



IN THE ENVIRONMENT COURT

I MUA I TE KOOTI TAIAO AOTEAROA

AT CHRISTCHURCH

ENV-2020-CHC-

IN THE MATTER of an appeal pursuant to Clause 14 of
Schedule 1 of the Resource
Management Act 1991

BETWEEN **NELSON-MARLBOROUGH FISH
AND GAME COUNCIL**

Appellant

AND **MARLBOROUGH DISTRICT
COUNCIL**

Respondent

**NOTICE OF APPEAL BY NELSON-MARLBOROUGH FISH AND GAME COUNCIL ON
THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN**

Dated: 6 March 2020

To: The Registrar
Environment Court
Christchurch

1. The Nelson-Marlborough Fish and Game Council ("**Fish and Game**") appeals against parts of the Marlborough District Council's decision on the proposed Marlborough Environment Plan.
2. The proposed Marlborough Environment Plan ("**the Plan**") is the proposed regional policy statement, regional plan, district plan, and coastal plan for the Marlborough District.
3. Fish and Game made a submission on the Plan
4. Fish and Game is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991. ("**the Act**")
5. Fish and Game received notice of the decision on 21 February 2020, with the tracked changes version of the Plan made available on 28 February 2020.
6. The decision was made by the Marlborough District Council ("**the Council**").

PARTS OF DECISION APPEALED, REASONS FOR APPEAL, AND RELIEF SOUGHT.

7. The parts of the decision that Fish and Game is appealing are provisions relating to the protection, maintenance and enhancement of freshwater quality, and quantity, and the preservation and protection of waterbodies, (including wetlands). These provisions include¹:

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For reference, the page and section numbers refer to the marked-up decisions version of the plan.

- a) Vol1 Chapter 5 – Allocation of Freshwater Resources
- b) Vol 1 Chapter 15 – Water Quality
- c) Vol 2 Chapter 2 – Rules; Water Take, Use, Damming and Diversion
- d) Vol 2 Chapter 2 Rules Water Quality
- e) Vol 2 Chapter 21 Rules Floodway Zone
- f) Appendix 5 - Water Quality
- g) Appendix 6 – Environmental Flows and Levels

8 In addition to the reasons set out below, the general reasons for Fish and Game's appeal are that the provisions appealed against;

- a) do not give effect to, or do not fully give effect to, the National Policy Statement for Freshwater Management 2014 (as amended in 2017) **(NPSFM)**;
- b) have not been developed applying the processes set out in Policy CA2 of NPSFM.
- c) are not consistent with Part 2 of the Resource Management Act 1991 (the Act);
- d) do not implement the Council's functions under s 30 of the Act;
- e) in the case of policies, do not implement the objectives of the proposed MEP;
- f) in the case of rules, do not implement the policies of the proposed MEP; and/or
- g) do not represent best resource management practice.

9 The parts of the decision appealed, reasons for the appeal and relief sought are set out below. Where specific wording changes are proposed by way of relief, Fish and Game seeks in the alternative any wording that would adequately address the reasons

for its appeal. Fish and Game also seeks any consequential changes made necessary by the relief sought below.

TERMINOLOGY VOL 1 CHAPTERS 5 AND 15

Reasons for Appeal – Terminology Vol 1 Chapters 5 and 15.

10. Throughout Volume 1, chapters 5 and 15 several freshwater related terms are used in a manner that is either inconsistent with NPSFM, does not lead to outcomes which will give effect to Part 2 of the Act, is inconsistent with good resource management practice, or is contradictory or inconsistent. In particular;

The term “natural and human use values” is used in relation to freshwater, instead of “freshwater values”

The term “life-supporting capacity, ecosystem processes and indigenous species of freshwater resources” is used instead of “life-supporting capacity and aquatic ecosystems”

The term “management flow” is used, but is undefined, is ambiguous and uncertain.

Relief Sought – Terminology Vol 1 chapters 5 and 15.

Fish and Game seeks the following relief in relation to terminology used in Vol 1 chapters 5 and 15.

- a. Replace “natural and human use values” with “freshwater values” wherever it is used
- b. Replace “life-supporting capacity, ecosystem processes and indigenous species of freshwater resources” with “life-supporting capacity and aquatic ecosystems” wherever it is used
- c. Clarify the meaning of “management flow” and how it relates to an environmental flow or level

- d. Add appropriate definitions of these terms to Vol 2 ch 25.

VOLUME 1 CHAPTER 5 – ALLOCATION OF FRESHWATER RESOURCES. - INTRODUCTION.

Reasons for Appeal – Introduction ch 5

11 The decision added two new paragraphs to the introduction of Chapter 5. The first new paragraph acknowledges that recognising Te Mana o te Wai and safeguarding the life-supporting capacity of freshwater resources is integral to sustainable management. The second new paragraph states that environmental flows and levels set in the proposed MEP are based on hydrological records collated up to notification.

Setting environmental flows and levels to reflect historical allocation does not recognise or implement Te Mana o Te Wai. Such an approach assumes that environmental flows are set based on hydrological records, rather than on the full suite of listed values and freshwater objectives in the plan and in the NPSFM.

The amended introduction inappropriately introduces a method into the introduction based on possible future responses to climate change/water yield changes.

The amended introduction incorrectly implies that the progressive implementation of the current or any future national policy statement on freshwater management is complete, when it is not. Instances of the inconsistency include the explanation to Policy 5.2.2 which references plan changes required to set freshwater objectives and fully implement the National Policy Statement for Freshwater Management 2014.

Relief Sought: - Introduction ch 5

Fish and Game seeks the following relief in relation to the introduction of ch 5;

- a. Remove last two paragraphs of the introduction beginning with “The environmental flows and levels ...” and ending with “... water allocation and use”.
- b. Replace with “The environmental flows and levels in this plan are primarily historical, having been set and adjusted at various times through the last thirty

years. These flows and levels may change further through plan changes as Council progressively implements the National Policy Statement for Freshwater Management”

CHAPTER 5 – ALLOCATION OF FRESHWATER RESOURCES. – OBJECTIVES, POLICIES AND METHODS.

Reasons for Appeal – Policy 5.2.3

12. Policy 5.2.3 includes an exclusion to the policy prohibition, so that it does not apply to the taking, damming, or diversion of water lawfully established prior to 9 June 2016. This exclusion will be inconsistent with the NPSFM where the specifically identified water bodies constitute “outstanding water bodies” as are required to be identified under the NPSFM.

Excluding the “Taking, damming, or diversion of water lawfully established prior to 9 June 2016” from policy 5.2.3 will be inconsistent with the NPSFM if its effect is to authorise existing activities with adverse effects on the specifically identified freshwater bodies without reference to limits or controls on those activities.

Relief Sought - Policy 5.2.3

Fish and Game seeks the following relief in relation to Policy 5.2.3:

- a. Amend Policy 5.2.3 to be consistent with the NPSFM, provide spatial definition of, limits and controls on the already authorised activities to ensure that they are consistent with the requirements for outstanding rivers or wetlands, or do not erode the existing values within the specifically identified rivers or wetlands.

Reasons for Appeal – Policy 5.2.4

13. Policy 5.2.4 is not consistent with the NPSFM. It appears to set up a framework for how environmental flows and levels for freshwater management units dominated by

rivers, lakes, and wetlands will be set, but does not reference the specific freshwater objectives and values within those FMUs as a criterion.

The explanatory text to Policy 5.2.4 then appears to indicate that the Council has implemented Policy B1 of the NPSFM, which the Council has not done. Furthermore, it is understood that the decision has 'rolled over' existing allocations and limits for waterbodies and catchments set in existing plans, rather than specifically considering the matters set out in (a) – (h) of Policy 5.2.4. when setting minimum flows within the proposed plan. Accordingly, the explanatory text is incorrect in stating that the matters listed have been considered in setting environmental flows/levels established in the MEP.

Policy 5.2.4 fails to recognise Te Mana o Te Wai or otherwise implement the NPSFM.

Relief sought – Policy 5.2.4

Fish and Game seeks the following relief in relation to Policy 5.2.4:

- a. Amend Policy 5.2.4 to include freshwater objectives, which include the “compulsory national values and other national values” as listed in Schedule 1 of the National Policy Statement for Freshwater Management 2014
- b. Delete the explanatory text below the Policy as it is incorrect.
- c. Insert a further policy, or sub-clause within 5.2.4 stating “Implement existing minimum flows/levels on an interim basis until the NPSFM is fully implemented within Marlborough”
- d. Specify an appropriate timeframe for fully implementing the NPSFM within Marlborough.
- e. Include the status of minimum flows/levels with respect to the NPS against the relevant FMU in a new Table X1 – status of environmental levels/limits

Reasons for Appeal - Policy 5.2.5 – 24hr average management flows

14. The policy is uncertain, and it is not clear what a management flow is, and how it relates to minimum flows and/or environmental flows/levels.

This policy appears to inappropriately apply 24 hour averaging to all rivers in Marlborough.

It also states that “any shorter period is not administratively efficient” as water users could be required to cease abstraction multiple times within a day”. However it is unclear why this may be the case.

The policy inappropriately disregards the adverse impact of 24 hour averaging on the environment, and on waterbodies and their life supporting capacity.

This policy also does not acknowledge or recognise the time lag effect of when restrictions apply based on the previous day’s management flow results (plus transit time) and any other considerations such as hydro-peaking.

It also does not recognise the availability and use of models, and other hydrological tools that can be used to provide practicality in nuanced and complex catchments, such as the Wairau.

The policy is not consistent with Part 2 of the Act, and does not implement the NPSFM.

Relief Sought – Policy 5.2.5

15. Fish and Game seeks the following relief in relation to policy 5.2.5.

- a. Remove or define the use of the term “management flow”, replacing it with “environmental flow/limit”.
- b. Remove policy wording “For rivers...averages (midnight to midnight)”, replacing it with “implementation of minimum flows in rivers where instantaneous flows are impractical for hydrological reasons”.
- c. Within the new policy, provide a list of any rivers where instantaneous flows do not apply but reference the specifics of how the flow regime will work in those rivers through a new Schedule X. 24-hour averaging and/or daily minimum flows are methods that may still be applicable where instantaneous flows are not practical, however, it should not be a default presumption applied to all rivers.

The adverse environmental effects of a 24 hour averaging regime on water bodies and their life supporting capacity need careful consideration.

Reasons for Appeal. - Policy 5.2.6 –

16. Policy 5.2.6 is uncertain as it does not define what “insufficient environmental data” is or clarify what environmental data is necessary to assess flows. In many cases, the minimum flows for rivers within the region have not been reconsidered since the 1970s and 1980s, and thus this policy is effectively redundant as the Plan rolls over the old flows or limits without reassessment.

Rolling over minimum flows for rivers with-out properly assessing whether such flows achieve compulsory national values, other national values, and the values in Policy 5.2.4 is not consistent with Part 2 of the Act, and does not implement the NPSFM.

Relief Sought – Policy 5.2.6:

Fish and Game seeks the following relief in relation to policy 5.2.6.

- a. Clarify what a “management flow” in a resource consent is in relation to the relevant minimum flow.
- b. Specify in the Policy that “environmental data” includes the data required to confirm achievement of the values in amended Policy 5.2.4 and compulsory national and other national freshwater values as specified in the NPSFM.
- c. Specify in the Policy that the “environmental data” will be transparently assessed and made available to stakeholders in implementing the processes set out in Policy CA2 NPSFM.

Reasons for Appeal - Policy 5.2.7 –

17. The Plan does not fully implement the NPSFM. Minimum flows should be set or changed through a plan change process, rather than by resource consents.

In the absence of minimum flows having been set through the NPSFM process, policy 5.2.7 is not consistent with Part 2 of the Act, and does not implement the NPSFM.

Relief Sought. Policy 5.2.7

Fish and Game seeks the following relief in relation to policy 5.2.7.

- a. Delete policy 5.2.7.

Reasons for Appeal - Policy 5.2.8

18. Policy 5.2.8 is internally inconsistent with itself – the bold text applies the policy to all rivers except ephemeral flowing rivers, but the last sentence of the explanation says it only applies to perennially and intermittently flowing rivers.

The Policy and explanation are ambiguous and uncertain in their application. Unless clarified through amendment, Policy 5.2.8 is not consistent with Part 2 of the Act, and does not implement the NPSFM.

Relief Sought. Policy 5.2.8

Fish and Game seeks the following relief in relation to Policy 5.2.8.

- a. Clarify what rivers policy 5.2.8 applies to
- b. Indicate how the policy is to be given effect to within the relevant rules, such as with a residual flow that protects the values of the reach specific/sub-catchment.

Reasons for Appeal - Policy 5.2.13

19. While Policy 5.2.13 implements some of the requirements of a minimum flow, it is not clear how this is reflected in the rules. The explanation to the policy indicates that the restrictions will be implemented solely through resource consent conditions, however does not indicate if this will be applied by way of consent review to existing consents.

Policy 5.2.13 is also inconsistent with Policy 5.2.7 if Policy 5.2.7 is not amended. The way in which the minimum flow applies to each individual consent requires policy direction, given the many different potentially applicable policies and the apparent inconsistencies as well as large discrepancies between them (the 20% variation rule for instance).

Policy 5.2.13 is uncertain. Unless clarified through amendment, Policy 5.2.13 is not consistent with Part 2 of the Act, and does not implement the NPSFM.

Relief Sought. Policy 5.2.13

Fish and Game seeks the following relief in relation to policy 5.2.13.

- a. Amend to clarify that the policy applies to both new consents, and also all existing consents by way of consent review with a deadline of 2022 to complete the reviews of consents.

Reasons for Appeal - Policy 5.2.14

20. Policy 5.2.14 – implies that the Plan fully implements the requirements of the NPSFM. This is incorrect, as for many catchments incomplete environmental data exists, or specific assessments to identify minimum flows to protect compulsory and other national values, or other values identified in Policy 5.2.4, have not been undertaken, and the requirement to follow NPS policies CA1-CA4 has not been adhered to. It also creates a large exemption for permitted activity takes that is not anticipated by the NPSFM and is outside those takes that are permitted as of right under the RMA.

Relief Sought. Policy 5.2.14

Fish and Game seeks the following relief in relation to Policy 5.2.14.

- a. Amend text to clarify that the Plan does not yet fully implement the NPSFM, and specify which flows or limits will apply until the full implementation of NPSFM has been achieved.
- b. Specify the timeframe for full implementation of NPSFM

- c. Remove the bracketed text “(through the resource consent process)”

Reasons for Appeal - Policy 5.2.15

21. Policy 5.2.15 – is ambiguous and uncertain as it does not define what “insufficient environmental data” is.

In many cases, the minimum flows for rivers within the region have not been reassessed since the 1990s, and accordingly this policy is effectively redundant as the Plan has ‘rolled over’ the old limits without reassessment.

Policy 5.2.15, or the wider Plan, does not define what environmental data is necessary to assess flows either.

Unless clarified through amendment, Policy 5.2.15 is not consistent with Part 2 of the Act, and does not implement the NPSFM.

Relief Sought. Policy 5.2.15

Fish and Game seeks the following relief in relation to Policy 5.2.15.

- a. Amend Policy 5.2.15 so that it clearly defines “insufficient environmental data” to be data that does not robustly and transparently demonstrate scientifically that compulsory national values, other national values, and the values in Policy 5.2.4 are able to be protected for a particular water body or FMU.
- b. Amend Policy 5.2.15 so that the default allocation limits apply to any water body or FMU where a transparent process has not been undertaken to apply sufficient environmental data, where held, to demonstrate that compulsory national values, other national values, and the values in Policy 5.2.4 will be protected.
- c. Amend Policy 5.2.15 so that it applies the default allocation limits to all existing consents by way of consent review, in FMU where “insufficient environmental data” exists, or where it has not been transparently applied to assess

environmental flows or limits, with a deadline of 2022 to complete the reviews of consents.

Reasons for Appeal - Policy 5.2.17

22. Policy 5.2.17 is ambiguous and uncertain due to the lack of definition of “management flow”, and its uncertain relationship with “environmental flow”.

Any rationing of water must be applied through resource consent conditions. In order to give effect to the NPSFM, this should be applied to both new consents, and existing consents (through review of consent conditions).

Relief Sought. Policy 5.2.17

Fish and Game seeks the following relief in relation to policy 5.2.17

- a. Amend Policy 5.2.17 so that it is clear that it applies to both new consents, and to existing consents by way of consent review with a deadline of 2022 to complete the reviews of existing consents.
- b. Apply rationing scheme to new consents by way of consent condition.

Reasons for Appeal - Policy 5.2.22(a)

23. Policy 5.2.22(a) does not accurately reflect the legal regime for introduced and indigenous fish under the Conservation Act 1987. The focus of the RMA is habitats, not species. Indigenous fish species are the responsibility of the Department of Conservation, whereas introduced sports fish (including trout and salmon) are the responsibility of the Nelson-Marlborough Fish and Game Council. Species interaction matters are for those statutory agencies to resolve as the statutory managers of those species. Fish passage matters, and exclusions to fish passage are the sole responsibility of the Department of Conservation under the Freshwater Fisheries Regulations 1983.

Relief Sought. Policy 5.2.22(a)

Fish and Game seeks the following relief in relation to policy 5.2.22(a)

- a. Delete 5.2.22(a) and replace with; “effective passage of fish, except where otherwise authorised under the Freshwater Fisheries Regulations 1983, and consent is given under plan rules”.
- b. Add a note indicating that “species interaction matters are the responsibility of the Department of Conservation and the Nelson-Marlborough Fish and Game Council”
- c. The Nelson-Marlborough Fish and Game Council and the Department of Conservation are specified as affected parties on any consent application that invokes this policy.

Reasons for Appeal - Policy 5.2.23

24. Policy 5.2.23 purports to list other potential adverse effects of damming water in the bed of a river in addition to the matters identified in Policy 5.2.22.

The list is incomplete, and does not include adverse effects on the habitat of trout and salmon. It also does not recognise the complex interactions between freshwater species.

Policy 5.2.23 is contrary to Part 2 of the Act, and section 7(h) in particular.

Relief Sought. Policy 5.2.23

Fish and Game seeks the following relief in relation to policy 5.2.23

- a. amend Policy 5.2.23(f) to “the loss of indigenous biodiversity and aquatic habitat including the habitat of trout and salmon”

Reasons for Appeal - Policy 5.2.25

25. Policy 5.2.25 appears to apply to both existing and new resource consents, which Fish and Game considers is appropriate. However, the explanation refers only to new

consents. Accordingly, the policy is ambiguous and uncertain as to whether it applies to existing consents.

Relief Sought. Policy 5.2.25

Fish and Game seeks the following relief in relation to policy 5.2.25

- a. Amend the policy so that it is clear that it applies to both new consents, and also to existing resource consents by way of consent review by 2022.

Reasons for Appeal - Policy 5.2.26

26. Policy 5.2.26 is uncertain and ambiguous when read in light of a number of other policies, as it is unclear whether existing consent conditions will be reviewed to give effect to relevant policies, or ensure relevant environmental flows or levels are met.

This uncertainty needs to be resolved, and the policy clarified so that it is clear that existing consent conditions will be reviewed within a specified timeframe.

Relief Sought. Policy 5.2.26

Fish and Game seeks the following relief in relation to policy 5.2.26

- a. Remove the words “Where necessary”, and add on a requirement to notify the public about the review and the results of the review.

Reasons for Appeal - Method 5.M.1

27. This method omits reference to relevant statutory agencies. Council should work with such agencies when identifying values and setting objectives and limits. This method also appears to acknowledge that values and flows have not been set in accordance with the NPSFM, which is addressed in other points of this appeal document.

Relief Sought. Method 5.M.1

Fish and Game seeks the following relief in relation to Method 5.M.1

- a. Amend the method so that it reads “Council will work with communities, including Marlborough’s tangata whenua iwi, and statutory agencies, to identify values in accordance with the process in Policy CA1 and Policy CA2 of the NPSFM”

Reasons for Appeal - Method 5.M.2

28. The method omits relevant statutory agencies with a direct mandate of relevance to setting of environmental flows and limits, such as the Nelson-Marlborough Fish and Game Council.

Relief Sought. Method 5.M.2

Fish and Game seeks the following relief in relation to Method 5.M.2

- a. Amend method by adding “Nelson-Marlborough Fish and Game Council” to the relevant parties listed.

Reasons for Appeal – Policy 5.3.9

29. Policy 5.3.9 only provides for 24 hour periods for expressing allocation of surface water takes for irrigation purposes. This will render it next to impossible to determine short, medium, and long term overallocation. Weekly, monthly, and annual totals are also required.

Unless clarified through amendment, Policy 5.3.9 is not consistent with Part 2 of the Act, and does not implement the NPSFM as it does not allow Council to effectively monitor allocation and potential over allocation.

Relief Sought. Policy 5.3.9

Fish and Game seeks the following relief in relation to policy 5.3.9

- a. Add monthly and annual limits to expression of allocation of water for irrigation purposes from surface water.

Reasons for Appeal – Policy 5.3.10

30. Policy 5.3.10 introduces so much uncertainty by way of the 20% variation that it effectively renders all the other allocation policies and rules impossible to enforce from the macro scale of catchments to the micro-scale.

The cumulative impacts of Policy 5.3.10 do not safeguard the life-supporting capacity of waterbodies in the region, or recognise Te Mana o Te Wai.

Policy 5.3.9 is not consistent with Part 2 of the Act, and does not implement the NPSFM.

Relief Sought. Policy 5.3.10

Fish and Game seeks the following relief in relation to policy 5.3.10.

- a. Delete Policy 5.3.10 in its entirety.

Reasons for Appeal – Policy 5.4.2

31. Policy 5.4.1 specifies a lapse period for water takes of up to two years, except where special circumstances exist. However Policy 5.4.2 states that a lapse period of up to 5 years is available for water use permits.

There is inconsistency between the lapse period for water take permits under Policy 5.4.1, and water use permits under Policy 5.4.2. Also, the text for Policy 5.4.2 states “10 years” giving rise to further uncertainty.

Relief Sought. Policy 5.4.2

Fish and Game seeks the following relief in relation to policy 5.4.2.

- a. Remove reference to 10 years in the explanatory text.

Reasons for Appeal – Policy 5.4.4

32. Under Policy 5.4.4 there is a risk with the allocated but unused water on both the duration of minimum flows and the reliability of the take once full allocation and use is approached. This risk has not been quantified or modelled by the Council, and Fish and Game considers that it may constitute further overallocation (using the NPSFM definition).

Policy 5.3.9 is not consistent with Part 2 of the Act, and does not implement the NPSFM. In particular, the policy will potentially lead to over-allocation of fresh water, or will frustrate efforts to phase out existing over-allocation.

Relief Sought. Policy 5.4.4

Fish and Game seeks the following relief in relation to policy 5.4.4.

- a. Model what the effect of full utilisation on minimum flows and reliability looks like before implementing the policy.
- b. Amend Policy 5.4.4 to state that this policy only applies once the effects are modelled and quantified.
- c. In the alternative, delete the Policy.

Reasons for Appeal – Policy 5.4.5

33. Under Policy 5.4.4 there is a risk with the allocated but unused water on both the duration of minimum flows and the reliability of the take once full allocation and use is approached. This risk has not been quantified or modelled by the Council, and Fish and Game considers that it may constitute further overallocation (using the NPSFM definition).

Policy 5.3.9 is not consistent with Part 2 of the Act, and does not implement the NPSFM. In particular, the policy will potentially lead to over-allocation of fresh water, or will frustrate efforts to phase out existing over-allocation.

Relief Sought. Policy 5.4.5

Fish and Game seeks the following relief in relation to policy 5.4.5.

- a. Model what the effect of full utilisation on minimum flows and reliability looks like before implementing the policy.
- b. Amend Policy 5.4.5 to state that this policy only applies once the effects are modelled and quantified.
- c. In the alternative, delete the Policy.

Reasons for Appeal – All issues, objectives and policies referring to allocation or over-allocation.

34. Issues, objectives, and policies refer to overallocation assuming that the limits and allocation system in the plan prevent overallocation. However, as the NPSFM has not been fully implemented in Marlborough, and in particular, the process for identifying freshwater objectives and values prescribed in NPSFM Policy CA2 has not been undertaken, these can only be interim limits until freshwater objectives, environmental levels/limits and the status of allocation (over or under) is determined.

Fish and Game considers that as no appropriate habitat modelling has been undertaken for many of the catchments within Marlborough that many rivers are already overallocated with respect to NPSFM values.

Relief Sought. All policies that refer to allocation or over-allocation

Fish and Game seeks the following relief in relation to issues, objectives, and policies that refer to allocation or over-allocation:

- a. Issue 5D indicates that the allocation limits in the plan are historic. A further paragraph is required stating that the “allocation limits in this plan are not allocation limits for the purposes of the NPSFM”)
- b. Issue 5E more fairly reflects the intent and purpose, however, overallocation in this context is only in relation to the historical limits within the plan. Insert further paragraph stating “allocation in this context refers to historical limits and levels”

- c. Objective 5.5 – this should be more clearly worded to reflect water quantity overallocation.
- d. Policy 5.5.1 – Reword to reflect water quantity allocation. This indicates that a number of aquifers are overallocated with respect to limits in the Marlborough Environment Plan based on historical limits, but does not anticipate that other FMUs may be overallocated now, or may be found to be over-allocated once the NPSFM is fully given effect to . As such, insert an additional policy 5.5.1A worded as follows; “Policy 5.5.1A – Populate Policy 5.5.1 with further overallocated FMUs following the completion of plan changes associated with the progressive implementation programme for the NPSFM”
- e. Policies 5.5.2 – 5.5.4 do not specify a course of action to implement them. Unlike Policy 5.5.5 which indicates the use of section 128 reviews, policies 5.5.2 – 5.5.4 do not state this. Insert “The reductions will be calculated and applied by reviewing the conditions of water permits in accordance with Section 128(1)(b) of the RMA.” into policy 5.5.2, 5.5.3 and 5.5.4.

Reasons for Appeal – Objective 5.7

35. The changes made to Objective 5.7 weaken it from what it was previously. The amended objective focuses solely on the efficient use of water, rather than ensuring that water taken is within environmental limits and levels necessary to achieve freshwater objectives.

Relief Sought. Objective 5.7

Fish and Game seeks the following relief in relation to Objective 5.7.

- a. Reword Objective 5.7 to read “To achieve efficient water use for any activity within environmental limits and levels”

Reasons for Appeal – Objective 5.8

36. Objective 5.8 currently reads “Maximise the availability of water within the limits of the resource”, however the explanatory text makes little or no mention of what those

limits are to protect, which is life-supporting capacity, ecosystem health, and aquatic species.

Relief Sought. Objective 5.8

Fish and Game seeks the following relief in relation to Objective 5.8.

Relief sought – Reword the Objective to state “Maximise the availability of water within environmental limits”

VOLUME 1 CHAPTER 15 – RESOURCE QUALITY (WATER, AIR, SOIL) ISSUES, OBJECTIVES, POLICIES AND METHODS

Reasons for Appeal – Issue 15B explanatory text

37. It is not clear why the Marlborough District Council uses the Canadian Water Quality Index as a measurement standard, instead of the framework and parameters in the NPSFM. The explanatory text suggests that the Canadian index may be used as an alternative to the NPSFM.

The Canadian index has no statutory or other legal basis in New Zealand.

Relief Sought. Issue 15B explanatory text.

Fish and Game seeks the following relief in relation to Issue 15B explanatory text.

- a. Delete reference to Canadian Water Quality Index and replace with NPS-FM parameters

Reasons for Appeal – Issue 15B Table 15.1.

38. This list may change as a result of NPSFM implementation. Therefore, the table should be amended to indicate that it is an interim list ahead of NPSFM implementation, and may be subject to change by way of a plan change following NPSFM implementation.

Relief Sought. Issue. 15B Table 15.1

Fish and Game seeks the following relief in relation to Issue 15B Table 15.1

- a. Reword Table 15.1 to include the word “interim” pending full NPSFM implementation.

Reasons for Appeal –Objectives 15.1(c) – 15.1(e)

39. The full water quality limit setting process under the NPSFM has not been undertaken in Marlborough. The limits set in the Plan are well in excess of the actual water quality across most of Marlborough (with one or two exceptions), which effectively creates a “floor” for water quality to further fall. Also, the limits have been set based on toxicity, rather than trophic state, which contradicts the higher level objectives and policies within this plan that indicate that ecosystem health is being maintained or enhanced. There is a separate process within the NPSFM for implementing trophic state. Ecosystem health is a compulsory national value in Appendix 1 of the NPSFM, and the Plan does not implement it.

Fish and Game also notes that the 260 cfu E Coli standard for Marlborough rivers corresponds to a D-E band based on the NPSFM. It is not clear whether this represents a lowering of the standard or a reflection of existing water quality. It is also not clear if the Plan considers itself to fully implement the “human health for recreation” compulsory value.

Until a full limit setting process in accordance with the NPSFM is undertaken, all of these objectives need to be reworded to state that they are interim objectives only.

Relief Sought. Objectives 15.1(c) – 15.1(e)

Fish and Game seeks the following relief in relation to Objectives 15.1(c) – 15.1(e)

- a. Amend Objectives 15.1(c) to 15.1(e) to state “interim” until completion of full NPSFM limit setting process.

- b. Set out the intended timeframe for full implementation of the NPSFM in the Objectives
- c. The Objectives are repetitive for each water quality parameter. Replace the individual Objectives with an interim Table of Limits under Objective 15.1(c) as follows:

Water quality parameter	Annual median	95 th percentile	NPS-FM 2014 Attribute Band
Nitrate-nitrogen (toxicity)	<1 mg/L	1.5 mg/L	A
Ammonia (NH4) (toxicity)	<0.03 mg/L	<0.05 mg/L	A
E coli for all FMUs	<260 cfu/100ml		C-D
E coli for primary contact FMUs		<540 cfu/100ml	A

Reasons for Appeal –Additional Objectives

40. The Plan fails to provide a list of FMUs, freshwater objectives associated with those FMUs, compulsory values, as well as other values. As such the plan is deficient with respect to the NPSFM and does not implement NPSFM.

Relief Sought. Additional Objectives

Fish and Game seeks the following relief in relation to Additional Objectives.

- a. Insert new method stating “The Marlborough District Council will identify freshwater objectives for all freshwater management units in its region by 2023 in

accordance with NPSFM policy CA2-4 and populate the amended Objective 15.1(c) accordingly, along with FMU specific amendments to Appendix 5 Schedule 1 and 2

Reasons for Appeal –Policy 15.1.2

41. – The Plan inappropriately utilises Sch 3 RMA water quality standards, rather than NPSFM water quality standards.

Relief Sought. Policy 15.1.2

Fish and Game seeks the following relief in relation to Policy 15.1.2.

- a. Remove Policy 15.1.2 in its entirety and replace with a policy that reflects the NPSFM requirements to maintain water quality at its current level in rivers, and enhance where degraded.
- b. Refer to NPSFM water quality standards.

Reasons for Appeal –Methods 15.M.1 – 15.M.4

42. The methods specified pre-date the NPSFM.

The methods do not recognise Te Mana o Te Wai, or implement the NPSFM. They also indicate that values of freshwater may be identified on an “ongoing basis”, which is not consistent with other statements in this plan that indicate it fully implements the NPSFM.

Relief Sought. Methods 15.M.1 – 15.M.4

Fish and Game seeks the following relief in relation to Methods 15.M.1 – 15.M.4

- a. Replace wording in these methods to reflect appeal point 40 above and the relief sought.
- b. Further amend these methods so that they anticipate controls for diffuse non-point source pollution .

Reasons for Appeal – Policy 15.1.4 –

43. Policy 15.1.4 is inconsistent with the NPSFM which requires Councils to maintain and enhance water quality in all rivers at current state, or where limits/targets have been set under the NPSFM, to that limit/target. Most Marlborough rivers are well under the nitrogen limits set, for instance, and these nitrogen limits have been set on the basis of toxicity, not ecosystem health (which is a compulsory value under the NPSFM).

It is also not clear what role rules, such as the new rule for intensive farming, or allocation systems play. Instead the only mechanism that appears to be utilised to implement this policy is a “catchment plan”, which in itself appears to be non-regulatory.

Whilst the outcomes in Policies 15.1.5 – 15.1.7 are supported, the rules that follow the policy provide no rational or objective system to achieve the goals, and the requirement of the NPSFM is not to simply achieve the E Coli standards (Objective 15.1(d)), rather to achieve all of the freshwater objectives for this waterway.

Relief Sought. Policy 15.1.4

Fish and Game seeks the following relief in relation to Policy 15.1.4

- a. Remove policy and replace with a two tier table as follows:

Interim action	Waterway	Parameter	Date	Method
	Mill Creek	DIN - Toxicity	10 years after plan operative	Catchment plan Rules
	Murphys Creek	DIN - Toxicity	10 years after plan operative	Catchment plan Rules
	Are Are Creek	E Coli/Secondary contact recreation	10 years after plan operative	Catchment plan Rules
	Cullens Creek	E Coli/Secondary contact	10 years after	Catchment plan

		recreation	plan operative	Rules
	Doctors Creek	E Coli/Secondary contact recreation	10 years after plan operative	Catchment plan Rules
	Kaituna River	E Coli/Secondary contact recreation	10 years after plan operative	Catchment plan Rules
	Taylor River	E Coli/primary contact recreation	10 years after plan operative	Catchment plan Rules
	Rai River	E Coli/primary contact recreation	10 years after plan operative	Catchment plan Rules
	Waihopai River	E Coli/primary contact recreation	10 years after plan operative	Catchment plan Rules
Fully implemented actions				

Reasons for Appeal.-. Additional Policy, Water quality degradation due to intensive agriculture

44. There is currently a policy gap in the Plan in that there is no policy that outlines controls on intensive agriculture in catchments subject to poor water quality or at risk of water quality degradation. This policy support may also be necessary for the discretionary rule on dairy farms established after 9 June 2016.

Accordingly, the Plan does not implement NPSFM or give effect to Part 2 of the Act.

Relief Sought. - Additional Policy, Water quality degradation due to intensive agriculture

Fish and Game seeks the following relief

- a. Add an additional policy which outlines controls on intensive agriculture in catchments subject to poor water quality or at risk of water quality degradation

Reasons for Appeal – Method 15.M.25

45. Method 15.M.25 does not reflect good planning practice. A water quality management plan cannot stand in for a resource consent in avoiding, remedying, or mitigating effects of discharges. At best such plans have to occur under a consenting regime.

Relief Sought - Method 15.M.25

Fish and Game seeks the following relief;

- a. Amend Method 15.M.25 to reflect good planning practice, and require any management plan to occur within a consenting regime.

VOLUME 2. GENERAL RULES – WATER TAKE, USE, DAMMING OR DIVERSION

Rules

Reasons for Appeal – Permitted activity rules 2.2.18 and 2.2.19, and related permitted activity standards 2.3.17 and 2.3.18

46. Fish and Game have concerns with the present structure of rules 2.2.18 and 2.2.19, and the related permitted activity standards 2.3.17 and 2.3.18. The concern relates to how *partial control of water levels and flow rates within the floodway zone* impacts on Para Wetland hydrology due to works either within the Tuamarina channel itself below

Para Wetland, or the Wairau River bed immediately below the confluence of the Tuamarina channel.

In effect, Wairau river bed levels immediately below the confluence with the Wairau impact on low flow water levels for many kilometres back up the Tuamarina channel, into and past Para Wetland. If bed levels at the confluence are lowered, low flow levels within the Tuamarina channel also decrease, effectively drying out the wetland more frequently.

The Para wetland is regionally significant.

The relevant permitted activity standards are not consistent with Part 2 of the Act, and do not implement the NPSFM.

This matter was not addressed by the Decision Panel.

Relief Sought. - Permitted activity standards 2.3.17 and 2.3.18

Fish and Game seeks the following relief in relation to permitted activity standards 2.3.17 and 2.3.18.

- a. Add the following additional permitted activity standards
 - I. No river management, or channel alteration works within a 100m radius of the confluence of the Tuamarina and Wairau Rivers without consultation with the Nelson-Marlborough Fish and Game Council.

Reasons for Appeal – Permitted activity Rule 2.7.6

47 There is currently no permitted activity rule that authorises maimai unless they are 'temporary'. Maimai often remain in situ year round. They are small scale with minimal adverse environmental effects. With amendment, the standards for the rule (permitted activity standards 2.9.6) provide appropriate safeguards.

Relief Sought. Rule 2.7.9 and permitted activity standard 2.9.6

Fish and Game seeks the following relief in relation to permitted activity rule 2.7.6. and permitted activity standard 2.9.6

- a. Remove the word “temporary” from rule 2.7.6
- b. Remove the word “temporary” from standard 2.9.6
- c. Delete standard 2.9.6.5(a)

Reasons for Appeal – Permitted activity rules 21.1.7, 21.1.8 and 21.1.9, and permitted activity standards 21.3.7, 21.3.8 and 21.3.9

48. This appeal point is related to appeal point 46 above. Fish and Game have concerns with the present structure of rules 21.1.7, 21.1.8 and 21.1.9, and the related permitted activity standards 21.3.7 and 21.3.8 and 21.3.19. The concern relates to how activities such as land disturbance, and gravel and sediment removal within wet or dry riverbed impacts on Para Wetland hydrology where works occur either within the Tuamarina channel itself below Para Wetland, or the Wairau River bed immediately below the confluence of the Tuamarina channel.

In effect, Wairau river bed levels immediately below the confluence with the Wairau impact on low flow water levels for many kilometres back up the Tuamarina channel, into and past Para Wetland. If bed levels at the confluence are lowered, low flow levels within the Tuamarina channel also decrease, effectively drying out the wetland more frequently.

The Para wetland is regionally significant.

The relevant permitted activity standards are not consistent with Part 2 of the Act, and do not implement the NPSFM.

This matter was not addressed by the Decision Panel.

Relief Sought. - Permitted activity standards 21.3.7 and 21.3.8 and 21.3.9

Fish and Game seeks the following relief in relation to permitted activity standards 21.3.7 and 21.3.8 and 21.3.9.

a. Add the following additional permitted activity standards

“No land disturbance, gravel or sediment removal within a 100m radius of the confluence of the Tuamarina and Wairau Rivers to occur without consultation with the Nelson-Marlborough Fish and Game Council”.

VOLUME 3 APPENDIX 5 - WATER QUALITY CLASSIFICATION STANDARDS

Reasons for Appeal – Appendix 5 Schedule 1 and 2

49. The water quality classifications in Schedule 1 are contrary to and do not reflect NPSFM standards.

As part of the Council’s progressive implementation of the NPSFM, the classifications should be updated to reflect NPSFM standards.

Schedule 2 is also inconsistent with the NPSFM as water quality investigations have not occurred in relation to NPSFM values.

There are also inconsistencies between some of the standards in this section (for instance biological growths) and the policies. The objectives and policies appear to be substantially more lenient than these largely ANZECC based standards (which include ecosystem health standards based on periphyton), and it is not clear which ones apply given the lack of direction in the Plan.

The Macroinvertebrate Community Index standards in effect allow for lowering water quality across the region to the standard of drains (MCI of 80), when MCI values in the region are in most places substantially higher than this, and should be maintained.

Relief Sought. Appendix 5 Schedule 1 and 2

Fish and Game seeks the following relief in relation to Appendix 5 Schedule 1 and 2

- a. Amend schedule 1 to replace stated values with NPSFM values, or clarify that stated values are interim only until progressive implementation of NPSFM occurs
- b. Amend schedule 2 to replace stated values with NPSFM values, or clarify that stated values are interim only until progressive implementation of NPSFM occurs
- c. Add an appropriate method and policy that ensures that this occurs and sets timeframe. Appeal point 40 has this relief.
- d. Replace MCI standard of 80 with existing MCI until specific FMU based MCI standards have been determined.

VOLUME 3 APPENDIX 6 – ENVIRONMENTAL FLOWS AND LIMITS, SCHEDULE 1 – QUANTITY ALLOCATIONS FOR WATER TAKES AND SCHEDULE 3 – MINIMUM FLOWS AND LEVELS FOR WATER TAKES

Reasons for Appeal – Appendix 6 Schedule 1 and 3.

50. Appendix 6 Schedule 1 sets out quantity allocations for water takes within specific FMU, catchments or waterbodies. Schedule 3 sets out minimum flows and levels for water takes within specific FMU, catchments or waterbodies.

Fish and Game considers that a number of these quantity allocations and minimum flows and levels have not been set using best available scientific information in a manner that will achieve the protection of the relevant compulsory national values, other national values, or values identified in Policy 5.2.4.

Fish and Game considers that a number of these quantity allocations and minimum flows and levels will contribute to over allocation of fresh water quantity within specific FMU, catchments or waterbodies, or will frustrate efforts to phase out existing over-allocation.

Fish and Game considers that a number of these quantity allocations and minimum flows and levels will not adequately safeguard the life supporting capacity of waterbodies or protect aquatic ecosystems.

Appendix 6, Schedules 1 and 3 are not consistent with Part 2 of the Act, and do not implement the NPSFM. The process set out in NPSFM Policy CA2 has not been implemented in setting the quantity allocations and minimum flows and levels.

Relief Sought. Appendix 6 Schedule 1 and 3

Fish and Game seeks the following relief in relation to Appendix 6 Schedule 1 and 3 along with any consequential relief to objectives, policies and rules that may be necessary to implement this relief.

- a. Amend Appendix 6 – Schedule 1 to reflect the following:

Wairau River downstream of Hamilton confluence - FMU Class B allocation, Fish and Game note this quantum has been reduced from 7.5 down to 2.5 m³/s by the panel, this is supported.

Kaituna River - halve existing class A allocation to 4,320 m³ per day and move the other half (emergency drought permits) into a Class B class allocation of 4,320 m³ per day with a higher cut off as sought under relief for Appendix 6 Schedule 3 below. The current new MeP Kaituna FMU Class B water allocation of 8,640 m³ should therefore be deleted.

Pelorus River - halve existing Class A allocation to 22,250 m³ per day and move the other half (emergency drought permits) into a B class allocation of 22,250 m³ per day. The current new MeP Pelorus FMU Class B water allocation of 45,000 m³, should be deleted until such time as Council has undertaken its cumulative catchment limits process for setting allowable nitrate leaching.

Rai River (including tributaries) – halve existing Class A allocation to 14,817.5 m³ per day and move the other half (emergency drought permits) into a B class allocation of 14,817.5 m³ per day. The current new MeP Rai FMU Class B water allocation of 60,480 m³ per day should be deleted until such time as Council has undertaken its cumulative catchment limits process for setting allowable nitrate leaching.

Ronga River – halve existing Class A allocation to 2,332.5 m³ per day and move the other half (emergency drought permits) into a B class allocation of 2,332.5 m³ per day. The current new MeP Ronga FMU Class B allocation of 8,640 m³ per day should be deleted.

Tunakino River - halve existing Class A allocation to 2,376 m³ per day and move the other half (emergency drought permits) into a B class allocation of 2,376 m³ per day. The current new MeP Tunakino FMU Class B allocation of 8,640 m³ per day should be deleted.

Opouri River - halve existing Class A allocation to 5,097.5 m³ per day and move the other half (emergency drought permits) into a B class allocation of 5,097.5 m³ per day. The current new MeP Opouri FMU Class B allocation of 17,280 m³ per day should be deleted.

- b. Amend Appendix 6 – Schedule 3 as follows:

Wairau River below the narrows:

A minimum flow cut off for Wairau FMU Class A water of 10.4 cumecs at Barnetts Bank if measured instantaneously, or 12.4 if 24-hour averaging remains the method within the Plan to trigger cease take notices. A daily minimum cut-off is a 3rd option that could be used (i.e. when the minimum flow for the preceding day hits 10.4, Wairau FMU Class A irrigators are issued cease take notices.

Fish and Game also seek a minimum flow cut-off measured at Barnetts Bank recorder of 15.4 (measured instantaneously) for Wairau FMU Class B water, or 17.4 if 24-hour averaging remains the method within the Plan to trigger cease take notices. A daily minimum cut-off is a 3rd option that could be used (i.e. when the minimum flow for the preceding day hits 15.4, Class B irrigators are issued cease take notices.) This is a significant shift in Fish and Game's original position on Wairau Class B cut-off due to reduction in total allocation within this water class through the panel's decision.

Wairau River above the narrows:

A minimum flow cut off for Wairau FMU Class A water of 10.4 cumecs at Barnetts Bank if measured instantaneously, or 12.4 if 24-hour averaging remains the method within the plan to trigger cease take notices. A daily minimum cut-off is a 3rd option that could be used (i.e. when the minimum flow for the preceding day hits 10.4, Wairau FMU Class A irrigators are issued cease take notices).

Fish and Game seek a minimum flow cut-off measured at Barnetts Bank recorder of 15.4 (measured instantaneously) for Wairau FMU Class B water, or 17.4 if 24-hour averaging remains the method within the plan to trigger cease take notices. A daily minimum cut-off is a 3rd option could be used (i.e. when the minimum flow for the preceding day hits 15.4, Class B irrigators are issued cease take notices. This is a shift in Fish and Game's original position due to reduction in total allocation within this water class through the panel's decision.

Wairau North Bank tributaries:

In addition to any existing minimum flows already in existence through consent processes or the notified Marlborough Environment Plan, Fish & Game also seek to ensure any water takes within North Bank tributaries are tied to a minimum flow cut off of 10.4 cumecs at Barnetts Bank if measured instantaneously, or 12.4 if 24-hour averaging remains the method within the plan to trigger cease take notices. A daily minimum cut-off is a 3rd option that could be used.

Tuamarina River:

Given the Tuamarina flow is intimately linked with the hydrology of Marlborough's largest lowland freshwater wetland, Para Swamp, Fish and Game seek a minimum flow of 90% naturalised MALF be applied to water takes (excluding the Picton municipal supply) within this waterway at Para Road.

Kaituna River:

Raise minimum flow cut-off at Readers Road bridge to 427 l/s for Kaituna FMU Class A water. As sought above under Appendix 6 Schedule 1, all emergency short term permits in this catchment should be reclassified as Kaituna FMU Class B water, with a higher cut-off to provide for flow sharing. All new water allocation within this catchment (i.e. the existing new 8640 m³ Kaituna FMU Class B water allocation) is opposed.

Cut-off for emergency short term permits reclassified to Kaituna FMU Class B, should be set at 527 l/s to allow a one for one flow share between irrigation and the river. Ideally, setting up a rostering system to provide for stepped down takes as flows recede below 527, should also be implemented.

Pelorus:

A minimum flow cut-off, falls out at 1.68 m³/s at Bryants. As sought above under Appendix 6 Schedule 1, all emergency short term permits in this catchment should be reclassified as Pelorus FMU Class B water. All new MeP water allocation within this catchment (i.e. the existing new 45,000 m³ Pelorus FMU Class B water allocation) is opposed. Given Fish & Game is seeking a cut-off of 1.1 rather than 1 at Rai Falls, the fully restricted cut-off for Pelorus FMU Class A water at Totara Flat should be revised from 2.690 to 2.790, as this cut-off is an aggregate of Bryants plus Rai Falls recorder flows. The Pelorus FMU class B cut-off of 3.2 at Pelorus Flat is supported assuming new Class B allocation in this catchment is deleted as sought above under Appendix 6 schedule 1.

Rai River:

Fish and Game seek the cut-off for Rai Class A FMU be set at 1.1 cumecs at Rai Falls recorder. As sought above under Appendix 6 Schedule 1, all emergency drought permits to be deemed permanent Class B rather than existing Class A status, with a higher cut-off at Rai Falls recorder to provide for flow sharing. Existing MeP cut-off for Rai FMU Class B permits of 1.5 achieves this assuming new Class B allocation in this catchment is deleted as sought above under Appendix 6 schedule 1.

Ronga:

Fish and Game seek the cut-off for Ronga Class A FMU be set at 1.1 cumecs at Rai Falls recorder. As sought above under Appendix 6 Schedule 1, all existing emergency short-term drought allocation within this catchment is sought to be reclassified as Class B rather than existing Class A status, with a higher cut off trigger of 1.5 at Rai Falls. Fish and Game remain opposed to all new Class B allocation within this catchment. as sought above under Appendix 6 schedule 1, and likewise seeks that this be deleted.

Tunakino:

Fish and Game seek the cut-off for Tunakino Class A FMU be set at 1.1 cumecs at Rai Falls recorder. As sought above under Appendix 6 Schedule 1, all existing emergency short-term drought allocation within this catchment is sought to be reclassified as Class B rather than existing Class A status, with a higher cut off trigger of 1.5 at Rai Falls. Fish and Game remain opposed to all new Class B allocation within this catchment. as sought above under Appendix 6 schedule 1, and likewise seeks that this be deleted.

Opouri:

Fish and Game seek the cut-off for Opouri Class A FMU be set at 1.1 cumecs at Rai Falls recorder. As sought above under Appendix 6 Schedule 1, all existing emergency short-term drought allocation within this catchment, be reclassified as Class B rather than existing Class A status, with a higher cut-off trigger of 1.5 at Rai Falls. Fish and Game remain opposed to all new Class B allocation within this catchment. as sought above under Appendix 6 schedule 1, and likewise seeks that this be deleted.

Fish and Game seeks the following relief;

- a. The changes to the provisions described in this Notice of Appeal above, and
- b. Such other changes to the provisions described above that address the reasons for the appeal, and
- c. Consequential changes, and
- d. Costs of and incidental to this Appeal.

Fish and Game attaches the following documents to this Notice of Appeal:

- a. A copy of its submission;

The Councils' decision on the Plan may be viewed at;

<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep>

Signed



Rhys Barrier

Manager – Nelson- Marlborough Fish and Game Council

DATED this 6th day of May 2020

Nelson-Marlborough Fish and Game Council's address for service is;

Nelson – Marlborough Fish and Game Council

C/ Rhys Barrier, Manager

66/74 Champion Road, Stoke, Nelson 7020,

Telephone 03 544 6382

Email; rbarrier@fishandgame.org.nz

And; pwilson@fishandgame.org.nz

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see Form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see Form 38).

** How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

* Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Christchurch address of the Environment Court is:

Christchurch Environment Court Registry
WX11113
PO Box 2069
CHRISTCHURCH 8013

And its telephone and fax numbers are:

Telephone: (03) 367 6014
Fax: (03) 365 1740



Submission by

Nelson Marlborough Fish and Game

on the

Proposed Marlborough Environment Plan
pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

To: Marlborough District Council
P O Box 443
Blenheim 7240

Submission from: Nelson Marlborough Fish and Game

Submission on: Proposed Marlborough Environment Plan notified on 19 May 2016.

Provisions the submission relates to: The topics of submission, Nelson Marlborough Fish and Game support or opposition and any relief sought are contained in detail on the following pages.

Trade competition: Pursuant to Clause 6 of Schedule 1 of the Resource Management Act (1991), Nelson Marlborough Fish and Game confirm that they could not gain an advantage in trade competition through this submission.

Hearing: Nelson Marlborough Fish and Game **wish to be heard** in support of our submission; and will consider presenting a joint case at any hearing with other parties presenting on similar matters.

Signed by:



.....
Rhys Barrier
Regional Manager, Nelson Marlborough Fish and Game

Date: 31 August 2016

Address for service:

Nelson Marlborough Fish and Game

P O Box 2173

Stoke

Nelson 7041

Attn: Rhys Barrier

Telephone: (03) 544 6382

Email: rbarrier@fishandgame.org.nz

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1 Role of Fish and Game

1. Fish and Game Councils are public entities with functions (*inter alia*) to:

'manage, maintain and enhance the sports fish and game bird resource in the recreational interests of anglers and hunters...

(b) *'to maintain and improve the sports fish and game resource-*
i. by maintaining and improving access

(c) *'to promote and educate-*
ii. by promoting recreation based on sports fish and game

(e) *'in relation to planning-*
iii. (i)'to represent the interests and aspirations of anglers and hunters in the statutory planning process; and
iv. (vii)'to advocate the interests of the Council, including its interests in habitats...'

Section 26Q, Conservation Act 1987.

2. In addition, Section 7(h) of the RMA states that all persons 'shall have particular regard to... the protection of the habitat of trout and salmon.'

2 General Submission

2.1 Introduction: The importance of sports fishery and game bird resources in the region

3. Reasons for the submission are:
4. The sports fish and game bird resources of the Marlborough Region are highly valued throughout the Region. On the basis of 2014/2015 licence figures, Fish and Game represent holders of over 4,600 angling and hunting licences in the Nelson/Marlborough region. The sports fishery, in particular is significant, with an estimated 39,090 angler days being spent on the Region's waters (NIWA National Angling Survey 2014/15).
5. Sports fisheries have been in NZ since 1867, with the largely salmonid-based fisheries a key value in and attribute of our freshwaters. The current statutory basis and regime for sports fishery management is provided under Part VA of the Conservation Act 1987, as part of freshwater fisheries management, together with associated Freshwater Fisheries Regulations 1983 and Angler's Notices promulgated annually under this legislation.
6. Game birds are recognised in the First Schedule of the Wildlife Act 1953 and their management by Fish and Game Councils under the Part II of that Act, with analogous regulations and annual Game Gazette Notices to the Anglers Notice. Please note that several of the principle game birds (grey duck, paradise shelduck, shoveler duck, black swan and pukeko) are native species.

2.2 Sports Fish and Game Bird Management

7. Sports fishery management sits within a framework established for freshwater fishery management and similarly game bird management within a framework of wildlife management jointly between Fish and Game Councils and the Department of Conservation in Part VB of the Conservation Act 1987. Aspects of fishery and game bird management (such as which species should be managed where) are covered by that legislation. Thus species management is primarily the function of DOC and Fish and Game Councils. The nature of this management is set out in some detail for each Fish and Game region in their respective statutory Sports Fish and Game Management Plans which have been through a public process and approved by the Minister of Conservation. These cannot be inconsistent with Conservation Management Strategies, for example. As statutory management plans, this regional plan and other such plans prepared under the RMA are obliged to have regard to such plans in their preparation

(section 66(2)(c)(i)). Fish and Game submits that this plan does not adequately have regard for these plans, which is covered in more detail elsewhere in this submission.

8. Management of the habitat of all freshwater fish and wildlife and appropriate provision for the amenity derived from the fishery and game bird resource, however, is clearly the responsibility of regional and district councils under the RMA, or unitary authorities as in the case of Marlborough District. Sections 5(a) and (b) (safeguarding the life supporting capacity of water and ecosystems), and section 6(a) (preservation of natural character), s(6)(d) (regarding public access to water bodies) 7(c) (the maintenance and enhancement of amenity values), 7(h) (protection of the habitat of trout and salmon), and 7(d)(intrinsic values of ecosystems) are directly relevant to sports fishery management. While sections 5(a) and (b), and sections 6(a) (preservation of natural character of water bodies including wetlands), 6(c) (protection of areas of significant indigenous vegetation and significant habitats of indigenous flora and fauna, 7(c), and 7(d) are directly relevant to game bird management.
9. The inclusion of the protection of the habitat of trout and salmon (s(7)(h)) in the RMA (1991) has a dual purpose; firstly in recognition of the national importance of these species to outdoor recreation and culture. Freshwater sports fisheries are of high socio economic and socio cultural importance both domestically and internationally, providing a myriad of benefits to society (Weithman, 1999; Welcomme and Naeve 2001; Arlinghaus, Mehner & Cowx 2002).
10. Secondly, s(7)(h) provides de facto protection for our other freshwater species. Trout and salmon are amongst the most studied fish in the world. Salmonid habitat requirements (water quality and quantity and physical habitats) are well established in the literature. Regrettably the habitat requirements of most of our native fish species are much less well known. Given the sensitivity of salmonids to habitat degradation, it is recognised that the provision of salmonid habitat requirements provides protection for the health of other species in aquatic ecosystems, and for life supporting capacity generally (section 5(b) of the RMA). This is another reason for the inclusion of the protection for the habitats of these species in section 7(h). There is a good correlation between the habitat requirements of salmonids and suitability for other species and other purposes.
11. The district's sport fishery and game bird habitat provide significant economic benefits to Marlborough and the national economy through generating increased visitor spend. There are many tourism associated activity and service providers who cater for anglers and game bird hunters, including specialised guiding services, accommodation and hospitality providers, transport and retail services. This applies to both domestic and international anglers.

12. Protection of our significant water bodies and game habitat is of vital importance for the maintenance and enhancement of the reputation of Marlborough. This also has national significance for ensuring New Zealand delivers on environmental protection. Section 7(h) of the RMA requires particular regard be had to the protection of the habitat of trout and salmon. The Plan as notified fails to sufficiently recognise sports fish and gamebird habitats, and thus should be appropriately amended to ensure that trout and salmon habitat is protected.

2.3 Wetlands

13. Wetlands are some of the most diverse, complex and productive ecosystems on earth. They support and provide essential habitat for an array of micro-organisms, plants, insects, and animals. They support indigenous flora and fauna, along with habitat for valued introduced species such as sports fish and game bird species. Wetlands also play a crucial role in environmental regulation and the provision of ecosystem services: including flood regulation, water yield, water quality, erosion and sediment protection; groundwater recharge; and climate regulation; as well as providing recreational and amenity values.
14. Globally wetlands account for about 6% of land area, and are considered to be among the most threatened of all environmental resources. Since European colonisation in the mid 1800's the vast majority of New Zealand's wetlands have been drained or irretrievably modified for coastal land reclamation, farmland, flood control, and the creation of hydro-electricity reservoirs. It is estimated that only 10% of the original wetland environment remains in New Zealand, with only 16% in the South Island (MfE estimate, 2013), and less than approximately 11% in the Marlborough region. The Ministry for the Environment specifically identifies wetlands as a priority for protection as nationally important (MfE, 2013).
15. The Resource Management Act requires local councils, including unitary authorities, to recognise and provide for the protection of wetlands as a matter of national importance under sections 6(a) preservation of natural character; 6(b) preservation of outstanding features; and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Under s6(c), due to the rarity of these remaining habitats, all wetlands should be considered significant.
16. All wetlands remaining within the Marlborough District should be identified in the Plan as significant habitats under Section 6(c) of the RMA and managed and protected accordingly.

2.4 General comments

17. Many of the explanation beneath the stated objectives and policies introduce new material, which should form objectives and policies themselves. The objectives and policies in the Plan need to be amended to ensure that they reflect the full intent contained in the explanations.
18. Generally, the Plan lacks linkages between the chapters and the relevant appendices contained in the back of the Plan. This results in confusion for plan users. The Plan needs to be amended to better assist plan users by ensuring the following:
 - a. Linkages between objectives, policies and associated appendices are more clearly stated
 - b. Terminology used in the objectives and policies needs to be accurately reflected in the appendices.
19. The Plan also lacks linkages between appendices. For example Appendix 5 refers to Water Resource Units while Appendix 6 refers to Freshwater Management Units however there is no clear explanation of the linkage between the two appendices and whether they are intended to work together to provide information on freshwater resources in the Marlborough District. The Plan needs to be amended to ensure this relationship and any other relationships between appendices are clear for plan users.
20. The Plan generally lacks recognition of the protection of the habitat of trout and salmon as is required under s.7(h) of the RMA. Fish and Game seek that the Plan make greater reference to this section to ensure the Plan appropriately has particular regard to this matter which is of critical importance to Fish and Game.

3 Submission points of specific parts of the Proposed Marlborough Environment Plan

Submission points set out below include a description of the relief sought. In the case of each submission point, any relief sought includes any consequential amendments to other provisions of the Proposed Plan that are necessary to give effect to that relief. Where specific suggestions for changes to the wording of provisions are included in the relief sought, other wording that achieves the same outcome is appropriate.

4 Volume 1 – Issues, Objectives, Policies and Methods

Provision	Support/ Opposition	Discussion	Relief sought
4.1.1 Definitions			
Conservation Planting	Amend	Appears to be an error in the definition in that it “the management and planning of areas...” when it does not actually include planting.	Amend the definition to enable planting for the purposes of environmental enhancement to occur.
Excavation	Amend	The definition of excavation enables the alteration of the ground level by digging. It would therefore seem that a requirement to have standards relating to the filling of land is not required as these matters are covered through the provision of excavation.	Amalgamate the definitions to allow for excavation and filling of land as a single definition.
Fill, filling and fill material	Amend	The definition of excavation enables the alteration of the ground level by digging. It would therefore seem that a requirement to have standards relating to the filling of land is not required as these matters are covered through the provision of excavation.	Amalgamate the definitions to allow for excavation and filling of land as a single definition.
Intensively farmed livestock	Amend	Fish and Game support the definition as drafted but seek to amend the definition to include all cattle on low-land farms (excluding high country farmed cattle) not just cattle on irrigated land or contained for break-feeding of winter feed crops in recognition that all cattle farmed on lowland areas have the same impacts, particularly when entering onto or passing across the bed of a river.	Retain the definition with amendment to include all cattle on low-land farms (excluding high country farmed cattle) not just cattle on irrigated land or contained for break-feeding of winter feed crops in recognition that all cattle farmed on lowland areas have the same impacts, particularly when entering onto or passing across the bed of a river.

Intensive Farming	Amend	<p>Fish and Game seek to amend the definition of intensive farming to remove (e) land based aquaculture from the definition and to specifically exclude the fish farm operated by Ormond Aquaculture Ltd on Keith Coleman Lane.</p> <p>Effects from land based aquaculture activities are most appropriately addressed through discharge to water consents.</p>	<p>Fish and Game seek to amend the definition of intensive farming to remove (e) land based aquaculture from the definition and to specifically exclude the fish farm operated by Ormond Aquaculture Ltd on Keith Coleman Lane as effects from land based aquaculture activities are most appropriately addressed through discharge to water consents.</p>
Passive Recreation	Amend	<p>Passive recreation is defined as “means the voluntary and unstructured use of a range of recreational activities. This does not include any form of motorised sport”. It is not clear what is intended by the “use” of a range of “activities”, and specially, it does not indicate how outdoor recreation, including sports fish and gamebird hunting, fits as an activity</p>	<p>Amend the definition of Passive Recreation to include outdoor recreation, and to better reflect the nature of these activities that require minimal facilities or development and as a result, have negligible impact on the surrounding environment.</p>
Wetland	Amend	<p>Wetland is defined as “has the same meaning as in Section 2 of the Act but does not include these areas where they are entirely man made”.</p> <p>It is not clear from this definition whether areas of pasture and crop are considered to be entirely man made.</p> <p>Fish and Game place significant value on all wetland areas, both permanent and temporary, with indigenous vegetation and on pasture/cropped areas. This is due both to their international rarity and their importance as habitat for waterfowl.</p>	<p>Amend the definition of wetland to remove the wording “but this does not include these areas where they are entirely man made” and amend definition to ensure that improved pasture/crop areas are considered as wetlands.</p>
Significant wetland	Amend	<p>Fish and Game seek to ensure that all remaining wetlands in the Marlborough Region be identified as significant wetlands given their</p>	<p>Fish and Game seek to ensure that all remaining wetlands in the Marlborough</p>

		<p>global rarity and to recognise the diverse, complex and productive nature of these ecosystems.</p> <p>Fish and Game seek also seek to ensure that Lake Elterwater is recognised as a significant wetland due to its local significance as game bird and waterfowl habitat.</p>	<p>Region be identified as significant wetlands given their global rarity and to recognise the diverse, complex and productive nature of these ecosystems. In particular, Fish and Game also seek to ensure that Lake Elterwater is recognised as a significant wetland due to its local significance as game bird and waterfowl habitat.</p>
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Provision	Support/ Opposition	Discussion	Relief sought
4.1.2 Introduction			
Paraphrasing of Section 6	Amend	The introduction of Volume 1 paraphrases the requirements of Sections 6 and 7 of the Resource Management Act yet, Section 5 is quoted. References to these parts of the Act should be directly quoted rather than paraphrased as this has the potential effect of the Council prioritising some sections above others.	Sections 6 and 7 should be either removed altogether or quoted in full.
4.1.3 Background			
"Enable" description	Amend	<p>The RMA is not only about enabling. While Section 5 of the RMA enables people and communities to provide for their social, economic and cultural well-being this enabling is undertaken in the context of sustaining the potential of natural and physical resources, safeguarding the life-supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects on the environment. For freshwater matters, an environmental bottom line approach applies, in order to give effect to the National Policy Statement on Freshwater Management 2014.</p> <p>Clarification should be made that the "Sections 12, 13, 14 and 15" referred to are in fact sections of the Resource Management Act and not sections of the PMEP.</p>	This section of the Plan needs to be amended to better reflect the full range of policy settings and stances available under the RMA, from protection through to enabling. The RMA is not only about enabling. While Section 5 of the RMA enables people and communities to provide for their social, economic and cultural well-being this enabling is undertaken in the context of sustaining the potential of natural and physical resources, safeguarding the life-supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects on the environment. For freshwater matters, an environmental bottom line approach applies, in order to give effect to the National Policy

			<p>Statement on Freshwater Management 2014</p> <p>Clarification should be made that the “Sections 12, 13, 14 and 15” referred to are in fact sections of the Resource Management Act and not sections of the PMEP.</p>
“Avoid” description	Oppose	<p>The description used to illustrate the use of the term ‘avoid’ in the PMEP is at odds with the recent case Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd. This case determined that ‘avoid’ has its ordinary meaning of “not allow” or “prevent the occurrence of” and that ‘remedying’ and ‘mitigating’ indicate that activities which may have adverse effects can be provided for where those effects are mitigated and/or remedied.</p>	<p>Amend the description of what it means to “avoid” adverse effects to reflect the meaning of “not allow” or “prevent the occurrence of” clarified through the King Salmon Supreme Court decision.</p> <p>Consequently, those policies using the term ‘avoid’ should be amended and interpreted to reflect this same meaning and not remediation or mitigation as suggested in the existing explanation.</p>
“Protect” description		<p>The description of protect in the plan is also at odds with the recent case Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd. This case determined that the adverse effects to be avoided, and what is inappropriate should be assessed with reference to what is being ‘protected’.</p>	<p>Amend the description of what it means to “protect” to reflect the meaning that the adverse effects to be avoided, and what is inappropriate should be assessed with reference to what is being ‘protected’ clarified through the King Salmon Supreme Court decision. Consequently, those policies using the term ‘protect’ should be amended and interpreted to reflect this same meaning and not in the “number of ways” as the Plan suggests.</p>

Provision	Support/ Opposition	Discussion	Relief sought
4.1.4 Chapter 4 – Use of Natural and Physical Resources			
Allocation limits	Amend	The allocation limits set in Schedule 1 of Appendix 6 do not link to the management flow or level in Schedule 3 of Appendix 6. There is no proof to show that the level of water allocated can actually be provided. There is insufficient information to underpin the allocation framework, environmental flows, and the management of freshwater in general. The complexity in the proposed plan limits its effectiveness and readability.	Clarify the relationship between water resource availability and the allocation limits set to ensure that limits set are actually within a realistic standard and align with the requirements of the draft National Environmental Standard on Flow Setting (2008). Introduce new objectives, policies, and rules to underpin freshwater management, environmental flow and level setting, and surface and groundwater allocation in the Marlborough Region.
Issue 4A – Marlborough’s social and economic wellbeing relies on the use of its natural resources.	Amend	The sustainable use of natural and physical resources is supported. Sustainable management is underpinned in the purpose of the RMA and should be reflected in this issue. The Act does not separately define natural and physical resources, but defines these collectively to include “land, water, air, soil, minerals, and energy, all forms of plant and animals (whether native to New Zealand or introduced), and all structures). It is therefore more appropriate for the PMEP	Amend the issue to reflect the importance of the “sustainable management” of “natural and physical resources”.

		to refer collectively to natural and physical resources	
Objective 4.1 Marlborough's primary production sector and tourism sector continue to be successful and thrive whilst ensuring the sustainability of natural resources	Oppose	It is not clear how decision makers will determine whether the success of the primary production and tourism sectors is achieved. While there is explanation beneath the Objective around what factors might determine success these need to be brought through into the objective to ensure it is measurable and achievable. Fish and Game seek the removal of the objective.	Remove the objective as currently worded and replace it with something that provides clear guidance on how success of the primary production and tourism sectors will be measured.
Policy 4.1.1 Recognise the rights of resource users by only intervening in the use of land to protect the environment and wider public interests in the environment.	Oppose	It is not clear what is being achieved by this policy and therefore removal is recommended.	Remove the policy in its entirety
Policy 4.1.2 Enable sustainable use of natural resources in the Marlborough environment	Amend	The policy states that the sustainable use of natural resources should be enabled, yet the explanation talks about the prohibition of many uses unless provided in the Plan or by resource consent. This creates a disconnect between the policy as written and its explanation. Update wording to refer to natural and physical resources.	Fish and Game seek to amend the policy to better reflect the intent of the explanation or include an additional separate policy as currently there is a disconnect between the policy and its explanation. Fish and Game also seek that the wording of the policy be updated to refer to both natural and physical resources.
Policy 4.1.3 Maintain and enhance the quality of natural resources	Amend	This policy gives reference to the requirements of s.7(f) which requires that particular regard be had to the maintenance and enhancement of the quality of the environment.	Retain the policy with amendment to ensure that both natural and physical

		However, again the policy fails to recognise physical resources, only natural resources and without this recognition, s.7(f) is not being appropriately addressed in the PME.P.	resources are maintained or enhanced.
Issue 4C The use and development of natural and physical resources in the Marlborough Sounds has the potential to detract from the character and intrinsic values of this unique and iconic environment.	Support		Retain as proposed
Objective 4.3 The maintenance and enhancement of the visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds	Support		Retain as proposed
Policy 4.3.1 – Integrate management of the natural and physical resources within the Marlborough Sounds environment.	Support		Retain as proposed
Policy 4.3.2 – Identify the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds and protect these from inappropriate subdivision, use and development.	Support		Retain as proposed
Policy 4.3.3 – Provide direction on the appropriateness of resource use activities in the Marlborough Sounds environment.	Support		Retain as proposed
Policy 4.3.4 – Enhance the qualities	Support		Retain as proposed

and values that contribute to the unique and iconic character of the Marlborough Sounds.			
Policy 4.3.5 – Recognise that the Marlborough Sounds is a dynamic environment.	Support		Retain as proposed
4.1.5 Chapter 5 – Allocation of Public Resources			
Introduction	Amend	The introduction section states that the “significant reduction or change in approach to resource use could have significant implications for Marlborough’s economic, cultural and social wellbeing”. The allocation, taking and use of freshwater is a matter of particular interest to Fish and Game and needs to be appropriately managed to ensure that the life-supporting capacity and ecosystem processes are safeguarded in accordance with the NPSFM as well as achieving the protection of the habitat of trout and salmon and safeguarding the life-supporting capacity of water and ecosystems as required in the RMA.	Amend the introduction to better reflect Objective B1 of the NPSFM and the protection of the habitat of trout and salmon and safeguarding the life-supporting capacity of water and ecosystems as required in section 5 of the RMA.
Objective 5.1 Water allocation and water use management regimes reflect hydrological and environmental conditions within each water resource.	Support	This objective is critical in ensuring that the environmental constraints of water resources are addressed.	Retain as proposed
Policy 5.1.1 – Define and use freshwater management units to apply appropriate management to the taking and use of water within each water resource.	Amend	Policy is supported to the extent that it reflects the requirements of the NPSFM to establish freshwater management units. However, further clarification is required around the	Fish and Game support the policy in its direction to establish freshwater management units but seeks amendment to provide greater

		application and differences of freshwater management units when compared with the water resource units contained in Appendix 5.	clarity of the relationship between freshwater management units and water resource units.
Policy 5.1.2 – Recognise that the taking of water and the use of water are two distinct activities and where resource consent application is to be granted, separate water permits for each activity will be granted.	Support	Support to the extent that the policy reflects the intent of Council to require separate permits for water take and water use.	Retain as proposed
Issue 5B – The taking, damming or diversion of water can compromise the life-supporting capacity of rivers, lakes, aquifers and wetlands.	Support	Support the intent of the issue	Retain as proposed
Objective 5.2 – Safeguard the life-supporting capacity of freshwater resources by retaining sufficient flows and/or levels for the natural and human use values supported by waterbodies.	Support	The objective aligns with the purpose of the RMA and should be retained.	Retain as notified
Natural and human use values			
Policy 5.2.1 – Maintain or enhance the natural and human use values supported by freshwater bodies.	Amend	It is not clear where the natural and human use values of the freshwater management units are identified. There are values identified in Appendix 5 however these relate to Water Resource Units and not the Freshwater Management Units in Appendix 6. A clearer explanation of the relationship between these two appendices is required. The identification of values for freshwater management units is a requirement of Policy CA2 of the NPS-FM.	Retain the policy with amendments that clarify the natural and human use values of freshwater management units and the relationship between freshwater management units and water resource units.
Policy 5.2.2 – Give priority to	Support	Protection of the mauri of freshwater aligns with the values	Retain as proposed.

protecting the mauri of freshwater and freshwater flows/levels.		of Fish and Game.	
Policy 5.2.3 – Protect the significant values of specifically identified freshwater bodies by classifying the taking, damming or diversion of water in these waterbodies as a prohibited activity.	Amend	It is not clear how these water bodies are identified. Not all Water Resource Units that are identified to have high natural character have been included in Rule 2.6. Consistency and clarification is required. This is analogous to the requirement to protect the values of outstanding freshwater bodies in Objective B4 of the NPS-FM.	Retain the policy with amendments that ensure that take, use, damming or diversion of water is prohibited from all waterbodies identified as having at least high natural character.
Setting of environmental limits			
Policy 5.2.4 – Set specific environmental flows and/or levels for Freshwater Management Units dominated by rivers, lakes and wetlands to: (a) protect the mauri of the waterbody; (b) protect in stream habitat and ecology; (c) maintain fish passage and fish spawning grounds; (d) preserve the natural character of the river; (e) maintain water quality; (f) provide for adequate groundwater recharge where the river is physically connected to an aquifer or groundwater; and	Amend	This policy moves away from the values approach set in previous policies 5.2.1 – 5.2.3 and introduces a different set of parameters to set specific environmental flows and levels. This increases the dis-connect between the values identified in Appendix 5 for the water resource units, and the flows/levels in Appendix 6 for the Freshwater Management Units. The list of values to consider and give effect to under Policy 5.2.4 when setting flows, limits, and levels for water quantity and quality does not adequately reflect the requirements of Part II of the Act, and the NPS-FM (2014)	Retain the policy with amendments that apply a consistent approach to the setting of environmental flows/levels which takes into account the values of the particular waterbodies as well as the desire to protect the specific attributes identified in Policy 5.2.4. Amend Policy 5.2.4 as follows (additions underlined): (b) protect or enhance instream habitat and ecology, <u>including the habitat of trout and salmon</u> (c) maintain <u>or enhance</u> fish

(g) maintain amenity values.			<p>passage and fish spawning grounds; (e) maintain water quality <u>and enhance it where this has been degraded</u>; (g) maintain <u>or enhance the following values</u>:</p> <ul style="list-style-type: none"> • Amenity values <u>Recreational values</u> <u>Riparian vegetation</u> • <u>Public access to and along the margins of waterways</u>
Policy 5.2.5 – With the exception of water taken for domestic needs or animal drinking water, prevent the taking of water authorised by resource consent when flows and/or levels in a Freshwater Management Unit are at or below a management flow and/or level set as part of an environmental flow and/or level set in accordance with Policy 5.2.4.	Amend	The use of the term “prevent” aligns with the use of the term avoid in the RMA. To ensure consistency with the RMA, the word prevent should be replaced with avoid.	Retain the policy with amendments that amend Policy 5.2.5 to replace the use of the term prevent with avoid.
Policy 5.2.6 – For rivers, establish whether the flow has reached the management flows set in the Marlborough Environment Plan on the basis of 24 hour averages	Oppose	Fish and Game considers that any minimum/management flow that is set is an instantaneous flow that cannot be breached due to abstraction. The use of 24-hour daily flow averaging to assess when irrigation restrictions are triggered is problematic due to fluctuations in flow, sometimes large,	Fish and Game seek that 24-hour averaging is replaced with “on an instantaneous basis by way of a hydrological model.” The use of 24-hour daily flow

<p>(midnight to midnight).</p>		<p>over a 24 hour period, due to natural variance, abstraction and/or hydro generation. This is particularly problematic during periods of low flow and when large volumes of water have been allocated for abstraction. Using a 24 hour average flow can enable abstractive use to manipulate flows substantially below the minimum for significant periods of time.</p> <p>An instantaneous minimum flow can be implemented as a synthetic flow at particular points on the river through the adoption of a hydrological model that filters out the effect of fluctuating inputs into the main stem Wairau from the Branch River hydro scheme, taking into account transit time, inputs from higher catchment recorders, and the existing recorder. The rules for this model should be written into the MEP by way of an Appendix, to ensure clarity, transparency, and consistency for all users.</p>	<p>averaging to assess when irrigation restrictions are triggered is problematic due to fluctuations in flow, sometimes large, over a 24 hour period, due to natural variance, abstraction and/or hydro generation. This is particularly problematic during periods of low flow and when large volumes of water have been allocated for abstraction. Using a 24 hour average flow can enable abstractive use to manipulate flows substantially below the minimum for significant periods of time.</p> <p>An instantaneous minimum flow can be implemented as a synthetic flow at particular points on the river through the adoption of a hydrological model that filters out the effect of fluctuating inputs into the main stem Wairau from the Branch River hydro scheme, taking into account transit time, inputs from higher catchment recorders, and the existing recorder. The rules for</p>
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			this model should be written into the MEP by way of an Appendix, to ensure clarity, transparency, and consistency for all users.
Policy 5.2.7 – Where there is insufficient environmental data to establish the flow requirements of natural and human use values, use a default minimum flow of 80% of the seven day mean annual low flow for rivers with a mean flow greater than 5m ³ /s and 90% of the seven day mean annual low flow for rivers with a mean flow less than 5m ³ /s.	Support		Retain as proposed
Policy 5.2.8 – Consider proposals to set a minimum flow for a river that varies from the default minimum flow established by Policy 5.2.7 on a case-by-case basis, including through the resource consent process. Policies 5.2.1 to 5.2.4 will be utilised to assist the determination of any such proposal.	Oppose	NPSFM specifies that minimum flows form a limit, and that limits are not to be exceeded. It is therefore inappropriate to vary a limit through the resource consent process. Any variation to limits should be undertaken through a change to the plan, by way of the Schedule 1 process.	Remove the policy and replace it with a policy that ensures that limits cannot be changed without a plan change through the First Schedule process.
Policy 5.2.9 – Have regard to the adverse effects of the proposed instantaneous rate of take from any river, except an ephemerally flowing river, if that rate of take exceeds or is likely to exceed 5% of river flow at	Amend	Having regard to adverse effects does not provide any protection or mitigation to waterbodies from the instantaneous rate of take. The policy does not provide sufficient direction for decision makers. It also potentially sets up two classes of river, permanently flowing rivers and those that are ephemeral, and creates the risk of a more lax	Having regard to adverse effects does not provide any protection or mitigation to waterbodies from the instantaneous rate of take. The policy does not provide

any time.		<p>environmental management regime for those rivers.</p> <p>Adverse effects from a proposed instantaneous rate of take should be avoided.</p>	<p>sufficient direction for decision makers. It also potentially sets up two classes of river, permanently flowing rivers and those that are ephemeral, and creates the risk of a more lax environmental management regime for those rivers. Fish and Game seek to retain the policy with amendments that avoid adverse effects on any waterbody from an instantaneous rate of take.</p>
<p>Policy 5.2.10 – Have regard to the importance of flow connection to maintaining natural and human use values when considering resource consent applications to take water from intermittently flowing rivers, including:</p> <p>(a) the timing and duration of that flow connection;</p> <p>(b) the physical extent of any disconnection in flow; and</p> <p>(c) any adverse effects on connected aquifers.</p>	Amend	<p>The policy takes into account the connectivity of waterbodies and the contribution that intermittently flowing river make to hydrology in other waterbodies. However, the policy requires amendment to ensure that the values of the intermittently flowing rivers are also recognised and protected.</p>	<p>The policy takes into account the connectivity of waterbodies and the contribution that intermittently flowing rivers make to hydrology in other waterbodies. However, the policy requires amendment to ensure that the values of the intermittently flowing rivers are also recognised and protected. Fish and Game seek to retain the policy with amendments that ensure that the values of the intermittently flowing rivers are recognised and protected.</p>
<p>Policy 5.2.11 – Set specific minimum levels for Freshwater Management</p>	Support		Retain as proposed

<p>Units dominated by aquifers to:</p> <ul style="list-style-type: none"> (a) prevent physical damage to the structure of the aquifer; (b) prevent headwater recession of spring flows; (c) prevent a landward shift in the seawater/freshwater interface and the potential for saltwater contamination of the aquifer; (d) maintain natural and human use values of rivers and wetlands where groundwater is physically connected and contributes significantly to flow in the surface waterbody; (e) maintain groundwater quality; and (f) prevent long-term decline in aquifer levels that compromises the matters set out in (a) to (e). 			
Allocation of water			
<p>Policy 5.2.13 – Limit the total amount of water available to be taken from any freshwater management unit and avoid allocating water (through the resource consent process) beyond the limit set.</p>	Amend	<p>The intent of this policy could be more clearly outlined is if clearly explained how the limit will be set to maintain biodiversity and the values identified for the FMU. A second policy could then state that the over allocation of water is to be avoided. Explain the difference between water resource units and freshwater management units.</p>	<p>Fish and Game seek that the intent of this policy be more clearly outlined to clearly explain how the limit will be set to maintain biodiversity and the values identified for the FMU. The policy needs to be amended in a manner that splits the policy to deal with the setting of limits and the avoidance of over allocation.</p>

<p>Policy 5.2.14 – Where there is insufficient environmental data to establish an allocation limit for a river, use a default allocation limit of 50% of the seven day mean annual low flow for rivers with a mean flow greater than 5m³/s and 30% of the seven day mean annual low flow for rivers with a mean flow less than 5m³/s.</p>	<p>Support</p>	<p>Aligns with the provisions proposed in the NES</p>	<p>Retain as proposed, or where studies indicate a higher or lower (than that proposed in the NES) percentage allocation is necessary to preserve values, this should instead be adopted.</p>
<p>Policy 5.2.15 – Protect flow variability of rivers by using, where identified as necessary, a system of flow sharing that splits allocation of available water between instream and out of stream uses.</p>	<p>Amend</p>	<p>It is not clear where it is “identified as necessary” that the flow of rivers be protected. Clarification is required to ensure this policy is effective in guiding decision makers.</p>	<p>Retain the policy with amendments that provide clarity on the situations where it is “identified as necessary” that the flow variability of rivers be protected. Where flow sharing is identified as appropriate, the plan needs to signal how this will be implemented.</p>
<p>Policy 5.2.16 – For resource consent takes from the Waihopai River, Awatere River and other rivers that utilise an upstream flow monitoring site, allocations for the taking of water will be reduced proportionally as flows fall in order to avoid any breach of an environmental flow.</p>	<p>Amend</p>	<p>Greater specificity is required in the policy about how the takes will be proportionately reduced. The policy could also be amended to ensure that the policy applied to all takes, including both permitted activities and resource consents. This policy could be improved by modelling the hydrological transit time and recession curve between downstream take sites and the upstream recorder on which they are triggered.</p>	<p>Greater specificity is required in the policy about how the takes will be proportionately reduced. Fish and Game seek to retain the policy with amendments that specify the hydrological parameters that govern them, how takes will be proportionately reduced, and that the policy be applied to both permitted takes and those</p>

			granted through resource consents.
Policy 5.2.17 – Implement water restrictions for water users serviced by municipal water supplies when the management flows/levels for the resource from which the water is taken are reached.	Support	This policy will ensure that water use is appropriately restricted to municipal supplies when the management flows for the FMU are reached.	Retain as proposed
New Policy	Addition	It would be useful if the Plan included a Policy which states that the measurement of the flow or level of a Freshwater Management Unit is undertaken at the monitoring site specified in Schedule 3 of Appendix 6	Fish and Game seek to include a new policy which states that the measurement of the flow or level of a Freshwater Management Unit is undertaken at the monitoring site specified in Schedule 3 of Appendix 6
Diversion of water			
Policy 5.2.18 – Require resource consent for the diversion of water to enable the potential adverse effects of the diversion to be considered.	Amend	The Act directs that adverse effects on the environment be avoided remedied or mitigated. This policy provides no clear direction for decision makers on the how adverse effects of the diversion of water are to be addressed.	Fish and Game seek to amend the policy to make it clear how the adverse effects from the diversion of water are to be addressed through the resource consent process and to ensure that the requirements of the RMA are met to avoid, remedy or mitigate adverse effects on the environment.
Policy 5.2.19 – Have regard to the following matters in determining any resource consent application to divert	Amend	This policy is written as matters of discretion and not as a policy which provides guidance to decision makers on how to achieve the objective. It does not provide decision makers	Fish and Game seek to retain the policy with amendments that ensure it sets out the how

<p>water:</p> <p>(a) the purpose of the diversion and any positive effects;</p> <p>(b) the volume or proportion of flow remaining in-channel and the duration of the diversion;</p> <p>(c) the effect of the diversion on environmental flows set for the waterbody;</p> <p>(d) the scale and method of diversion;</p> <p>(e) any adverse effects on natural and human use values identified in the Marlborough Environment Plan in the reach of the waterbody to be diverted;</p> <p>(f) any adverse effects on permitted or authorised uses of water; and</p> <p>(g) any adverse effects on the natural character of the waterbody, including but not restricted to flow patterns and channel shape, form and appearance.</p>		<p>with guidance on how the diversion of water is to be addressed. The contents of this policy would be more appropriate as standards for the assessment of the diversion of water.</p>	<p>diversions will be managed to meet the objective, meets the requirements of an effective policy and not as matters of discretion.</p>
<p>Damming of water</p>			
<p>Policy 5.2.20 – Where water is to be dammed to enable the storage of water, encourage the construction and use of “out-of-river” dams in preference to the construction and use of dams within the beds of perennially or intermittently flowing</p>	<p>Support</p>		<p>Retain as proposed</p>

<p>Policy 5.2.21 – Ensure any new proposal to dam water within the bed of a river provides for:</p> <p>(a) effective passage of fish where the migration of indigenous fish species, trout and salmon already occurs past the proposed dam site;</p> <p>(b) sufficient flow and flow variability downstream of the dam structure to maintain:</p> <p>(i) existing indigenous fish habitats and the habitats of trout and salmon; and</p> <p>(ii) permitted or authorised uses of water; and</p> <p>(iii) flushing flows below the dam;</p> <p>(c) the natural character of any waterbody downstream of the dam structure; and</p> <p>have regard to the matters in (a) to (c) when considering any resource consent application to continue damming water.</p>	Amend	<p>The policy provides clear guidance on what aspects of a dam proposal the decision maker needs to consider, however the final part which refers to “having regard to...” should be removed.</p> <p>The maintenance of water quality downstream of the dam is an important aspect for consideration by decision makers and Fish and Game seek that this be included in the policy.</p>	<p>Retain the policy with amendments that remove the wording “have regard to the matters in (a) to (c) when considering any resource consent application to continue damming water” as this wording is unnecessary in the policy.</p> <p>Fish and Game also seek that the maintenance of water quality downstream of the dam is specifically considered by decision makers and that this be included in the policy.</p>
<p>Policy 5.2.22 – In the determination of any resource consent application, have regard to the following effects of damming of water:</p> <p>(a) the retention of sediment flows and any consequent adverse effect</p>	Amend	<p>The policy provides clear guidance on what aspects of a dam proposal the decision maker needs to consider, however the statement at the beginning of the policy reads like matters of discretion.</p>	<p>Fish and Game seek to retain the policy with amendments that ensure it clearly states how the objective is going to be met, meets the requirements of an effective policy and not as</p>

upstream or downstream of the dam structure; (b) changes in river bed levels and the effects of those changes; (c) any downstream effects of a breach in the dam wall; (d) interception of groundwater or groundwater recharge; and (e) interception of surface water runoff.			matters of discretion.
Water shortage direction			
Policy 5.2.23 – Where necessary, utilise water shortage directions to manage the adverse effects of serious temporary shortages of water on natural and human use values supported by the waterbody.	Support	This policy recognises the provision in s.329 of the RMA to issue water shortage directions.	Retain as proposed
Other			
Policy 5.2.24 – Impose conditions on water permits to take water requiring users to reduce and cease the authorised take when specified flows and/or levels are reached.	Support	The directive nature of this policy provides clear direction to plan users and decision makers and is supported by Fish and Game.	Retain as proposed
Policy 5.2.25 – Where necessary, review the conditions of existing water permits authorising the taking of water within 24 months of the Marlborough Environment Plan (or any subsequent plan changes) becoming operative to ensure that	Amend	The directive nature of this policy provides clear direction to plan users and decision makers and is supported by Fish and Game. Amendment is required to provide greater certainty over when the review of conditions will be undertaken i.e. where existing permits have flows higher than in the Plan.	Fish and Game seek to retain the policy with amendments that remove the “where necessary” at the beginning and provide greater certainty to decision makers and plan users when a review of the conditions

relevant environmental flows and levels are met.			of water permits will be carried out.
Objective 5.3 Enable access to reliable supplies of freshwater	Amend	Access to freshwater should only be enabled where the Freshwater Management Unit is sustainably managed to align with the purpose of the Act.	Fish and Game seek to amend the Objective to refer to the sustainable management of freshwater resources and ensure that access to freshwater is only enabled where the FMU is sustainably managed to align with the purpose of the RMA.
Policy 5.3.1 – To allocate water in the following order of priority: (a) natural and human use values; then (b) aquifer recharge; then (c) domestic and stock water supply; then (d) municipal water supply; and then (e) all other takes of water.	Amend	As stated above, the natural and human use values for the water resource units in Appendix 5 are clear however it is not clear how these values relate to the Freshwater Management Units in Appendix 6.	Fish and Game seek to amend the policy to clearly explain the natural and human use values relating to Freshwater Management Units in Appendix 6 and the relationship between these values and the Freshwater Management Units in Appendix 6.
Policy 5.3.2 – Provide information to water users about the amount of water available for abstraction and the circumstances under which it is available.	Support	Information on water availability and the circumstances for availability is important to ensure water users are educated on the sustainable management of water resources	Retain as proposed.
Policy 5.3.3 – Confirm and, where they have not previously been set, establish allocation volumes that reflect the safe yield from any Freshwater Management Unit over	Oppose	This policy provides for water allocation over and above those allocations provided for in Schedule 1 of Appendix 6. Fish and Game already consider these allocation limits to be too high, and as such are opposed to this policy. Any allocation of water resources needs to be within	Remove the policy in its entirety due to the provisions for water allocation over and above those allocations provided for in Schedule 1 of

and above the management flows/levels set through the implementation of Policies 5.2.4 and 5.2.10.		sustainable limits.	the Plan.
Policy 5.3.4 – Establish allocation volumes for municipal water supplies and avoid applying management flows and levels to the taking of water for the purpose of municipal supply.	Oppose	Municipal water takes, as with all other water takes, need to be managed within sustainable limits	Fish and Game seek to remove the policy in its entirety as municipal water takes, as with all other water takes, need to be managed within sustainable limits.
Policy 5.3.5 – Enable the take and use of water where it will have little or no adverse effect on water resources.	Oppose	Water should only be taken within sustainable limits. Small adverse effects cumulatively add up to large effects, which the setting of limits for water is to avoid.	Remove the policy in its entirety due to the provision in the policy to enable the take and use of water without appropriate consideration of cumulative effects.
Policy 5.3.7 – Allocate water to irrigation users on the basis of a nine in ten year water demand for the crop/pasture.	Support	This policy is reasonable and is supported by Fish and Game. 90% is a reasonable rule of thumb for security of supply on a decadal timeframe.	Retain as proposed
Policy 5.3.8 – Approve water permit applications to continue taking and using surface water when: (a) a specific minimum flow and allocation limit for the source Freshwater Management Unit is established in the Marlborough Environment Plan; (a) the Freshwater Management Unit	Support	This policy reinforces the use of limits and is supported by Fish and Game.	Retain as proposed

<p>is not over-allocated in terms of the limits set in the Marlborough Environment Plan; (b) there is to be no change to the intended use of water, or if there is a change in use, this results in a decrease in the rate of take of water; and (c) the application is made at least three months prior to the expiry of the existing water permit.</p>			
<p>Policy 5.3.9 – Express any allocation of water for irrigation purposes on the following basis: TABLE</p>	<p>Oppose</p>	<p>Takes of water from rivers need to be expressed as an instantaneous take (litres/second) as well as daily, weekly, monthly and seasonal amounts (as required as part of the consent consideration) in order to achieve other policies about maximum instantaneous rate of take not being more than 5% of flow as well as for the protection of ecological values of waterbodies.</p>	<p>Fish and Game seek to remove the policy in its entirety and replace it with a policy that ensures both instantaneous take and specific allocation amounts are considered in achieving policies relating to maximum instantaneous rate of takes being a percentage of flow, as well as protection for the ecological values of waterbodies.</p>
<p>Policy 5.3.10 – The instantaneous rate of take from a surface waterbody may exceed the instantaneous equivalent of the maximum daily allocation: (a) by 20% at any point in time; or (b) for 20% of the time;</p>	<p>Oppose</p>	<p>Takes of water from rivers need to be expressed as an instantaneous take (litres/second) as well as daily amounts in order to achieve other policies about maximum instantaneous rate of take not being more than 5% of flow as well as for the protection of ecological values of waterbodies.</p>	<p>Fish and Game seek to remove the policy in its entirety and replace it with a policy that ensures both instantaneous take and specific allocation amounts are considered in achieving policies relating to</p>

<p>but in both cases the cumulative take over 24 hours (midnight to midnight) must not exceed the daily maximum.</p>			<p>maximum instantaneous rate of takes being a percentage of flow, as well as protection for the ecological values of waterbodies.</p>
<p>Policy 5.3.11 – Have regard to the potential for any take of water to adversely affect the ability of an existing water user to continue taking water and mitigate any adverse effects by limiting, where necessary, the instantaneous rate of take.</p>	<p>Amend</p>	<p>This policy is written as a method rather than a policy and while its intent is supported, the policy needs to be rewritten to ensure it meets the principles of sound policy drafting.</p>	<p>Fish and Game seek to retain the policy with amendments that reword the policy to remove “have regard to” and provide greater direction to plan users and decision makers and ensure it meets the principles of sound policy drafting.</p>
<p>Policy 5.3.14 – The duration of water permits to take water will reflect the circumstances of the take and the actual and potential adverse effects, but should generally: (a) not be less than 30 years when the take is from a water resource: (i) that has a water allocation limit specified in Schedule 1 of Appendix 6; and (ii) that has a minimum flow or level specified in Schedule 3 of Appendix 6; and (iii) that is not over-allocated; or (b) not be more than ten years when</p>	<p>Oppose</p>	<p>Fish and Game seek that the duration of water permits be reduced and that common catchment expiry dates be imposed to better manage the cumulative impact of water take. To ensure cumulative adverse effects can be addressed, common catchment expiry and review conditions are needed for each catchment to allow consents to be reviewed.</p>	<p>Fish and Game seek to remove the policy and replace it with one that implements shorter duration water permits and catchment expiry dates to take into account the cumulative impacts of water take. Alternatively, ensure that all water permits contain a review clause under Section 128 of the RMA which enables the Council to review consents, on a catchment or regional basis at a common date in the future.</p>

the take is from an over-allocated water resource as specified in Policy 5.5.1; or (c) not be more than ten years when the take is from a water resource that has a default environmental flow established in accordance with Policies 5.2.7 and 5.2.14.			To ensure cumulative adverse effects can be addressed, common catchment expiry and review conditions are needed for each catchment to allow consents to be reviewed.
Common catchment review policy	New	Fish and Game seek to ensure the management of cumulative adverse effects on a catchment by requiring a policy that requires that common catchment expiry and review conditions are needed for each catchment to ensure consents can be reviewed on a catchment wide basis.	Fish and Game seek to add a new policy that implements common catchment expiry and review conditions for each catchment to ensure consents can be reviewed and cumulative adverse effects appropriately managed.
Policy 5.3.15 – Require land use consent for the planting of new commercial forestry in dry catchments and/or flow sensitive areas.	Amend	Afforestation in dry and yield sensitive catchments can significantly alter the long term water yield of these catchments. The requirement to obtain land use consent for afforestation ensures that control can be exercised over where plantings can occur.	Retain as notified.
Policy 5.3.16 – When considering any application for land use consent required as a result of Policy 5.3.15, have regard to the effect of the proposed forestry on river flow (including combined effects with other commercial forestry and carbon sequestration forestry (non-permanent) established after 9 June	Amend	This policy is written as matters of discretion rather than a policy and while its intent is supported, the policy needs to be rewritten to ensure it meets the principles of sound policy drafting.	Fish and Game seek to retain the policy with amendments that reword the policy to remove “have regard to” to provide greater direction to plan users and decision makers.

2016) and seek to avoid any cumulative reduction in the seven day mean annual low flow of more than 5%.			
Issue 5D – Many water resources are fully allocated or are approaching full allocation, inhibiting the opportunity to provide for further demand for water resources.	Amend	Fish and Game consider that the issue should be reworded to address the environmental effects of over-allocation of water.	Fish and Game seek to retain the issue with amendments that ensure that it reflects the environmental effects of over-allocation of water
Objective 5.4 – Improve the utilisation of scarce water resources.	Amend	Fish and Game seek that the objective is amended to ensure that the use of water is conducted within the limits set.	Fish and Game seek to retain the objective with amendments to ensure that it refers specifically to use of water within the limits set.
Policy 5.4.1 – The lapse period for water permits to take water shall be no more than two years.	Support		Retain as proposed
Policy 5.4.2 – Giving effect to water permits to take and use water will be determined on the basis of the water being taken (and/or stored) for the authorised use and that the take is recorded in accordance with Policy 5.7.4.	Amend	Fish and Game seek that the policy be amended to ensure that water taken is used for the authorised purpose and not run to waste.	Amend the policy to ensure that any water taken is used for the use authorised and not wasted.
Policy 5.4.3 – The lapse period for water permits to use water shall be at least ten years.	Support		Retain as proposed
Policy 5.4.4 – Enable access to water that has been allocated but is not currently being utilised by individual	Oppose	This is a significant cause for concern to Fish and Game given that most waterbodies have inadequate minimum flows, allocation limits and flow sharing on which the water for	Fish and Game seek to remove this policy until such time as the Council has sufficient

<p>water permit holders through the transfer of water permits.</p>		<p>allocation has been determined. Use it or lose it should apply, within a timeframe, in order to prevent water banking.</p>	<p>information on which to make informed decision on water allocation and robust techniques in place to accurately monitor actual water takes.</p>
<p>Policy 5.4.5 – When an enhanced transfer system is included in the Marlborough Environment Plan to enable the full or partial transfer of individual water allocations between the holders of water permits to take and use water, this will be provided for as a permitted activity where:</p> <p>(a) the respective takes are from the same Freshwater Management Unit;</p> <p>(b) the Freshwater Management Unit has a water allocation limit specified in Schedule 1 of Appendix 6;</p> <p>(c) the take is not from the Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or the Riverlands Freshwater Management Unit;</p> <p>(d) metered take and use data is transferred to the Council by both the transferor and the transferee in real time using telemetry;</p> <p>(e) the allocation is authorised via a</p>	<p>Oppose</p>	<p>This is a significant cause for concern to Fish and Game given that most waterbodies have inadequate minimum flows, allocation limits and flow sharing on which the water for allocation has been determined.</p>	<p>Fish and Game seek to remove this Policy until such time as the Council has sufficient information on which to make informed decision on water allocation and robust techniques in place to accurately monitor actual water takes.</p>

<p>water permit(s) applied for and granted after 9 June 2016; (f) the transferee holds a water permit to take water if their abstraction point differs from the that of the transferor; and (g) the transferee holds a water permit to use water. The duration of the transfer is at the discretion of the transferor and transferee and can be on a temporary basis or for the remaining duration of the water permit.</p>			
<p>Policy 5.4.6 – Provide water users and the community with daily water use information for fully allocated water resources.</p>	Amend	<p>Fish and Game seek that the policy is amended to ensure that information on water resources is provided for all water resources and not only those that are fully allocated.</p>	<p>Fish and Game seek to retain the policy with amendments to ensure that the community are provided with information on the daily water use of all water resources and not only those that are fully allocated.</p>
<p>Issue 5E – The over-allocation of water resources creates a risk that the cumulative abstraction of water from the resource will exceed the safe yield, creating significant adverse effects on natural and human use values and threatening the reliability of existing water uses.</p>	Support		<p>Retain as proposed</p>
<p>Objective 5.5 – Phase out any over-allocation of water resources.</p>	Amend	<p>Amend the objective to ensure it sets a specific timeframe for eliminating the over-allocation of water. Fish and Game</p>	<p>Retain the policy with amendments that provide a</p>

		suggest this should be achieved by 2030 if not earlier.	specific timeframe for eliminating the over allocation of water and that over allocation is phased out by 2030.
Policy 5.5.1 – Recognise that the following Freshwater Management Units are over allocated with respect to limits established in the Marlborough Environment Plan: (a) Wairau Aquifer; (b) Benmorven, Brancott and Omaka Aquifer; and (c) Riverlands.	Support		Retain as proposed
Policy 5.5.2 – No new water permit will be granted authorising additional abstraction from the water resources identified in Policy 5.5.1 after 9 June 2016.	Support		Retain as proposed
Policy 5.5.3 – Avoid any additional diversion of water from over-allocated water resources for use on land in other freshwater management units.	Amend	Amend the policy to ensure that no new permits for the diversion of water will be granted in over-allocated water resources similar to the wording of policy 5.5.2.	Retain the policy with amendments that provide stronger direction around the diversion of water and to ensure that no new permits for the diversion of water will be granted in over-allocated water resources similar to the wording of policy 5.5.2..
Policy 5.5.4 – Progressively resolve over-allocation of the Wairau Aquifer	Oppose	Fish and Game seek that the Policy is amended to clarify that the policy only applies to water takes with consents	Retain the policy with amendments that clarify the

<p>Freshwater Management Unit and Riverlands Freshwater Management Unit by ensuring water permits granted after 9 June 2016 to continue taking water from the Freshwater Management Units reflect the reasonable demand given the intended use.</p>		<p>granted prior to 9 June 2016 and refers to the policy on reasonable use which is sought elsewhere in this submission. The policy also needs to be amended to reflect the total water allocated from the catchment by 2030.</p>	<p>policy applies to water takes with consents prior to 9 June 2016 and that reference is made to the reasonable use policy sought by Fish and Game. The policy also needs to be amended to reflect the total water allocated from the catchment by 2030.</p>
<p>Policy 5.5.5 – Resolve over-allocation of the Benmorven, Brancott and Omaka Aquifer Freshwater Management Units by reducing individual resource consent allocations on a proportional basis, based on the total allocation available relative to each individual’s irrigated land area, or equivalent for non-irrigation water uses (excluding domestic and stock water). The reductions will be achieved by reviewing the conditions of the relevant water permits to reallocate the available allocation fairly across all relevant users.</p>	<p>Support/ Amend</p>	<p>The policy is supported but Fish and Game seek that it be amended to ensure that the total of all water allocated does not exceed the limit set by 2030.</p>	<p>Retain the policy with amendments that ensure that the total of all water allocated does not exceed the limit set by 2030.</p>
<p>Issue 5F – The taking of groundwater in proximity to rivers can individually or collectively reduce flows in the rivers.</p>	<p>Support</p>		<p>Retain as proposed</p>

Objective 5.6 – Ensure that the taking of groundwater does not cause significant adverse effects on river flow.	Amend	Fish and Game seek that the objective be amended to reflect that the taking of groundwater does not cause limits to be breached.	Retain the policy with amendments that ensure that it reflects that the taking of groundwater does not cause limits to be breached.
Policy 5.6.1 – Unless there is an identified aquifer dominant Freshwater Management Unit, all water within a catchment will be managed as a surface water resource. This means that the minimum flow, management flow and allocation limit established for the river dominant Freshwater Management Unit will also apply to groundwater takes.	Support/ Amend	Fish and Game understand that the aquifer dominant Freshwater Management Units are those that are listed in the second table under Schedule 1 of Appendix 5. This table should be labelled as such to assist plan users, as the first table should be labelled as surface water FMU's. To allocate all groundwater and surface water as one unit is an excellent framework and Fish and Game supports this.	Retain the policy but amend the titles of tables in Appendix 5 to assist plan users in identifying surface water and aquifer dominated FMUs.
Policy 5.6.2 – Manage the potential for groundwater takes in proximity to spring-fed streams on the Wairau Plain to cause a recession of the position of headwaters of the streams by establishing aquifer minimums below which the taking of groundwater must cease.	Support		Retain as proposed
Issue 5G – Allocating more water than is actually required for any use creates the potential for inefficient use of water. This can compromise the sustainability of the resource and prevent other users accessing water.	Support	Provided that 'efficiency' is not defined too tightly, as efficiency is only a measurement or ratio of inputs to outputs, Fish and Game supports this. The exact nature of what constitutes efficient use can be highly contested, and it is best to leave this discussion for individual situations.	Retain as proposed

Objective 5.7 – The allocation and use of water do not exceed the rate or volume required for any given water use.	Support	As above.	Retain as proposed
Policy 5.7.1 – When resource consent is to be granted to use water, every proposed use will be authorised by a separate water permit. Categories include municipal, irrigation, industrial, residential, commercial and frost fighting.	Support		Retain as proposed
Policy 5.7.2 – To allocate water on the basis of reasonable demand given the intended use.	Oppose	<p>Replace the policy with a policy that specifies what is considered to be reasonable use, such as Policy 5-12 of the Horizons One Plan as follows:</p> <p>The amount of water taken by resource users must be reasonable and justifiable for the intended use. In addition, the following specific measures for ensuring reasonable and justifiable use of water must be taken into account when considering consent applications to take water for irrigation, public water supply, animal drinking water, dairy shed wash down or industrial use, and during reviews of consent conditions for these activities.</p> <p>(a) For irrigation, resource consent applications must be required to meet a reasonable use test in relation to the maximum daily rate of abstraction, the irrigation return period and the seasonal or annual volume of the proposed take. When making decisions on the reasonableness of the</p>	<p>Replace the policy with a more thorough policy, one reasonable to achieve the same intent as Policy 5-12 of the One Plan¹.</p> <p>The amount of water taken by resource users must be reasonable and justifiable for the intended use. In addition, the following specific measures for ensuring reasonable and justifiable use of water must be taken into account when considering consent applications to take water for irrigation, public water supply,</p>

¹ [One Plan - Chapter 5: Water, Section 5.4.3 Water Quantity and Allocation](#)

	<p>rate and volume of take sought, the Regional Council must:</p> <p>(i) consider land use, crop water use requirements, on-site physical factors such as soil water-holding capacity, and climatic factors such as rainfall variability and potential evapo-transpiration lower application efficiency), or on the basis of a higher efficiency where an application is for an irrigation system with a higher efficiency</p> <p>(iii) link actual irrigation use to soil moisture measurements or daily soil moisture budgets in consent conditions.</p> <p>(b) For domestic use, animal drinking water and dairy shed washdown water, reasonable needs must be calculated as:</p> <p>(i) up to 300 litres per person per day for domestic needs (ii) up to 70 litres per animal per day for drinking water (iii) up to 70 litres per animal per day for dairy shed washdown.</p> <p>(c) For industrial uses, water allocation must be calculated where possible in accordance with best management practices for water efficiency for that particular industry.</p> <p>(d) For public water supplies, the following must generally be considered to be reasonable:</p> <p>(i) an allocation of 300 litres per person per day for domestic needs, plus (ii) an allocation for commercial use equal to 20% of the total allocation for domestic needs, plus (iii) an allocation for industrial use calculated, where possible, in accordance with best management practices for water efficiency for that particular industry, plus (iv) an allocation necessary for hospitals, other facilities</p>	<p>animal drinking water, dairy shed wash down or industrial use, and during reviews of consent conditions for these activities.</p> <p>(a) For irrigation, resource consent applications must be required to meet a reasonable use test in relation to the maximum daily rate of abstraction, the irrigation return period and the seasonal or annual volume of the proposed take. When making decisions on the reasonableness of the rate and volume of take sought, the Regional Council must:</p> <p>(i) consider land use, crop water use requirements, on-site physical factors such as soil water-holding capacity, and climatic factors such as rainfall variability and potential evapo-transpiration lower application efficiency), or on the basis of a higher efficiency where an application is for an irrigation system with a higher efficiency</p>
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	<p>providing medical treatment, marae, schools or other education facilities, New Zealand Defence Force facilities or correction facilities, plus</p> <p>(v) an allocation necessary for public amenity and recreational facilities such as gardens, parks, sports fields and swimming pools, plus</p> <p>(vi) an allocation necessary to cater for the reasonable needs of animals or agricultural uses that are supplied by the public water supply system, plus</p> <p>(vii) an allocation necessary to cater for growth, where urban growth of the municipality is provided for in an operative district plan for the area and is reasonably forecast, plus</p> <p>(viii) an allocation for leakage equal to 15% of the total of (i) to (vii) above.</p> <p>(e) When making decisions on consent applications where the existing allocation for a public water supply exceeds the allocation determined in accordance with (d)(i) to (d)(vi) above:</p> <p>(i) consideration must be given to imposing a timeframe within which it is reasonably practicable for the existing allocation to be reduced to the determined amount, or</p> <p>(ii) if (i) is not imposed, an alternative allocation must be determined based on the particular social and economic circumstances of the community serviced by the public water supply and the actual and potential effects of the abstraction on the relevant Schedule B Values for the reach</p>	<p>(iii) link actual irrigation use to soil moisture measurements or daily soil moisture budgets in consent conditions.</p> <p>(b) For domestic use, animal drinking water and dairy shed wash down water, reasonable needs must be calculated as:</p> <p>(i) up to 300 litres per person per day for domestic needs</p> <p>(ii) up to 70 litres per animal per day for drinking water</p> <p>(iii) up to 70 litres per animal per day for dairy shed wash down.</p> <p>(c) For industrial uses, water allocation must be calculated where possible in accordance with best management practices for water efficiency for that particular industry.</p> <p>(d) For public water supplies, the following must generally be considered to be reasonable:</p> <p>(i) an allocation of 300 litres per person per day for domestic needs, plus</p> <p>(ii) an allocation for commercial use equal to 20% of the total allocation for domestic needs, plus</p>
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		<p>of river or its bed affected by the take.</p>	<p>(iii) an allocation for industrial use calculated, where possible, in accordance with best management practices for water efficiency for that particular industry, plus (iv) an allocation necessary for hospitals, other facilities providing medical treatment, marae, schools or other education facilities, New Zealand Defence Force facilities or correction facilities, plus (v) an allocation necessary for public amenity and recreational facilities such as gardens, parks, sports fields and swimming pools, plus (vi) an allocation necessary to cater for the reasonable needs of animals or agricultural uses that are supplied by the public water supply system, plus (vii) an allocation necessary to cater for growth, where urban growth of the municipality is provided for in an operative district plan for the area and is reasonably forecast, plus (viii) an allocation for leakage</p>
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			<p>equal to 15% of the total of (i) to (vii) above.</p> <p>(e) When making decisions on consent applications where the existing allocation for a public water supply exceeds the allocation determined in accordance with (d)(i) to (d)(vi) above:</p> <p>(i) consideration must be given to imposing a timeframe within which it is reasonably practicable for the existing allocation to be reduced to the determined amount, or</p> <p>(ii) if (i) is not imposed, an alternative allocation must be determined based on the particular social and economic circumstances of the community serviced by the public water supply and the actual and potential effects of the abstraction on the relevant Schedule B Values for the reach of river or its bed affected by the take.</p>
Policy 5.7.3 – Water permit applications to use water for irrigation will not be approved when	Amend	Fish and Game support the policy but seek that the exception be removed.	Retain the policy with amendments that remove the words “except where the

the rate of use exceeds the reasonable use calculation, except where the applicant can demonstrate that they require more water based on property specific information.			applicant can demonstrate that they require more water based on property specific information”
Policy 5.7.6 – Have regard to the efficiency of the proposed method of distribution and/or irrigation in determining resource consent applications to use water for irrigation purposes.	Amend	Fish and Game seek that the policy is more directive by removing the wording “have regard to” and requiring the introduction of a minimum efficiency standard to ensure that irrigation applications are assessed to achieve at least 80% efficiency.	Retain the policy with amendments that introduce a minimum efficiency standard for irrigation applications of at least 80% efficiency.
Policy 5.7.7 – Allocate water for domestic needs on the basis of five cubic metres per household per day.	Support		Retain as proposed
Issue 5H – Demand for water typically peaks when river flows and aquifer levels are at their lowest, which can cause short-term water availability issues.	Support		Retain as proposed
Objective 5.8 – Maximise the availability of water within the limits of the resource.	Support	Fish and Game support the objective and specifically support the reference to the limits of the resource.	Retain as proposed
Policy 5.8.1 – Encourage the storage of water as an effective response to seasonal water availability issues.	Support		Retain as proposed
Policy 5.8.2 – Provide for the abstraction of surface water for storage purposes during periods of higher flow for subsequent use during periods of low flow (and therefore low	Amend	Fish and Game seek that the policy be amended to ensure that the appropriate timing of takes for storage is reflected in the policy including the waterbody being above median flow, and that the take is no more than 20% of the flow at that time and that the take does not cause a lowering of or	Retain the policy with amendments that ensure that the appropriate timing of takes for storage is reflected in the policy including the waterbody

water availability).		below median flow.	being above median flow, and that the take is no more than 20% of the flow at that time and that the take does not cause a lowering of or below median flow.
Policy 5.8.3 – Water may be stored at times other than those specified in Policy 5.8.2 to provide water users with greater flexibility to manage water use on-site, provided that the rate of take does not exceed the authorised daily rate of take for irrigation purposes.	Amend	Amend the policy to ensure that take of water does not exceed the limits set.	Retain the policy with amendments to ensure that the take of water is not beyond the limits set.
Policy 5.8.4 – The annual volume of water taken for storage shall not exceed a volume equivalent to the authorised rate of take for irrigation purposes for two irrigation seasons for the property or properties to be served by the stored water.	Amend	Amend the policy to ensure that take of water does not exceed the limits set.	Retain the policy with amendments to ensure that the take of water is not beyond the limits set.
Policy 5.8.5 – All water placed in storage should be accurately accounted for.	Amend	Without an accurate record of stored water, the Council is unable to be certain of the amount of water stored, which proves difficult to ensure compliance with resource consent conditions. The policy could be more specific however to provide applicants and plan users with a consistent and appropriate method for accounting for stored water.	Amend the Policy to provide greater clarity around the Council's desired method for accounting for water storage.

4.1.6 Chapter 6 – Natural Character

<p>Issue 6A – Resource use and changes in resource use can result in the degradation of the natural character of the coastal environment, and of lakes, rivers and their margins.</p>	<p>Amend</p>	<p>Inappropriate resource uses can result in the degradation of the natural character of wetland, lakes, rivers and their margins.</p>	<p>Retain the issue with amendments to recognise the natural character of wetlands together with the natural character of the coastal environment, lakes, rivers and their margins.</p>
<p>Objective 6.1 – Establish the degree of natural character in the coastal environment, and in lakes and rivers and their margins.</p>	<p>Amend</p>	<p>Assists with meeting requirements of section 6(a) of the RMA by establishing what the natural character is that should be preserved. The Objective overlooks the natural character of wetlands and should be amended to include this.</p>	<p>Retain the objective with amendments to recognise the natural character of wetlands together with the natural character of the coastal environment, lakes, rivers and their margins.</p>
<p>Policy 6.1.1 – Recognise that the following natural elements, patterns, processes and experiential qualities contribute to natural character: (a) areas or water bodies in their natural state or close to their natural state; (b) coastal or freshwater landforms and landscapes (including seascape); (c) coastal or freshwater physical processes (including the natural movement of water and sediments); (d) biodiversity (including individual</p>	<p>Amend</p>	<p>The policy identifies many aspects of natural character however there is no specific mention of ecological and morphological processes and patterns and this should be recognised.</p>	<p>Amend (e) to include ecological, biological, and morphological processes and patterns</p>

<p>indigenous species, their habitats and communities they form); (e) biological processes and patterns; (f) water flows and levels and water quality; and (g) the experience of the above elements, patterns and processes, including unmodified, scenic and wilderness qualities.</p>			
<p>Policy 6.1.5 – Determine the degree of natural character in and adjacent to lakes and rivers by assessing the degree of human-induced modification to the following: (a) channel shape and bed morphology; (b) flow regime and water levels; (c) water quality; (d) presence of indigenous flora and fauna in the river channel; (e) absence of exotic flora and fauna; (f) absence of structures and other human modification in the river channel/lake; (g) vegetation cover in the riparian margin; (h) absence of structures and other human modification in the riparian margin; and (i) the experience of the above</p>	<p>Amend</p>	<p>The policy states that the degree of natural character in and adjacent to lakes and rivers will be determined by assessing the degree of human-induced modification to various attributes of the waterbody. While it is recognised that natural character is affected by human modification to natural systems and processes, the features themselves had to be present in the first instance to be modified. Fish and Game therefore consider that the policy needs to be amended to first identify the extent that the natural elements, patterns and processes occur, and then consider the extent of any modification to these features.</p>	<p>Amend the policy to ensure that natural character is determined by firstly identification of the elements, patterns and processes that exist to contribute to natural character in wetlands, lakes and rivers and then establish the degree to which these have been modified by human activity.</p>

elements, patterns and processes including unmodified, scenic and wilderness qualities.			
Policy 6.1.6 – Identify those rivers or parts of rivers that have high or very high natural character.	Oppose	<p>The Act requires the preservation of the natural character of wetlands, lakes, rivers and their margins and protection of this natural character from inappropriate subdivision, use and development.</p> <p>Unlike in the coastal environment under the NZCPS, the Act and the NPSFM does not specify particular requirements for wetlands, rivers and lakes that have high or very high natural character.</p> <p>An additional policy is required to identify those wetlands, lake and rivers and their margins with natural character that is not considered high or very high.</p>	<p>Retain the policy with amendments to ensure that wetlands with high and very high natural character are also identified.</p> <p>Include an additional policy in the plan to recognise the natural character of wetlands, lakes and rivers and their margins that have natural character values considered to be less than high.</p>
Objective 6.2 – Preserve the natural character of the coastal environment, and lakes and rivers and their margins, and protect them from inappropriate subdivision, use and development.	Amend	<p>Assists with meeting requirements of section 6(a) of the RMA by establishing what the natural character is that should be preserved.</p> <p>The Objective overlooks the natural character of wetlands and should be amended to include this.</p>	Retain the objective with amendments to recognise the natural character of wetlands together with the natural character of the coastal environment, lakes, rivers and their margins.
Policy 6.2.1 – Avoid the adverse effects of subdivision, use or development on areas of the coastal environment with outstanding natural character values and on lakes and rivers and their margins with high and very high natural character	Amend	<p>The Act requires that that the natural character of wetlands, lakes, rivers and their margins be preserved and protected from inappropriate subdivision, use and development. There is no distinction between areas of high or very high natural character in the Act or in the NPSFM.</p> <p>Therefore, in order to appropriately recognise and provide</p>	Amend the policy to avoid the adverse effects of subdivision, use and development on natural character of wetlands, lakes, rivers and their margins.

values.		for section 6(a) of the Act, protection is needed for all natural character of rivers and lakes and their margins.	
Policy 6.2.3 – Where natural character is classified as high or very high, avoid any reduction in the degree of natural character of the coastal environment or freshwater bodies.	Amend	<p>The Act requires that that the natural character of wetlands, lakes, rivers and their margins be preserved and protected from inappropriate subdivision, use and development. There is no distinction between areas of high or very high natural character in the Act or in the NPSFM.</p> <p>Therefore, in order to appropriately recognise and provide for section 6(a) of the Act, protection is needed for all natural character of wetlands, rivers and lakes and their margins.</p>	Amend the policy to give effect to Section 6(a) of the Act to ensure that the natural character of all wetlands, lakes rivers and their margins be preserved and protected from inappropriate subdivision, use and development.
Policy 6.2.4 – Where resource consent is required to undertake an activity within coastal or freshwater environments with high, very high or outstanding natural character, regard will be had to the potential adverse effects of the proposal on the elements, patterns, processes and experiential qualities that contribute to natural character.	Amend	<p>The Act requires that that the natural character of lakes, rivers and their margins be preserved and protected from inappropriate subdivision, use and development. There is no distinction between areas of high or very high natural character in the Act or in the NPSFM.</p> <p>Therefore, in order to appropriately recognise and provide for section 6(a) of the Act, protection is needed for all natural character of wetlands, rivers and lakes and their margins.</p>	Amend the policy to give effect to Section 6(a) of the Act to ensure that the natural character of all wetlands, lakes rivers and their margins be preserved and protected from inappropriate subdivision, use and development.
Policy 6.2.5 – Recognise that development in parts of the coastal environment and in those rivers and lakes and their margins that have already been modified by past and present resource use activities is less likely to result in adverse effects on natural character.	Oppose	<p>This policy will not result in the preservation of natural character as required by Section 6.</p> <p>While past activities may have impacted the natural character of wetlands, rivers, lakes and their margins, it does not mean that future activities are unlikely to result in adverse effects on natural character.</p> <p>Natural character assessments take into account the degree of modification as required in Policy 6.1.5 and given the</p>	Amend the policy to give effect to Section 6(a) of the Act to ensure that the natural character of all wetlands, lakes rivers and their margins be preserved and protected from inappropriate subdivision, use and development.

		<p>range of elements, patterns and processes which make up natural character, some aspects may have been adversely affected by past activities while others remain in a more natural state. The Act requires the preservation of natural character, and it is recognised that natural character does not only apply to pristine, unmodified environments. It is therefore inappropriate to state that freshwater bodies that have already been modified will be less likely to be affected by future activities.</p>	
<p>Policy 6.2.6 – In assessing the appropriateness of subdivision, use or development in coastal or freshwater environments, regard shall be given to the potential to enhance natural character in the area subject to the proposal.</p>	Amend	<p>This policy provides an opportunity for natural character to be enhanced. The policy could include restoration as well as enhancement as this would encourage where the values may have been degraded.</p>	<p>Amend the policy to include restoration together with enhancement of natural character.</p>
<p>Policy 6.2.7 – In assessing the cumulative effects of activities on the natural character of the coastal environment, or in or near lakes or rivers, consideration shall be given to:</p> <p>(a) the effect of allowing more of the same or similar activity;</p> <p>(b) the result of allowing more of a particular effect, whether from the same activity or from other activities causing the same or similar effect;</p> <p>and</p> <p>(c) the combined effects from all</p>	Support	<p>Cumulative effects are an important consideration when achieving s.6(a) of the Act.</p>	<p>Retain as proposed.</p>

activities in the coastal or freshwater environment in the locality.			
Policy 6.2.8 – Require land use activities to be set back from rivers, lakes and the coastal marine area in order to preserve natural character.	Support	Setbacks assist to avoid, remedy or mitigate adverse effects from land use activities on natural character.	Retain as proposed
Policy 6.2.9 – Encourage and support private landowners, community groups and others in their efforts to restore the natural character of the coastal environment, wetlands, lakes and rivers.	Amend	This policy provides an opportunity for natural character to be restored. The policy could include enhancement as well as restoration to align with the amendment suggested to Policy 6.2.6.	Amend the policy to include enhancement, together with restoration.
4.1.7 Chapter 8 – Indigenous Biodiversity			
General	Amend	Fish and Game consider that throughout Chapter 8 – Indigenous Biodiversity there is conflation between the requirements of s.6(c) in relation to significant habitats of indigenous fauna and the function of regional council's under s.30(1)(ga) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity. Fish and Game seeks that the different responsibilities under the Act be clearly separated out and the Plan amended accordingly.	Amend Chapter 8 – Indigenous Biodiversity to recognise the different responsibilities of the Council under Section 6(c) and 30(1)(ga) of the Resource Management Act.
Issue 8A – A reduction in the extent and condition of indigenous biodiversity in Marlborough.	Support		Retain as proposed
Objective 8.1 – Marlborough's remaining indigenous biodiversity in terrestrial, freshwater and coastal	Support	Protection of indigenous biodiversity is required under s.6(c) of the RMA.	Retain as proposed

environments is protected.			
Objective 8.2 – An increase in area/extent of Marlborough’s indigenous biodiversity and restoration or improvement in the condition of areas that have been degraded.	Support	The intent of the policy is supported by Fish and Game.	Retain as proposed
Identification of sites, areas and habitats with significant indigenous biodiversity value			
<p>Policy 8.1.1 – When assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:</p> <p>(a) representativeness; (b) rarity; (c) diversity and pattern; (d) distinctiveness; (e) size and shape; (f) connectivity/ecological context; (g) sustainability; and (h) adjacent catchment modifications.</p> <p>For a site to be considered significant, one of the first four criteria (representativeness, rarity, diversity and pattern or distinctiveness/special ecological characteristics) must rank</p>	Amend	<p>Fish and Game consider that given that wetlands are a globally rare commodity, all wetlands should be considered as significant habitats under s.6(c) and therefore should be considered to have significant biodiversity value under the Plan.</p> <p>Fish and Game are also of the view that consideration of the significant biodiversity value of introduced and indigenous species is important and seeks that the policy be amended to reflect this.</p>	<p>Retain the policy with amendments that remove the reference to “significant indigenous biodiversity value” and refer instead to “significant biodiversity value including indigenous biodiversity” and to recognise that all wetlands have significant biodiversity value and to remove “(g) sustainability” and provide clearer guidance on what the criteria are and how they will be applied such as those identified in Table F2(a) of the Horizons One Plan.²</p>

² [One Plan - Schedule F: Indigenous Biological Diversity](#)

medium or high.			
Policy 8.1.2 – Sites in the coastal marine area and natural wetlands assessed as having significant indigenous biodiversity value will be specifically identified in the Marlborough Environment Plan.	Amend	Fish and Game consider all wetlands have significant biodiversity value and therefore all wetland areas should be specifically identified in the Plan.	Amend the Plan to identify all wetland areas as significant. Policy 8.1.2 – Sites in the coastal marine area and natural wetlands assessed as having significant biodiversity, including indigenous biodiversity, value will be specifically identified in the Marlborough Environment Plan.
Protecting and enhancing indigenous biodiversity			
Policy 8.2.2 – Use a voluntary partnership approach with landowners as the primary means for achieving the protection of areas of significant indigenous biodiversity on private land, except for areas that are wetlands.	Oppose	Rules are necessary to protect biodiversity and the significant habitats of indigenous fauna as required by s.6(c) to be protected as a matter of national importance.	Remove the policy in its entirety
Policy 8.2.3 – Priority will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant indigenous biodiversity values, particularly those that are legally protected.	Amend	It is not clear how this policy fits with policy 8.2.2.	Amend the policy to provide clarity around how protection, maintenance and restoration will be achieved.
Policy 8.2.4 – Priority will be given to the re-establishment of indigenous	Amend	Fish and Game support this policy given the location of many wetland areas are located in Marlborough’s lowland	Policy 8.2.4 – Priority will be given to the re-establishment

biodiversity in Marlborough's lowland environments.		environments and this is also the area where the biodiversity has been lost	of biodiversity, including indigenous biodiversity, in Marlborough's lowland environments.
Policy 8.2.6 – Where areas of significant indigenous biodiversity value are known to exist in riparian margins of rivers, lakes or in the margins of a significant wetland, consideration will be given to acquiring or setting aside these areas to help protect their values.	Amend	Fish and Game note that Council cannot compulsorily acquire land and on that basis, the policy is supported.	Retain as proposed
Policy 8.2.9 – Maintain, enhance or restore ecosystems, habitats and areas of indigenous biodiversity even where these are not identified as significant in terms of the criteria in Policy 8.1.1, but are important for: (a) the continued functioning of ecological processes; (b) providing connections within or corridors between habitats of indigenous flora and fauna; (c) cultural purposes; (d) providing buffers or filters between land uses and wetlands, lakes or rivers and the coastal marine area; (e) botanical, wildlife, fishery and amenity values;	Amend	Recognise all freshwater species not just indigenous	Retain the policy with amendments that remove the reference to "indigenous biodiversity" and refer instead to "biodiversity value including indigenous biodiversity" to ensure that biodiversity value of all freshwater species is recognised.

(f) biological and genetic diversity; and (g) water quality, levels and flows.			
Policy 8.2.11 – Promote corridors of indigenous vegetation along waterbodies to allow the establishment of native ecosystems and to provide wildlife habitat and linkages to other fragmented bush or wetland remnants.	Amend	<p>Ecological corridors play a crucial role in maintaining connections between animal and plant populations that would otherwise be isolated.</p> <p>Fish and Game consider that any vegetation can assist with the establishment of native ecosystems, not only indigenous vegetation. Therefore amendment to the policy is sought to enable vegetation corridors including indigenous vegetation are promoted.</p>	Retain policy 8.2.11 with amendments to remove reference to “indigenous vegetation” and instead refer to “vegetation, including indigenous vegetation” to recognise the role of all vegetation in the promotion of vegetation corridors along waterbodies.
Policy 8.3.4 – Improve the management of drainage channel maintenance activities to mitigate the adverse effects from these activities on the habitats of indigenous freshwater species.	Amend	<p>Drainage channel maintenance works affect the habitats of trout and salmon as well as indigenous freshwater species. Section 7(h) of the RMA requires the protection of the habitat of trout and salmon to be given particular regard. This protection is likely to require more than mitigation of adverse effects to be achieved.</p>	Amend Policy 8.3.4 – Improve the management of drainage channel maintenance activities to mitigate the adverse effects from these activities on the habitats of freshwater species, including indigenous freshwater species
New policy – protection of significant areas	Additional	There is no policy in the plan which seeks to protect areas identified as significant. Fish and Game seek an additional policy to ensure this matter is appropriately addressed.	Add a new policy that ensures the protection of significant areas.
Policy 8.3.5 – In the context of Policy 8.3.1 and Policy 8.3.2, adverse effects to be avoided or otherwise remedied or mitigated may include: (a) fragmentation of or a reduction in the size and extent of indigenous	Amend	<p>Fish and Game seeks amendments to the policy to ensure:</p> <ul style="list-style-type: none"> • That the policy suggested above to protect significant areas is directly cross referenced; and • That the policy provides a stronger hierarchy whereby significant adverse effects are avoided altogether and that mitigate and remediation is only considered where 	<p>Fish and Game seeks amendments to the policy to ensure:</p> <ul style="list-style-type: none"> • That the policy suggested above to protect significant areas is directly

<p>ecosystems and habitats; (b) fragmentation or disruption of connections or buffer zones between and around ecosystems or habitats; (c) changes that result in increased threats from pests (both plant and animal) on indigenous biodiversity and ecosystems; (d) the loss of a rare or threatened species or its habitat; (e) loss or degradation of wetlands, dune systems or coastal forests; (f) loss of mauri or taonga species; (g) impacts on habitats important as breeding, nursery or feeding areas, including for birds; (h) impacts on habitats for fish spawning or the obstruction of the migration of fish species; (i) impacts on any marine mammal sanctuary, marine mammal migration route or breeding, feeding or haul out area; (j) a reduction in the abundance or natural diversity of indigenous vegetation and habitats of indigenous fauna; (k) loss of ecosystem services; (l) effects that contribute to a cumulative loss or degradation of</p>		<p>avoidance of other effects is not possible.</p>	<p>cross referenced; and</p> <ul style="list-style-type: none"> • That the policy provides a stronger hierarchy whereby significant adverse effects are avoided altogether and that mitigate and remediation is only considered where avoidance of other effects is not possible.
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<p>habitats and ecosystems; (m) loss of or damage to ecological mosaics, sequences, processes or integrity; (n) effects on the functioning of estuaries, coastal wetlands and their margins; (o) downstream effects on significant wetlands, rivers, streams and lakes from hydrological changes higher up the catchment; (p) natural flows altered to such an extent that it affects the life supporting capacity of waterbodies; (q) a modification of the viability or value of indigenous vegetation and habitats of indigenous fauna as a result of the use or development of other land, freshwater or coastal resources; (r) a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by Marlborough's tangata whenua iwi; (s) a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by the wider community; and</p>			
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(t) the destruction of or significant reduction in educational, scientific, amenity, historical, cultural, landscape or natural character values.			
Policy 8.3.6 – Where taking or diversion of water from waterbodies is proposed, water levels and flows shall remain at levels that protect the natural functioning of those waterbodies.	Support	This policy helps to achieve the purpose of the RMA by protecting the life-supporting capacity of water and ecosystems as required under s(5)(b).	Retain as proposed.
Policy 8.3.8 – With the exception of areas with significant indigenous biodiversity value, where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to mitigate residual adverse effects. Where a biodiversity offset is proposed, the following criteria will apply: (a) the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated; (b) the residual adverse effects on biodiversity are capable of being offset and will be fully compensated	Amend	Fish and Game seek that the policy be amended to align with the Business and Biodiversity Offsets Programme – Principles on Biodiversity Offsets. ³	Retain the policy with amendments that ensure the policy aligns with the principles for biodiversity offsetting outlined by the Business and Biodiversity Offsets Programme.

³ [BBOP Biodiversity Offsetting Principles](#)

<p>by the offset to ensure no net loss of biodiversity;</p> <p>(c) where the area to be offset is identified as a national priority for protection under Objective 8.1, the offset must deliver a net gain for biodiversity;</p> <p>(d) there is a strong likelihood that the offsets will be achieved in perpetuity;</p> <p>(e) where the offset involves the ongoing protection of a separate site, it will deliver no net loss and preferably a net gain for indigenous biodiversity protection; and</p> <p>(f) offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.</p>			
<p>4.1.8 Chapter 9 – Public Access and Open Space</p>			
<p>Issue 9A – Trying to meet community expectations that public access will be available to rivers, lakes and the coast.</p>	<p>Support</p>		<p>Retain as proposed</p>
<p>Objective 9.1 – The public are able to enjoy the amenity and recreational</p>	<p>Support</p>		<p>Retain as proposed</p>

opportunities of Marlborough's coastal environment, rivers, lakes, high country and areas of historic interest.			
General			
Policy 9.1.2 – In addition to the specified areas in Policy 9.1.1, the need for public access to be enhanced to and along the coastal marine area, lakes and rivers will be considered at the time of subdivision or development, in accordance with the following criteria: (a) there is existing public recreational use of the area in question, or improving access would promote outdoor recreation; (b) connections between existing public areas would be provided; (c) physical access for people with disabilities would be desirable; and (d) providing access to areas or sites of cultural or historic significance is important.	Support		Retain as proposed
Policy 9.1.3 – Where public access is enhanced in priority locations, steps shall be taken to ensure this does not result in: (a) adverse effects on the wider environment of that location from	Support		Retain as proposed

littering, unsanitary disposal of human waste or damage to vegetation; or (b) conflicts between users that would detract from public enjoyment of the area.			
Policy 9.1.4 – Acknowledge that public access to land held in private ownership can only be granted by the landowner.	Support	Fish and Game support this policy and in particular the acknowledgement it provides around the conflict between users, particularly in relation to the Para Wetland. In the case of Fish and Game owned freehold reserve land, access is guaranteed by the Conservation Act 1987.	Retain as proposed
Providing/enhancing public access			
Policy 9.1.6 – Continue to assess the need to enhance public access to and along the coastal marine area, lakes and rivers.	Support	This should be undertaken through Plan effectiveness monitoring as standard but the policy reinforces its importance.	Retain as proposed
Policy 9.1.9 – Enhance public access through: (a) development of networks for cycling and walking in both rural and urban areas; and (b) facilitating public access and recreational use of Marlborough District Council owned or administered land.	Amend	Fish and Game support cycleways and walkways, but these can sometimes require careful and sensitive design to minimise or avoid conflict with existing recreational activities, such as angling or gamebird shooting on riparian margins. There is usually an ability to accommodate most types of activities but it requires consultation.	Policy 9.1.9 – Enhance public access through: (a) development of appropriately designed networks for cycling and walking in both rural and urban areas; and (b) facilitating public access and recreational use of Marlborough District Council owned or administered land. c) Consult with stakeholders on proposals for the development of such networks.

Policy 9.1.10 – The creation of esplanade reserves, esplanade strips or access strips will be a significant means of enhancing public access to and along the coastal marine area, rivers and lakes.	Support	Policy assists in giving effect to s.77 of the RMA.	Retain as proposed.
Policy 9.1.11 – An esplanade reserve to be taken for public access purposes will be preferred to an esplanade strip or access strip in the following circumstances: (a) for those sites that adjoin existing esplanade reserves or other reserves vested in either the Marlborough District Council or Crown; (b) where the site adjoins the coastal marine area; or (c) where the site is or is likely to be a high use area.	Amend	Fish and Game seek that the policy be amended to express preference for esplanade reserves to be taken in the instances where the site adjoins a river used for angling to recognise the importance of public access to these rivers and recognise the requirements of s.229(c) of the RMA which seeks to enable the public recreational use of esplanade reserves.	Retain the policy with amendments to (b) to include “rivers used for angling” after coastal marine area or wording to similar effect.
Impacts on public access			
Policy 9.1.13 – When considering resource consent applications for activities, subdivision or structures in or adjacent to the coastal marine area, lakes or rivers, the impact on public access shall be assessed against the following: (a) whether the application is in an area identified as having a high degree of importance for public	Amend	Fish and Game seek that the policy be amended to ensure that: <ul style="list-style-type: none"> • there is no reduction in public access to rivers unless this is unavoidable • the criteria are amended to reflect its application to areas adjacent to rivers and not just to the riverbed 	Fish and Game seek that the policy be amended to ensure that: <ul style="list-style-type: none"> • there is no reduction in public access to rivers unless this is unavoidable • the criteria are amended to reflect its application to areas adjacent to rivers and not just to the riverbed

<p>access, as set out in Policy 9.1.1;</p> <p>(b) the need for the activity/structure to be located in the coastal marine area and why it cannot be located elsewhere;</p> <p>(c) the need for the activity/structure to be located in a river bed and why it cannot be located elsewhere;</p> <p>(d) the extent to which the activity/subdivision/structure would benefit or adversely affect public access, customary access and recreational use, irrespective of its intended purpose;</p> <p>(e) in the coastal marine area, whether exclusive rights of occupation are being sought as part of the application;</p> <p>(f) for the Marlborough Sounds, whether there is practical road access to the site of the application;</p> <p>(g) how public access around or over any structure sought as part of an application is to be provided for;</p> <p>(h) whether the impact on public access is temporary or permanent and whether there is any alternative public access available; and</p> <p>(i) whether public access is able to be restricted in accordance with Policies</p>			
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9.2.1 and 9.2.2.			
Policy 9.1.14 – Where existing public access to or along the coastal marine area, lakes and rivers is to be lost through a proposed use, development or structure, alternative access may be considered as a means to mitigate that loss.	Amend	Fish and Game seek that the policy be tightened to require that alternative access be provided where existing access will be lost.	Retain the policy with amendments to ensure that where existing public access is to be lost, that alternative access must be provided.
Unformed legal road			
Policy 9.1.15 – Recognise the benefits of the presence of unformed legal road as a means to enhance access to and along waterbodies (including the coast) and to public land.	Support		Retain as proposed
Policy 9.1.16 – In considering an application to stop any unformed legal road, the Marlborough District Council shall consider the following: (a) current level of use, including whether the unformed legal road is: - the sole or most convenient means of access to any existing lot(s) that is public land or feature (for example, a river or the coast); or - used as a walkway or to access conservation land; (b) opportunities for future use, including whether the unformed legal road will be needed: - to service future residential,	Oppose	The stopping of legal roads is not a matter considered under the RMA and is considered under either the Public Works Act 1981 or the Local Government Act 1974. This policy is unnecessary in a resource management document.	Remove policy as it does not relate to resource management or the RMA.

<p>commercial, industrial or primary production developments; or - in the future, to connect existing roads; (c) alternative uses of the land, including its current or potential value for amenity or conservation functions, e.g. walkway, utilities corridor, esplanade strip or access way to features such as a river or the coast; (d) whether there is alternative and practical existing public access to the same end point of the unformed legal road; and (e) whether acceptable alternative access can be provided to offset the stopping of the unformed legal road.</p>			
<p>Policy 9.1.17 – Where an unformed legal road provides access: to or from a public road or reserve; (b) to or along a waterbody or the coastal marine area; or (c) provides primary access to an esplanade reserve or other reserve land; and there is no other access to the areas identified in (a) to (c), the Marlborough District Council will not stop an unformed legal road unless an</p>	<p>Oppose</p>	<p>The stopping of legal roads is not a matters considered under the RMA and is considered under either the Public Works Act 1981 or the Local Government Act 1974. This policy is unnecessary in a resource management document.</p>	<p>Remove policy as it does relate to resource management or the RMA.</p>

equal or better alternative is provided.			
Objective 9.2 – Identification of circumstances when public access to and along the coast and the margins of lakes and rivers can be restricted.	Amend	The objective as written does not define the outcome sought which is to ensure that public access is not unnecessarily restricted to align with S.6(d) of the RMA.	Amend the objective to ensure it provides clear direction that public access to the coast and lakes and rivers is maintained
Policy 9.2.1 – Public access to and along the coastal marine area and the margins of lakes and rivers may be restricted to: (a) ensure a level of security consistent with the purpose of a resource consent or designation; (b) protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; (c) protect cultural values of Marlborough’s tangata whenua iwi; (d) allow for foot access only; (e) protect public health and safety and animal welfare and to manage fire risk; (f) protect heritage, natural or cultural values; and (g) in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.	Amend		Retain the policy with amendment to remove “(g) in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.”

<p>Policy 9.2.2 – Aside from the circumstances in Policy 9.2.1 above, constraints on public access shall not be imposed unless:</p> <p>(a) there is no practical alternative; and</p> <p>(b) the effects on public access would be no more than minor.</p>	Support		Retain as proposed
<p>4.1.9 Chapter 14 – Use of the Rural Environment</p>			
<p>Objective 14.1 – Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed.</p>	Support	<p>The objective recognises that primary production activities do have adverse effects on the environment</p>	Retain as proposed
<p>Policy 14.1.4 – Manage primary production activities to ensure they are carried out sustainably through the implementation of policies and methods (including rules establishing standards for permitted activities) to address potential adverse effects on:</p> <p>(a) the life supporting capacity of soils, water, air and ecosystems;</p> <p>(b) natural character of rivers, wetlands and lakes;</p>	Amend	<p>Primary production activities should also consider the protection of the habitat of trout and salmon as required under s.7(h) of the RMA.</p> <p>The policy also needs to be amended to include reference to all human and natural values of waterbodies.</p> <p>The policy should refer to all kinds of rules, not just those for permitted activities.</p>	<p>Amend the policy to give effect to s.7(h) of the RMA, to include reference to all human and natural values of waterbodies and to ensure that implementation considers all types of rules, not just permitted activities.</p> <p>Policy 14.1.4 – Manage primary production activities to ensure</p>

<p>(c) water quality and water availability;</p> <p>(d) areas with landscape significance;</p> <p>(e) areas with significant indigenous vegetation and significant habitats of indigenous fauna;</p> <p>(f) the values of the coastal environment as set out in Issue 13A of Chapter 13 - Use of the Coastal Environment; or</p> <p>(g) the safe and efficient operation of the land transport network and Marlborough's airports.</p>			<p>they are carried out sustainably through the implementation of policies and methods (including rules establishing standards for permitted activities) to address potential adverse effects on:</p> <p>(a) the life supporting capacity of soils, water, air and ecosystems;</p> <p>(b) natural character of rivers, wetlands and lakes;</p> <p>(c) water quality and water availability;</p> <p>(d) areas with landscape significance;</p> <p>(e) areas with significant indigenous vegetation and significant habitats of indigenous fauna;</p> <p>(e1) the habitat of trout and salmon;</p> <p>(f) the values of the coastal environment as set out in Issue 13A of Chapter 13 - Use of the Coastal Environment; or</p> <p>(g) the safe and efficient operation of the land transport network and Marlborough's airports.</p>
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4.1.10 Chapter 15 – Resource Quality (Water, Air, Soil)

Management of freshwater to achieve freshwater quality standards	New	Freshwater to be managed to achieve the water quality standards in Appendix 5 Schedule 2 for all Freshwater Management Units (incorporating the relevant changes below to the Schedule itself).	Fish and Game seek that the plan manage freshwater to achieve the water quality standards in Appendix 5, Schedule 2 for all Freshwater Management Units and incorporating the relevant changes to Schedule 2 set out in the submission below.
Management of freshwater to achieve freshwater quality standards	New	To identify in the Plan, all the waterbodies that do not achieve the water quality standards contained in Appendix 5 Schedule 2, and improve the water quality within these waterbodies to achieve the water quality standards by 2030.	Fish and Game seek that the Plan identify all the waterbodies that do not achieve the water quality standards contained in Appendix 5, Schedule 2 and seek to improve the water quality within these waterbodies to achieve the water quality standards in Schedule 2 by 2030.
Management of land use and discharges in waterbodies identified as not meeting water quality standards in the plan.	New	Seek objectives and policies in the plan that manage land use and discharges in waterbodies identified as not meeting the water quality standards in Appendix 5 Schedule 2, so that the water quality standards are achieved by 2030.	Fish and Game seek objectives and policies in the plan that manage land use and discharges in waterbodies identified as not meeting the water quality standards in Appendix 5, Schedule 2 to

			ensure water quality standards are achieved in all freshwater bodies by 2030.
Management of land use and discharges in waterbodies identified as not meeting water quality standards in the plan.	New	Seek rules in the plan that manage land use and discharges in waterbodies identified as not meeting the water quality standards in Appendix 5 Schedule 2, so that the water quality standards are achieved by 2030.	Fish and Game seek rules in the plan that manage land use and discharges in waterbodies identified as not meeting the water quality standards in Appendix 5, Schedule 2 to ensure water quality standards are achieved in all freshwater bodies by 2030.
Issue 15A – The discharge of contaminants to water can adversely affect the life supporting capacity and the community’s use of Marlborough’s coastal waters, rivers, lakes, wetlands and aquifers.	Support	This is of significant concern to Fish and Game and objectives and policies to address this issue are critical.	Retain as proposed.
Issue 15B – Water quality in some of Marlborough’s rivers has already been degraded, to the extent that their ability to support aquatic ecosystems and/or contact recreation has been compromised.	Support	This is of significant concern to Fish and Game and objectives and policies to address this issue are critical.	Retain as proposed.
Table 15.1 Waterbodies identified through monitoring as being degraded: Are Are Creek Doctors Creek Duncan (Linkwater) Stream	Amend	Fish and Game seek that the Para Wetland be included in Table 15.1 as this wetland has degraded water quality as a result of upstream land use.	Retain Table 15.1 with amendment to include the Para Wetland.

Flaxbourne River Mill Creek Murphys Creek Omaka River Ōpaoa River Ronga River Taylor River Tuamarina River Wairau Diversion			
Table 15.2 Waterbodies identified through monitoring as being at risk of degradation: Cullens Creek Kaituna River Kenepuru River Lower Pelorus River (downstream of the Rai River) Lower Wairau River from SH1 bridge to the sea Mill Stream Opouri River Rai River Spring Creek Waitohi River	Support		Retain as proposed
Issue 15C – The mauri of wai (water) has been degraded due to the lack of understanding about its spiritual significance.	Support		Retain as proposed
Natural and Human Use values			
Objective 15.1a – Maintain and where	Amend	Water quality in all waterbodies, including coastal and	Amend the policy to ensure

<p>necessary enhance water quality in Marlborough's rivers, lakes, wetlands, aquifers and coastal waters, so that:</p> <ul style="list-style-type: none"> (a) the mauri of wai is protected; (b) water quality at beaches is suitable for contact recreation; (c) people can use the coast, rivers, lakes and wetlands for food gathering, cultural, commercial and other purposes; (d) groundwater quality is suitable for drinking; (e) the quality of surface water utilised for community drinking water supply remains suitable for drinking after existing treatment; and (f) coastal waters support healthy ecosystems. 		<p>freshwater should be suitable for primary contact, fishing and to maintain and enhance the intrinsic values of ecosystems.</p>	<p>that all coastal and fresh water quality is maintained, and where necessary restored and enhanced to enable primary contact recreation, fishing and the intrinsic values of ecosystems.</p>
<p>Te Hauora o te Wai/the health and mauri of water</p>			
<p>Objective 15.1b – Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median nitrate concentration is <1 milligram nitrate-nitrogen per litre and the annual 95th percentile concentration is <1.5 milligrams nitrate-nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.</p>	<p>Amend</p>	<p>Fish and Game seek that the objective be amended to ensure that the level of dissolved inorganic nitrogen aligns with the level set in Schedule 2 of Appendix 5 under Biological growths of <0.444mg/l as this is a more appropriate level to ensure ecosystem health This aligns with the requirements for ecosystem health in rivers as outlines the NPSFM and Fish and Game suggest this should be achieved by 2030 if not earlier.</p>	<p>Retain the objective with amendments that require the level of dissolved inorganic nitrogen to be set at 0.444mg/l as a more appropriate measure of ecosystem health and ensure that this is achieved by 2030</p>

Objective 15.1c – Maintain freshwater water quality in each Freshwater Management Unit so that the annual median ammonia concentration is <0.03 milligrams ammoniacal nitrogen per litre and the annual maximum concentration is <0.05 milligrams ammoniacal nitrogen per litre, as measured by the Council’s State of the Environment monitoring programme.	Amend	Fish and Game support the policy where amendments are made to Objective 15.1b as stated above. Fish and Game suggest this should be achieved by 2030 if not earlier.	Retain as proposed where relief sought for Objective 15.1b is granted while ensuring that this is achieved by 2030
Objective – dissolved reactive phosphorus	New	Fish and Game seek the inclusion of an objective that specifies the maintenance or enhancement of freshwater quality in each Freshwater Management Unit so that the annual median dissolved reactive phosphorus must be <0.015mg/l when rivers are at less than median flow. Fish and Game suggest this should be achieved by 2030 if not earlier.	Add a new objective to ensure that the maintenance or enhancement of freshwater quality in each Freshwater Management Unit so that the annual average concentration of dissolved reactive phosphorus must be <0.015mg/l when the river flow is at or below the 20 th flow exceedance percentile and ensure that this is achieved by 2030
Objective – deposited fine sediment	New	Fish and Game seek the inclusion of an objective that specifies the maintenance or enhancement of freshwater quality in each Freshwater Management Unit so that the annual medium deposited fine sediment concentration is <20% Fish and Game suggest this should be achieved by 2030 if not earlier.	Add a new objective to ensure that the maintenance or enhancement of freshwater quality in each Freshwater Management Unit so that the maximum cover of visible river bed by deposited fine sediment

			concentration is less than 20% and ensure that this is achieved by 2030
Objective – integrity of freshwater habitats and natural species diversity	New	Fish and Game seek to reinstate Objective 5.1.10 from the Operative Regional Policy Statement which seeks to ensure the integrity of freshwater habitats and natural species diversity are maintained or enhanced.	Reinstate Objective 5.1.10 from the Operative Regional Policy Statement or an objective with wording to similar effect that ensures the integrity of freshwater habitats and natural species diversity are maintained or enhanced.
Te Hauora o te Tangata/the health and mauri of the people			
Objective 15.1d – Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median E. coli level is <260 per 100 ml, as measured by the Council’s State of the Environment monitoring programme.	Amend	Fish and Game suggest this should be achieved by 2030 if not earlier.	Retain the policy with amendment to ensure it applies to each waterbody and not to Freshwater Management Units and ensure that this is achieved by 2030
Objective 15.1e – Maintain or enhance freshwater water quality in waterbodies valued for primary contact recreation so that the 95th percentile E. coli level is <540 per 100 ml, as measured by the Council’s State of the Environment monitoring programme.	Amend	In order for all waterbodies to be swimmable, the A class standard in the NPSFM needs to apply. Fish and Game suggest this should be achieved by 2030 if not earlier.	Retain the policy with amendments to replace the <540 per 100ml to <260 per 100ml to ensure all waterbodies are swimmable and ensure that this is achieved by 2030.
Management purpose			
Policy 15.1.1 – As a minimum, the quality of freshwater and coastal	Amend	It is not clear why the policy seeks to manage rivers and lakes for the potential for contact recreation, rather than just	Retain the policy with amendments to remove the

<p>waters will be managed so that they are suitable for the following purposes:</p> <p>(a) Coastal waters: protection of marine ecosystems; potential for contact recreation and food gathering/marine farming; and for cultural and aesthetic purposes;</p> <p>(b) Rivers and lakes: protection of aquatic ecosystems; potential for contact recreation; community water supply (where water is already taken for this purpose); and for cultural and aesthetic purposes;</p> <p>(c) Groundwater: drinking water supply; and</p> <p>(d) Wetlands: protection of aquatic ecosystems and the potential for food gathering.</p>		<p>for contact recreation. All rivers and lakes need to be managed to ensure they are suitable for contact recreation.</p> <p>Fish and Game also seek that (d) be amended to reflect that wetlands have aquatic and terrestrial ecosystems.</p>	<p>reference to “potential for contact recreation” and refer simply to contact recreation.</p> <p>Amend (d) to refer to “wetland ecosystems” rather than “aquatic ecosystems” to reflect the diverse nature of wetlands.</p>
<p>Policy 15.1.2 – Apply water quality classifications (and water quality standards) to all surface water, groundwater and coastal water resources, which reflect:</p> <p>(a) the management purposes specified in Policy 15.1.1; and</p> <p>(b) other uses and values supported by the waterbody or coastal waters; or</p> <p>(c) where water quality has already</p>	<p>Amend</p>	<p>Values have been applied to Water Resource Units and not to Freshwater Management Units. It is not clear what the relationship between these two water resource management units is and clarification is required.</p>	<p>Clarify the relationship between Water Resource Units and Freshwater Management Units so that it is clear how the two data sets relate to each other.</p>

been degraded, the uses and values that are to be restored.			
Policy 15.1.3 – To investigate the capacity of fresh waterbodies to receive contaminants from all sources, having regard to the management purposes established by Policy 15.1.1 in order to establish cumulative contaminant limits by 2024.	Amend	Fish and Game seeks that the water quality standards are set as in stream limits. The rules relating to these standards should be amended to ensure that these limits are met by 2030.	Retain the policy with amendments to reflect that water quality standards are set as in-stream limits and these limits are to be achieved, through the implementation of rules by 2030.
Enhancing water quality			
Policy 15.1.4 – Take action to enhance water quality in the following rivers to meet Objective 15.1b within ten years of the Marlborough Environment Plan becoming operative: (a) Mill Creek; and (b) Murphys Creek.	Amend	Fish and Game seek that the policy be amended to be more directive in achieving the objective. This requires wording to be amended to remove “take action” and instead wording the policy to ensure that the objective will be achieved within 10 years as required for Murphys Creek. Fish and Game seek that the importance of Mill Stream as support to sports fishery and in feeding the hatchery operated by Ormond Aquaculture Ltd be recognised by enhanced water quality being achieved within five years of the Marlborough Environment Plan becoming operative.	Retain the policy with amendments to ensure that the objectives are achieved within the stated 10-year timeframe for Murphys Creek and within a 5-year timeframe for Mill Creek.
Policy 15.1.5 – Take action to enhance water quality in the following rivers to meet Objective 15.1d within ten years of the Marlborough Environment Plan becoming operative: (a) Are Are Creek; (b) Cullens Creek;	Amend	Fish and Game seek that the policy be amended to be more directive in achieving the objective. This requires wording to be amended to remove “take action” and instead wording the policy to ensure that the objective will be achieved within 10 years as required. Fish and Game seek that the importance of Kaituna River as	Retain the policy with amendments to ensure that the objectives are achieved within the stated 10-year timeframe and within a 5-year timeframe for Kaituna River.

(c) Doctors Creek; and (d) Kaituna River.		a sports fishery is acknowledged by requiring that action to enhance water quality in this river is achieved within five years of the Marlborough Environment Plan becoming operative.	
Policy 15.1.6 – Take action to enhance water quality in the following rivers to meet Objective 15.1e within ten years of the Marlborough Environment Plan becoming operative: (a) Taylor River; (b) Rai River; and (c) Waihopai River.	Amend	Fish and Game seek that the policy be amended to be more directive in achieving the objective. This requires wording to be amended to remove “take action” and instead wording the policy to ensure that the objective will be achieved within five years of the Marlborough Environment Plan becoming operative to acknowledge the importance of these waterways as sports fisheries.	Retain the policy with amendments to ensure that the objectives are achieved within a 5-year timeframe.
Policy 15.1.7 – Take action to enhance water quality in the rivers identified in Tables 15.1 and 15.2 so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative.	Amend	Fish and Game seek that the policy be amended to be more directive in achieving the objective. This requires wording to be amended to remove “take action” and instead wording the policy to ensure that the objective will be achieved within 10 years as required.	Retain the policy with amendments to ensure that the objectives are achieved within the stated timeframes.
Management of point source discharges to water			
Policy 15.1.9 – Enable point source discharge of contaminants or water to water where the discharge will not result: (a) in any of the following adverse effects beyond the zone of reasonable mixing: (i) the production of conspicuous oil or grease films, scums, foams or	Amend	Reference to the emission of objectionable odour has been omitted from the policy.	Amend the policy to accurately reflect the requirements of s.70 of the RMA to ensure that the discharges do not result in the emission of objectionable odour.

<p>floatable or suspended materials; (ii) any conspicuous change in the colour or significant decrease in the clarity of the receiving waters; (iii) the rendering of freshwater unsuitable for consumption by farm animals; (iv) any significant adverse effect on the growth, reproduction or movement of aquatic life; or (b) in the flooding of or damage to another person's property.</p>			
<p>Policy 15.1.10 – Require any applicant applying for a discharge permit that proposes the discharge of contaminants to water to consider all potential receiving environments and adopt the best practicable option, having regard to: (a) the nature of the contaminants; (b) the relative sensitivity of the receiving environment; (c) the financial implications and effects on the environment of each option when compared with the other options; and (d) the current state of technical knowledge and the likelihood that each option can be successfully applied.</p>	Amend	Fish and Game seek that the submission be amended to ensure that only the best practicable option is adopted.	Retain the policy with amendments to ensure that only the best practicable option is adopted.

<p>Policy 15.1.11 – When considering any discharge permit application for the discharge of contaminants to water, regard will be had to:</p> <p>(a) the potential adverse effects of the discharge on spiritual and cultural values of Marlborough’s tangata whenua iwi;</p> <p>(b) the extent to which contaminants present in the discharge have been removed or reduced through treatment; and</p> <p>(c) whether the discharge is of a temporary or short term nature and/or whether the discharge is associated with necessary maintenance work for any regionally significant infrastructure.</p>	<p>Amend</p>	<p>Fish and Game seek to amend the policy to reinforce the need for water discharges for contaminants to achieve freshwater objective and standards in Appendix 6.</p>	<p>Retain the policy with amendments to reinforce the need for water discharges for contaminants to achieve freshwater objective and standards in Appendix 6.</p>
<p>Policy 15.1.12 – After considering Policies 15.1.10 and 15.1.11, approve discharge permit applications to discharge contaminants into water where:</p> <p>(a) the discharge complies with the water quality classification standards set for the waterbody, after reasonable mixing; or</p> <p>(b) in the case of non-compliance with the water quality classification standards set for the waterbody:</p>	<p>Amend</p>	<p>Fish and Game seek that the policy be amended to reflect that permits to discharge contaminants into water will only be approved where the criteria are met.</p>	<p>Retain the policy with amendments that ensure that discharge permits for contaminants are only granted where the criteria stated in the policy are met.</p>

<p>(i) the consent holder for an existing discharge can demonstrate a reduction in the concentration of contaminants and a commitment to a staged approach for achieving the water quality classification standards within a period of no longer than five years from the date the consent is granted; and</p> <p>(ii) the degree of non-compliance will not give rise to significant adverse effects.</p>			
<p>Policy 15.1.14 – Except as provided for by Policy 15.1.15, apply a zone of reasonable mixing to the receiving waters for all point source discharges to water. The zone shall not exceed (as measured from the discharge point):</p> <p>(a) For rivers and streams, the lesser of:</p> <p>(i) a distance downstream equal to seven times the width of the river (allowing for low flows); or</p> <p>(ii) 200 metres downstream.</p> <p>(b) For rivers subject to tidal influence at the point of discharge:</p> <p>(i) as for rivers in 15.1.14(a), plus a distance upstream equal to half of that allowed downstream.</p>	Support		Retain as proposed

<p>(c) For lakes and wetlands (with open standing water): (i) within a radius of 100 metres of the discharge point.</p>			
<p>Policy 15.1.15 – With the exception of stormwater discharges, the water quality classification standards will be met at the point of discharge, where a discharge is: (a) within one kilometre upstream of an intake for a registered drinking water supply from a river; or (b) to a river where the receiving waters are to be maintained in a natural state; or (c) within 500 metres of any marine farming activity in freshwater or coastal waters.</p>	Amend	All discharges need to meet the water quality classifications standards at the point of discharge, including stormwater.	Retain the policy with amendment to ensure that stormwater discharges are not excluded.
<p>Policy 15.1.16 – The duration of any new discharge permit will be either: (a) Up to a maximum of 15 years for discharges into waterbodies or coastal waters where the discharge will comply with water quality classification standards for the waterbody or coastal waters; or (b) up to ten years for discharges into rivers identified in Policies 15.1.4, 15.1.5, 15.1.6 or 15.1.7 (where the water quality is to be enhanced) and</p>	Amend	Fish and Game seek that (c) be amended to reflect that it applies only to existing discharges seeking new consent and that they are required to comply with Policy 15.1.15 for improvement over time to meet standards. The policy needs to reflect that no new consents will be granted and that consents will not be granted where no improvements are being made.	Retain the policy with amendments to reflect that it applies only to existing discharges seeking new consent and that they are required to comply with Policy 15.1.15 for improvement over time to meet standards. The policy needs to reflect that no new consents will be granted and that consents will not be granted where no

the discharge will comply with water quality classification standards for the waterbody or coastal waters; or (c) no more than five years where the existing discharge will not comply with water quality classification standards for the waterbody or coastal waters.			improvements are being made.
Policy 15.1.17 – Review, where appropriate, the conditions of existing discharge permits to impose new conditions requiring the monitoring of the discharge effects to determine compliance with the water classification standards.	Amend	Fish and Game support the policy but seek that it be amended to ensure that all discharge permits are reviewed where there are no current conditions requiring monitoring.	Retain the policy with amendments to ensure that all existing discharge permits are reviewed where conditions requiring monitoring are not already included.
Policy 15.1.18 – Avoid the discharge of untreated human sewage to waterbodies or coastal waters	Support		Retain as proposed
Policy 15.1.21 – Manage the adverse effects of urban stormwater discharges on water quality by applying management to activities within each urban stormwater catchment in order to reduce the potential for stormwater to become contaminated at source.	Oppose	The policy is confusing and does not provide decision makers or plans users with sufficient guidance to understand what action is required.	Amend the policy to provide clearer guidance on what is to be achieved for urban stormwater discharges.
Policy 15.1.22 – Recognise that the Taylor, Ōpaoa and Waitohi rivers, Waikawa Stream (and some of their tributaries) and coastal waters at	Oppose	Fish and Game consider it inappropriate to allow degradation beyond the limits, standards and freshwater objectives.	Remove the policy in its entirety

Havelock, Picton and Waikawa will continue to receive urban stormwater for the foreseeable future and, with limited options to treat urban stormwater, may on an episodic basis experience reduced water quality to the extent that the management purposes in Policy 15.1.1 are not achieved.			
Policy 15.1.23 – Avoid the discharge of animal effluent to fresh waterbodies and stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1, by: (a) preventing the direct discharge of collected animal effluent to water; and (b) avoiding the access of intensively farmed stock to rivers.	Amend	Fish and Game support the intent of the policy but require that all intensively farmed stock access to rivers, lakes and wetlands is avoided. Fish and Game have previously sought amendment to the definition of intensively farmed livestock to include all lowland farmed cattle.	Retain the policy with amendments to ensure all intensively farmed livestock access to rivers, lakes and wetlands is avoided
Management of non-point source discharges			
Policy 15.1.27 – Promote the retirement and planting of riparian margins in rural areas to intercept contaminated runoff, especially where water quality is degraded or at risk of degradation.	Support		Retain as proposed
Policy 15.1.28 – To require where appropriate (as part of the subdivision consent process) the creation of	Oppose	Esplanade reserves and strips are for access, they have a specific role in relation to water quality.	Remove the policy in its entirety

esplanade reserves and esplanade strips to maintain or enhance water quality.			
Policy 15.1.29 – To control land disturbance activities in order to: (a) mitigate the effects of increased sediment runoff to fresh waterbodies or coastal water; and (b) avoid the potential for direct entry of contaminants into groundwater.	Amend	The effects of increased sediment runoff to fresh waterbodies should be avoided, remedied or mitigated.	Amend (a) to include the avoidance or remediation of the effects of increased sediment runoff to fresh waterbodies.
Policy 15.1.30 – Protect groundwater sources of community drinking water by identifying land overlying groundwater vulnerable to leachate contamination. Manage, with respect to this land: (a) change in land use to activities that have the potential to result in leachate discharges so that activities are, where practicable, located elsewhere or the contaminants are contained; (b) existing land use activities so that any potential for groundwater contamination is monitored and, where necessary, corrective action is taken; (c) point source discharges of contaminants to land; and (d) excavation.	Amend	This policy should apply to all land use activities that effect water quality as well. This policy should be amended to reflect this, or add a new policy in the Plan to reflect this.	Retain the policy with amendments that ensure the policies applies to all land use activities that effect water quality or include a new policy in the Plan to this effect.

<p>Policy 15.1.31 – Recognise that disturbing the seabed or the wet bed of a lake or river results in a discharge of sediment that has the potential to cause adverse effects on water quality.</p>	<p>Support</p>	<p>Disturbance of the beds of lakes and rivers can have significant impacts on the habitat of trout and salmon. This policy aligns with the requirements to have regard to this under s.7(h) of the RMA.</p>	<p>Retain as proposed</p>
<p>Policy 15.1.32 – In considering any resource consent application for the disturbance of a river or lake bed, or the seabed, or land in close proximity to any waterbody, regard will be had to:</p> <p>(a) whether the disturbance is likely to result in non-compliance with the clarity standards set for the waterbody, after reasonable mixing;</p> <p>(b) in the event of possible non-compliance with the clarity standards set for the waterbody, after reasonable mixing:</p> <p>(i) the purpose for undertaking the disturbance and any positive effects accruing from the disturbance;</p> <p>(ii) the scale, duration and frequency of the disturbance;</p> <p>(iii) the extent to which the bed disturbance is necessary and adverse water quality effects caused by the disturbance are mitigated; and</p> <p>(iv) for freshwater, the potential</p>	<p>Amend</p>	<p>Fish and Game consider the policy needs to be amended to provide clear guidance on how effects will be managed rather than a list of matters that should be considered.</p>	<p>Retain the policy with amendments to provide direction on how effects will be managed rather than a list of matters for consideration.</p>

effects of increased turbidity on the values of the waterbody set out in Schedule 1 of Appendix 5 of the Marlborough Environment Plan or on the natural character values of the coastal environment in relation to water quality as set out in Appendix 2 of the Marlborough Environment Plan.			
Policy 15.1.33 – Require land use consent for the establishment and operation of any new dairy farm.	Support	Intensive dairy farming activities can have significant adverse effects on water quality which in turn, significantly adversely affects the habitats of trout and salmon. This policy enables the Council to ensure that these adverse effects are considered through an application for land use consent.	Retain as proposed
Policy 15.1.34 – Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on ground or surface water quality or on significant wetlands. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum: (a) measures (including fences, bridges or culverts) to prevent stock entering onto or passing across the bed of any river or lake, significant	Amend	Fish and Game support the policy but seek that it is amended to identify appropriate limits for dairy farming, including maximum nitrogen leaching standards, management practices to avoid loss of phosphorus and sediment and faecal contamination.	Retain the policy with amendments that specify appropriate limits for dairy farming, including maximum nitrogen leaching standards, management practices to avoid loss of phosphorus and sediment and faecal contamination.

<p>wetland, or any drain or the Drainage Channel Network;</p> <p>(b) provision of an appropriate, non-grazed buffer along the margins of any river, lake, significant wetland, drain or the Drainage Channel Network, to intercept the runoff of contaminants from grazed pasture, with reference to the values of fresh waterbodies as identified in Appendix 5;</p> <p>(c) provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;</p> <p>(d) demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events); and</p> <p>(e) a nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser and any other nutrient input.</p>			
<p>Policies on allocation status.</p>	<p>New</p>	<p>Fish and Game seek to include policies in the Plan to ensure that:</p>	<p>Fish and Game seek to include policies in the Plan to ensure</p>

		<ul style="list-style-type: none"> • The allocation status of freshwater management units are defined to identify each freshwater management unit as under-allocated, fully-allocated or over-allocated and use the Council's state of the environment monitoring information to determine those waterbodies that do not currently meet the water quality standards in Appendix 5, Schedule 2 and work toward restoring ecosystem health in those waterbodies by 2030. • Farming activities comply with a sustainable nitrogen leaching rate which is based on allocating the total allowable load of nitrogen for the sub catchment, freshwater management zone or catchment to the land on the basis of either a 'flat' per hectare allocation of nitrogen leaching or a nitrogen leaching allowance per hectare based on an allocation on a land use capability class basis, or some other methodology which achieves the efficient use of natural resources • Require farms to comply with specified management practices which minimise or reduce the loss of nitrogen, phosphorous, sediment and faecal contamination, including, but not limited to, the requirement to seal effluent ponds and to practice deferred irrigation, good management practices for the application of fertiliser and other nutrient sources, including setbacks from waterbodies, permanent fencing and planting of riparian margins, good management practices for earthworks and cultivation including setbacks from 	<p>that:</p> <ul style="list-style-type: none"> • The allocation status of freshwater management units are defined to identify each freshwater management unit as under-allocated, fully-allocated or over-allocated and use the Council's state of the environment monitoring information to determine those waterbodies that do not currently meet the water quality standards in Appendix 5, Schedule 2 and work toward restoring ecosystem health in those waterbodies by 2030. • Farming activities comply with a sustainable nitrogen leaching rate which is based on allocating the total allowable load of nitrogen for the sub catchment, freshwater
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		<p>waterbodies to avoid or minimise sediment run off to water,</p> <ul style="list-style-type: none"> • Nutrient budgets are prepared annually by a person who has completed both the “Intermediate” and the “Advanced” courses in “Sustainable Nutrient Management in New Zealand Agriculture” conducted by Massey University, and provided to the regional council. The information shall be provided in an electronic format compatible with regional councils information systems and may include but shall not be limited to the following reports from Overseer or their equivalent if an alternative model is used (must be accredited for use by the regional council): Nutrient Budget, Nitrogen, Phosphorus, Summary, Nitrogen Overview • Exclude all livestock from rivers, lakes and wetlands, and to culvert or bridge all regular stock crossings • Include a prohibited activity for new or intensified (a use that increases loss of nitrogen or phosphorus) use of production in sub catchments that are currently over allocated for nitrogen or phosphorus • Provide for trading of nitrogen or phosphorus loss rates between production land uses or properties in the same sub catchment so long as the water quality standards in Appendix 5 Schedule 2 not breached at any point within that sub catchment, or Freshwater management unit • Ensure that the rules include both land use and ancillary discharge provisions (section 9 and section 15 RMA) 	<p>management zone or catchment to the land on the basis of either a ‘flat’ per hectare allocation of nitrogen leaching or a nitrogen leaching allowance per hectare based on an allocation on a land use capability class basis, or some other methodology which achieves the efficient use of natural resources</p> <ul style="list-style-type: none"> • Require farms to comply with specified management practices which minimise or reduce the loss of nitrogen, phosphorous, sediment and faecal contamination, including, but not limited to, the requirement to seal effluent ponds and to practice deferred irrigation, good management practices for the application of
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		<ul style="list-style-type: none"> • Ensure that rules do not breach s70 RMA and apply sound planning principals • Ensure that those activities and land uses which are contributing the most to the over allocation bear the majority of the cost of reducing the over allocation (adopt the polluter pays principal) 	<p>fertiliser and other nutrient sources, including setbacks from waterbodies, permanent fencing and planting of riparian margins, good management practices for earthworks and cultivation including setbacks from waterbodies to avoid or minimise sediment run off to water,</p> <ul style="list-style-type: none"> • Nutrient budgets are prepared annually by a person who has completed both the "Intermediate" and the "Advanced" courses in "Sustainable Nutrient Management in New Zealand Agriculture" conducted by Massey University, and provided to the regional council. The information shall be provided in an electronic format
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			<p>compatible with regional councils information systems and may include but shall not be limited to the following reports from Overseer or their equivalent if an alternative model is used (must be accredited for use by the regional council): Nutrient Budget, Nitrogen, Phosphorus, Summary, Nitrogen Overview</p> <ul style="list-style-type: none"> • Exclude all livestock from rivers, lakes and wetlands, and to culvert or bridge all regular stock crossings • Include a prohibited activity for new or intensified (a use that increases loss of nitrogen or phosphorus) use of production in sub catchments that are currently over allocated
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			<p>for nitrogen or phosphorus</p> <ul style="list-style-type: none"> • Provide for trading of nitrogen or phosphorus loss rates between production land uses or properties in the same sub catchment so long as the water quality standards in Appendix 5 Schedule 2 not breached at any point within that sub catchment, or Freshwater management unit • Ensure that the rules include both land use and ancillary discharge provisions (section 9 and section 15 RMA) • Ensure that rules do not breach 570 RMA and apply sound planning principals <p>Ensure that those activities and land uses which are contributing the most to the over allocation bear the majority of the cost of reducing</p>
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			the over allocation (adopt the polluter pays principal)
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5 Volume 2 - Rules

5.1 Chapter 2: General Rules

Provision	Support/ Opposition	Discussion	Relief sought
5.1.1 Water Take, Use Damming or Diversion			
General	Amend	The plan lists activities, and then relists the activities with the standards for each activity listed beneath. This results in unnecessary repetition in the Plan that could be eliminated.	Amend the Plan to remove the unnecessary duplication of activities by simply listing the activities and their associated standards once.
Farm good management practice standards	New	Fish and Game seek to include a schedule similar to Schedule 24 Canterbury Land and Water Regional Plan relating to Farm Practices around nutrient management, irrigation management, grazing of intensively farmed stock, cultivation and collected animal effluent. Fish and Game seek that a like schedule be inserted in the MEP with rules that require the schedule be complied with. (attached as an appendix to this submission)	Fish and Game seek to include a schedule of farm practices, similar to that included as Schedule 24 of the Canterbury Land and Water Regional Plan, and to include rules which require compliance with the schedule for nutrient management, irrigation management, grazing of intensively farmed stock, cultivation and collected animal effluent.
Farm environment management plans	New	Fish and Game seek to include a schedule similar to Schedule 7 – Farm Environment Plans Canterbury Land and Water Regional Plan. (attached as an appendix to this submission)	Fish and Game seek to include a schedule outlining requirements for Farm Environment Management Plans similar to Schedule 7 of the Canterbury Land and Water Regional Plan
Principles of Nutrient Allocation	New	Fish and Game seek that the Plan apply the allocation of nutrients principles from Beef and Lamb NZ (attached as	Fish and Game seek that the Plan apply the allocation of nutrients principles from

		an appendix to this submission) as policies and rules when considering the allocation of nutrients for farming activities.	Beef and Lamb NZ (attached as an appendix to this submission) as policies and rules when considering the allocation of nutrients for farming activities.
<p>2.1 Environmental Flows and Levels</p> <p>2.1.1. Environmental flows and levels, as specified in Appendix 6, control the quantity, level, and flow of water.</p> <p>2.1.1.1. The environmental flows and levels, as specified in Appendix 6, do not apply to the Permitted Activities in 2.2.</p> <p>2.1.1.2. The environmental flows and levels, as specified in Appendix 6, do not apply to a take, use, damming or diversion of water required by Rule 2.4.1, as it relates to not meeting the applicable Standards of a Permitted Activity in 2.2.</p>	Amend	The permitted activities provided for in Section 2.2 have not been taken into account in the flows and allocations contained in Appendix 6 to the Plan. Fish and Game are concerned that the Council has no way of controlling the permitted activities in the situation where the water resources within the Freshwater Management Units fall below the minimum flow requirements.	Amend the permitted activities contained in Section 2.2 to ensure that these activities cease when the particular Freshwater Management Unit is experiencing low flows. Alternatively Fish and Game seek that the permitted take amounts are reduced overall and that during low flows, the permitted amounts are further reduced and all permitted takes cease during extreme low flows, which will direct people toward storing water at appropriate times.
2.2 Permitted Activities and 2.3 Standards that apply to specific permitted activities			
<p>PERMITTED ACTIVITY</p> <p>2.2.1. Take and use of water for an individual's reasonable domestic needs up to 5m³ per day per dwelling.</p>	Amend	Amend the standards of this activity as outlined below	Amend the standards of this activity as outlined below

<p>STANDARDS</p> <p>2.3.1. Take and use of water for an individual's reasonable domestic needs up to 5m³ per day per dwelling.</p> <p>2.3.1.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.</p> <p>2.3.1.2. The take is limited to one dwelling per take point except where multiple dwellings exist on a single Computer Register or on contiguous Computer Registers under the same ownership, in which case there may be up to three dwellings per take point.</p> <p>2.3.1.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.</p> <p>2.3.1.4. There must not be a municipal water supply available to the property boundary.</p> <p>2.3.1.5. The take must not be otherwise provided for by a</p>	<p>Oppose</p>	<p>Fish and Game oppose standard 2.3.1.1 as notified. The standard needs to apply to ephemeral rivers.</p> <p>A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.</p>	<p>Amend the standards to ensure that the cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers. Fish and Game seek to include conditions on permitted takes for domestic needs that require:</p> <ul style="list-style-type: none"> • A restriction on the maximum number of takes in water resource units • Stopping water takes at extreme low flows • Each permitted activity take location and amount of take is reported to the Council to ensure that the Council can understand and monitor the extent of cumulative effects from permitted domestic takes.
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resource consent.			
PERMITTED ACTIVITY 2.2.2. Take and use of water for domestic needs for a papakāinga unit up to 5m ³ per day.	Amend	Fish and Game oppose standard 2.3.1.1 as notified. The standard needs to apply to ephemeral rivers. A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.	Amend the standards to ensure that the cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers.
STANDARDS 2.3.2. Take and use of water for domestic needs for a papakāinga unit up to 5m ³ per day. 2.3.2.1. Papakāinga units must be lawfully established. 2.3.2.2. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time. 2.3.2.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland. 2.3.2.4. There must not be a municipal water supply available to the property boundary. 2.3.2.5. The take must not be otherwise provided for by a resource consent.	Oppose	Fish and Game oppose standard 2.3.1.1 as notified. The standard needs to apply to ephemeral rivers. A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.	Amend the standards to ensure that the cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers.

<p>PERMITTED ACTIVITY 2.2.3. Take and use of water for needs for marae activities, except papakāinga units, up to 1825m³ per year.</p>	<p>Support</p>		<p>Retain as proposed</p>
<p>STANDARD 2.3.3. Take and use of water for needs for marae activities, except papakāinga units, up to 1825m³ per year. 2.3.3.1. The take and use of water must be for marae activities on Sec 1 SO 313389, that part of Pt Te Hora Sec 32A4 located between State Highway 6 and Te Hore Pa Road, Wairau Sec 23, Wairau 2 ML 6729, Sec 1 ML 6729, Sec 2 & 3 Blk XI Cloudy Bay SD, Sec 1 SO 6002, Sec 23, 40, 43 and 46 Blk III Taylor Pass SD, Sec 3 SO 6922, Lot 1 & 2 DP 11713, Waikawa West 6 & 7 ML 6923 or Sec 47 Blk XII Linkwater SD. 2.3.3.2. The daily maximum take must not exceed 30m³. 2.3.3.3. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5%</p>	<p>Support</p>		<p>Retain as proposed</p>

<p>of river flow at any time.</p> <p>2.3.3.4. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.</p> <p>2.3.3.5. There must not be a municipal water supply available to the property boundary.</p> <p>2.3.3.6. The take must not be otherwise provided for by a resource consent.</p>			
<p>PERMITTED ACTIVITY 2.2.4. Take and use of water for the reasonable drinking water needs of an individual's animals.</p>	Amend	<p>The standards for this permitted activity need to be amended to include a maximum volume of water available for animals such as 30m³ to ensure that there is a measurable limit on what is considered reasonable.</p>	<p>Amend the permitted activity standards to include a maximum volume limit of 30m³.</p>
<p>2.3.4. Take and use of water for the reasonable drinking water needs of an individual's animals.</p> <p>2.3.4.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.</p> <p>2.3.4.2. The take must not be from a Water Resource Unit with a Natural State water</p>	Amend	<p>The standards for this permitted activity need to be amended to include a maximum volume of water available for animals such as 30m³ to ensure that there is a measurable limit on what is considered reasonable.</p> <p>Fish and Game oppose standard 2.3.4.1 as notified. The standard needs to apply to ephemeral rivers.</p> <p>A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.</p>	<p>Amend the permitted activity standards to include a maximum volume limit of 30m³.</p> <p>Amend the standards to ensure that the cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers.</p>

quality classification, or a Significant Wetland. 2.3.4.3. The take must not be otherwise provided for by a resource consent.			
PERMITTED ACTIVITY 2.2.5. Take and use of water for incidental use associated with farming up to 5m ³ per day per Computer Register.	Amend	Fish and Game oppose standard 2.3.5.1 as notified. The standard needs to apply to ephemeral rivers. A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.	Amend the standards to ensure that the cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers.
STANDARD 2.3.5. Take and use of water for incidental use associated with farming up to 5m ³ per day per Computer Register. 2.3.5.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time. 2.3.5.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland. 2.3.5.3. The take must not be otherwise provided for by a permitted activity or a resource consent.	Oppose	Fish and Game oppose standard 2.3.5.1 as notified. The standard needs to apply to ephemeral rivers. A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.	Amend the standards to ensure that the cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers.
PERMITTED ACTIVITY 2.2.6.	Amend	Fish and Game oppose standard 2.3.6.1 as notified. The	Amend the standards to ensure that the

Take and use of water for dairy shed wash water up to 15m ³ per day per dairy shed.		standard needs to apply to ephemeral rivers. A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.	cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers.
STANDARD 2.3.6. Take and use of water for dairy shed wash down up to 15m ³ per day per dairy shed. 2.3.6.1. Where the take is from a river, except an ephemeral flowing river, the instantaneous take rate must not exceed 5% of river flow at any time. 2.3.6.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland. 2.3.6.3. The take must not be otherwise provided for by a permitted activity or a resource consent.	Oppose	Fish and Game oppose standard 2.3.6.1 as notified. The standard needs to apply to ephemeral rivers. A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.	Amend the standards to ensure that the cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers.
PERMITTED ACTIVITY 2.2.7. Take and use of water from the Wairau Aquifer Freshwater Management Unit up to 15m ³ per day for any purpose until 9 June 2017.	Oppose	Likely effects of new permitted water takes and has the potential to lead to lower flows within the Wairau aquifer for longer periods of time, flat-lining the flow and causing further adverse effects on the salmonid fishery.	Remove the permitted activity and make further take from the Wairau Aquifer subject to resource consent.
STANDARD 2.3.7. Take and use of water	Oppose	Likely effects of new permitted water takes and has the potential to lead to lower flows within the Wairau aquifer	Remove the permitted activity and make further take from the Wairau Aquifer

from the Wairau Aquifer Freshwater Management Unit up to 15m ³ per day for any purpose until 9 June 2017. 2.3.7.1. The take and use of water must have been a lawfully established permitted activity prior to 9 June 2016.		for longer periods of time, flat-lining the flow and causing further adverse effects on the salmonid fishery.	subject to resource consent.
PERMITTED ACTIVITY 2.2.8. Take and use of water for fire-fighting purposes.	Support/ Amend	Fish and Game seek to include standards for the permitted activity that require the use of any stored water to be used before water is taken and used directly from waterbodies as well as other standards that ensure the ecological health of fresh waterbodies.	Retain the permitted activity with amendments that introduce standards that require the use of stored water before water is taken and used directly from waterbodies as other standards that ensure the ecological health of fresh waterbodies.
PERMITTED ACTIVITY 2.2.9. Take of water for the purposes of calibrating a water meter.	Support		Retain as proposed
STANDARD 2.3.8. Take of water for the purposes of calibrating a water meter. 2.3.8.1. The meter calibration must relate to an active water permit to take water. 2.3.8.2. Water must be taken from the lawful take point of the water permit associated with the meter. 2.3.8.3. The instantaneous rate	Amend	Fish and Game generally support the standards associated with the take of water for the purposes of calibrating a water meter. In particular standard 2.3.8.5 is supported. Standard 2.3.8.6 should include reference to the relevant professional standards for calibration.	Retain the standards with amendments to ensure that standard 2.3.8.6 refers to the relevant professional standards for calibration.

<p>of the take must not exceed a rate 10% greater than that authorised by the associated water permit.</p> <p>2.3.8.4. The period in which water can be taken for this purpose must not exceed 120 minutes.</p> <p>2.3.8.5. Water must not be taken during any restriction that applies to the associated water permit.</p> <p>2.3.8.6. The calibration must be carried out by a recognised professional and full test results must be supplied to the Council within 10 working days.</p>			
<p>PERMITTED ACTIVITY 2.2.10. Take of water for the purposes of completing a bore test required to determine the yield of a bore and interference effects on other users.</p>	Support		Retain as proposed with amendments to the standards as sought below.
<p>STANDARD 2.3.9. Take of water for the purposes of completing a bore test required to determine the yield of a bore and interference effects on other users. 2.3.9.1. The instantaneous rate</p>	Amend	Fish and Game seek that Standard 2.3.9.2 to ensure that bore testing only occurs once every calendar year.	Retain the standards with amendment to ensure that bore testing is not carried out more than once every calendar year.

<p>of the take must not exceed 100l/s.</p> <p>2.3.9.2. The total take must not occur for greater than 120 hours within any 30 day period.</p> <p>2.3.9.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.</p>			
<p>PERMITTED ACTIVITY 2.2.11.</p> <p>Take and use of water for road or river control construction works up to 50m³ per day per construction site.</p>	<p>Oppose</p>	<p>Fish and Game consider that the take of water for the purposes of road or river control constriction works should require a resource consent to ensure that the adverse effects of the activity can be avoided, remedied or mitigated as appropriate.</p> <p>Any take for this purpose needs to comply with allocation limits and minimum flows and restrictions or stored water should be used.</p>	<p>Oppose the permitted activity as notified and require that resource consent as a discretionary activity be required to ensure that the activity complies with the relevant allocation limits and minimum flows and to prioritise the use of stored water first.</p>
<p>STANDARD</p> <p>2.3.10. Take and use of water for road or river control construction works up to 50m³ per day per construction site.</p> <p>2.3.10.1. Where the take is from a river, except an ephemeral flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.</p> <p>2.3.10.2. The take must not occur on more than 90 days</p>	<p>Oppose</p>	<p>Fish and Game consider that the take of water for the purposes of road or river control constriction works should require a resource consent to ensure that the adverse effects of the activity can be avoided, remedied or mitigated as appropriate.</p> <p>Any take for this purpose needs to comply with allocation limits and minimum flows and restrictions or stored water should be used.</p>	<p>Oppose the permitted activity as notified and require that resource consent as a discretionary activity be required to ensure that the activity complies with the relevant allocation limits and minimum flows and to prioritise the use of stored water first.</p>

<p>within any 12 month period.</p> <p>2.3.10.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.</p> <p>2.3.10.4. Road or river control construction works must be undertaken by, or on behalf of, the Marlborough District Council or the road controlling authority.</p>			
<p>PERMITTED ACTIVITY 2.2.12.</p> <p>Take of water for dewatering of a trench.</p>	Amend	<p>Fish and Game seek clarification over the standards for this activity. It is not clear what the Council consider to be a temporary trench, there is no definition included in the plan for this. There are also no limits included in the Plan on the size of any “temporary trench”.</p>	<p>Clarification over the need for specific provisions for such a permitted activity is required, particularly in relation to the provision for temporary trenches for the purposes of the installation or maintenance of infrastructure.</p>
<p>STANDARD</p> <p>2.3.11. Take of water for dewatering of a trench.</p> <p>2.3.11.1. The take must not be within a Groundwater Protection Area.</p> <p>2.3.11.2. The take must relate to a temporary trench excavated for the purposes of the installation or maintenance of infrastructure.</p>	Oppose	<p>Fish and Game seek clarification over the standards for this activity. It is not clear what the Council consider to be a temporary trench, there is no definition included in the plan for this. There are also no limits included in the Plan on the size of any “temporary trench”.</p>	<p>Clarification over the need for specific provisions for such a permitted activity is required, particularly in relation to the provision for temporary trenches for the purposes of the installation or maintenance of infrastructure.</p>
<p>PERMITTED ACTIVITY</p>	Amend	<p>Fish and Game oppose standard 2.3.13.2 as notified. The</p>	<p>Amend the standards to ensure that the</p>

2.2.14. Take and use of water for a recreational hut up to 1m ³ per day per hut.		standard needs to apply to ephemeral rivers. A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.	cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers.
2.3.13. Take and use of water for a recreational hut up to 1m ³ per day per hut. 2.3.13.1. The recreational hut must be in the Open Space 3 Zone. 2.3.13.2. Where the take is from a river, except an ephemeral flowing river, the instantaneous take rate must not exceed 5% of river flow at any time. 2.3.13.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland. 2.3.13.4. The take must not be otherwise provided for by a permitted activity or a resource consent.	Oppose	Fish and Game oppose standard 2.3.13.2 as notified. The standard needs to apply to ephemeral rivers. A further standard is also required in the Plan to ensure that the cumulative effects of multiple takes are addressed.	Amend the standards to ensure that the cumulative effects of multiple takes are addressed and that the standards also apply to ephemeral rivers.
PERMITTED ACTIVITY 2.2.15. Take, use and discharge of surface water for non-consumptive use.	Oppose	Fish and Game oppose the take, use and discharge of surface water for non-consumptive use given the lack of standards to ensure that environmental effects are addressed.	Oppose the activity as notified given the significant lack of standards to address the potential adverse environmental effects of the activity.
STANDARD 2.3.14. Take, use and discharge	Oppose	Fish and Game oppose the take, use and discharge of surface water for non-consumptive use given the lack of	Oppose the activity as notified given the significant lack of standards to address the

<p>of surface water for non-consumptive use.</p> <p>2.3.14.1. The instantaneous take rate must not exceed 5% of river flow at any time.</p> <p>2.3.14.2. The take and discharge must not be from or into a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.</p> <p>2.3.14.3. The water must be returned into the same surface waterbody from which it was taken, at the same or similar rate and in the same or better quality.</p> <p>2.3.14.4. The water taken must be discharged back into the same surface waterbody within 250m of the point of take.</p>		<p>standards to ensure that environmental effects are addressed.</p>	<p>potential adverse environmental effects of the activity.</p>
<p>PERMITTED ACTIVITY 2.2.16. Take and discharge of water to land for the purposes of purging water supply infrastructure or in emergency circumstances.</p>	<p>Oppose</p>	<p>Fish and Game seek additional standards to refine the activity and ensure that there are standards to address potential environmental effects from the activity and ensure that any water take is in accordance with the limits set.</p>	<p>Oppose the permitted activity until additional standards regarding the management of environmental effects and compliance with water take limits are included</p>
<p>STANDARD 2.3.15. Take and discharge of water to land for the purposes</p>	<p>Oppose</p>	<p>Fish and Game seek additional standards to refine the activity and ensure that there are standards to address potential environmental effects from the activity and</p>	<p>Oppose the permitted activity until additional standards regarding the management of environmental effects and</p>

of purging water supply infrastructure or in emergency circumstances. 2.3.15.1. The take and discharge must be conducted by the Marlborough District Council.		ensure that any water take is in accordance with the limits set.	compliance with water take limits are included
PERMITTED ACTIVITY 2.2.17. Damming water and the subsequent use of that water.	Oppose	While this rule doesn't apply to dam construction, it does apply to any dam once it exists and any out of stream storage. The volume allowance is therefore insufficient and needs to be increased.	The storage capacity under standard 2.3.16.1 for out of stream storage and on constructed dams is too small and needs to be increased.
STANDARD 2.3.16. Damming water and the subsequent use of that water. The damming and subsequent use of water does not authorise the construction of a dam, which is governed by provisions in the Zone rules. 2.3.16.1. No more than 5,000m ³ of water is dammed at any time. 2.3.16.2. The damming and water use must not be otherwise provided for by a resource consent.	Oppose	While this rule doesn't apply to dam construction, it does apply to any dam once it exists and any out of stream storage. The volume allowance is therefore insufficient and needs to be increased.	The storage capacity under standard 2.3.16.1 for out of stream storage and on constructed dams is too small and needs to be increased.
Water diversion standard	New	Fish and Game seek a new standard to apply to all activities involving the diversion or discharge of water to ensure that the diversion or discharge does not result in the lowering of water levels in any wetland. This protects	To protect scarce wetland resources and avoid adverse effects on wetlands from the drainage and diversion of water in rivers, Fish and Game seek a new standard to

		scarce wetland resources and avoids effects on wetlands from the drainage and diversion of water in rivers.	apply to all activities involving the diversion or discharge of water to ensure that the diversion or discharge does not result in the lowering of water levels in any wetland.
PERMITTED ACTIVITY 2.2.18. Diversion of water associated with the operation of the Drainage Channel Network existing on 9 June 2016, and permitted activities in the Floodway Zone.	Oppose	The standards associated with the permitted activity for the operation of the drainage channel network do little to ensure that the potential environmental effects of the activity are appropriately addressed. In particular, Fish and Game seek that the setback of the diversion from a significant wetland needs to be increased.	Amend the permitted activity to include additional standards that ensure the proposed activity considers potential effects on the environment and increase the setback distance from significant wetlands under standard 2.3.17.1.
STANDARD 2.3.17. Diversion of water associated with the operation of the Drainage Channel Network existing on 9 June 2016. 2.3.17.1. The diversion must not be in, or within 8m of, a Significant Wetland. 2.3.17.2. The diversion must be managed by the Marlborough District Council.	Oppose	The standards associated with the permitted activity for the operation of the drainage channel network do little to ensure that the potential environmental effects of the activity are appropriately addressed. In particular, Fish and Game seek that the setback of the diversion from a significant wetland needs to be increased, and adverse impacts of drainage channel maintenance on Para Wetland summer hydrology are avoided.	Amend the permitted activity to include additional standards that ensure the proposed activity considers potential effects on the environment particularly the summer hydrological regime of Para Wetland, and increase the setback distance from significant wetlands under standard 2.3.17.1.
PERMITTED ACTIVITY 2.2.19. Diversion and discharge of water by pumping or flood-gated gravity outfalls associated with the operation of the Drainage Channel	Oppose	The standards associated with the permitted activity for the operation of the drainage channel network do little to ensure that the potential environmental effects of the activity are appropriately addressed. In particular, Fish and Game seek that the setback of the diversion from a significant wetland needs to be increased.	Amend the permitted activity to include additional standards that ensure the proposed activity considers potential effects on the environment and increase the setback distance from significant wetlands under standard 2.3.18.1.

Network existing on 9 June 2016, and rivers within the Floodway Zone, including the partial control of water levels and flow rates.			
<p>STANDARD</p> <p>2.3.18. Diversion and discharge of water by pumping or floodgated gravity outfalls associated with the operation of the Drainage Channel Network existing on 9 June 2016, and rivers within the Floodway Zone, including the partial control of water levels and flow rates.</p> <p>2.3.18.1. The diversion and discharge must not be in, or within 8m of, a Significant Wetland.</p> <p>2.3.18.2. The diversion and discharge must be managed by the Marlborough District Council.</p>	Oppose	<p>The standards associated with the permitted activity for the operation of the drainage channel network do little to ensure that the potential environmental effects of the activity are appropriately addressed.</p> <p>In particular, Fish and Game seek that the setback of the diversion from a significant wetland needs to be increased.</p>	<p>Amend the permitted activity to include additional standards that ensure the proposed activity considers potential effects on the environment and increase the setback distance from significant wetlands under standard 2.3.18.1.</p>
<p>PERMITTED ACTIVITY 2.2.20.</p> <p>Diversion of up to 200l/s of water from the Wairau River into Gibson’s Creek for the purposes of instream protection.</p>	Oppose	<p>Clarification is required over what is meant by “instream protection”. The permitted activity is opposed in its current state as the standards associated with the activity do little to ensure that the potential environmental effects of the activity are appropriately addressed.</p>	<p>Remove the permitted activity, or amend the activity to include rules to ensure adverse effects on the environment are appropriately managed.</p>

STANDARD 2.3.19. Diversion of up to 200l/s of water from the Wairau River into Gibson's Creek for the purposes of instream protection. 2.3.19.1. The diversion must be managed by the Marlborough District Council.	Oppose	Clarification is required over what is meant by "instream protection". The permitted activity is opposed in its current state as the standards associated with the activity do little to ensure that the potential environmental effects of the activity are appropriately addressed.	Remove the permitted activity, or amend the activity to include rules to ensure adverse effects on the environment are appropriately managed, such as being tied back to the agreed sustainable flow regime (SFR) for the Wairau at Tuamarina recorder.
PERMITTED ACTIVITY 2.2.21. Diversion of up to 500l/s of water from the Waihopai River into Gibson's Creek for the purposes of instream protection.	Oppose	Clarification is required over what is meant by "instream protection". The permitted activity is opposed in its current state as the standards associated with the activity do little to ensure that the potential environmental effects of the activity are appropriately addressed.	Remove the permitted activity, or amend the activity to include rules to ensure adverse effects on the environment are appropriately managed, such as being tied back to the agreed sustainable flow regime (SFR) for the Wairau at Tuamarina recorder
New permitted activity sought		For the purposes of Para wetland preservation/enhancement, a permitted activity status for the diversion of water for non-consumptive uses is sought	Permitted activity xxx diversion of no more than 50 l/s into Para Wetland for the purposes of wetland restoration.
STANDARD 2.3.20. Diversion of up to 500l/s of water from the Waihopai River into Gibson's Creek for the purposes of instream protection. 2.3.20.1. The diversion must be managed by the Marlborough District Council.	Oppose	Clarification is required over what is meant by "instream protection". The permitted activity is opposed in its current state as the standards associated with the activity do little to ensure that the potential environmental effects of the activity are appropriately addressed.	Remove the permitted activity, or amend the activity to include rules to ensure adverse effects on the environment are appropriately managed.
PERMITTED ACTIVITY 2.2.22. Diversion of water from the	Oppose	The permitted activity is opposed in its current state as the standards associated with the activity do little to ensure	Remove the permitted activity, or amend the activity to include rules to ensure

Ōpaoa Loop into Roses Overflow for the purposes of river control.		that the potential environmental effects of the activity are appropriately addressed.	adverse effects on the environment are appropriately managed.
STANDARD 2.3.21. Diversion of water from the Ōpaoa Loop into Roses Overflow for the purposes of river control. 2.3.21.1. The diversion must be managed by the Marlborough District Council.	Oppose	The permitted activity is opposed in its current state as the standards associated with the activity do little to ensure that the potential environmental effects of the activity are appropriately addressed.	Remove the permitted activity, or amend the activity to include rules to ensure adverse effects on the environment are appropriately managed.
PERMITTED ACTIVITY 2.2.24. Diversion of water in the Floodway Zone.	Amend		
STANDARD 2.3.23. Diversion of water in the Floodway Zone. 2.3.23.1. The diversion is only permitted when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance the Marlborough District Council Rivers and Drainage Asset Management Plan, and the Marlborough District Council Marlborough	Amend	Fish and Game seek to ensure that the summer hydrological regime of Para Wetland and river geomorphology is protected when the diversion of floodwater is considered. Currently the Council has a code of practice which underpins river works that should be referenced here, but this document does not adequately take into account the summer hydrological regime of Para Wetland, or river geomorphology, both of which is important to avoid future habitat and biodiversity loss.	Fish and Game seek to include reference in the standards to the Council's code of practice for river works, together with additional consideration of the summer hydrological regime of Para Wetland, and river geomorphology when considering the diversion of water to avoid future habitat and biodiversity loss and ensure the holistic consideration of river management.

<p>Rivers Gravel Extraction Strategy.</p> <p>2.3.23.2. The works must only be carried out working in an upstream direction.</p> <p>2.3.23.3. Redundant channels must be left open at the downstream end in a manner that ensures that fish stocks are not entrapped.</p> <p>2.3.23.4. The full length of the redundant channel must be surveyed for stranded fish. Any stranded fish found must be relocated to the same river immediately upstream of the diversion.</p> <p>2.3.23.5. The Nelson Marlborough Fish and Game Council and the Department of Conservation must be informed of the proposed works at least 5 working days prior to works commencing.</p> <p>2.3.23.6. The diversion must be necessary for maintaining the stability of the riverbank in the vicinity or for facilitating the removal of gravel or sediment for river control purposes.</p>			
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<p>2.3.23.7. Any discharge of sediment into water associated with the activity must not, after reasonable mixing, cause a change in colour of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.</p>			
Controlled Activities			
<p>2.4.1. Take and damming C Class water for the purpose of retaining water in storage for subsequent use. Standards and terms: 2.4.1.1. The application must be for an allocation of C Class water from a FMU with a C Class water quantity allocation limit specified in Appendix 6. Matters over which the Council has reserved control: 2.4.1.2. Allocation limits. 2.4.1.3. Interference effects on other water users. 2.4.1.4. Permit terms and review periods. 2.4.1.5. Monitoring</p>	<p>Oppose</p>	<p>Fish and Game oppose the controlled activity and seek that instead, the activity be considered as a discretionary activity to ensure that all potential adverse effects of the proposed activity are avoided, remedied or mitigated as appropriate. The activity should also only be provided for during period of high flow, when the waterbody is above median flow, and takes cumulatively do not cause it to drop below.</p>	<p>Remove the controlled activity and replace it with a discretionary activity that only provides for the take and damming of C Class water during periods of high flow.</p>

requirements. 2.4.1.6. Rationing requirements.			
Discretionary Activities			
2.5.1. Any activity provided for as a Permitted Activity or Controlled Activity that does not meet the applicable standards.	Support	It is appropriate for activities that do not meet the permitted activity standards to be assessed as discretionary activities as this allows the Council to consider all adverse effects associated with the proposal and avoid, remedy or mitigate the effects as appropriate.	Retain as proposed.
2.5.2. Any take of water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.	Oppose	Fish and Game oppose this activity until the permitted activity rules are amended in accordance with this submission.	Opposed until the permitted activity rules are amended in accordance with this submission.
2.5.3. Any use of water not provided for as a Permitted Activity or limited as a Prohibited Activity.	Oppose	Fish and Game oppose this activity until the permitted activity rules are amended in accordance with this submission.	Opposed until the permitted activity rules are amended in accordance with this submission.
2.5.4. Any damming of water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.	Oppose	Fish and Game oppose this activity until the permitted activity rules are amended in accordance with this submission.	Opposed until the permitted activity rules are amended in accordance with this submission.
2.5.5. Any diversion of water not provided for as a Permitted Activity or limited as a Prohibited Activity.	Oppose	Fish and Game oppose this activity until the permitted activity rules are amended in accordance with this submission.	Opposed until the permitted activity rules are amended in accordance with this submission.
Prohibited Activities			
2.6.1. Take of water that would cause the water quantity	Oppose	This prohibited activity needs to include takes that are below the minimum flows. The activity also needs a time	Amend the prohibited activity to ensure that it includes the water takes below

allocation limit for the relevant Freshwater Management Unit to be exceeded, unless the take is: (a) provided for as a Permitted Activity; (b) the subject of a resource consent application affected by section 124 of the RMA.		limit on the exclusion at (b) to ensure this is not an ongoing impact. Fish and Game suggest that this exclusion cease by 2030. Fish and Game oppose this activity until the permitted activity rules are amended in accordance with this submission.	minimum flows and that the exclusion provided at (b) cease to have effect by 2030. Opposed until the permitted activity rules are amended in accordance with this submission.
2.6.2. Take of water from the Omaka Aquifer Freshwater Management Unit, Benmorven Freshwater Management Unit or the Brancott Freshwater Management Unit for use on land in another Freshwater Management Unit.	Amend	Fish and Game oppose the take of any water from a freshwater management unit for use in another Freshwater Management Unit.	Fish and Game seek that the prohibited activity be replaced with an activity that prohibits all water takes from Freshwater Management Units for use in another Freshwater Management Unit.
2.6.3. Take of water for frost fighting purposes between 1 January and 30 April in each calendar year.	Support		Retain as proposed
2.6.4. Take, use, damming or diversion of water from the following waterbodies, including their tributaries: (a) Acheron River; (b) Branch River (including downstream of weir to the Wairau River confluence); (c) Chaytor Significant	Amend	Fish and Game seek the reinstatement of the prohibited activity rule in relation to the taking of water from Lake Elterwater – rule 27.1.2.5 of the Wairau Awatere Resource Management Plan.	Fish and Game seek the reinstatement of the prohibited activity rule (rule 27.1.2.5 of the Wairau Awatere Resource Management Plan) in relation to the taking of water from Lake Elterwater or amendment to the plan with the same effect as the relief sought.

<p>Wetlands - W127, W128 and W129; (d) Goulter River; (e) Goulter Significant Wetland - W35; (f) Kauauroa Bay Significant Wetland - W1026; (g) Lake Alexander; (h) Lake Chalice; (i) Lake McRae; (j) Pelorus River upstream of confluence with the Scott Creek; (k) Pipitea Significant Wetland - W55; (l) Possum Swamp Stream Significant Wetland - W116; (m) Rainbow River; (n) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere and Island Lake; (o) Upper Wairau Significant Wetland - W580; (p) Wairau Lagoons Significant Wetland - W1076; (q) Wairau River upstream of the Hamilton River confluence. This rule does not apply to a take, use, damming or diversion of water lawfully</p>			
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<p>established prior to 9 June 2016, including the take and use of water for an individual's reasonable domestic needs and the take and use of water for the reasonable drinking water needs of an individual's animals.</p>			
<p>2.6.5. Damming of water in the following waterbodies, including their tributaries: (a) Awatere River above Medway River (excluding tributaries not specified in this rule); (b) Clarence River; (c) Grey River; (d) Hodder River; (e) Waimea River above Box Stream; (f) Winterborne River. This rule does not apply to a damming of water lawfully established prior to 9 June 2016.</p>	<p>Amend</p>	<p>Fish and Game seek to include the Kaituna and Rai Rivers and their tributaries into the list of rivers and tributaries where damming is a prohibited activity.</p>	<p>Retain the rule with amendments to include the Kaituna and Rai Rivers and their tributaries to ensure that damming of water is a prohibited activity in these waterways also.</p>

Provision	Support/ Opposition	Discussion	Relief sought
5.1.2 Activity In, On, Over and Under the Bed of a Lake or River			
Permitted Activities			
2.7.1. Alteration, repair or maintenance of an existing structure in, on or over the bed of a lake or river.	Amend	It is reasonable to enable the alteration and repair of existing, lawfully established structures in accordance with the permitted activity standards with the exception of standard 2.9.1.2 which allows current bridges and culverts to be extended with no limitation which is inappropriate	Remove the exception provided under 2.9.1.2 for culverts and bridges.
<p>STANDARDS</p> <p>2.9.1.1. The structure must have been lawfully established.</p> <p>2.9.1.2. The activity must not increase the plan or cross-sectional area of the structure by any more than 5% of the original structure; except that this Standard does not apply to the alteration or maintenance of the superstructure of a bridge or culvert that does not affect the hydraulic efficiency of the river under the structure.</p> <p>2.9.1.3. There must be no significant change to the</p>	Amend	It is reasonable to enable the alteration and repair of existing, lawfully established structures in accordance with the permitted activity standards with the exception of standard 2.9.1.2 which allows current bridges and culverts to be extended with no limitation which is inappropriate	Remove the exception provided under 2.9.1.2 for culverts and bridges.

<p>external appearance of the structure. Painting a structure is not a significant change for the purposes of this Standard.</p> <p>2.9.1.4. No greater than 10% of the cross-sectional area of the lakebed or riverbed must be disturbed.</p> <p>2.9.1.5. Any release of detritus from around a culvert, bridge pier or abutment must be carried out by mechanical or other physical means.</p>			
<p>2.7.2. Protection works in, on or over the bed of a lake or river for existing structures.</p>	<p>Oppose</p>	<p>Permitted protection works should only apply to works around the edge of a structure and all other activities should require resource consent to ensure that adverse effects can be appropriately avoided, remedied or mitigated.</p> <p>Additional control is also required in relation to the timing of these activities to ensure that they are not undertaken during the trout spawning season.</p>	<p>Replace the permitted activity with a full discretionary activity.</p>
<p>STANDARDS</p> <p>2.9.2.1. The structure must have been lawfully established.</p> <p>2.9.2.2. There must be no reduction in the capacity of the river at the structure.</p> <p>2.9.2.3. Rock may be used for protecting existing structures.</p>	<p>Oppose</p>	<p>Permitted protection works should only apply to works around the edge of a structure and all other activities should require resource consent to ensure that adverse effects can be appropriately avoided, remedied or mitigated.</p> <p>Additional control is also required in relation to the timing of these activities to ensure that they are not undertaken during the trout spawning season.</p>	<p>Replace the permitted activity with a full discretionary activity.</p>

<p>2.9.2.4. Rock from damaged or redundant structures may be recovered from the lakebed or riverbed.</p> <p>2.9.2.5. Continuous lengths exceeding 50m of vertical gabion bank walls must be avoided by interposing some gently sloping sections for bird access.</p> <p>2.9.2.6. Motor vehicle bodies, old machinery and scrap iron must not be used for bank protection works.</p> <p>2.9.2.7. Placement of rock rip-rap in estuarine areas must not take place between 1 August and 30 November in any year.</p>			
<p>2.7.3. Suction hose intake placement over the bed of a lake or river.</p>	<p>Oppose</p>	<p>Provision for suction hoses needs additional controls on the size and location of structure as well as not being appropriate in all locations due to natural character values of the lake or river.</p> <p>A discretionary activity status would enable all potential adverse effects from this activity to be appropriately considered.</p>	<p>Remove the permitted activity standard as proposed and replace it with a full discretionary activity status or additional permitted activity standards that ensure the effects of the activity can be fully considered</p>
<p>STANDARD</p> <p>2.9.3.1. The take and use of water must be authorised as a permitted activity or by a</p>	<p>Oppose</p>	<p>Provision for suction hoses needs additional controls on the size and location of structure as well as not being appropriate in all locations due to natural character values of the lake or river.</p>	<p>Remove the permitted activity standard as proposed and replace it with a full discretionary activity status or additional permitted activity standards that ensure</p>

<p>resource consent.</p> <p>2.9.3.2. The intake must be screened to prevent fish from passing into the intake at all times.</p> <p>2.9.3.3. A grid reference and details of the intake must be supplied to the Council within 10 working days of placement.</p>		<p>A discretionary activity status would enable all potential adverse effects from this activity to be appropriately considered.</p>	<p>the effects of the activity can be fully considered.</p>
<p>2.7.4. Construction of a dam on an ephemeral river.</p>	<p>Amend</p>	<p>The construction of a dam on an ephemeral river as a permitted activity needs to have controls on the maximum upstream catchment e.g. 20ha.</p>	<p>Remove the permitted activity standard as proposed and replace it with a full discretionary activity status or additional permitted activity standards that ensure the effects of the activity can be fully considered</p>
<p>STANDARD</p> <p>2.9.4.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.</p> <p>2.9.4.2. The dam must not intersect groundwater.</p> <p>2.9.4.3. The dam must not be located in, or within 8m of, a Significant Wetland.</p> <p>2.9.4.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail</p>	<p>Amend</p>	<p>The construction of a dam on an ephemeral river as a permitted activity needs to have controls on the maximum upstream catchment e.g. 20ha.</p>	<p>Remove the permitted activity standard as proposed and replace it with a full discretionary activity status or additional permitted activity standards that ensure the effects of the activity can be fully considered</p>

<p>infrastructure.</p> <p>2.9.4.5. The dam construction activity complies with all the permitted activity excavation, filling and vegetation clearance rules for the zone in which the activity is taking place.</p>			
<p>2.7.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.</p>	Amend	<p>Fish and Game seek that the activity be considered as a discretionary activity, or that the standards be amended to include a maximum size of the structure and conditions that limit when the structure can be constructed.</p>	<p>Remove the permitted activity standard as proposed and replace it with a full discretionary activity status or additional permitted activity standards that ensure the effects of the activity can be fully considered such as including a maximum size of the structure and limitations on when the structure can be constructed. Fish and Game seek that this applies to all structures except those permitted under 2.7.6 (as amended through this submission) below.</p>
<p>STANDARD</p> <p>2.9.5.1. The structure must not be within 8m of a perennially flowing or intermittently flowing river.</p> <p>2.9.5.2. The structure must not intersect the groundwater.</p> <p>2.9.5.3. The structure must not be located in, or within</p>	Amend	<p>Fish and Game seek that the activity be considered as a discretionary activity, or that the standards be amended to include a maximum size of the structure and conditions that limit when the structure can be constructed.</p>	<p>Remove the permitted activity standard as proposed and replace it with a full discretionary activity status or additional permitted activity standards that ensure the effects of the activity can be fully considered.</p>

8m of, a Significant Wetland. 2.9.5.4. The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.			
2.7.6. Construction or placement of a temporary maimai or whitebait stand in, on or over the bed of a lake or river.	Amend	Fish and Game support the permitted activity but seek that it is amended to enable the construction or placement of permanent maimai and whitebait standards as a permitted activity.	Amend the permitted activity to enable the construction or placement of permanent maimai and whitebait standards as a permitted activity.
STANDARD 2.9.6.1. No more than 1m ³ of lakebed or riverbed must be disturbed. 2.9.6.2. The maimai or stand must be open piled. 2.9.6.3. The maimai or stand must be located at least 50m from any other structure. 2.9.6.4. A maimai must be no more than 9m ² . 2.9.6.5. The maimai or stand must be constructed or placed and subsequently removed within the following periods: (a) a maimai must only be constructed or placed up to	Amend	Delete the permitted activity standards under 2.9.6.5	Delete the permitted activity standards under 2.9.6.5

<p>one week before, and removed no later than one week after, the official duck shooting season of the year of use;</p> <p>(b) a whitebait stand must only be constructed or placed after 1 August, and must be removed no later than 15 December, within any year.</p>			
<p>2.7.7. Culvert installation in, on, under, or over the bed of a river.</p>	<p>Amend</p>	<p>The standards for this activity need to be amended to ensure that they state a maximum culvert diameter or maximum size of the catchment or river. This recognises that culverts are not appropriate in all cases and that in bigger rivers and catchments, a bridge is a more appropriate option.</p>	<p>Retain the permitted activity with additional restriction on the maximum culvert diameter or maximum size of the river of catchment to recognise the use of a culvert is not always appropriate.</p>
<p>STANDARDS</p> <p>2.9.7.1. A secondary flow path must be provided which enables overtopping floodwaters to return to the downstream channel without increasing the flood hazard to any person's property not undertaking the culvert installation.</p> <p>2.9.7.2. The culvert must be placed below the level of the riverbed by a distance equating to the diameter of</p>	<p>Amend</p>	<p>The standards for this activity need to be amended to ensure that they state a maximum culvert diameter or maximum size of the catchment or river. This recognises that culverts are not appropriate in all cases and that in bigger rivers and catchments, a bridge is a more appropriate option.</p>	<p>Retain the permitted activity with additional restriction on the maximum culvert diameter or maximum size of the river of catchment to recognise the use of a culvert is not always appropriate.</p>

<p>the pipe divided by 5 (i.e., 20% of the culvert pipe) and at the same slope as the existing bed of the river.</p> <p>2.9.7.3. There must be no increase in the velocity of flow through or downstream of the culvert at the river's median flow.</p> <p>2.9.7.4. The total length of the culvert must not exceed 8m, except for a culvert passing beneath a State Highway where the total length of the culvert must not exceed 20m.</p> <p>2.9.7.5. The culvert installation must be designed and implemented to ensure there is no erosion or scour downstream of the culvert.</p>			
<p>2.7.9. Livestock entering onto, or passing across, the bed of a river.</p>	<p>Oppose</p>	<p>Livestock can have significant adverse effects on the ecological and biodiversity values of freshwater bodies. Allowing access into and across the bed of a river is opposed by Fish and Game</p>	<p>Remove the permitted activity.</p>
<p>STANDARD</p> <p>2.9.9.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if</p>	<p>Amend</p>	<p>Fish and Game supports this policy which will effectively exclude intensively farmed livestock from entering or passing across the bed of a river. It requires a workable definition of livestock however.</p>	<p>Retain the standards with amendment to ensure that intensively farmed livestock entering into or passing across the bed of a river does not result in conspicuous pugging.</p>

<p>there is water flowing in the river.</p> <p>2.9.9.2. After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not cause any conspicuous change in the colour or visual clarity of any flowing river, measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the Munsell scale;</p> <p>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;</p> <p>(c) the change in reflectance must be <50%.</p> <p>2.9.9.3. After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not result in a change in concentration of following:</p> <p>(a) daily average carbonaceous BOD₅ due to dissolved organic compounds (i.e. those passing a GF/C</p>			<p>Fish and Game have previously sought amendment to the definition of Intensively Farmed Livestock to include all cattle farmed on lowland areas.</p>
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filter); (b) dissolved reactive phosphorus; (c) dissolved inorganic nitrogen; (d) Escherichia coli (E. coli).			
2.7.10. Passive, informal or active recreation in, on, under, or over the bed of a lake or river.	Support	Fish and Game support the passive, informal or active recreation in lakes and rivers and wish to see this permitted activity retained.	Retain as proposed.
STANDARDS 2.9.10.1. Powered watercraft must be fitted with effective mufflers during all movement on water and must not exceed the following noise limits at any point within the notional boundary of any dwelling or within any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3: (a) 7.00 am to 9.00 pm - Sound Exposure Level (SEL) 85 dBA; (b) 9.00 pm to 7.00 am the following day - Sound Exposure Level (SEL) 78dBA; (c) no moving craft must emit	Support	Fish and Game support the passive, informal or active recreation in lakes and rivers and wish to see this permitted activity retained.	Retain as proposed.

<p>noise in excess of a Sound Exposure Level (SEL) of godBA in any single driveby measured at any stationary point more than 25m from the line of travel of the craft;</p> <p>(d) sound exposure levels must be measured in accordance with the provisions of NZS 6801:2008 Measurement of Sound.</p> <p>Note: Assessment of powered watercraft noise is not within the scope of NZS 6802:2008.</p> <p>2.9.10.2. On four occasions in any 12 month period, the noise limits in Standard 2.9.10.1 do not apply for any portion of lake or river used for the purposes of a special event approved by a resource consent.</p>			
<p>General standards apply to all permitted activities</p>			
<p>2.8.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance, including but not limited to oil, hydraulic fluid or other fluid lubricants, must take place within 20m of</p>	<p>Amend</p>	<p>Fish and Game seek that this standard applies not only to within 20m of the water, but also to any location within the bed of the river.</p>	<p>Retain the standard with amendments to ensure that a 20m setback is applied from any location in the bed of a river.</p>

water.			
2.8.1.2. The activity must not cause flooding or erosion of private land.	Support	Standard aligns with the duty to avoid, remedy or mitigate adverse effects under s.17 of the RMA.	Retain as proposed.
2.8.1.3. The activity must be planned and conducted in a manner that does not compromise public safety.	Support	Standard aligns with the purpose of the Act to ensure the sustainable management of natural and physical resources in a way or at a rate that enables people and communities to, among other things, provide for their health and safety.	Retain as proposed.
2.8.1.4. Any discharge of sediment into water must not, after reasonable mixing, cause a change in colour of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.	Support		Retain as proposed
2.8.1.5. During the period of 1 September to 31 December in any year no activity must occur within 50m of a nesting bird in a lakebed or riverbed.	Amend	Fish and Game seek the standard be amended to cover the period of 1 June to 1 September and that an additional standard to ensure that activities are not undertaken in trout and salmon spawning seasons in trout and salmon spawning rivers.	Include a new standard applicable to all activities that restricts activities from occurring during trout spawning season in trout spawning rivers from June 1 – September 1.
Discretionary Activities			
2.10.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.	Support	It is appropriate for activities that do not meet the permitted activity standards to be assessed as discretionary activities as this allows the Council to consider all adverse effects associated with the proposal and avoid, remedy or mitigate the effects as appropriate.	Retain as proposed.
2.10.2. Any activity in, on,	Oppose	Dams that are not provided for as a permitted activity or	Remove and replace with a non-complying

under or over the bed of a lake or river not provided for as a Permitted Activity or limited as a Prohibited Activity.		prohibited activity should be considered as a non-complying activity in the Plan.	activity to provide for dams that are not provided for as a permitted activity or prohibited activity in the plan.
Prohibited Activities			
2.11.1. Construction of a dam on the following lakes and rivers, including their tributaries unless otherwise stipulated: (a) Acheron River; (b) Awatere River above Medway River (excluding tributaries not specified in this rule); (c) Branch River (including downstream of weir to the Wairau River confluence); (d) Clarence River; (e) Goulter River; (f) Grey River; (g) Hodder River; (h) Lake Alexander; (i) Lake Chalice; (j) Lake McRae; (k) Pelorus River above the Rai River confluence; (l) Rainbow River; (m) Tarndale Lakes including	Amend	Fish and Game seek the inclusion of the Kaituna and Rai Rivers and their tributaries to this prohibited activity rule to protect the values of these rivers as trout fisheries.	Retain the rule with amendments to include the Kaituna and Rai rivers and their tributaries in the prohibited activity rule.

<p>Bowscale Lake, Fish Lake, Lake Sedgemere; (n) Waimea River above Box Stream; (o) Wairau River upstream of the Hamilton River confluence; (p) Winterborne River.</p>			
<p>2.11.2. Construction or alteration of a bore within the bed of the following lakes and rivers, including tributaries: (a) Acheron River; (b) Branch River (including downstream of weir to the Wairau River confluence); (c) Goulter River; (d) Lake Alexander; (e) Lake Chalice; (f) Lake McRae; (g) Pelorus River upstream of confluence with the Scott Creek; (h) Rainbow River; (i) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere and Island Lake; (j) Wairau River upstream of the Hamilton River</p>	<p>Support</p>		<p>Retain as proposed</p>

confluence.			
2.11.3. Placement of a suction hose intake over the bed of the following lakes: (a) Lake Chalice; (b) Lake McRae; (c) Tarndale Lakes.	Support		Retain as proposed
2.11.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.	Support	This prohibited activity will assist to maintain freshwater quality in rivers in the Marlborough Region.	Retain as proposed.
2.11.5. From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river.	Support	This prohibited activity will assist to maintain freshwater quality in rivers in the Marlborough Region.	Retain as proposed.

Provision	Support/ Opposition	Discussion	Relief sought
5.1.3 Discharge to Water			
Permitted Activities			
2.16.1. Discharge of water to surface water.	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
<p>STANDARDS</p> <p>2.17.1.1. The discharge must not cause erosion at, or downstream of, the discharge point.</p> <p>2.17.1.2. The discharge must not alter the natural course of the receiving water.</p> <p>2.17.1.3. The discharge must not cause flooding on land other than land within the Floodway Zone.</p> <p>2.17.1.4. The discharge point and any associated structure must be maintained in a condition such that it is clear of debris and structurally sound.</p> <p>2.17.1.5. After reasonable mixing, the discharge must</p>	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.

<p>not cause any conspicuous change in the colour or visual clarity of any waterbody, measured as follows: (a) hue must not be changed by more than 10 points on the Munsell scale; (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the discharge; (c) the change in reflectance must be <50%.</p>			
<p>2.16.2. Discharge of an aquatic agrichemical into a waterbody.</p>	<p>Amend</p>	<p>All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.</p>	<p>Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.</p>
<p>STANDARDS Discharge of an aquatic agrichemical into a waterbody. 2.17.2.1. Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed. 2.17.2.2. The aquatic agrichemical must be approved for use under the</p>	<p>Amend</p>	<p>All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.</p>	<p>Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.</p>

<p>Hazardous Substances and New Organisms Act 1996.</p> <p>2.17.2.3. The application must be undertaken in accordance with the most recent product label.</p> <p>2.17.2.4. The applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:</p> <p>(a) every person taking water for domestic supply within 1km downstream of the proposed discharge;</p> <p>(b) every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge, at least one week before commencing the application.</p>			
<p>2.16.3. Discharge of stormwater to water.</p>	<p>Amend</p>	<p>All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.</p>	<p>Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.</p>
<p>STANDARDS</p> <p>2.17.3.1. For stormwater sourced from land zoned Urban Residential 1, Urban</p>	<p>Amend</p>	<p>All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.</p>	<p>Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.</p>

<p>Residential 2 (including Greenfields) or Urban Residential 3 in Blenheim, the maximum discharge must not exceed 20l/s.</p> <p>2.17.3.2. For stormwater sourced from land zoned Coastal Living, the maximum discharge must not exceed 25l/s.</p> <p>2.17.3.3. For stormwater sourced from land zoned Rural Living, the maximum discharge must not exceed 50l/s.</p> <p>2.17.3.4. The discharge must not have, after reasonable mixing, any of the following effects on water quality:</p> <ul style="list-style-type: none"> (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (b) any conspicuous change in the colour or visual clarity; (c) any emission of objectionable odour; (d) the rendering of fresh water unsuitable for 			
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<p>consumption by farm animals;</p> <p>(e) any significant adverse effects on aquatic life.</p> <p>2.17.3.5. The discharge must not cause flooding on land other than land within the Floodway Zone.</p> <p>2.17.3.6. The discharge must not cause erosion at, or downstream of, the discharge point.</p> <p>2.17.3.7. The discharge must not alter the natural course of the receiving water.</p> <p>2.17.3.8. The discharge point and any associated structure must be maintained so that it is clear of debris and structurally sound.</p> <p>2.17.3.9. The discharge must not contain stormwater from an area where a hazardous substance is stored unless:</p> <p>(a) the hazardous substance cannot enter the stormwater;</p> <p>(b) there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated</p>			
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stormwater to a trade waste system. 2.17.3.10. If the discharge is from a reticulated community stormwater network administered by the Council as at 9 June 2016, the discharge must not be from stormwater sourced from land zoned Business 1, Business 3, Industrial 1 or Industrial 2.			
2.16.6. Discharge of stormwater to water from Lots 1 & 2 DP 323372, Lots 1, 3 & 4 DP 8762, portions of Lot 1 DP 4447, Lot 9 DP 306716 and Lot 2 DP 379514 the Riverlands.	Amend	Provision of stormwater discharge needs to ensure that the environment is appropriately protected. As notified, there are no standards that seek to ensure the environment is protected and the any adverse effects are appropriately avoided, remedied or mitigated. All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Amend standards for permitted activity to provide standards that ensure the environment is protected and adverse effects are appropriately avoided, remedied or mitigated. Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
STANDARDS 2.17.6.1. Unsealed downpipe roof water must be disposed of into a Council operated stormwater system expressly designed for this purpose. 2.17.6.2. Sealed down pipe roof water must be discharged into the Co-op Drain.	Amend	Provision of stormwater discharge needs to ensure that the environment is appropriately protected. As notified, there are no standards that seek to ensure the environment is protected and the any adverse effects are appropriately avoided, remedied or mitigated. All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Amend standards for permitted activity to provide standards that ensure the environment is protected and adverse effects are appropriately avoided, remedied or mitigated. Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.

2.16.7. Discharge of swimming or spa pool water to water.	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
<p>STANDARDS</p> <p>2.17.7.1. A public sewer is not located within 30m of the lot boundary or 60m of the pool discharge point.</p> <p>2.17.7.2. Filter backwash water must not enter any stormwater system.</p> <p>2.17.7.3. Fourteen days prior to discharging to land, swimming or spa pool water:</p> <p>(a) must be uncovered;</p> <p>(b) must not be treated with any chemicals.</p> <p>2.17.7.4. The temperature of the discharge water must be ambient.</p> <p>2.17.7.5. The discharge must not contain residual chlorine or bromine above detection levels.</p>	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
2.16.8. Discharge of water to water for the purposes of purging water supply infrastructure or in emergency circumstances.	Amend	<p>Discharge to water for the purposes of purging water supply infrastructure or in emergencies needs to ensure that the environment is appropriately protected. As notified, there are no standards that seek to ensure the environment is protected and the any adverse effects are appropriately avoided, remedied or mitigated.</p> <p>All discharge rules in the Plan need to include conditions</p>	<p>Amend standards for permitted activity to provide standards that ensure the environment is protected and adverse effects are appropriately avoided, remedied or mitigated.</p> <p>Ensure that all discharge rules include conditions that ensure the water quality</p>

		requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	standards outlined in Appendix 6 are met.
STANDARDS 2.17.8.1. The discharge must be conducted by the Marlborough District Council.	Amend	Discharge to water for the purposes of purging water supply infrastructure or in emergencies needs to ensure that the environment is appropriately protected. As notified, there are no standards that seek to ensure the environment is protected and the any adverse effects are appropriately avoided, remedied or mitigated. All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Amend standards for permitted activity to provide standards that ensure the environment is protected and adverse effects are appropriately avoided, remedied or mitigated. Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
2.16.g. Discharge of tracer dye to water.	Amend	Discharging tracer dye to water needs to ensure that the environment is appropriately protected. As notified, there are no standards that seek to ensure the environment is protected and the any adverse effects are appropriately avoided, remedied or mitigated. All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Amend standards for permitted activity to provide standards that ensure the environment is protected and adverse effects are appropriately avoided, remedied or mitigated. Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
STANDARDS 2.17.9.1. The discharge must be conducted by the Marlborough District Council.	Amend	Discharging tracer dye to water needs to ensure that the environment is appropriately protected. As notified, there are no standards that seek to ensure the environment is protected and the any adverse effects are appropriately avoided, remedied or mitigated. All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Amend standards for permitted activity to provide standards that ensure the environment is protected and adverse effects are appropriately avoided, remedied or mitigated. Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
2.17.11. Discharge of an agrichemical to water for the control of aquatic vegetation	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.6g of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.

<p>in the Drainage Channel Network or the Floodway Zone.</p>			
<p>2.17.11.1. The discharge is only permitted when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance the Marlborough District Council Rivers and Drainage Asset Management Plan, and the Marlborough District Council Marlborough Rivers Gravel Extraction Strategy.</p> <p>2.17.11.2. The agrichemical must be undertaken in accordance with the most recent product label.</p> <p>2.17.11.3. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the</p>	<p>Amend</p>	<p>All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.</p>	<p>Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.</p>

<p>approval.</p> <p>2.17.11.4. The discharge must only be for the purpose of eradicating, modifying, or controlling aquatic plants.</p> <p>2.17.11.5. The discharge must not be for the purposes of disposing of the agrichemical to water.</p> <p>2.17.11.6. At least one week before commencing the application, the applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:</p> <p>(a) Every person taking water for domestic supply within 1km downstream of the proposed discharge;</p> <p>(b) Every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge.</p> <p>2.17.11.7. Where the discharge is undertaken in a publicly accessible location, appropriate notification signage must be erected and</p>			
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remain in place for at least 7 days after the discharge has occurred. 2.17.11.8. The discharge must not be applied aerially.			
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5.2 Chapter 3: Rural Environment

Provision	Support/Op position	Discussion	Relief sought
Permitted Activities			
3.1.13 Cultivation and associated permitted activity standards under 3.3.13	Support	Fish and Game support the standards for cultivation outlined in 3.3.13. These standards will assist to manage the potential adverse effects that can arise from cultivation particularly in relation to the degradation of waterbodies through runoff.	Retain as proposed
3.1.14 Excavation and associated permitted activity standards under 3.3.14	Amend	Fish and Game support the standards for excavation outlined in 3.3.14 but seek an additional provision for excavation for the Ormond Aquaculture Ltd site at Keith Coleman Lane of 1000m ³ .	Retain the permitted activity for excavation with amendment to allow additional excavation at the Ormond Aquaculture Ltd site at Keith Coleman Lane of 1000m ³ .
3.1.16 Filling of land with clean fill and associated permitted activity standards under 3.3.16	Amend	<p>The definition of excavation enables the alteration of the ground level. It would therefore seem that a requirement to have standards relating to the filling of land is not required as these matters are covered through the provision of excavation.</p> <p>To avoid duplication in the plan, it is recommended that the provisions for excavation and filling be combined</p>	<p>Amend the definitions of excavation and fill, filling and fill material are combined together to provide one term that covers all aspects of cut and fill activities.</p> <p>Particularly support 3.3.16.8 regarding filling within 8m of a significant wetland or 30m of a water resource unit with a natural state classification – the intent of this provision should be retained through the amendment suggested above.</p>
3.1.21 Livestock entering onto or passing cross the bed of a river and associated permitted	Support	The standards controlling this permitted activity will assist to maintain freshwater quality in rivers in the Marlborough Region.	Retain as proposed

activity standards under 3.3.21			
3.1.22 Application of an agrichemical into or onto land and associated permitted activity standards under 3.3.22	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
3.1.23 Application of fertiliser or lime into or onto land and associated permitted activity standards under 3.3.23	Amend	Fish and Game seek that all fertiliser application is in accordance with the Code of Practice for Nutrient Management ⁴ . Fish and Game also support maximum nitrogen loading restrictions and that no fertiliser is deposited into waterbodies. All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.	Retain the permitted activity with amendments to the standards to ensure that fertiliser application be undertaken in accordance with the Code of Practice for Nutrient Management. Support standards which state the maximum for nitrogen loading and that no fertiliser will be deposited in waterbodies. Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
3.1.24 Application of a vertebrate toxic agent by hand into or onto all land or application of a vertebrate toxic agent by air onto private land and associated permitted activity standards under 3.3.24	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.

⁴ [Code of Practice for Nutrient Management](#)

3.1.25 Application of compost or solid agricultural waste into or onto land and associated permitted activity standards under 3.3.25	Support		Retain as proposed
3.1.26 Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land and associated permitted activity standards under 3.3.26	Oppose	Activities of this nature should require resource consent.	Remove permitted activity rule for this activity and replace it with a discretionary activity rule.
3.1.27 Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of vegetation clearance and associated standards under 3.3.27	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
3.1.28 Discharge of dairy farm effluent into or onto land and associated standards	Oppose	Activities of this nature should require resource consent.	Remove permitted activity rule for this activity and replace it with a discretionary activity rule.
3.1.30 Discharge of human effluent into or onto land and associated permitted		The disposal of on-site disposal of human effluent should be in accordance with the AS/ NZS 1547:2012 On-site domestic wastewater management.	Fish and Game seek that the permitted activity standards be amended to require compliance with AS/NZS 1547:2012 On-site domestic wastewater management.

activity standards under 3.3.30			
3.1.31 Disposal of farm rubbish into a pit and associated standards under 3.3.28	Support	The standards controlling this permitted activity will assist to maintain freshwater quality in rivers in the Marlborough Region.	Retain as proposed.
3.1.32 Disposal of offal or a carcass into an offal pit and associated permitted activity standards under 3.3.32	Support	The standards controlling this permitted activity will assist to maintain freshwater quality in rivers in the Marlborough Region.	Retain as proposed.
3.1.33 Making compost or silage in a pit or stack, or stockpiling agricultural solid waste and associated standards under 3.3.33	Amend	The standards controlling this permitted activity will assist to maintain freshwater quality in rivers in the Marlborough Region but would be improved with an additional standard requiring that the bottom of any pit or stack be sealed to prevent leaching.	Retain the rule and standards with amendment to require the sealing of the bottom of any pit, stack or agricultural waste stockpile.
3.1.34 Storage of compost not in a pit or stack and associated standards under 3.3.34	Support	The standards controlling this permitted activity will assist to maintain freshwater quality in rivers in the Marlborough Region.	Retain as proposed.
Discretionary Activities			
3.6.3 Intensive Farming	Support	A discretionary activity status for intensive farming will enable Council to evaluate all potential adverse effects associated with the activity and ensure that the effects are appropriately avoided, remedied or mitigated before approving the activity.	Retain as proposed.
3.6.8 Dairy farm established after 9 June 2016	Support	A discretionary activity status for new dairy farming activities will enable Council to evaluate all potential adverse effects associated with the activity and ensure that the effects are appropriately avoided, remedied or mitigated before	Retain as proposed.

		approving the activity.	
Prohibited Activities			
Protection of wetlands including prohibition on livestock access, grazing and cropping	New	Fish and Game seek an additional prohibited activity or activities be added to the plan ensuring that no livestock, including intensively farmed livestock (with the definition amended as suggested in the submission above) will have access to significant wetlands (as amended to include all wetlands as identified in the submission above) to ensure that all wetland areas are protected from the adverse effects of stock. Cropping and grazing are also sought to be prohibited from wetland areas to ensure that these areas are protected.	Create an additional prohibited activity or activities to ensure the protection of wetlands by ensuring no livestock, including intensively farmed livestock (with the definition amended as suggested in the submission above) will have access to significant wetlands (as amended to include all wetlands as identified in the submission above) and no grazing or cropping is undertaken within any wetland area.
3.7.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.	Support	This prohibited activity will assist to maintain freshwater quality in rivers in the Marlborough Region.	Retain as proposed.
3.7.5. From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river.	Support	This prohibited activity will assist to maintain freshwater quality in rivers in the Marlborough Region.	Retain as proposed.
3.7.8. Drainage of Goulter Significant Wetland – W35.	Support	Wetlands are globally scarce resources and need to be protected. Fish and Game support prohibition on the drainage of wetlands.	Retain as proposed

3.7.9. Drainage of Possum Swamp Stream Significant Wetland – W116.	Support	Wetlands are globally scarce resources and need to be protected. Fish and Game support prohibition on the drainage of wetlands.	Retain as proposed
3.7.10. Drainage of Upper Wairau Significant Wetland – W580.	Support	Wetlands are globally scarce resources and need to be protected. Fish and Game support prohibition on the drainage of wetlands.	Retain as proposed
3.7.11. Drainage of Wairau Lagoons Significant Wetland – W1076.	Support	Wetlands are globally scarce resources and need to be protected. Fish and Game support prohibition on the drainage of wetlands.	Retain as proposed

6 Volume 3 Appendices

6.1 Appendix 5 – Water Resource Unit Values and Water Quality Classification Standards

Provision	Support/ Opposition	Discussion	Relief sought
6.1.1 General			
Contact recreation	Addition	Contact recreation should be recognised as a recreation value in all rivers and lakes in Marlborough and Appendix 5 should be amended accordingly to reflect this	Amend the recreation values for each water resource unit to recognise the contact recreation as a recreation value.
Support the use of water quality classes in Appendix 5	Support	Support the use of water quality classes as these correspond well to Schedule 3 RMA	Retain as proposed.
Support the identification and use of values for each water resource unit	Support	In particular support the approach to values, which identify both trout habitat values i.e. fish values and also the recreation values.	Retain as proposed
Natural Character	Amend	All freshwater bodies have natural character and some have particularly high or significant natural character values. Definition of natural character values for each waterway is required to ensure that this can be protected as required under s.6(a) of the RMA.	Amend Appendix 5 to ensure the natural character values of all water resource units are identified and stated in the Appendix.
Natural Character – braided rivers	Amend	Braided Rivers should be considered as having significant natural character due to their rarity. The following braided rivers with fisheries values include Wairau, Awatere, Clarence, Branch and Acheron.	Amend the Plan to ensure all braided rivers including Wairau, Awatere, Clarence, Branch and Acheron are classified as having significant natural character values.
Invertebrate habitat	Amend	All waterbodies provide invertebrate habitat. The Plan currently	Amend the Plan to acknowledge that all

		identifies, through Appendix 5, only those water resource units that have significant invertebrate habitat.	waterbodies provide invertebrate habitat and state those where the provision for invertebrate habitat is particularly significant.
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Provision	Support/ Opposition	Discussion	Relief sought
6.1.2 Schedule 1 – Water Resource Unit Values			
General Comment	Amend	Greater explanation is needed in the Plan about the identification of water resource units and how these features and the freshwater management units relate to each other and interact.	Fish and Game seek to ensure that the water quality values and flow and allocation limits for all freshwater bodies in the Region are clearly identified and aligned. An option to achieve this could be to require, for each of the Water Resource Units identified in Appendix 5, to have specified quantity allocations for water takes and minimum flows and levels or water takes be specified. This will alleviate current confusion over the relationship between the identified Water Resource Units and the Freshwater Management Units and ensure that each freshwater body in the Region has specific water quantity and water quality targets clearly identified and will ensure that the identification of these areas on the Planning Maps directly reflects the areas.
Water resource unit #1 Acheron	Amend	This water resource unit is a regionally significant brown trout fishery.	Amend the Recreation values to remove the generic 'fishing' value and replace it with "Regionally significant brown trout fishery (both Acheron and Alma)".
Water resource unit #2 Cullens/Linkwater Complex	Amend	This water resource unit has not been recognised for its recreational values for waterfowl hunting in the tidal zone.	Add Recreation values that recognises the waterfowl hunting that occurs in the tidal zone.

Water resource unit #6 Awatere – lower	Amend	This water resource unit is a locally significant brown trout fishery	Amend the Recreation values to remove the generic 'fishing' value and replace it with "Locally significant brown trout fishery".
Water resource unit #8 Bartletts	Amend	This water resource unit is a locally significant brown trout fishery	Amend the Recreation values to remove the generic 'fishing' value and replace it with "Locally significant brown trout fishery".
Water resource unit #13 Branch (including Lake Argyle)	Amend	This water resource unit is an important habitat for both brown and rainbow trout spawning. The water resource unit is also regionally significant for its brown and rainbow trout fisheries	Amend the Fish Habitat values to reflect this importance of this area for Brown and Rainbow Trout spawning as well as habitat. Amend the Recreation values to remove "highly valued trout fishery" and replace it with "Regionally significant brown and rainbow trout fisheries" to better reflect the nature of the values of the area.
Water resource unit #15 Clarence	Amend	The area is regionally significant for its brown trout and salmon fisheries	Amend the Recreation values to remove "fishing" and replace it with "regionally significant brown trout and salmon fisheries".
Water resource unit #22 Goulter	Amend	The Goulter River is an important area of Brown Trout and Salmon spawning. It is also recognised for its recreation values as a designated back-country fishery.	The Fish Habitat values are amended to recognise the importance of the Goulter River for Salmon spawning. The Recreation values are amended to recognise the Goulter River as a designated back-country fishery.
Water resource unit #25 Kaituna	Amend	The area is locally significant as a brown trout fishery.	Update the Recreation values to remove the generic values description 'fishing' and replace it with "locally significant brown trout fishery" to better reflect the nature of the values of the area.
Water resource unit	Amend	The water resource unit is valued for its recreational waterfowl	Add Recreation values that reflect the

#27 Kenepuru		hunting values in the tidal zone	importance of the water resource unit for waterfowl hunting within the tidal zone.
Water resource unit #30 Ohinemahuta (previously Onamalutu)		The area is locally significant as a brown trout fishery.	Update the Recreation values to remove the generic values description 'fishing' and replace it with "locally significant brown trout fishery" to better reflect the nature of the values of the area.
Water resource unit #32 Opouri	Amend	The area is a locally significant brown and rainbow trout fishery.	Amend the Recreation values to remove the generic 'fishing' value and replace it to recognise the importance of the area as a locally significant brown and rainbow trout fishery.
Water resource unit #33 Opaoa – Lower	Amend	The water resource unit is important as a locally significant brown trout fishery.	Amend the Recreation values to remove the generic 'fishing' value and replace it with "locally significant brown trout fishery"
Water resource unit #34 Opaoa – Upper	Amend	The water resource unit is important as a locally significant brown trout fishery.	Amend the Recreation values to remove the generic 'fishing' value and replace it with "locally significant brown trout fishery"
Water resource unit #36 Pelorus/Te Hoiere Lower	Amend	The water resource unit is important as a regionally significant brown and rainbow trout fishery and is also regionally significant for gamebird hunting.	Amend the Recreation values to remove the generic 'fishing' value and replace it to recognise the regional significance of the area as a brown and rainbow trout fishery as well as adding the words "regionally significant" in front of 'gamebird hunting'.
Water resource unit #37 Pelorus/Te Hoiere Upper	Amend	The water resource unit is important as a regionally significant brown and rainbow trout fishery.	Amend the Recreation values to remove the generic 'fishing' value and replace it to recognise the regional significance of the area as a brown and rainbow trout fishery.
Water resource unit #40 Rai	Amend	The water resource unit is important as a regionally significant brown and rainbow trout fishery.	Amend the Recreation values to remove the generic 'fishing' value and replace it to

			recognise the regional significance of the area as a brown and rainbow trout fishery.
Water resource unit #41 Ronga	Amend	The water resource unit is important as a locally significant brown trout fishery.	Amend the Recreation values to remove the generic 'fishing' value and replace it with "locally significant brown trout fishery"
Water resource unit #43 Spring Creek	Amend	The water resource unit is important as a regionally significant brown trout fishery.	Amend the Recreation values to remove the generic 'fishing' value and replace it to recognise the regional significance of the area as a brown fishery. Also, amend the recreation values to remove the term "shooting" and replace it with "hunting".
Water resource unit #44 Taylor River	Amend	The water resource unit is important as a locally significant brown trout fishery.	Amend the Recreation values to remove the generic 'fishing' value and replace it to recognise the local significance of the area as a brown fishery.
Water Resource Unit #47 Tuamarina	Amend	The area is regionally significant for its game bird hunting and locally significant as a brown trout fishery.	Amend the Recreation values to recognise the regional significance of the area for game bird hunting within Para Wetland and the local significance of the area for brown trout fishing.
Water resource unit #48 Waihopai – Lower	Amend	The area is locally significant as a brown trout fishery.	Amend the Recreation values to recognise that the area is a "locally significant brown trout fishery".
Water resource unit #49 Waihopai – Upper	Amend	The area is locally significant as a brown trout fishery.	Amend the Recreation values to recognise that the area is a "locally significant brown trout fishery".
Water resource unit #52 Wairau Lagoon	Amend	The area is regionally significant for gamebird hunting.	Amend the Recreation values to recognise the regional significance of the area for gamebird hunting.

Water resource unit #54 Wairau River Bed	Amend	The area is nationally significant for salmon and brown trout fishing.	Amend the Recreation values to remove the generic 'fishing' value and replace it to recognise the national significance of the area as a salmon and brown trout fishery.
Water resource unit #60 Wakamarina	Amend	The water resource unit is locally significant as a brown trout fishery.	Amend the Recreation values to remove the generic "fishing" term and replace it with "locally significant brown trout fishery".

Provision	Support/Opposition	Discussion	Relief sought
6.1.3 Schedule 2 – Water Quality Classification Standards			
Aquatic Life	Toxicants - support	Fish and Game support the separation out of toxicants and seek that this be retained as notified.	Retain as proposed
Biological Growths	Support	The dual nutrient management of nitrogen and phosphorus to ecological health levels of 0.015mg/l dissolved reactive phosphorus and 0.444 mg/L dissolved inorganic nitrogen is supported by Fish and Game	Retain as proposed
Temperature	Amend	Trout are particularly sensitive to habitat change and require cold, well oxygenated water with low nutrient levels. To align with Schedule 3 of the RMA and reflect the habitat conditions for trout, amendment to the temperature standards in Schedule 2 – Water Quality Classification Standards.	Amend Temperature parameters to require the following: <ul style="list-style-type: none"> • Maximum daily average temperature must not exceed 19°C • Shall not exceed 25°C
Dissolved Oxygen	Amend	Trout are particularly sensitive to habitat change and require cold, well-oxygenated water with low nutrient levels. To align with Schedule 3 of the RMA and reflect the habitat conditions for trout, amendment to the temperature standards in Schedule 2 – Water Quality Classification Standards.	Amend Dissolved Oxygen as follows: <ul style="list-style-type: none"> • Saturation >80% • 9mg/L @ 11°C • 6-8mg/L @ 20°C
Macroinvertebrate Community Index (MCI)	Amend	Ecosystem health should be maintained to support high quality macroinvertebrate community, which	Amend the parameters for MCI to require a value of ≥120.

		are the primary food source for trout. Trout prefer to feed on taxa that inhabit high water quality streams e.g. Ephemoptera, Plecoptera and Trichoptera with large Trichoptera being the most highly preferred macroinvertebrate food item.	
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6.2 Appendix 6 - Environmental Flows and Levels

Provision	Support/Opposition	Discussion	Relief sought
6.2.1 Schedule 1 - Quantity Allocations for Water Takes			
General	Amend	All waterbodies in the Region need to have a defined FMU – therefore the Plan needs to ensure that FMU’s are either mapped, or described or both but none are not specified. This will ensure that the NPSFM is appropriately given effect to.	All waterbodies in the Region need to be within a defined and/or described Freshwater Management Unit. The Plan needs to be amended to ensure that there are no FMU’s that are not specifically defined on either the Freshwater Management Unit Maps or described in the Schedules or both to ensure that the NPSFM is appropriately given effect to.
General	Amend	Minimum flows and allocation volumes are measured at the same point(s) in each FMU and Water Resource Unit.	Fish and Game seek to ensure that all minimum flows and allocation volumes are measured at the same point(s) in each Freshwater Management Unit and Water Resource Unit.
General	Amend	Fish and Game seek to ensure that the identification of Freshwater Management Units on maps and schedules need to align to represent the same geographical areas and that each waterbody is only represented in one Freshwater Management Unit.	The mapping and schedules of Freshwater Management Units on the District Plan maps need to align to represent the same geographical areas and ensure that each freshwater body is only represented in one Freshwater Management Unit.
General	Amend	Fish and Game seek to amend Appendix 6 for each FMU so that it clearly identifies which monitoring site or sites are used and what allocation limit applies to each FMU for	Fish and Game seek to amend Appendix 6 for each FMU so that it clearly identifies which monitoring site or sites are used and

		example, it is not clear from the Appendix whether the total allocations for the Rai, including Opouri, Tunakino and Ronga FMU's and the FMU's for these tributaries separately are intended to be inclusive i.e the Tunakino allocation is included in the Opouri allocation or whether these are intended to be considered separately.	what allocation limit applies to each FMU to ensure that the relationship of allocations between rivers and their tributaries is clear, and the relationship between the allocations of different tributaries are clear.
General	Amend	Explanation is required for plan users to clarify whether the allocation limits per day are independent or cumulative? It appears that they are intended to be independent but clarification is needed.	Provide further explanation over the intended application of allocation limits in Schedule 1 of Appendix 6.
General	Amend	<p>The quantity allocations for water takes need to be amended to ensure the following:</p> <p>For Freshwater Management Units dominated by streams and rivers with flows less than or equal to 5m³/s, an allocation limit of 30% of MALF as calculated by the Council or the total allocation from the catchment, less any resource consents surrendered, lapsed, cancelled or not replaced.</p> <p>For Freshwater Management Units dominated by streams and rivers with mean flows greater than 5m³/s, an allocation limit of 50% of MALF as calculated by the Council or the total allocation from the catchment , less any resource consents surrendered, lapsed, cancelled or not replaced.</p> <p>For Freshwater Management Units dominated by shallow, coastal aquifers, an allocation limit of 15% of the average annual recharge as calculated by the Council or the total allocation from the catchment, less any resource consents</p>	<p>Amend quantity allocations for water takes as follows:</p> <p>For Freshwater Management Units dominated by streams and rivers with flows less than or equal to 5m³/s, an allocation limit of 30% of MALF as calculated by the Council or the total allocation from the catchment, less any resource consents surrendered, lapsed, cancelled or not replaced.</p> <p>For Freshwater Management Units dominated by streams and rivers with mean flows greater than 5m³/s, an allocation limit of 50% of MALF as calculated by the Council or the total allocation from the catchment , less any resource consents surrendered, lapsed, cancelled or not replaced or where studies indicate a higher</p>

		<p>surrendered, lapsed, cancelled or not replaced.</p> <p>For Freshwater Management Units dominated by other aquifers, an allocation limit of 35% of the average annual recharge as calculated by the Council or the total allocation from the catchment, less any resource consents surrendered, lapsed, cancelled or not replaced.</p>	<p>or lower (than that proposed in the NES) percentage allocation is necessary to preserve values, this should instead be adopted.</p> <p>For Freshwater Management Units dominated by shallow, coastal aquifers, an allocation limit of 15% of the average annual recharge as calculated by the Council or the total allocation from the catchment, less any resource consents surrendered, lapsed, cancelled or not replaced.</p> <p>For Freshwater Management Units dominated by other aquifers, an allocation limit of 35% of the average annual recharge as calculated by the Council or the total allocation from the catchment, less any resource consents surrendered, lapsed, cancelled or not replaced.</p>
General	New	Fish and Game seek the implementation of a rationing/roster system to achieve a higher minimum flow and one for one flow sharing is needed for all Freshwater Management Units.	Fish and Game seek, as an alternative allocation mechanism, flow sharing between the river and out of stream uses ensuring that 20% of the instantaneous flow is allocated at any one time or one for one flow sharing and applied to all Freshwater Management Units.
General	Oppose	Water allocation based on a volume basis rather than an	Amend Schedule 1 of Appendix 6 to include

		instantaneous rate of take is concerning to Fish and Game as it potentially allows a very high instantaneous rate of take, which is the critical limiting factor for trout fisheries rather than overall volumes taken.	instantaneous rate of take for all allocations rather than using a volume-based method for allocation.
Awatere Freshwater Management Unit	Amend	The Awatere FMU is a braided and flashy waterbody with high sediment loading. It has very limited salmonid fishery values but does have some ecological/biodiversity values such as the existence of bluegilled bullies. Current allocations are far in excess of the recommendations in the draft NES.	Reduce allocation limits to ensure a total allocation of no greater than 30% of MALF.
Kaituna Freshwater Management Unit	Oppose	The total consented water abstraction volume is already exceeding 20% of MALF for the Kaituna meaning that there is a high degree of hydrological alteration already occurring in the waterway. In-stream modelling is required before any further allocation is contemplated for this catchment. Fish and Game oppose the approach proposed in the Plan to amalgamate 'temporary' controlled activity short-term irrigation consents into permanent Class A long term consents.	Remove the additional proposed 8,640m ³ /day Class B allocation in the Kaituna FMU. Remove controlled short-term irrigation consents from the allocation limits for Class A in the Kaituna FMU to reduce the Class A allocation to no greater than 20% of MALF.
Opouri Freshwater Management Unit	Oppose	The Opouri Freshwater Management Unit is a valued brown and rainbow trout fishery. There is no data on the MALF for this FMU and as such, Fish and Game oppose the new Class B allocation proposed in the Plan. The adequacy of the present SFR of 1 cumec at Rai Falls is also questionable for the Opouri – a higher SFR may be required for this FMU.	MALF data is required for this FMU. Remove the additional proposed 17,280m ³ /day Class B allocation in the Opouri FMU and replace the flows with a minimum flow of 80% of MALF.
Pelorus (Lower)	Oppose	There is no data on the MALF for this FMU. The total	MALF data required for this FMU.

Freshwater Management Unit		<p>proposed allocation volume for the Pelorus FMU is unacceptable given this is well over the 20% of MALF as suggested in the draft NES. It is also unacceptable to Fish and Game that temporary (emergency) water permits into permanent long term water allocation permits, unless the Class A cut off is increased.</p> <p>There is no ecological justification for an additional Class B allocation from this waterway and Fish and Game are of the view that the Class A & B water allocation is appropriate for this FMU.</p>	<p>Remove temporary (emergency) water permits from the allocation limits for Class A in the Pelorus (Lower) FMU to reduce it to less than 20% of MALF.</p> <p>Remove the additional proposed 45,000m³/day Class B allocation in the Pelorus (Lower) FMU.</p>
Rai (total including Opouri, Tunakino and Ronga FMUs) Freshwater Management Unit	Oppose	<p>The total proposed allocation volume for the Rai FMU is totally unacceptable to Fish and Game given it is close to 100% of MALF and should be reduced to less than 30% of MALF to align with the draft NES.</p> <p>Fish and Game oppose the approach proposed in the Plan to amalgamate 'temporary' controlled activity short-term irrigation consents into permanent Class A long term consents.</p>	<p>Amend the allocation volume to align with the draft NES to reduce it to less than 30% of MALF.</p> <p>Remove controlled short-term irrigation consents from the allocation limits for Class A in the Rai FMU.</p>
Ronga Freshwater Management Unit	Oppose	<p>There is no data for the MALF for the FMU and as such, Fish and Game oppose the new Class B allocation proposed in the Plan.</p>	<p>MALF data required for this FMU.</p> <p>Remove the additional proposed 8,460m³/day Class B allocation in the Ronga FMU.</p>
Tunakino Freshwater Management Unit	Oppose	<p>There is no data for the MALF for the FMU and as such, Fish and Game oppose the new Class B allocation proposed in the Plan.</p>	<p>MALF data is required for this FMU.</p> <p>Remove the additional proposed 8,460m³/day Class B allocation in the Tunakino FMU.</p>

Tuamarina Freshwater Management Unit	Oppose	<p>The Tuamarina FMU is a locally important trout fishery and also feeds the hydrology of Marlborough's most significant lowland wetland, Para Wetland.</p> <p>No MALF has been calculated for this FMU</p> <p>As a result of this, and the lack of adequate in-stream flow assessment, there is no case for any further water allocation in the Tuamarina FMU.</p>	Remove all water allocation for the Tuamarina FMU until more information on in-stream flows and MALF are available to enable accurate management.
Waihopai Freshwater Management Unit	Oppose	<p>The Waihopai FMU is a locally important trout fishery. The current allocation for this catchment is far in excess of what the draft NES recommends.</p> <p>Fish and Game note that the diversion from the Wairau FMU does complicate the allocations and flows for this FMU.</p> <p>Fish and Game support the Wairau minimum flow (when agreed, as measured at Tuamarina) also applying to the Waihopai.</p>	Amend the allocation volumes to align with the draft NES to reduce it to less than 30% of MALF.
Wairau River Freshwater Management Unit (downstream of the Hamilton River confluence)	Oppose	<p>The Wairau River is a nationally significant fishery. Prior to any further allocation from the Wairau River FMU, Fish and Game seek that the Council either implement the present flow-sharing rule in the WARMP which to date, has not been implemented OR implement one of the two options identified in the Cawthron report being to either;</p> <p>Retain the 15m³/s allocation of Class B waster as in the existing plan, but with a block by block flow sharing arrangement above the minimum flow to full allocation using a more equitable 1:1 flow sharing ratio which would see Class B abstraction implemented at around 40m³/s OR</p>	Amend the allocation for the Wairau River FMU to reflect the existing rule in the WARMP or either of the options identified for the FMU in the Council commissioned Cawthron Report to reduce it to less than 50% of MALF or where studies indicate a higher or lower (than that proposed in the NES) percentage allocation is necessary to preserve values, this should instead be adopted.

		Reduce the Class B allocation to 50% of MALF from the Wairau which would substantially reduce the future impact of abstraction on mid to low range flows.	
Wairau Aquifer Freshwater Management Unit	Oppose	Fish and Game are opposed to the significant change to future allocation proposed to make more water available from the Wairau aquifer through the review of present water permits and reducing them to a volume based on 'actual and reasonable use' essentially freeing up some of the unused allocation for future allocation. The likely net effect of this may lead to lower flows within the FMU for longer periods of time as permits for more actual water use are granted into the future resulting in further adverse effects on the salmonid fishery.	Remove the possibility for future allocation of the Wairau Aquifer FMU through the freeing up of unused existing allocations. By reducing the allocation limit to the total of what is actually used on existing consents rather than what is allocated.
6.2.2 Schedule 3 – Minimum Flows and Levels for Water Takes			
General	Amend	<p>The minimum flows need to be amended to ensure the following:</p> <p>For Freshwater Management Units dominated by streams and rivers with mean flows less than or equal to 5m³/s, a minimum flow of 90% of the naturalised seven day mean annual low flow (MALF7).</p> <p>For Freshwater Management Units dominated by streams and rivers with mean flows greater than 5m³/s, a minimum flow of 80% of naturalised MALF7 as calculated by the Council.</p>	
Awatere Freshwater Management Unit	Oppose	No in-stream flow assessment has been undertaken for the Awatere FMU. These assessments are required, or the	Undertake in-stream flow assessments and/or replace the flows with a minimum

		Council needs to revise its present minimum flow to fall in line with the draft national environment standards for the Awatere FMU.	flow of 80% of naturalised MALF ₇ within the Awatere FMU.
Kaituna Freshwater Management Unit	Oppose	No in-stream flow assessment has been undertaken for the Kaituna FMU. These assessments are required, or the Council needs to revise its present minimum flow to fall in line with the draft national environment standards for the Kaituna FMU.	Undertake in-stream flow assessments and/or replace the flows with a minimum flow of 90% of naturalised 7 day MALF.
Opouri Freshwater Management Unit	Oppose	The Opouri Freshwater Management Unit is a valued brown and rainbow trout fishery. The existing Rai River trigger for in-stream flows is inadequate and a FMU specific assessment is required.	Undertake in-stream flow assessments and/or replace the flows with a minimum flow of 90% of naturalised MALF ₇ which is a minimum flow for the Opouri FMU.
Pelorus Freshwater Management Unit	Amend	Clarification is needed over whether the Pelorus Freshwater Management Unit in Schedule 3 is the combination of Pelorus (Upper) and Pelorus (Lower) FMU's from Schedule 1 of Appendix 6.	Clarification required over the identification and naming of the Pelorus FMU.
Pelorus Freshwater Management Unit	Oppose	There is no data on the naturalised MALF ₇ for this FMU nor is there in-stream flow assessment has been undertaken for the FMU. These assessments are required, or the Council needs to revise its present minimum flow to fall in line with the draft national environment standards for the Pelorus FMU.	Undertake in-stream flow assessments and/or replace the flows with a minimum flow of 80% of naturalised MALF ₇ which is a minimum flow for within the Pelorus FMU.
Rai (total including Opouri, Tunakino and Ronga FMUs) Freshwater Management Unit	Oppose	This FMU is a valued brown and rainbow trout fishery and has cool summer temperatures providing suitable habitat for trout. The proposed minimum flows for existing water takes (all proposed to be Class A) are also unacceptable because they will allow the FMU to be drawn down below the current default in the draft NES. In the absence of a detailed in-stream assessment and without ecological justification for any additional Class B	Undertake in-stream flow assessments and /or replace the flows with a minimum flow of 80% of MALF of naturalised MALF ₇ .

		allocation to be granted in this already over-allocated waterway, no Class A and B water allocation should be provided.	
Ronga Freshwater Management Unit	Oppose	Ronga Freshwater Management Unit is a locally significant as recreational brown and rainbow trout fishery and as juvenile rearing streams and contributing water to regionally significant Rai fishery.	Undertake in-stream flow assessments and/or replace the flows with those that fall in line with the draft national environment standards for the Ronga FMU.
Tunakino Freshwater Management Unit	Oppose	Tunakino Freshwater Management Unit is a locally significant as recreational brown and rainbow trout fishery and as juvenile rearing streams and contributing water to regionally significant Rai fishery	Undertaken in-stream flow assessments or replace the flows with those that fall in line with the draft national environment standards for the Tunakino FMU.
Tuamarina Freshwater Management Unit	Oppose	The Tuamarina FMU is a locally important trout fishery and also feeds the hydrology of Marlborough's most significant lowland wetland, Para Wetland. An in-stream flow and wetland hydrology level assessment has not been undertaken for this assessment. As a result, Fish and Game consider it appropriate to retain a minimum flow at Para Road of 90% of the naturalised 7-day MALF.	Undertake in-stream flow and wetland hydrology assessment or increase the present minimum flow at Para Road to 90% of the naturalised 7-day MALF. Implementation of a rationing/roster system to achieve a higher minimum flow and one for one flow sharing is needed for this FMU.
Waihopai Freshwater Management Unit	Oppose	The Waihopai FMU is a locally important trout fishery. The minimum flow is some 28% below the recommendations in the draft NES or lower if daily average flows are used for cut-off). An in-stream flow needs assessment is needed for this FMU as currently the fishery collapses in summer due to low flows. Fish and Game support the Wairau minimum flow (when agreed, as measured at Tuamarina) applying to the Waihopai as well.	Undertake an in-stream flow needs assessment for this FMU. All flows for this FMU needs to reflect the new Wairau Sustainable Flow Regime or replace the flows with a minimum flow of 80% of MALF.

Wairau River Freshwater Management Unit (downstream of the Hamilton River confluence)	Oppose	Fish and Game seek that the Council implement an adequate minimum flow for the Wairau River FMU as identified in the Cawthron Report which indicates that the proposed flow is too low.	Fish and Game seek that the new approach to flow modelling (net rate of energy intake modelling NREI) be commissioned to inform the management for minimum flow and allocation setting to be made or replace the flows with a minimum flow of 90% of naturalised MALF7.
Spring Creek Freshwater Management Unit.	Oppose	Fish and Game consider that flows do not meet the existing plan objectives for the Spring Creek FMU and that the minimum flows are based on the lowest ever recorded flows as opposed to any robust ecological assessment.	Council undertake suitable ecological assessment to accurately determine minimum flows for the Spring Creek FMU or replace the flows with a minimum flow of 90% of MALF.
Omaka River Freshwater Management Unit	Oppose	Fish and Game consider that flows do not meet the existing plan objectives for the Omaka River FMU and that the minimum flows are based on the lowest ever recorded flows as opposed to any robust ecological assessment.	Council undertake suitable ecological assessment to accurately determine minimum flows for the Omaka River FMU or replace the flows with a minimum flow of 80% of MALF.
Taylor River Freshwater Management Unit	Oppose	Fish and Game consider that flows do not meet the existing plan objectives for the Taylor River FMU and that the minimum flows are based on the lowest ever recorded flows as opposed to any robust ecological assessment.	Council undertake suitable ecological assessment to accurately determine minimum flows for the Taylor River FMU or replace the flows with a minimum flow of 90% of MALF.
Opaoa Freshwater Management Unit (below O'Dwyers Road)	Oppose	Fish and Game consider that flows do not meet the existing plan objectives for the Opaoa FMU and that the minimum flows are based on the lowest ever recorded flows as opposed to any robust ecological assessment.	Council undertake suitable ecological assessment to accurately determine minimum flows for the Opaoa River FMU or replace the flows with a minimum flow of 80% of MALF.
6.2.3 Schedule 4 – Minimum Flows and Levels for Water Diversion			

Branch River	Amend	<p>Fish and Game seek higher minimum and management flow levels for the Branch River.</p> <p>Currently the minimum flow is 0.700m³/s at State Highway 63 Road Bridge and Management flows – fully restricted below 1.200m³/s . These flows are insufficient to support fish passage and therefore need to be increased to retain 80% of naturalised MALF7.</p> <p>Fish and Game support the monitoring location at the State highway bridge.</p>	<p>Fish and Game support the monitoring site at the State Highway Bridge for the Branch River but seek that the minimum and management flows are amended to ensure adequate flows to ensure continual fish passage and retain 80% of naturalised MALF7.</p>
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6.3 Appendix 25 – Pest Plants

Provision		Support/Opposition	Discussion	Relief sought
The following table is included as Appendix 25 – Pest Plants		Amend	<p>Fish and Game seek to identify the following species in the Plant Pest list in Appendix 25:</p> <ul style="list-style-type: none"> • Hawthorn • Briar rose • Pampass • Yellow flag iris • Alders • Poplars • Wattles • Wilding conifers • Wilding kiwifruit • Banana passionvine 	<p>Retain the Appendix with amendments to include the following plant pest species:</p> <ul style="list-style-type: none"> • Hawthorn • Briar rose • Pampass • Yellow flag iris • Alders • Poplars • Wattles • Wilding conifers • Wilding kiwifruit • Banana passionvine
Common Name	Scientific Name			
African Feather Grass	Pennisetum macrourum			
Eel Grass	Vallisneria australis			
Parrots Feather	Myriophyllum aquaticum			
Senegal Tea	Gymnocoronis spilanthoides			
Reed Sweet Grass	Glyceria maxima			

Provision		Support/Opposition	Discussion	Relief sought
Egeria	Egeria densa			
Lagarosiphon	Lagarosiphon major			
Purple Loosestrife	Lythrum salicaria			

7 Provisions relating to the Para Wetland

7.1 General comments in relation to the Open Space 3 Zoning

21. The objectives and policies of Chapter 9 Public Access and Open Space apply to all four of the open space zones yet the zones cover a wide range of different types of 'open spaces' from those in the residential environment to those with unique conservation values and character such as the Para wetland as well the foreshore reserve and the alpine environments. The two objectives and associated policies do not provide enough guidance to plan users and decision makers over the intended outcomes for each of the different open space zones.
22. Given the lack of direction in the Plan, Fish and Game seek consider a new Conservation Zone to be included in the Plan which allows for the recognition of significant values of these areas and enables recreational use of these areas while ensuring that their values are protected and where possible enhanced.
23. The Plan describes the four different open space zones at the end of Chapter 9 where the "Methods of implementation" outline the characteristics of the different zoning. This description is vital to understand the different zonings and needs to be placed more prominently in the Plan to better assist plan users.
24. There is no provision for signage in the Open Space 3 zone where land is privately owned. Provision is needed in the plan to enable signage to be erected for directional and educational purposes within all areas of the Open Space 3 zone.

7.2 Chapter 9:Public Access and Open Space

Provision	Support/Op position	Discussion	Relief sought
7.2.1 Objectives and Policies Chapter 9 – Public Access and Open Space			
<p>Objective 9.3 A wide range of reserves and open space areas are available that contribute to the social and economic wellbeing of residents and visitors</p> <p>And associated policies</p>	<p>Oppose</p>	<p>This objective provides no guidance on what is to be achieved in the Open Space 3 Zone. Open Space 3 has been identified in the Plan (under 9.M.1 methods of implementation) to apply to “open space intended to be retained largely in its natural state. Included in this zone are areas of native vegetation, natural ecosystems and important habitats, riparian margins and areas of outstanding landscape value that are in public ownership. An important aim for this zone is also the promotion of public access to and along the coast, lakes and rivers. The Zone will therefore be applied to areas identified as Sounds Foreshore Reserve, esplanade reserve or unformed road reserve that abuts the coastline”</p> <p>In most instances, these areas are naturally occurring and therefore an objective seeking a wide range of reserves and open spaces areas are available does little to direct what is to be achieved in the Open Space 3 Zone, other than that it exists.</p>	<p>Provide objectives and policies relevant to Open Space 3 that recognise the character and values held in these areas and to ensure the protection of these areas from adverse effects from activities.</p>

Provision	Support/Op position	Discussion	Relief sought
Objective 9.4 The establishment or development of open space areas and recreational activities does not have adverse effects on the environment. And associated policies	Oppose	Again, this objective provides little in the way of direction for the Open Space 3 Zone. Open Space 3 areas are likely to be predominantly naturally occurring areas and therefore are only likely to have positive effects on the environment and on the social and cultural well-being of communities.	Provide objectives and policies relevant to Open Space 3 that recognise the character and values held in these areas and to ensure the protection of these areas from adverse effects from activities.

Provision	Support/ Opposition	Discussion	Relief sought
Rules Chapter 19 – Open Space 3 Zone Rules			
Permitted Activities			
19.2 STANDARDS THAT APPLY TO ALL PERMITTED ACTIVITIES			
19.2.1. Construction and siting of any building and structure. 19.2.1.1. The maximum height of a building or structure must not exceed 10m. 19.2.1.2. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.	Amend	Section 19.1 outlines the permitted activities for the Open Space 3 Zone. There is no provision within this section for the erection of buildings/structures as a permitted activity in the zone, and yet 19.2.1 outlines the standards for the construction/siting of any building or structure. Standard 19.2.1.3 restrict the building of structures within 8m of a river, lake or significant wetland. This significantly restricts the creation of maimais and hunting hides	The Plan needs to be amended to specifically provide for the erection of buildings and structures in the Open Space 3 Zone as a permitted activity. Amend standard 19.2.1.3 to exempt structures within 8m of a river, lake or significant wetland associated with game hunting and structures that are

<p>19.2.1.3. A building or structure must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or the landward toe of any stopbank or the sea.</p> <p>19.2.1.4. A habitable or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.</p> <p>19.2.1.8. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.</p> <p>19.2.1.9. A building or structure must not be within a Level 3 Flood Hazard Area.</p>		<p>associated with game hunting as well structures associated with public information and recreational seating associated with the use of spaces within the Open Space 3 Zone.</p> <p>Amendment is sought to standard 19.2.1.3 to exempt structures within 8m of a river, lake or significant wetland associated with game hunting and structures that are erected to provide information and shelter in Open Space 3 areas as well as benches and picnic tables associated with the use of public open space.</p>	<p>erected to provide information and shelter in Open Space 3 areas as well as benches and picnic tables associated with the use of public open space.</p>
<p>19.2.2. Noise.</p> <p>19.2.2.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone: 7am-10pm 50dBA LAeq 10pm to 7am 40dBA LAeq 70dB LAFmax</p> <p>19.2.2.2 Noise must be measured</p>	<p>Amend</p>	<p>The noise provisions for the Open Space 3 Zone are supported to the extent that Special events provide for activities that may temporarily exceed the noise limits such as gunfire.</p> <p>Fish and Game seeks an amendment to the noise standards to make it explicitly clear that the noise from gunfire is not intended to meet the noise provisions of the Open Space 3 Zone, or any relevant Zone where game</p>	<p>Amend the noise provisions of the Open Space 3 Zone, and any other relevant Zone where game hunting activities are undertaken.</p>

<p>in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise</p> <p>19.2.2.3 Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise</p>		<p>hunting is undertaken.</p>	
<p>19.2.3. Odour.</p> <p>19.2.3.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.</p>	Support		Retain as proposed
<p>19.2.4. Smoke.</p> <p>19.2.4.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.</p>	Support	<p>This activity is supported as the burning of matter that is likely to have significant adverse effects on air quality and the environment are prohibited under 19.5.1.</p>	Retain as proposed
<p>19.2.5. Dust.</p> <p>19.2.5.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of</p>	Support	<p>The policy requires the best practicable method to be adopted</p>	Retain as proposed

the area of land on which the activity is occurring.			
19.2.6. Dust from any process vent or stack. And associated standards	Oppose	Dust from any process vent or stack is not appropriate in the Open Space 3 Zone.	Remove Rule 19.2.6 and associated standards in their entirety.
19.1.1. Passive recreation.	Amend	Retain provision for passive recreation in the Open Space 3 Zone particularly including game hunting and fishing Passive recreation is defined as “means the voluntary and unstructured use of a range of recreational activities. Does not include any form of motorised sport”. It is not clear what is intended by the “use” of a range of “activities”.	Retain rule as proposed. Amend the definition of Passive Recreation to better reflect the nature of these activities that require minimal facilities or development and as a result, have negligible impact on the surrounding environment.
19.1.2. Recreational event or special event.	Support	Support the inclusion of recreational and special events as a permitted activity to the extent that they provide for game hunting and fishing activities.	Retain as proposed
STANDARDS 19.3.1.1. The event must not exceed three consecutive days duration. 19.3.1.2. Where a site immediately adjoins or is located across a road from any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, the activity must not be conducted on the site between the hours of midnight and 7am. 19.3.1.3. All structures and other works accessory to the event must	Amend	Fish and Game support the provision for activities that may not comply with, for example, noise standards for a particular Zone as a result of game hunting activities. However, Fish and Game consider it is appropriate that these types of activities result in noise of an intermittent nature and as such, are not a continuous breach of the noise controls for the duration of the event. Given the seasonal nature of these activities, three consecutive days is too restrictive on game hunting activities and seek that an exemption be applied to the standard which restricts activities to no more than three consecutive days in duration.	Amend standard 19.3.1.1 to provide an exemption from game hunting activities. Amend standard 19.3.1.3 to exempt structures associated with game hunting from requiring removal following the end of the event. Amend 19.3.1.4 to exempt activities at the Para Wetland from gaining approval from the Road Controlling Authority.

<p>be removed and the site returned to its original condition within 5 working days after the activity has ceased.</p> <p>19.3.1.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.</p>		<p>Game hunting often requires small structures such as hides and maimais to be constructed. These structures by their nature are design to blend with their surroundings to provide a concealment place for hunters. Given the nature of the structures being small and inconspicuous in nature, Fish and Game seeks an exemption from removing the structures on completion of a particular event.</p> <p>The Fish and Game owned Para Wetland is located off State Highway 1 at Tuamarina. Events of the nature described in the definition could involve vegetation planting, weed and pest clearance and game hunting among other activities. These events will vary in size, timing and nature and it would be overly onerous for these activities to gain approval from the road controlling authority each time they occur.</p>	
<p>19.1.3. Freedom camping except for in an area identified as a prohibited area for freedom camping in a bylaw made by the Council.</p>	<p>Amend</p>	<p>Freedom Camping is generally supported by Fish and Game however the definition does not require that freedom campers be self-contained in terms of their waste. Fish and Game would prefer that camping within the Open Space 3 Zone is for those campers who are self-contained only in order to protect the special characteristics of the Zone where no facilities are available.</p>	<p>Amend to require campers within Open Space 3 Zone to be self-contained where no waste facilities are available.</p>
<p>19.1.4. Conservation planting.</p>	<p>Support</p>	<p>Support the provision of conservation planting as a permitted activity in Open Space 3 provided the definition of conservation planting is amended as stated above</p>	<p>Retain as proposed</p>
<p>STANDARDS</p> <p>19.3.2.1. The following species must not be planted:</p>	<p>Amend</p>	<p>Fish and Game seek an exemption from standard 19.3.2.4 for the Para Wetland. The approved management plan for the wetland provides for the occasional planting of</p>	<p>Retain the standards with amendment, which permits the planting of weeping willow and pin oak trees at the Para</p>

<p>(a) Douglas fir (<i>Pseudotsuga Menziesii</i>); (b) Lodgepole pine (<i>Pinus contorta</i>); (c) Muricata pine (<i>Pinus muricata</i>); (d) European larch (<i>Larix decidua</i>); (e) Scots pine (<i>Pinus sylvestris</i>); (f) Mountain or dwarf pine (<i>Pinus mugo</i>); (g) Corsican pine (<i>Pinus nigra</i>); 19.3.2.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road. 19.3.2.3. There must be no planting within the Wairau Dry Hills Landscape. 19.3.2.4. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.</p>		<p>weeping willow and pin-oak trees and Fish and Game seek to ensure that these activities can be continued as a permitted activity.</p>	<p>Wetland in accordance with the approved management plan.</p>
<p>19.1.5. Indigenous vegetation clearance.</p>	<p>Support</p>	<p>The indigenous vegetation clearance provided for as a permitted activity is sufficiently controlled to limit the level of clearance within the Open Space 3 Zone.</p>	<p>Retain as proposed</p>
<p>STANDARDS 19.3.3.1. Indigenous vegetation clearance must comply with Standards 19.3.4.1 to 19.3.4.6 (inclusive). 19.3.3.2. The clearance of</p>	<p>Support</p>	<p>The indigenous vegetation clearance provided for as a permitted activity is sufficiently controlled to limit the level of clearance within the Open Space 3 Zone.</p>	<p>Retain as proposed</p>

<p>indigenous vegetation in the following circumstances is exempt from Standards 19.3.3.3 to 19.3.3.5 (inclusive):</p> <p>(a) Indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;</p> <p>(b) Indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;</p> <p>(c) Indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;</p> <p>(d) Where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track.</p> <p>19.3.3.3. Clearance of indigenous vegetation must not occur:</p> <p>(a) On land identified on the Threatened Environments – Indigenous Vegetation Sites;</p>			
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<p>(b) On land above mean high water springs that is within 20m of an Ecologically Significant Marine Sites.</p> <p>19.3.3.4. Clearance of indigenous forest must not exceed 1000m² per Computer Register in any 5 year period.</p> <p>19.3.3.5. Clearance of indigenous vegetation, per Computer Register, must not exceed:</p> <p>(a) 2000m² in any 5 year period where the average canopy height is between 3m and 6m;</p> <p>(b) 10000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance must not exceed:</p> <p>(i) 500m² of indigenous sub-alpine vegetation;</p> <p>(ii) 100m² of tall tussock of the genus <i>Chinochloa</i>.</p>			
<p>19.1.6. Non-indigenous vegetation clearance.</p>	<p>Support</p>	<p>Fish and Game support the provision of non-indigenous vegetation clearance as a permitted activity for Open Space 3.</p>	<p>Retain as proposed</p>
<p>STANDARDS</p> <p>19.3.4.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except</p>	<p>Amend</p>	<p>Wetland areas are susceptible to fire risk and as such, it is recommended that Rule 19.3.4.1 be amended to exclude the use of fire within 8m of a Significant Wetland.</p>	<p>Amend 19.3.4.1 to ensure that vegetation is not removed by fire within 8m of a Significant wetland.</p>

<p>an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.</p> <p>19.3.4.2. Vegetation clearance must not be in, or within 30m of, a river within a Water Resource Unit with a Natural State classification.</p> <p>19.3.4.3. Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.</p> <p>19.3.4.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.</p> <p>19.3.4.5. Woody material greater than 100mm in diameter and soil debris must:</p> <p>(a) not be left within 8m of, or deposited in, a river (except an</p>			<p>Retain 19.3.4.5 and 19.3.4.6 as proposed</p>
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<p>ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;</p> <p>(b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;</p> <p>(c) be stored on stable ground;</p> <p>(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.</p> <p>19.3.4.6. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the Munsell scale;</p> <p>(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;</p>			
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(c) the change in reflectance must be <50%.			
19.1.7. Excavation.	Support	Support the retention of small-scale earthworks within the Open Space 3 Zone.	Retain as proposed.
<p>STANDARDS</p> <p>19.3.5.1. There must be no excavation in excess of 1000m³ on any land with a slope greater than 20 degrees within any 24 month period.</p> <p>19.3.5.2. Excavation must not occur on any land with a slope greater than 35°.</p> <p>19.3.5.3. Excavation must not be in, or within:</p> <p>(a) 8m of a river (except any ephemeral river when not flowing), lake or the coastal marine area;</p> <p>(b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;</p> <p>(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance from the stopbank. 19.3.5.4. The excavation must not occur in a Soil Sensitive Area identified as loess</p>	Amend	<p>Generally the provisions relating to earthworks within the Open Space 3 Zone are supported by Fish and Game.</p> <p>The restrictions of earthworks activities within 8m of a significant wetland are also generally supported however, in the case of the Para wetland, the formed public access and walkways are located within 8m of the wetland area and need to be regularly maintained including with earthworks. Therefore provision is sought for earthworks within the Para Wetland to enable this work to be undertaken as a permitted activity. This supports one of the stated important aspects of the Zone being to encourage public access.</p> <p>Management of the Para Wetland by Fish and Game often requires the use of wheeled or tracked machinery within 8m of the wetland. As a result, Fish and Game seek an exemption to standard 19.3.5.12 to enable these activities to continue.</p>	<p>Support 19.3.5.1 and 19.3.5.2 as proposed.</p> <p>Amend standard 19.3.5.3(b) to provide for small scale excavation for the purpose of maintenance and upgrading of access tracks in the Para Wetland as a permitted activity.</p> <p>Amend standard 19.3.5.12 to provide an exemption for Fish and Game management of the Para Wetland using wheeled or tracked machinery.</p> <p>Retain 19.3.5.15 as proposed</p>

<p>soils.</p> <p>19.3.5.12. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except any ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.</p> <p>19.3.5.14. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain any excavation must not be less than 300mm.</p> <p>19.3.5.15. Excavation must not cause any conspicuous change in the colour or visual clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:</p> <p>(a) hue must not be changed by more than 10 points on the</p>			
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Munsell scale; (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site; (c) the change in reflectance must be <50%.			
19.1.8. Filling of land with clean fill.	Amend	The definition of excavation enables the alteration of the ground level. It would therefore seem that a requirement to have standards relating to the filling of land is not required as these matters are covered through the provision of excavation. To avoid duplication in the plan, it is recommended that the provisions for excavation and filling be combined	Amend the definitions of excavation and fill, filling and fill material are combined together to provide one term that covers all aspects of cut and fill activities.
STANDARDS 19.3.6.1. 19.3.6.15	Amend	To avoid duplication in the plan, it is recommended that the provisions for excavation and filling be combined	Amend provision relating to filling to reflect the relief sought above to both, combine cut and fill into one activity and to provide for this activity for tracks in the Para Wetland.
19.1.10. Farming.	Oppose	Farming is not appropriate in the Open Space 3 Zone given that the Zone is made up of areas with "native vegetation, natural ecosystems and important habitats, riparian margins and areas of outstanding landscape value that are in public ownership". Farming activities of any nature are not compatible with the characteristics and values that make up the Open Space 3 Zone.	Remove Farming from a permitted activity within the Open Space 3 Zone.
STANDARDS 19.3.8.1. The farming must not	Oppose	Farming is not appropriate in the Open Space 3 Zone given that the Zone is made up of areas with "native vegetation,	Remove Farming from a permitted activity within the Open Space 3 Zone.

include a dairy farm or pig farm established after 9 June 2016.		natural ecosystems and important habitats, riparian margins and areas of outstanding landscape value that are in public ownership". Farming activities of any nature are not compatible with the characteristics and values that make up the Open Space 3 Zone.	
19.1.16. Application of a vertebrate toxic agent into or onto land.	Amend		
STANDARDS 19.3.14.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval. 19.3.14.2. All reasonable care must be exercised with the application so as to ensure that the vertebrate toxic agent must not pass beyond the legal boundary of the area of land on which the vertebrate toxic agent is being applied.	Amend	Fish and Game seek to expand the permitted activity standards to ensure the protection of freshwater bodies from the use of vertebrate toxic agents by ensuring that no application with within 20m of any freshwater body.	Retain the standards with amendment to include a 20m setback from all freshwater bodies to ensure their protection from the adverse effects on the application of vertebrate toxic agents onto land.
19.1.17. Application of an agrichemical into or onto land.	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
STANDARDS 19.3.15.1. The agrichemical must be approved for use under the	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix

<p>Hazardous Substances and New Organisms Act 1996.</p> <p>19.3.15.2. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.</p> <p>19.3.15.3. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.</p> <p>19.3.15.4. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.</p> <p>19.3.15.5. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.</p>			6 are met.
<p>19.1.18. Application or discharge of an aquatic herbicide or glyphosate into or onto land for the purposes of removing pest</p>	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.

plants from Significant Wetlands.			
<p>STANDARDS</p> <p>19.3.16.1 Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed</p> <p>19.3.16.2 The aquatic herbicide or glyphosate must be approved for aquatic use by the Environmental Protection Authority.</p> <p>19.3.16.3 The application must be undertaken in accordance with the manufacturer's instructions, if consistent with any requirements of the Environmental Protection Authority.</p> <p>19.3.16.4. Application rates must not exceed those required by the Environmental Protection Authority or, if none, those stated on the most recent product label for the relevant application equipment or method and target species.</p>	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
19.1.19. Application of fertiliser or lime into or onto land.	Amend	All discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.	Ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met.
STANDARDS	Amend	All discharge rules in the Plan need to include conditions	Ensure that all discharge rules include

<p>19.3.17.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.</p> <p>19.3.17.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.</p> <p>19.3.17.3. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.</p> <p>19.3.17.4. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).</p> <p>19.3.17.5. The application must not occur when the soil moisture exceeds field capacity.</p> <p>19.3.17.6. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime does not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.</p>		<p>requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.</p>	<p>conditions that ensure the water quality standards outlined in Appendix 6 are met.</p>
<p>19.1.20. Application of compost or</p>	<p>Oppose</p>	<p>Farming and activities associated with farming such as the</p>	<p>Remove activity 19.1.20 from the</p>

solid agricultural waste into or onto land. And associated standards		application of compost or solid agricultural waste into or onto land are not appropriate activities to be permitted in the Open Space 3 zone.	permitted activities for Open Space 3.
19.1.21. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land. And associated standards	Oppose	Farming and activities associated with farming such as the discharge of agricultural liquid waste are not appropriate activities to be permitted in the Open Space 3 zone.	Remove activity 19.1.21 from the permitted activities for Open Space 3.
19.1.22. Disposal of farm rubbish into a pit. And associated standards	Oppose	Farming and activities associated with farming such as the disposal of farm rubbish into a pit are not appropriate activities to be permitted in the Open Space 3 zone.	Remove activity 19.1.22 from the permitted activities for Open Space 3.
19.1.23. Disposal of offal or a carcass into an offal pit. And associated standards	Oppose	Farming and activities associated with farming such as the disposal of offal or a carcass into an offal pit are not appropriate activities to be permitted in the Open Space 3 zone.	Remove activity 19.1.23 from the permitted activities for Open Space 3.
19.1.24. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste. And associated standards	Oppose	Farming and activities associated with farming such as the making of compost or silage in a pit or stack or stockpiling agricultural solid waste are not appropriate activities to be permitted in the Open Space 3 zone.	Remove activity 19.1.24 from the permitted activities for Open Space 3.
19.1.25. Storage of compost not in a pit or stack. And associated standards	Oppose	Farming and activities associated with farming such as the storage of compost not in a pit or stack are not appropriate activities to be permitted in the Open Space 3 zone.	Remove activity 19.1.25 from the permitted activities for Open Space 3.
Discretionary Activities			
19.4.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.	Oppose	Fish and Game oppose this activity until the permitted activity rules are amended in accordance with this submission.	Opposed until the permitted activity rules are amended in accordance with this submission.
19.4.2. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.	Oppose	Fish and Game oppose this activity until the permitted activity rules are amended in accordance with this submission.	Opposed until the permitted activity rules are amended in accordance with this submission.

19.4.3. Any discharge of contaminants into or onto land, or to air, not provided for as a Permitted Activity or limited as a Prohibited Activity.	Oppose	Fish and Game oppose this activity until the permitted activity rules are amended in accordance with this submission.	Opposed until the permitted activity rules are amended in accordance with this submission.
Prohibited Activities			
19.5.1. Discharge of contaminants to air arising from the burning of any of the following materials: (a) wood having a moisture content of more than 25% dry weight; (b) wood which is painted, stained, oiled or coated; (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA); (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine; (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards; (f) metals and materials containing metals, including but not limited	Support		Retain as proposed

<p>to cables (g) materials containing asbestos; (h) material containing tar or bitumen; (i) all rubber, including but not limited to, rubber tyres; (j) synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or type of plastics; (k) waste oil; (l) peat; (m) sludge from industrial processes; (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.</p>			
<p>19.5.2. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).</p>	Support	The storage, treatment and disposal of hazardous waste is not appropriate within the Open Space 3 Zone.	Retain as proposed
<p>19.5.3. Planting Lodgepole pine (<i>Pinus contorta</i>).</p>	Support	This particular pine species results in wilding pines which pose a threat to indigenous biodiversity and should be	Retain as proposed

		prohibited from the Open Space 3 Zone.	
19.5.4. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.	Support		Retain as proposed