectation and outcomes.	Clr Faulls	As soon as practical

# 15. Dog Control Policy and Practices Annual Report 2023/2024

(Cllr Faulls) (Report prepared by Jamie Clark)

E305-003-003-01

## Purpose of Report

1. To receive the Annual Dog Control Policy and Practices Report.

## Executive Summary

2. This report covers the dog control activities for the 2023/24 financial year, 1 July 2023 to 30 June 2024.

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## RECOMMENDATION

That the report be received.

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## Background/Context

3. Section 10A of the Dog Control Act 1996 requires the Council to prepare an annual report on its administration of dog control policies and practices in respect of each financial year.
4. The report is required to contain information on the number of dogs registered, the number of dogs classified as dangerous and menacing, and the number of disqualified owners, the numbers of dog related complaints received, the number of infringement notices issued, and the number of prosecutions taken by the Council under the Dog Control Act 1996.

## Next steps

5. The report will be made available on the Marlborough District Council website and publicly notified in a local newspaper.

## Attachment

**Attachment** – Dog Control Policy and Practices Annual Report 1 July 2023 to 30 June 2024 page [73]

Author	Jamie Clark, Contract Manager (Animal Control)
Authoriser	Rachael Williams, Compliance Manager



# Dog Control Policy and Practices Annual Report

1 July 2023 to 30 June 2024



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## Background

The Marlborough District Council is required to manage and enforce provisions pursuant to the Dog Control Act 1996.

Section 10A of the Dog Control Act 1996 requires the Marlborough District Council (Council) to report annually on its Dog Control Policy and Practices and provide statistical information.

This report fulfils this statutory requirement for the financial year 1 July 2023 – 30 June 2024.

The objectives of this report are to:

- report on Council's administration of dog control policies and practices; and
- provide information on dog control activities.

This report will be available to the public on the Marlborough District Council website.

## Operations

The Dog Control function has been contracted out to Maataa Waka Ki Te Tau Ihu Trust since 1998. Council and the contractor are parties to a contract, under which the contractor provides animal control services to the Council (current contract).

- Contract commencement date – 1 April 2022.
- Expiry date - 31 March 2026.
- Extension term three years.
- Maximum contract term – seven years.

Council retains the administration of the contract, makes decisions on classifications of dog and owners, objections to classifications and infringements, and on decisions on whether or not to undertake prosecutions.

## Dog Control Policy

The Council first adopted a policy and bylaw which came into force on Monday 1 October 2012.

Council undertook a review of our Dog Control Policy and Dog Control Bylaw which is required to be undertaken every 10 years. The review looked at dog access to all public places and included new Council reserves which have been created since the bylaws were previously reviewed.

The new Marlborough District Council Dog Control Policy and Bylaw were adopted by full Council on 24 June 2021 and came into effect on 1 August 2021.

This policy deals with various matters, including dog areas, fees and education. Council must have regard to:

- a) The need to minimise danger, distress and nuisance to the community generally.
- b) The need to avoid the inherent danger in allowing dogs to have unimpeded access to public places that are frequented by children, whether or not the children are accompanied by adults.
- c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- d) The exercise and recreational needs of dogs and their owners.

Council's objective is to encourage responsible dog ownership that allows owners to enjoy their dogs without infringing on the enjoyment and safety of others. Good dog owners should:

- a) register their dogs and make sure they wear a current registration tag,
- b) keep their dogs under control,
- c) provide their dogs with care and attention,
- d) provide their dogs with proper and sufficient food, water, shelter, and exercise,
- e) not let their dogs be a nuisance to others,
- f) make sure their dogs do not injure, endanger, intimidate or distress any person or other animal or damage property; and
- g) comply with the Act, any regulations, and the Dog Control Bylaw.

A copy of the new Dog Control Policy can be viewed on the Council's website:

<https://www.marlborough.govt.nz/services/dogs-and-other-animals/dog-and-animal-laws/dog-control-policy>

A copy of the new Dog Control Bylaw can be viewed on the Council's website:

<https://www.marlborough.govt.nz/your-council/bylaws/dog-control-bylaw-2021>

## Dog Exercise Areas

Dog areas are set out in Council's Dog Control Policy and Bylaw.

Dogs are allowed off leash in some areas, provided they are kept under control at all times:

There is a total of 32 dog off leash areas in the Marlborough district.

Dogs are prohibited from areas that have an intense public use, where dogs may compromise the enjoyment of the area, where ecological or economic values would be threatened, where space or sight lines is limited on narrow walkways and pedestrians may be threatened.

There are **48 dog prohibited areas** in Marlborough, the majority being sports grounds, reserves, domains, and wetland areas. These are outlined in the new Dog Control Policy and Bylaw.

Dogs are allowed in any public area that is not identified as a dog prohibited area or dog off leash area but must be kept on leash and under control at all times. There are **85 public areas across the Marlborough district where dogs are required to be on leash**. These are outlined in the new Dog Control Policy and Bylaw.

Blenheim Central Business District (CBD) and Picton Central Business District allows dogs on a leash.

Marlborough currently has one purpose-built dog park at Renwick which is a fenced dog exercise area with three separate areas: a large dog area, a small dog area and a quiet zone.

Planning is underway for the development of a second Dog Park in Blenheim.



## Fees

The registration categories and fee structure for the 2023/24 year are set out in the table below.

Category	Annual Fee
<b>Dog Registration – Category One</b> Each dog must be desexed and microchipped and have no infringement notice or conviction under the Dog Control Act 1996 for the last two years ie, since 1 July 2020.	<b>\$62</b>
<b>Dog Registration</b> Any non-working dog that does not meet all of the Category One criteria. This includes any dogs that have been classified as 'menacing'.	<b>\$92</b>
<b>Old Dog</b> For dogs over 12 years (as of 1 July 2023) that were registered for the first time prior to 1 July 2011 (proof of registration is required).	<b>\$46</b>
<b>Dangerous Dog</b> This includes any dog classified as 'dangerous'. Dangerous dogs are excluded from the old dog and categories One and Two.	<b>\$138</b>
<b>Working Dog</b> Includes farm dogs primarily used for herding stock, <b>10 + working dogs</b> (for each extra dog).	<b>\$22</b> <b>\$11</b>
<b>Disability/assist dogs and Police dogs</b>	<b>No fee</b>

Note: that late penalty fees were charged (50 percent of the applicable fee) for payments made after 31 July 2023.

## Funding

Dog Control is 80 percent funded from dog registration fees and 20 percent rates funded. The fees are set to cover the budgeted cost of the Dog Control function.

## Education

A dog safety education course is available to schools and groups of primary school and pre-school aged children. The purpose of this course is to promote safety around dogs as well as responsible dog ownership and care. This programme is provided free of charge. There were 53 presentations provided to pre-school and primary schools for the year 1 July 2023 to 30 June 2024.

There were also two presentations to adults on dog safety and dog behaviour and three attendances at public events.

An information insert on dog registration, responsible ownership and dog owner obligations was sent to all dog owners with their dog registration forms.

Information on relevant topics such as barking dogs and roaming dogs is distributed to owners of dogs that come to Animal Control's attention.

Animal Control is also involved in a collaborative interactive safety programme that has developed from within the Marlborough Child Safety Group and is based on the "Clued Up Kids" project developed in Strathclyde, Scotland (2001).

The pilot Marlborough Clued-Up Kids project was designed to instil confidence and develop life skills through the practical hands-on application of safety messages. Year 5/6 students from Marlborough Schools are taken in small groups on a 15-minute rotating circuit of safety sets around Bradshaw Park, ie, Police, St Johns, Rail Safety, Water Safety, Emergency Response, Personal Safety, Dog Safety, Cycle Safety, ATV Safety, Home Hazards and Fire Safety. This event goes for one week in November each year.

Interaction with the Public:

Each of the four Animal Control Officers undertook five hours per week of patrolling across the Marlborough district to monitor roaming dogs and other potential breaches of the Dog Control Act 1996 and Bylaws and take appropriate enforcement action.

The patrols are an opportunity for the Animal Control Officers to interact with the public to encourage compliance, responsible dog ownership, dog safety and to also check on doggie-doo stations and dog signage.

## Dogs and Owners

As of 30 June 2024, the Marlborough District had a total of 10,695 active dogs (active dogs last year 10,897) which included 2,787 dogs registered as working dogs (including disability assist dogs and Police dogs) (last year 2,779) and 7,908 dogs registered as non-working dogs (last year 7,992).

### Multiple Dog Property Licence

The Marlborough District Council Dog Control bylaw requires that no owner shall keep more than two dogs on a property (not zoned rural) without being the holder of a Multiple Dog Property Licence issued by Council.

There are currently **290 current** and active licences, out of a total of 421, which have been issued over the years.

The table below shows that 21 Multiple Dog Property Licences were issued which is the same as the previous year.

	2018/19	2019/20	2020/21	2021-22	2022-23	2023-24
Multiple Dog Property Licence Issued	17	24	42	31	21	21

## Enforcement

### Disqualifications and Probationary Owners

There are no probationary owners in the Marlborough district.

There are no new disqualified owners in the Marlborough district in this reporting period.

There were no disqualifications which expired over the 2023/2024 reporting period. There are currently four active disqualified owners in the Marlborough district.

Period of Disqualification	Expiry Date	Section
5 Years	16 September 2027	25(1)(a)
5 Years	23 March 2025	25(1)(a)
5 Years	06 October 2025	25(1)(b)
5 Years	04 November 2025	25(1)(b)

## Menacing and Dangerous Dogs

There are 0 new dogs which were classified as dangerous in the 2023/24 year in accordance with section 31 of the Dog Control Act 1996. A total of 12 dogs are classified as dangerous (last year there were 13).

There were 17 dogs classified as menacing. For the dogs classified as menacing:

- 12 were classified as menacing based on observed and reported behaviour in accordance with section 33A,
- 5-were classified as menacing by breed or type listed in Schedule 4 in accordance with section 33C of the Dog Control Act 1996, and
- The total dogs classed as menacing in the Marlborough area are 92 (last year there were 98).

## Infringements

A total of 243 infringement notices were issues in the 2023/24 year compared with 190 infringement notices issued in the 2023-24 year.

Infringements	Number Issued 2018/19	Number Issued 2019/20	Number Issued 2020/21	Number Issued 2021/22	Number Issued 2022/23	Number issued 2023/24
Total issued	192	205	239	220	190	243

The most common infringement notice was failure to register dog with 189 infringements. The table below shows the sections that the infringement notices were issued under.

Section	Breach	Number Issued 2018/19	Number Issued 2019/20	Number Issued 2020/21	Number Issued 2021/22	Number Issued 2022/23	Number issued 2023/24
18	Wilful obstruction of dog control officer or ranger.	2	3	2	0	1	3
19(2)	Failure or refusal to supply information or wilfully providing false particulars.	1	3	-	0	1	1
20(5)	Failure to comply with any bylaw authorised by the section.	7	3	-	3	1	1
32(2)	Failure to comply with effects of classification of dog as dangerous dog.	1	1	-	2	6	1

Section	Breach	Number Issued 2018/19	Number Issued 2019/20	Number Issued 2020/21	Number Issued 2021/22	Number Issued 2022/23	Number issued 2023/24
33EC(1)	Failure to comply with effects of classification of dog as menacing dog.	19	10	10	11	10	6
41	False statement relating to dog registration.	-	1	-	0	-	0
41A(4)	Falsely notifying death of dog.	4	-	2	1	2	2
42	Failure to register dog.	101	137	151	146	117	189
48(3)	Failure to advise change of ownership.	-	-	1	1	1	0
52A	Failure to keep dog controlled or confined.	45	30	22	24	29	26
53(1)	Failure to keep dog under control.	11	17	51	28	18	14
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise.	-	-	-	1	2	0
72(2)	Releasing dog from custody.	1	-	-	3	2	0

## Complaints

A total of 2,372 complaints were received in the 2023/24 year. This is slightly down on the total of 2,478 complaints received in the previous year. All complaints were attended to and investigated.

The majority of complaints received related to roaming, found or lost dogs or dog nuisance barking. The number of dogs that were reported to Animal Control as found in the 2023/24 was 513, which were down from 521 in the previous 2022/23 year. It seems that a number of dogs that are found are posted onto social media sites to try and reunite the dogs with their owners before contacting Animal Control.

There were 88 complaints related to a dog attack, bite or rushing at a person/animal compared with 69 in the previous reporting period. These complaints are the most time consuming to investigate and determine what enforcement action should be taken.

Type of complaint	Number 2018/19	Number 2019/20	Number 2020/21	Number 2021/22	Number 2022/23	Number 2023/24
Barking	450	385	389	413	459	409
Bylaws	48	43	21	22	16	15
Dog Attack/ Bite/ Rush Person	47	53	64	38	42	45
Dog Bite Other	31	23	36	42	21	35

Type of complaint	Number 2018/19	Number 2019/20	Number 2020/21	Number 2021/22	Number 2022/23	Number 2023/24
Dog Nuisance	23	34	49	67	53	47
Dog Rush Other	13	7	5	7	6	8
Found	519	778	629	595	521	513
Fouling	13	14	16	5	4	6
General Request/Other	96	622	634	597	533	507
Lost	229	326	302	265	256	248
Roaming	559	380	360	346	441	353
Uncontrolled	55	41	43	49	39	59
Unregistered Dog	38	59	64	71	45	85
Welfare	43	54	38	45	42	42
Total	2,164	2,819	2,650	2532	2478	2366

### Impounded/Unclaimed/Surrendered Dogs

A total of 197 dogs were impounded for the 2023/24 year which is a decrease from the 229 (total on last year's 10A report) dogs impounded for the previous 2022/23 year.

With the rising cost of living, it appears that the public are finding it harder on the affordability of owning a dog. This has also become noticeable in rehoming dogs as fewer members of the public are willing to take on a new dog at this time and rehome centres such as the SPCA are also full as they struggle to find homes for dogs.

Animal Control does try to return lost and found dogs to their owners without impounding the dogs if they are able to contact the owners provided that the dogs are registered, microchipped and they have no previous history of roaming.

Animal Control runs a Pound Hounds Facebook to advertise if any lost and found dogs have been impounded and they are unable to identify the owners as their dogs are not microchipped or wearing their dog registration tag and/or owners have not updated their contact details.

The majority of the dogs that were impounded were released to their owners. The dogs that were not claimed by their owners were sent to the SPCA, re-homed from the pound or euthanised, depending on temperament and characteristics.

All dogs unclaimed from the pound go through a temperament and characteristics test to make sure that they are suitable for re-homing to the SPCA or to members of the public. Members from the public who want to apply for a dog from the pound must complete an application form and have a background check of no previous breaches to the Dog Control Act 1996 to make sure they are suitable for Animal Control's rehoming programme.

There is a Care and Custody Agreement between Council and the SPCA with respect to the care and costs of caring for these dogs.

During 2023/24, a total of 18 dogs were rehomed from the pound, a decrease on the 25 dogs rehomed in the 2022/23 year. There were three dogs rehomed to the SPCA and 15 dogs were rehomed to members of the public.

Outcome for Impounded Dogs	Number 2018/19	Number 2019/20	Number 2020/21	Number 2021/22	Number 2022/23	Number 2023/24
Impounded dogs released to owner (% of total dogs released to owner)	264 (88.6%)	160 (83.3%)	158 (81.8%)	132 84. %	192 83.8%	170 86.3%
Impounded dogs rehomed. (% of total dogs impounded rehomed)	22 (7.4%)	23 (12%)	25 (13%)	18 11.5 %	25 10.9%	18 9.1%
Impounded dogs euthanised (% of total dogs impounded euthanised)	12 (4%)	9 (4.7%)	10 (5.2%)	7 4.5%	12 5.3%	9 4.6%

The table below shows the reason why dogs that were impounded were euthanised. Of the nine dogs that were euthanised in 2023/24 they had been involved in dog attacks on people, other dogs or stock, failed a temperament test or classified as Menacing or Dangerous. If court proceedings are taken, for dogs attacking persons or animals, and the court is satisfied that the dog has committed an attack as described in section 57 of the Dog Control Act 1996 and the dog has not been destroyed, the court must make an order for the destruction of the dog unless it is satisfied that the circumstances were exceptional and do not warrant destruction of the dog.

Reason for Euthanasia	Number 2018/19	Number 2019/20	Number 2020/21	Number 2021/22	Number 2022/23	Number 2023/24
Classified dangerous/menacing (deed)	2	1	-	2	1	1
Menacing breed or type	2	2	-	1	1	-
Health or welfare issues	-	-	-	0	1	-
Failed temperament test	4	4	-	0	2	3
Surrendered to Animal Control after an attack	4	2	7	4	7	5
Court Ordered Destruction	-	-	3	0	-	-
% of all dogs euthanised as American Pit Bull Terrier	16.6%	22.2%	0%	14.3%	8.33%	0%

### Prosecutions during 2023/24 under the Dog Control Act 1996

No prosecutions were taken during 2023/24.

## Unregistered Dogs

Animal Control runs a project to identify and follow up any unregistered dogs, being the Unaccounted-for Dog Check Project. As part of this project, dogs were found that had been previously registered, but not re-registered for the 2023/24 registration year.

Dog registration forms were sent out by the start of June 2023 and reminder letters were sent to all dog owners who had not paid their dog registration fees by mid-July 2023. Any dogs that had still not been registered by the 31 July 2023 had penalty fees applied and were sent a Penalty Notice Letter. Follow up also included phone calls, emails and property visits to the last known address.

Dogs that were still in Marlborough and alive were correctly registered. Records were also updated for those dogs that had died, changed address or were gone with no contact address. Owners of unregistered dogs received an infringement notice under section 42 of the Dog Control Act 1996.

Due to staff shortages the project was ongoing through to the start of the 2023/24 registration period, there were still 83 dogs to be followed up with, which have all now been accounted for.

## Microchipping

The total number of dogs microchipped in the Marlborough district was 8,723.

Dogs still required to be microchipped are 487.

Working dogs or dogs born before 1 July 2006 are not required to be microchipped.

## 16. Environmental Protection Enforcement Activity Summary for 2023/24

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(Clr Minehan) (Report prepared by Rachael Williams)

L150-018-12-06

### Purpose of Report

1. To provide the Environment and Planning Committee with a brief overview of the compliance activities undertaken by the Environmental Protection team for the 2023/24 year.
2. To provide an overview of complaint response and enforcement activities undertaken by the team to ensure rules are applied with.
3. To provide an overview of how the team conducts enforcement and recent innovations undertaken by the team to enhance the enforcement process.

### Executive Summary

4. The Environmental Protection team of Marlborough District Council (MDC) supports the sustainable management of our natural and physical resources and ensure Council's statutory obligations are discharged. We investigate and monitor activities in Marlborough to ensure they are compliant with the Resource Management Act 1991 (RMA), Regulations and Council's Bylaws.
5. The Environmental Protection team while being the regulator and undertaking formal enforcement action, also has an important educational and awareness role.
6. The team actively engages with Marlborough's communities and industries to increase knowledge and understanding of environmental matters,
7. The Environmental Protection team delivered a high volume of work over the last financial year and delivered on level of service measures.

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### RECOMMENDATION

That the report be received.

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### Background/Context

8. Some of the core activities of the team are:
  - a) **Monitoring Consents and Permitted Activities** – this activity will be covered in separate monitoring report to the Environment and Planning Committee.
  - b) **Complaint and Incident Response** – Investigate alleged breaches of RMA, proposed Marlborough Environment Plan (PMEP), conditions of resource consents and MDC bylaws. All complaints received by the team are required to be logged and responded to. The follow-up involved in resolving a complaint can vary from a relatively simplistic desk top exercise to a complex investigation and enforcement.
  - c) **Education** – A large part of regulatory work is education and engagement with landowners, consent holders, industry, and the community.
  - d) **Enforcement** – One of the core functions of the team is to achieve compliance and undertake enforcement for breaches of the RMA and MDC bylaws.



9. **Staff Resources:**

The Monitoring team consists of a team leader and has four full-time Environmental Protection Officers (EPO's), one administration monitoring officer, and one officer who shares an EPO/administration monitoring role.

The Complaints/Incident response team consists of a team leader and has four full-time EPO's and one EPO officer who shares an EPO role with the Animal Contract Manager role.

The Animal Control activity will be covered in a separate report to the Environment and Planning Committee.

10. The Complaints/Incident response team receives more than 500 complaints per year.

**Legislative Requirements**

11. As a unitary authority the team has both regional and district functions.

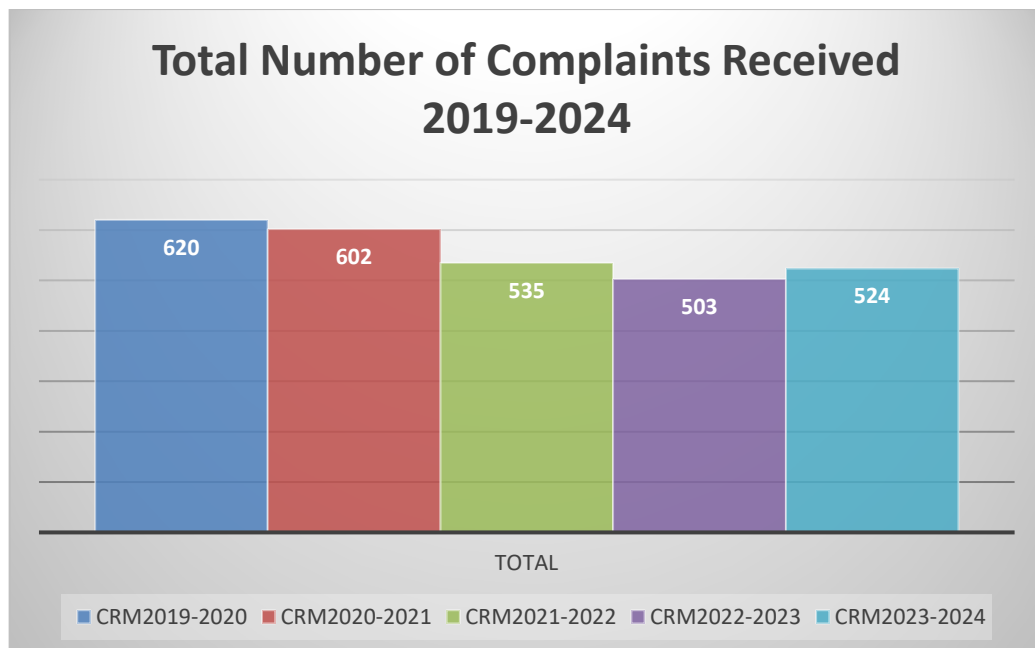
12. Under s 84(1) of the RMA: *“While a policy statement or a plan is operative, the regional council or territorial authority concerned, and every consent authority, shall observe and, to the extent of its authority, enforce the observance of the policy statement or plan.”*

13. Under s 35 of the RMA the local authority has certain requirements involving gathering information, monitoring the state of the environment including efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan, and various record keeping requirements.

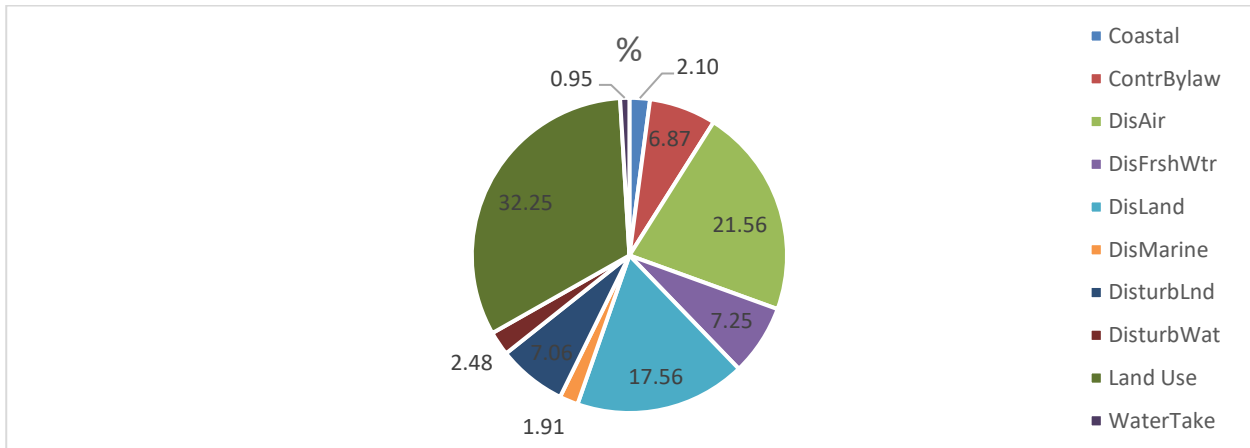
14. In relation to enforcement under the Local Government Act 2002, the team investigates complaints received against MDC bylaws and where appropriate provides education or enforcement for breaches against the bylaws.

**Activity Summary**

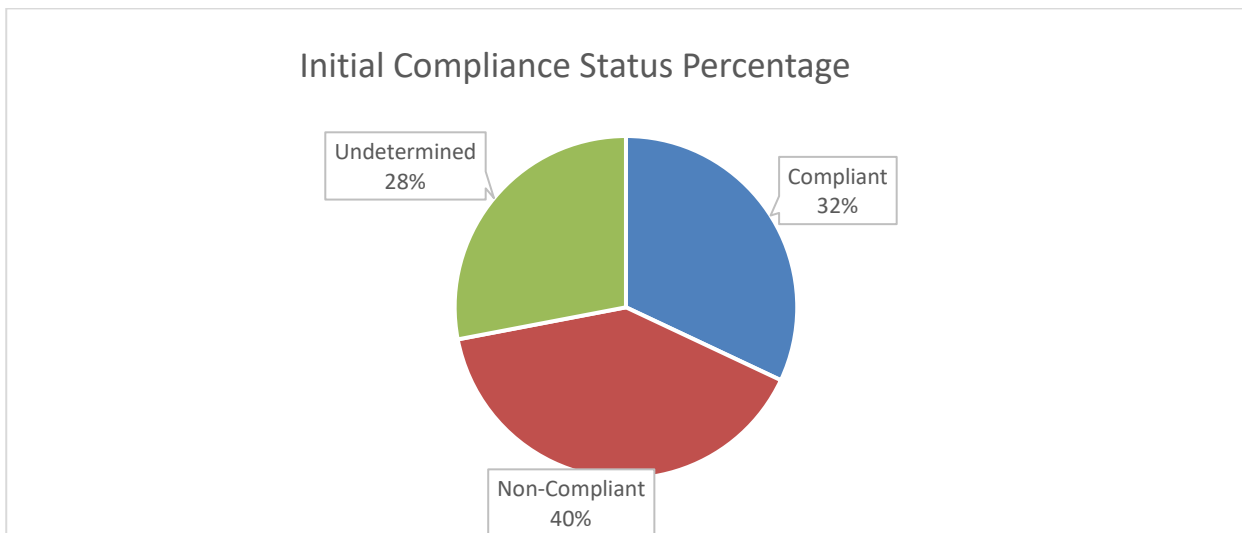
15. There were 524 complaints received and responded to in the 2023/24 year compared to 503 in the 2022/23 year. Of these 36 were for contravention of a bylaw.



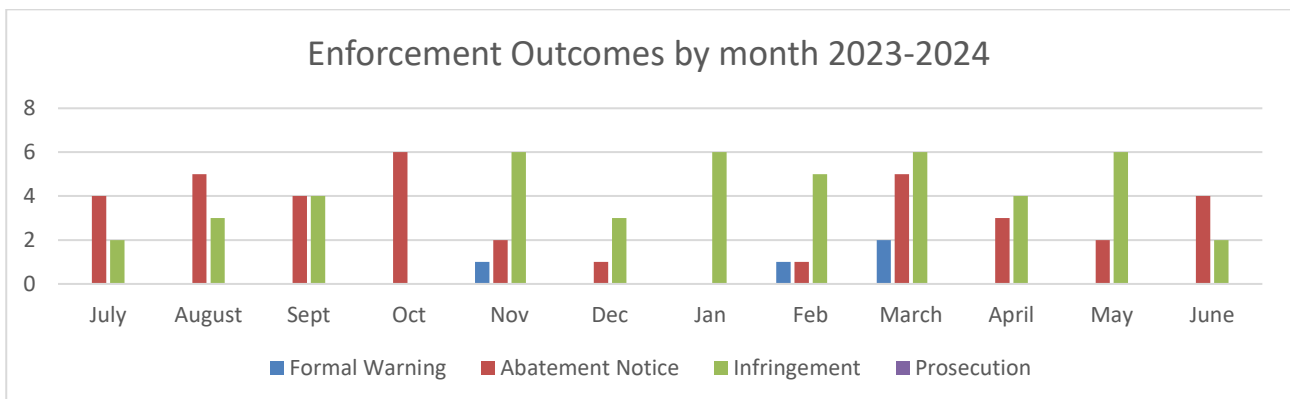
16. The types of complaints are represented in the below graph with Land Use and Discharge to Air being the highest percentage followed by Discharge to Land.



17. 32% of complaints received were initially assessed as being compliant, 40% were non-compliant and 28% were undetermined. Undetermined means when the complaint is investigated the activity has now ceased and the EPO is unable to determine whether there was a breach. A high percentage of the compliant complaints received were related to land use.



18. In the 2023/24 year, the team issued 91 formal enforcement actions, comprising 45 infringement notices, 40 abatement notices, 6 formal warnings, no prosecutions or enforcement orders were initiated. The highest number of infringements were for discharges of contaminants into the environment followed by a breach of restrictions on use of land.



## **The Decision-Making Process and collaboration.**

19. Decision making and enforcement is undertaken in accordance with Council's Enforcement Policy.
20. Regardless of which enforcement option is pursued, it is important that a robust, fair and consistent decision-making process is followed.
21. To provide consistency, consideration is given but not limited to, a range of factors. These include adverse environmental effects, alleged offender's culpability, public interest, cooperation of the alleged offender and compliance history.
22. Advice is often sought from Council's environmental scientists on likely and potential adverse effects.
23. An enforcement decision template has been developed reflecting the above factors. Each factor is considered and linked to specific evidence. It follows a similar structure to the Monitoring Traffic Light system.
24. Matters of non-compliance and further actions are determined at regular QA Panel discussions.
25. The QA Panel consists of EPOs and team leaders. It is important that enforcement decisions are not undertaken in isolation to ensure consistency and transparency.
26. Any recommendation for escalated enforcement actions, such as an enforcement order or prosecution, are referred to Council's Enforcement and Prosecution Panel.
27. The team follows the Solicitor-General's Prosecution Guidelines in recommendations to the Enforcement and Prosecution Panel.
28. Training is critical to the successful delivery of the team's functions; investigations are often complex and cross multiple disciplines. Training opportunities are regularly sought and provided both internally and externally.
29. The team is actively involved in the regional sector network, including the Compliance and Enforcement Special Interest Group (CESIG), for regional and unitary authorities. The primary purpose of this group is to support best practice in compliance, monitoring and enforcement (CME) delivery, providing consistency while recognising community and regional differences.
30. Work programmes outputs and contributions include:
  - a) Annual reporting in Compliance and Enforcement Metrics,
  - b) National forestry audits,
  - c) Submissions on proposed legislation,
  - d) Regional Sector Strategic Compliance Framework,
  - e) Ministry for the Environment CME best practice.

## **Education**

31. The team operates under the 4Es model which is detailed in MDC's Enforcement Policy. The 4Es are: Engage, Educate, Enable and Enforce. They are not exclusive of each other. It is recognised that multiple components of the model may be applied to any single incident.
32. To engage and build a closer working relationship with industry and the community, we attend regular meetings with the industry groups, attend public meetings, publish and contribute to industry publications.

33. In the last financial year education included hosting a forestry workshop for the industry, commencing publication of a regular forestry newsletters, attend pre-vintage winery industry meetings, and provide educational material to the farming sector on upcoming regulatory requirements.

## Enforcement Options

34. The team applies a graduated enforcement approach, with a range of potential enforcement options available.
35. Directive options include abatement notices and enforcement orders.
36. Punitive options include infringement notice and prosecution. Formal warning may also be issued.
37. There are appeal rights once enforcement has been initiated.
38. In the last financial year, a Formal Warning Policy was written and implemented to align with the Solicitor-General's Guidelines for the Use of Warnings.

## Future Focus

39. The Environmental Protection team's focus for this coming financial year is to increase awareness of the team's functions, their outcomes and value to Marlborough's communities, iwi, industry and environment.
40. Management is currently updating the environmental compliance section of Council's website to provide clear and easy educational guidance on RMA and bylaw activities.
41. A large part of regulatory work is education and engagement with landowners, consent holders, industry, and the community. Development of educational material supports this delivery.
42. Publication of public facing documents of the team's activities is in development.
43. A review of the teams Monitoring Strategies is proposed, including targeted engagement.
44. Analysis of complaints received is underway to identify areas for education and engagement. This also contributes to the plan, do, monitor, review cycle of Marlborough's planning regime.

## Performance Results

### *Level of Service*

45. The team undertakes its own customer targeted surveys which have an overall satisfaction level of service 6.7.
46. Monitor activities that have either a greater environmental impact warranting special consideration or are activities that generate community concern or are related to trends highlighted through the State of the Environment Report.

Indicator	Target	Result
Report on dairy farm effluent systems and stream crossings for compliance with permitted activity standards of Resource Management Plans and consent conditions.	31 August 2023	24 August 2023 Improved compliance.
Report on waste from wineries for compliance with resource consent conditions (wastewater and grape marc).	30 November 2023	16 November 2023 Improved compliance.
Report on water monitoring for compliance with resource consent	31 October 2023	1 February 2024

Indicator	Target	Result
conditions, MEP and RM (Measurement)		Reporting moved to align with irrigation season,. This measure timeframe has been changed for future reporting years.
Report on resource consents for forestry in the district	30 November 2023	16 November 2023 Improved compliance.

47. Monitor and investigate alleged breaches of the RMA, RMP and consents.

Indicator	Target	Result
% of complaints assessed within one working day.	≥ 90%	98.47%
		Baseline was set at 80%. In the last 3 years we have achieved in excess of this due to new processes and review of investigation best practice. Change of baseline to 90%

## Presentation

A short presentation will be given by Rachael Williams (15 minutes).

Author	Rachael Williams, Compliance Manager
Authoriser	Gina Ferguson, Consents and Compliance Manager

## 17. Environmental Health Activity Summary for 2023/2024 and Review of Survey Results

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(Clr Sowman) (Report prepared by Karen Winter)

E350-004-009-02

### Purpose of Report

1. The purpose of this report is to provide the Environment & Planning Committee a brief overview of the activities undertaken by the Environmental Health Team for the 2023/2024 registration year and detail the results of our customer surveys.

### Executive Summary

2. The Environmental Health Team continues to work towards ensuring the residents of Marlborough and visitors to the district have confidence that they live and stay in an environment that is safe.
3. Quality of inspections and audits is managed through consistency by the inspectors and on-going professional development.
4. The Environmental Health Team has achieved all performance targets for the 2023/2024 year.
5. Survey results reflect a customer focus of the Environmental Health team and the positive relationships that have been built with our customers.

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### RECOMMENDATION

That the information be received.

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### Background/Context

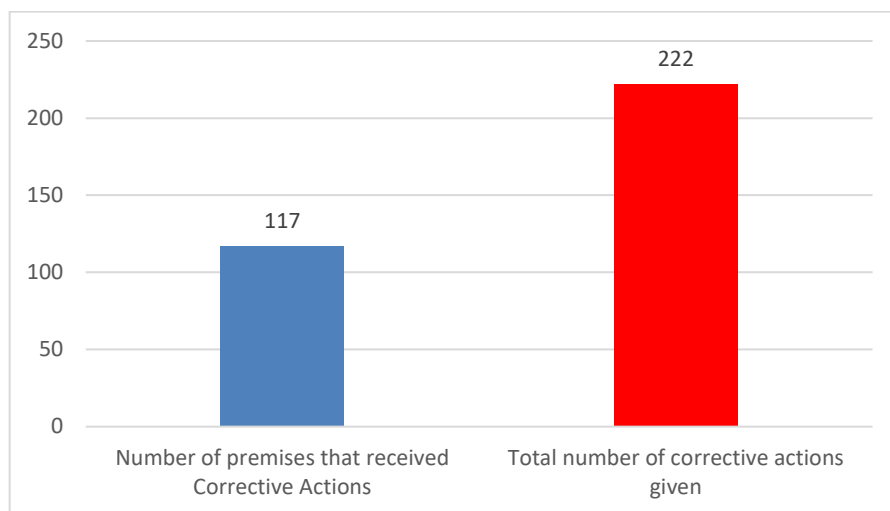
6. Environmental Health Group activities include:
  - Ensuring all required premises are registered under the Health Act 1956.
  - Register Food businesses under the Food Act 2014 and conduct the verification of those businesses registered with a S39 Template.
  - Inspect various events and markets for food and alcohol legislation compliance.
  - Undertake inspections of all other premises registered under the Health Act 1956.
  - Investigating complaints under the Health Act 1956 and the Marlborough District Council Bylaws.
  - Perform the role of a Food Safety Officer to investigate complaints under the Food Act 2014.
  - Investigating complaints of excessive and unreasonable noise pursuant to the Resource Management Act 1991 and Health Act 1956.
  - Monitoring and enforcement of the provisions of the Sale and Supply of Alcohol Act 2012.
  - Educate and inform on supply of safe drinking water and waste systems.
  - Perform the role of an Enforcement Officer under the Hazardous Substances and New Organisms Act 1996.

- Provide education and advice for good practice in minimisation of health impacts in regards to food, disease and disaster management.
  - Assessing/granting Class Four Gaming Machine consent applications.
7. The above list is quantified and reported as performance measures under the Annual and Long Term Plans.

## Comments

### *Verification of businesses registered under the Food Act 2014*

8. A verification is carried out for operators and premises who have registered a Template Food Control Plan under the Food Act 2014. This requires verifiers to check that the operator has completed their Food Control Plan and the associated recording requirements. It also involves a visual check of the premises to ensure the business is operating in accordance with their documented Plan.
9. Council's Environmental Health Officers conducted 289 verifications under the Food Act 2014 in the 2023/2024 registration year.
10. During verifications, requirements of the Plan are assessed and given a result of performing, conforming, non-conforming, non-compliant, or not applicable.
11. Corrective Action Requests (CARs) are provided for any improvement required. This can often be for record keeping such as temperatures of cooked, cooling or delivered food. Timeframes are given for the improvements to be completed. 40% of businesses verified received at least one corrective action.



12. Overall outcomes for a verification are either acceptable or non-acceptable. An unacceptable outcome is given when there is significant concern that activities undertaken on site could cause illness or there are multiple failings in compliance with the Food Control Plan that demonstrate the operator is failing to understand the requirements to achieve safe food. These outcomes result in changes for the operator's verification schedule. In the 2023/2024 year, 3% of our businesses received an Unacceptable outcome. A business that has received two consecutive acceptable verification outcomes is verified less often however an un-acceptable verification outcome will result in more frequent verifications.

13. The Ministry for Primary Industries (MPI) monitor Council's performance in the Food Act space and have in the past provided routine updates on how we are performing against national trends. This was last provided in September 2022.
14. In that last update by MPI we compared well to other councils with similar number food businesses:
  - a) We had only 5 overdue verifications (none of which were due more than three months) whereas other councils had up to 70 overdue verifications and up to 44 overdue for more than three months.
  - b) We had recorded 100% of our verification outcomes into the MPI system within the required 10 working days
  - c) We had recorded 100% of our enforcement outcomes into the MPI system within the required 10 working days.
15. MPI have confirmed that we will be required to collect a Levy from our food businesses on their behalf to fund further work by MPI to provide resources and support. The details of how this will be collected and timeframes have yet to be advised to us.
16. Environmental Health provide quarterly newsletters to our food businesses on topical issues and best practice in regard to food safety.

### *Inspections of Other Premises*

17. Environmental Health Officers also carry out an annual inspection of all Hairdressers, Funeral Directors, Offensive Trades and Camping Grounds which are required to be registered under the Health Act 1956.

<b>Number of Hairdressers Registered and Inspected During the 2023/24 Registration Year</b>	<b>Number of Funeral Directors Registered and Inspected During the 2023/24 Registration Year</b>	<b>Number of Camping Grounds Registered and Inspected During the 2023/24 Registration Year</b>	<b>Number of Offensive Trades Registered and Inspected During the 2023/2024 Registration Year</b>
51	2	26	16

18. The Annual Plan 2023/24 performance target is that 100% of other registered premises are inspected at least once per annum. This performance target was achieved.

### *Complaints*

19. The Environmental Health Team investigates complaints regarding food and food premises, along with nuisances under the Marlborough District Council Bylaws, Unreasonable Noise, Sale of Alcohol concerns, unsanitary or unsuitable housing and Hazardous Substances Management.

20. Complaints received from 1 July 2023 to 30 June 2024: Total 893

<i>Food safety or concern regarding food premises operation.....</i>	<i>36</i>
<i>Sale of alcohol issues .....</i>	<i>10</i>
<i>Public Swimming Pool conditions .....</i>	<i>1</i>
<i>Camping Grounds operating unregistered.....</i>	<i>1</i>
<i>Nuisance (vermin insects or rubbish accumulation) .....</i>	<i>17</i>



<i>Excessive noise (undertaken by Contractor).....</i>	<i>798</i>
<i>Unreasonable noise.....</i>	<i>15</i>
<i>Unsanitary/Unsuitable housing.....</i>	<i>11</i>
<i>Hazardous Substances Management.....</i>	<i>4</i>

21. Of the 36 complaints received regarding Food Act compliance, 14 resulted in businesses becoming registered or stop trading, 14 were unsubstantiated, three operators received education advice, one received an advisory letter, three an Improvement Notice and one received a Notice of Direction under the Food Act 2014.
22. There was one infringement notice issued in the 2023/2024 year for failing to correctly label food as required under the Australian New Zealand Food Standards Code.

### *Alcohol*

23. In 2023/2024 Environmental Health Officers carried out 130 compliance checks of the 140 On-licensed premises selling alcohol. This includes checking a duty manager is on site, availability of free water, no-alcohol and low-alcohol drinks, food availability, transport options and signage.
24. The Licensing Inspectors, in the 2023/2024 registration year have a performance measure of checking compliance for 90% of on-licensed premises with the Sale and Supply of Alcohol Act 2012. This target has been met in that financial year (93%).
25. A Local Alcohol Policy is now in the process of being developed to provide clarity for the community and licensees on alcohol licence matters in Marlborough.

### *Market Inspections*

26. The Annual Plan 2023/2024 performance target is for 14 or more market and events to be inspected annually. This performance target was met.

### *Survey Results*

27. Surveys have continued to be undertaken in the 2023/2024 registration year.
28. Surveys are sent to our registered operators after inspection (Health Act) or verification (Food Act).
29. Within the survey, questions are asked around the process, how easy the documents were to follow, and the performance of the Environmental Health Team.
30. The survey information is used to help improve our systems and communication with our customers.
31. Survey responses are given on a scale of 1-10 with 10 being the option for most satisfied.
32. We received 9 responses to our Health Act inspection survey and the overall mean result for satisfaction with the Environmental Health Team was 9.7 out of 10.
33. 43 responses were received on the Food Act verification survey with the overall mean result for satisfaction with the Environmental Health Team as 10 out of 10.

### **Presentation**

A short presentation will be given by Karen Winter (10 minutes).

Author	Karen Winter, Team Leader Environmental Health
Authoriser	Gina Ferguson, Consents and Compliance Group Manager

## 18. Noise Control Contract Performance 2023/2024

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(Clr Sowman) (Report prepared by Karen Winter)

E350-007-009-02

### Purpose of Report

1. The purpose of this report is to update the Committee on the performance of the Noise Control Contractor from 1 July 2023 to 30 June 2024 and explain how they perform their function.

### Executive Summary

2. Council's Noise Control Contractor has continued to provide the required service to ensure any noise complaints are dealt with professionally and promptly.
3. There were 798 excessive noise complaints received from 1 July 2023 to 30 June 2024.

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## RECOMMENDATION

That the information be received.

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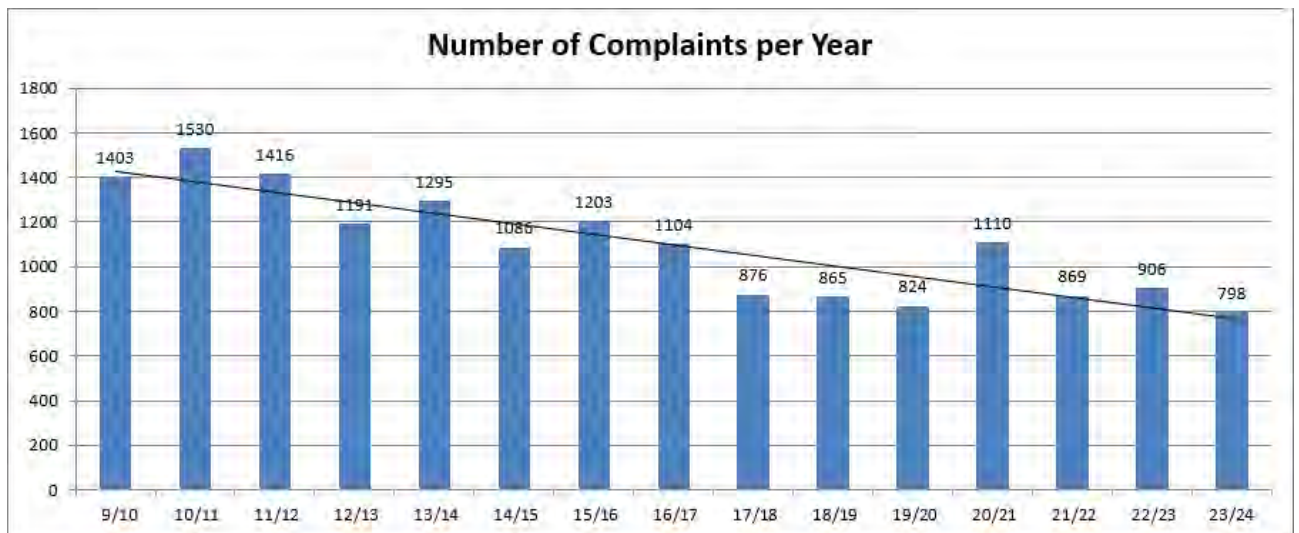
### Background/Context

4. Under the Resource Management Act 1991 (RMA), Council has the ability to investigate and manage Excessive Noise.
5. Excessive noise is defined in the RMA as any noise that is under human control and unreasonably interferes with the peace, comfort or convenience of a person. It includes noise emitted by a musical instrument, electrical appliance, machine or people.
6. Council has a contract with an external provider (Armourguard) to investigate and respond to excessive noise.
7. On receipt of a complaint, a Noise Control Officer goes on site to assess whether the sound is excessive or not. The Officer will undertake a subjective assessment and determine if the noise is excessive.
8. An excessive noise assessment matrix was developed by the Environmental Health staff to support consistency in officers' assessment of excessive noise.
9. The level of noise that is acceptable varies according to location of neighbours, time of day, zone you live/work in, presence of sound barriers and the type of noise. Officers do not use any monitoring equipment to determine if the noise is excessive (as it is not based on plan noise limits) but use a matrix that provides a scoring system.
10. If noise is deemed to be excessive, an Officer will serve a written direction to reduce noise, which is in force for up to 72 hours. Failure to obey the direction can result in equipment seizure, an infringement fee of \$500 or a conviction for an offence and liability up to \$10,000.
11. If equipment is seized, an Environmental Health Officer will determine whether the equipment can be returned to the owner or withheld by Council as return of the equipment would likely result in the resumption of the nuisance.
12. If the equipment is approved for return to the owner, all costs associated with the seizure need to be firstly paid.
13. If it is determined that the equipment should not be returned, it is required to be held by Council for six months to allow this time for the owner to appeal to the Environment Court for its return.

14. An Abatement Notice to cease creating a noise nuisance can also be issued to the occupier of the premises or dwelling if there are ongoing occurrences of excessive noise. If the occupier fails to comply with the Abatement Notice, the Officer (with the assistance of the Police) can remove or disable the equipment that is causing the noise immediately, without the need to first issue an Excessive Noise Direction.

## Comments

15. There were 798 complaints received regarding excessive noise from 1 July 2023 to 30 June 2024. This is a reduction of 108 from the previous year.



16. From 1 July 2023 to 30 June 2024 there were 140 Excessive Noise Directions issued and 8 seizures of equipment.
17. There were no Noise Abatement Notices issued during this period.
18. Armourguard is responsible for training their Officers under their contract on how to respond to noise complaints. This training is supported by the Environmental Health Team when required.
19. Armourguard have an accredited Health and Safety plan, in addition in the last financial year the Environmental Health team engaged an external Health and Safety consultant to audit this activity.
20. Monthly meetings are held with the local Armourguard manager to discuss any developing issues or concerns and monitor contractor performance.
21. Information brochures are available to inform people on the process involved when a noise complaint is received and their rights if they have noise equipment seized.
22. This information is provided when officers issue an excessive noise direction.

## Next Steps

23. There will be continued monitoring of excessive noise control services and training of officers to ensure consistency of excessive noise assessment.
24. There will be continued development of educational material for members of the public to help inform them on noise related matters.

## Presentation

A short presentation will be given by Karen Winter on the management of excessive noise under the RMA and contractor performance for 2023/2024 year. (10 minutes).

Author	Karen Winter, Team Leader Environmental Health
Authoriser	Gina Ferguson, Consents & Compliance Group Manager

## 19. Information Package

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### RECOMMENDATION

That the Regulatory Department Information Package dated 22 August 2024 be received and noted.

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## 20. Decision to Conduct Business with the Public Excluded

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

- **Confirmation of Sub-Committee Public Excluded Minutes**

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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
<b>Minutes and Committee Reports</b>	<b>As set out in the Minutes and Reports</b>	<b>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.</b>