

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2020-**

**IN THE MATTER** of the Resource Management Act  
1991 (the **Act**)

**A N D**

**IN THE MATTER** of an appeal pursuant to sch 1, cl 14  
of the Act

**BETWEEN** **Trustpower Limited**  
**Appellant**

**A N D** **Marlborough District Council**  
**Respondent**

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**NOTICE OF APPEAL**

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**HOLLAND BECKETT**  
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**TO:** The Registrar  
Environment Court  
**CHRISTCHURCH**

1. The appellant appeals against a decision of the respondent on the following policy statement and plan:
  - (a) Proposed Marlborough Environment Plan (the **Plan**).
2. The appellant made a submission and further submissions on the Plan.
3. The appellant is not a trade competitor for the purposes of section 308D of the Act.
4. The appellant received notice of the decision on 21 February 2020.
5. The decision was made by the respondent.
6. The parts of the decision that the appellant is appealing are:

*Volume 1*

- (a) Introduction;
- (b) Policy 3.1.3;
- (c) Method 3.M.4;
- (d) Method 3.M.6;
- (e) Policy 4.1.2;
- (f) Chapter 4 new policy;

- (g) Objective 5.1;
- (h) Policy 5.2.2;
- (i) Policy 5.2.3;
- (j) Policy 5.2.17;
- (k) Policy 5.2.22;
- (l) Policy 5.3.1;
- (m) Policy 5.3.14;
- (n) Policy 5.4.5;
- (o) Policy 6.2.3;
- (p) Policy 6.2.7;
- (q) Chapter 6 AER 2;
- (r) Policy 7.1.1;
- (s) Policy 7.2.4;
- (t) Policy 7.2.5;
- (u) Policy 7.2.6;
- (v) Objective 8.1;

- (w) Policy 8.1.1;
- (x) Policy 8.2.10;
- (y) Policy 8.3.2;
- (z) Policy 8.3.4;
- (aa) Policy 8.3.6;
- (bb) Method 8.M.1;
- (cc) Chapter 14 new policy;
- (dd) Policy 15.1.16;
- (ee) Objective 18.1;
- (ff) Policy 18.1.3;
- (gg) Policy 18.1.5;
- (hh) Policy 18.1.6;
- (ii) New Objective 18.3;
- (jj) New Policy 18.3.1;
- (kk) New Policy 18.3.3;
- (ll) New Policy 18.3.4;

(mm) Policy 19.1.5;

*Volume 2*

(nn) Chapter 2 new permitted activity rule and standards;

(oo) Chapter 2 new controlled activity rule;

(pp) Chapter 2 new permitted activity rule and standards;

(qq) Chapter 2 new discretionary activity rule;

(rr) Rule 2.6.4;

(ss) Rule 2.7.8;

(tt) Rule 2.7.14;

(uu) Standard 2.8.1.7;

(vv) Rule 2.11.1;

(ww) Rule 3.1.26 and Standards 3.3.26;

(xx) Rule 3.1.60;

(yy) Standard 3.2.3.4;

(zz) Standard 3.3.12.2;

(aaa) Standard 19.3.3.2;

(bbb) Definition “Maori Cultural Values”;

(ccc) Definition “Site”;

*Volume 3*

(ddd) Appendix 3;

(eee) Appendix 5 – Title;

(fff) Appendix 5 – Schedule 1, Title;

(ggg) Appendix 5 – Schedule 1, Unit 13; and

(hhh) Appendix 6 – Schedule 1.

7. The reasons for the appeal and the relief sought with respect to each provision are set out in the table **attached** as Schedule 1.

**Further reasons for appeal**

8. In addition to the matters set out in paragraph 7 above and Schedule 1, the appellant’s further reasons for appeal are as follows:
- (a) The Plan is not in accordance with and does not properly give effect to the National Policy Statement for Freshwater Management (**NPSFM**) and the National Policy Statement for Renewable Electricity Generation (**NPSREG**); and
  - (b) The reasons set out in the appellant’s submissions and further submissions.

**Further relief sought**

9. In addition to the relief sought in paragraph 7 above and Schedule 1, the appellant seeks the following further relief:
  - (a) Such other relief as the Court considers appropriate having regard to the appellant's submission and further submissions and the reasons for this appeal;
  - (b) Consequential amendments to policy explanations which arise from amendments to the policies;
  - (c) Any other consequential amendments to the Plan which arise from the reasons for the appeal or the relief sought; and
  - (d) Costs.
  
10. The appellant attaches the following documents to this notice:
  - (a) A copy of the appellant's submission and further submissions (with a copy of the submissions opposed and supported by the appellant's further submissions) ("**Attachment A**");
  - (b) A copy of the relevant decision ("**Attachment B**"); and
  - (c) A list of names and addresses of persons to be served with a copy of this notice ("**Attachment C**").

**Signature:**



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Megan Exton  
Counsel for Appellant

**Date:** 8 May 2020

**Address for service of  
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## **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.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 the decision appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

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

**Schedule 1**

**Provisions appealed, reasons for appeal and relief sought**

## Schedule 1

| PROVISION                                  | RELIEF SOUGHT  | REASONS FOR APPEAL  |
|--|--|---|
| <b>Volume 1</b><br><br><b>Introduction</b> | <b>Structure of the MEP</b><br>...<br>Immediately after each of the objectives, policies and methods, the principal reasons for adopting them are given. <del>In many cases</del> <u>Where relevant</u> , the provisions of each chapter of Volume 1 are to be read in conjunction with provisions from other chapters in Volume 1 to help inform the sustainable management purpose of the RMA. This reflects both the interconnected nature of resources and in particular the Council’s role as both a regional and district council.<br>...  | Trustpower Limited ( <b>Trustpower</b> ) seeks that “in many cases” be replaced with “where relevant”, to reflect that it is good planning practice to read plan provisions together where relevant. It is unclear what is meant by “in many cases”, and who would make that determination.   |
| <b>Policy 3.1.3</b><br>[RPS]               | <b>Where an application for resource consent or plan change is likely to affect the relationship of Marlborough’s tangata whenua iwi <del>and with</del> their culture and traditions, decision makers shall consider how:</b> <ul style="list-style-type: none"> <li>(a) <b>the ability for tangata whenua to exercise kaitiakitanga is maintained;</b></li> <li>(b) <del>mauri is maintained or improved where degraded,</del> <u>adverse effects of activities on the integrity of mauri are avoided, remedied or mitigated</u>, particularly in relation to fresh and coastal waters, land and air;</li> <li>(c) <b>mahinga kai and natural resources used for customary purposes are maintained or enhanced and that these resources are healthy and accessible to tangata whenua;</b></li> <li>(d) <b>the special relationship between tangata whenua and nga wai will be recognised <del>and provided for.</del></b></li> <li>(e) <b>traditional and cultural Māori uses and practices relating to natural and physical resources such as mahinga maataitai, wāhi tapu, papakāinga and taonga raranga are recognised and provided for.</b></li> </ul> | With respect to clause (b), Trustpower understands that the vitality of the mauri of a water body can change depending on the quality of flows in the water body. Therefore, there can be a direct relationship between maintaining the mauri of a river and maintaining the existing flow or water quality of a river. This approach could conflict with other provisions of the Plan and could be unworkable for hydro-electricity generation. Trustpower considers that this clause should instead focus on avoiding, remedying or mitigating adverse effects on the integrity of mauri.<br><br>With respect to clause (d), this direction should be amended from “recognised and provided for” to “recognised”. It is unclear how resource consent applicants could provide for the special relationship between tangata whenua and nga wai, and it is not required by the current NPSFM. |
| <b>Method 3.M.4</b><br>[RPS, R, C, D]      | <i>Deletion of Method 3.M.4, or amend as follows:</i><br><br>Because only Marlborough’s tangata whenua iwi can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga, it is important that where a proposal is likely to affect the values of one or more of Marlborough’s   | The second paragraph of Method 3.M.4 needs to be amended to focus on plan change processes only, and to make it clear in the drafting that it is the Council that will carry out consultation. It is not for a Council processing officer to undertake consultation as part of resource consent processes.  |

| PROVISION                                     | RELIEF SOUGHT  | REASONS FOR APPEAL  |
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|   | <p>tangata whenua iwi, a <del>resource consent</del> applicant is encouraged to consult early in the development of the proposal.</p> <p><del>Where-if</del> a Council officer is <del>aware in</del> preparing a report on a <del>consent application or</del> plan change, <del>and</del> the circumstances of the <del>application plan</del> indicate that issues of cultural or spiritual significance to Māori may be present, <del>the Council will</del> consultation with the iwi who may be affected <del>will occur</del>.</p> <p><del>Consultation may result in the iwi advising that a cultural impact assessment or cultural values report is required.</del></p>   | <p>The third paragraph needs to be deleted because an iwi cannot “require” a resource consent applicant to obtain a cultural impact assessment or cultural values report. Cultural impact assessments and cultural value reports are also discussed in Method 3.M.6.</p>  |
| <p><b>Method 3.M.6</b><br/>[RPS, R, C, D]</p> | <p><i>Deletion of Method 3.M.6, or amend as follows:</i></p> <p>A cultural impact assessment report is a professionally prepared assessment of the potential impacts of a given activity on resources and values of importance to tangata whenua. Such a report documents iwi values associated with an area and provides appropriate measures to avoid, remedy or mitigate any adverse effects on those values.</p> <p>Cultural impact assessment reports are an effective means of providing cultural and technical input, mainly with respect to resource consent applications under the RMA. Such reports <del>can should</del> form part of a resource consent application’s assessment of environmental effects. Iwi will advise an applicant or developer <del>that if</del> a cultural impact assessment report is needed. Reports may be requested by an applicant or developer as part of <del>pre-a</del> resource consent’s <del>assessment of environmental effects consultation</del>, but it is the iwi that will advise if a cultural impact assessment report is required. The report will be prepared by the iwi or someone identified by iwi as appropriate to prepare the report. Iwi authorities may have protocols around the production and use of cultural impact assessments. The costs associated with preparing the report are met by the applicant.</p> <p>Cultural value reports are similar to cultural impact reports but are focussed on providing information on the nature and extent of cultural interests in a given area, as opposed to assessing impacts of a specific proposal.</p> | <p>Method 3.M.6 does not set out a method of implementation to achieve the objectives and policies of the Plan. Rather, it just explains what cultural impact assessments and cultural value reports are and why/how they are obtained. Trustpower therefore considers that this Method should be deleted.</p> <p>Alternatively, Trustpower seeks amendments to reflect that the need for a cultural impact assessment is dependent on a number of factors (such as scope of the application, consultation, and iwi support), and to clarify that these assessments are used as part of a resource consent applicant’s assessment of environmental effects.</p> |

| PROVISION                                 | RELIEF SOUGHT  | REASONS FOR APPEAL  |
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| <p><b>Policy 4.1.2</b><br/>[RPS]</p>      | <p>Enable sustainable use and development of natural <b>and physical</b> resources in the Marlborough environment while managing any adverse environmental effects, <b>including</b> through the use of:</p> <ul style="list-style-type: none"> <li>(a) allocation frameworks;</li> <li>(b) permitted activity rules and standards where no more than minor adverse effects are anticipated; <del>and</del></li> <li><b>(c) controlled activity rules; and</b></li> <li><del>(e)</del>(d) _____ policies specific to various resources.</li> </ul> | <p>Policy 4.1.2 sets out measures by which the sustainable use and development of natural resources will be enabled. These are listed as exhaustive measures which is inappropriate because there are a range of other measures which could be utilised. For example, through the use of resource consent conditions, designations and zoning. Trustpower therefore seeks that “including” be inserted into this policy, along with controlled activity rules as this is a useful tool for enabling sustainable use and development. Alternatively, the examples could be deleted.</p> <p>Trustpower also seeks the insertion of “physical” so that the introduction to the policy reads “enable sustainable use and development of natural and physical resources”. This recognises that the sustainable management of natural and physical resources is often intractably linked.</p> |
| <p><b>Chapter 4.1 New Policy</b></p>      | <p><u><b>When considering any significant residual adverse effects that cannot be avoided, remedied or mitigated, decision makers must have regard to any offset or compensation measures proposed by a resource consent applicant.</b></u></p>  | <p>Trustpower supports both offset and compensation measures being considered where the significant adverse effects of an activity cannot be avoided, remedied or mitigated. With respect to its hydro-electricity generation activities, the NPSREG directs decision-makers to have regard to offsetting measures or environmental compensation. Trustpower therefore seeks a new policy in Chapter 4 to explicitly provide for the use of these effects management tools.</p>   |
| <p><b>Objective 5.1</b><br/>[RPS]</p>     | <p><b>Water allocation and water use management regimes reflect hydrological, <u>physical</u> and environmental conditions within each water resource.</b></p>   | <p>Objective 5.1 should be amended to include reference to physical resources within a water resource. The presence of physical resources and infrastructure (such as that associated with hydro-electricity generation) can often influence the way in which management regimes for water resources may be developed, particularly where physical structures may augment the flow regime.</p> <p>It is important that the objective is to have water allocation and water use management regimes which reflect the conditions in each water resource, which may include significant physical infrastructure.</p>   |
| <p><b>Policy 5.2.2</b><br/>[RPS], [R]</p> | <p><del><b>Consider and Recogniseing Te Mana o Te Wai, gives priority to the integrated and holistic well-being of freshwater.</b></del></p>   | <p>The Hearing Panel significantly amended this policy to focus on Te Mana o Te Wai. The policy brings in concepts from the draft NPSFM, which has not been confirmed so is not operative. Trustpower seeks that this policy be amended to reflect current national direction.</p>  |

| PROVISION                           | RELIEF SOUGHT   | REASONS FOR APPEAL   |
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| <p><b>Policy 5.2.3</b><br/>[R]</p>  | <p><b>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, <u>while recognising and providing for existing lawfully established activities and infrastructure.</u></b></p> <p>...</p> <p>Taking, damming or diversion of water lawfully established prior to 9 June 2016 is <del>also</del> excluded from this prohibition.</p>  | <p>Trustpower is concerned with the regulatory approach of using a prohibited activity status for water use within certain water bodies. While the explanation states that the prohibition does not apply to lawfully established activities, this needs to be made clear in the policy.</p>   |
| <p><b>Policy 5.2.17</b><br/>[R]</p> | <p><b>For <del>resource consent</del> <u>consented water</u> 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. This Policy does not apply to existing non-consumptive takes related to regionally significant infrastructure.</b></p>  | <p>Trustpower is concerned about how Policy 5.2.17 applies to existing consented uses, and seeks a minor amendment for clarity.</p>  |
| <p><b>Policy 5.2.22</b><br/>[R]</p> | <p><b>Ensure any new proposal to <u>permanently</u> dam water within the bed of a river provides for:</b></p> <ul style="list-style-type: none"> <li><b>a) effective passage of fish where the migration of indigenous fish species, trout and/or salmon already occurs past the proposed dam site provided that if the purpose of the dam is for the restoration and/or establishment of only native species habitat then fish passage for trout and salmon is not required;</b></li> <li><b>b) sufficient flow and flow variability downstream of the dam structure to maintain:</b> <ul style="list-style-type: none"> <li><b>(i) existing indigenous fish habitats and the habitats of trout and salmon; and</b></li> <li><b>(ii) permitted or authorised uses of water; and</b></li> <li><b>(iii) flushing flows below the dam;</b></li> <li><b>(iv) mauri o te wai; and</b></li> </ul> </li> <li><b>c) the natural character of any waterbody downstream of the dam structure; and</b></li> </ul> <p><b>have regard to the matters in (a) to (c) when considering any resource consent application to continue damming water.</b></p> | <p>This policy direction should only apply to dams which will be permanent structures. It should not apply to dams which will be temporary, and which are used to facilitate other activities, such as the maintenance of lawfully established structures within a river.</p> <p>Being able to undertake maintenance works on existing hydro-electricity generation structures within a river, which occasionally may require damming of water to create a dry work area, can be a critical activity for hydro-electricity generation.</p> |
| <p><b>Policy 5.3.1</b><br/>[R]</p>  | <p><b><del>To allocate water in the following order of priority:</del></b></p> <ul style="list-style-type: none"> <li><b><del>(a) Te Mana o te Wai</del></b></li> <li><b><del>(b) natural and human use values; then</del></b></li> </ul>   | <p>Trustpower seeks that Policy 5.3.1 is deleted. The policy direction is unclear because the Plan does not seek to allocate blocks of water to any particular uses and any new resource consent application to take</p>   |

| PROVISION                           | RELIEF SOUGHT  | REASONS FOR APPEAL  |
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|                                     | <p><del>(c) aquifer recharge; then</del><br/> <del>(d) domestic and stock water supply; then</del><br/> <del>(e) municipal water supply; and then</del><br/> <del>(f)(a) _____ all other takes of water.</del></p>   | <p>water within the allocation blocks in Appendix 6 would need to be considered on a first in, first served basis.</p> <p>In addition, allocating water to Te Mana o te Wai and natural values is inappropriate; Te Mana o te Wai is a process to be considered in managing freshwater, not something that can be allocated water, and natural values are already provided for through setting environmental flows and/or levels.</p>   |
| <p><b>Policy 5.3.14</b><br/>[R]</p> | <p><b>The duration of water permits to take or divert water for consumptive purposes will reflect the circumstances of the take or the diversion and the actual and potential adverse effects, but should generally:</b></p> <p><b>(a) not be less than 20 years, <u>or 30 years for regionally significant infrastructure</u>, when the take or diversion for consumptive purposes is from Freshwater Management Unit:</b></p> <p><b>(i) that has a water allocation limit specified in Schedule 1 <u>or Schedule 2</u> of Appendix 6; and</b></p> <p><b>(ii) that has a minimum flow or level specified in Schedule 3 of Appendix 6; and</b></p> <p><b>(iii) that is not over-allocated; or</b></p> <p><b>(b) not be more than ten years when the take or diversion of water for consumptive purposes is from an over-allocated Freshwater Management Unit as specified in Policy 5.5.1; or</b></p> <p><b>(c) not be more than ten years when the take or diversion of water for consumptive purposes is from a Freshwater Management Unit that has a default environmental flow established in accordance with Policies 5.2.7 and 5.2.14.</b></p> | <p>The 20 year consent term in clause (a) should be amended to 30 years for regionally significant infrastructure, in accordance with the notified version of the Plan. There needs to be sufficient certainty that regionally significant infrastructure activities, such as hydro-electric power schemes, will be granted long-term consents given the need for investment certainty and the significant re-consenting costs.</p> <p>Trustpower also seeks that “Schedule 2” be added into clause (a)(i), to reference the consumptive diversion allocation limits.</p> |
| <p><b>Policy 5.4.5</b><br/>[R]</p>  | <p><b>When a streamlined 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:</b></p> <p><b>(a) the respective takes are from the same Freshwater Management Unit;</b></p> <p><b>(b) the Freshwater Management Unit has a water allocation limit specified in Schedule 1 of Appendix 6;</b></p> <p><b><u>(c)</u> the take is not from the Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit, Omaka Aquifer</b></p>  | <p>Trustpower is concerned that Policy 5.4.5 allows water to be transferred from downstream to upstream of existing hydro-electric power stations, which would allow water to be used which has already been allocated to existing hydro-electric power schemes. This is contrary to the NPSREG and other provisions of this Plan. For example, Policy 18.1.6 provides for the ongoing generation of electricity from existing renewable energy generation infrastructure.</p>  |

| PROVISION                                     | RELIEF SOUGHT  | REASONS FOR APPEAL  |
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|   | <p>Freshwater Management Unit or the Riverlands Freshwater Management Unit;</p> <p><del>(e)</del>(d) <u>it is not a transfer of a water permit from downstream of a hydro-electric power station to upstream of that station.</u></p> <p><del>(d)</del>(e) metered take and use data is transferred to the Council by both the transferor and the transferee in real time using telemetry;</p> <p><del>(e)</del>(f) the allocation is authorised via a water permit(s) applied for and granted after 9 June 2016;</p> <p><del>(f)</del>(g) the transferee holds a water permit to take water if their abstraction point differs from the that of the transferor; and</p> <p><del>(g)</del>(h) the transferee holds a water permit to use water.</p> <p>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>An amendment needs to be made to Policy 5.4.5 so that transfers will only be considered where the transfer is not from downstream to upstream of an existing hydro-electric power scheme.</p>  |
| <p><b>Policy 6.2.3</b><br/>[RPS, R, C, D]</p> | <p>Where resource consent is required to undertake an activity within coastal or freshwater environments with high, very high or outstanding natural character:</p> <p>(a) have regard to the potential adverse effects of the proposal on the elements, patterns, processes and experiential attributes that contribute to natural character;</p> <p>(b) in the case of the development of the National Grid, seek to avoid adverse effects on the characteristics that contribute to natural character;</p> <p>(c) recognise that <u>where policy direction requires adverse effects to be avoided,</u> minor or transitory adverse effects may not need to be avoided;</p> <p>(d) recognise the functional and operational requirements of regionally significant infrastructure.</p>   | <p>Trustpower is comfortable with the direction in Policy 6.2.2, which is to avoid the significant adverse effects of subdivision, use or development, and otherwise avoid, remedy or mitigate adverse effects on the characteristics that contribute to natural character within lakes and rivers, and their margins of high and very high natural character.</p> <p>As drafted, Policy 6.2.3(c) is inconsistent with this direction, as it suggests that only minor or transitory adverse effects may not need to be avoided in freshwater environments. This is inappropriate and with respect to renewable electricity generation activities, is inconsistent with the NPSREG. Trustpower therefore seeks that this clause be amended to clarify that this direction is only relevant where policy direction is to avoid adverse effects.</p> |
| <p><b>Policy 6.2.7</b><br/>[RPS, R, C, D]</p> | <p>Require land use activities to be set back from rivers, lakes and the coastal marine area where practicable and reasonable to preserve natural character <del>while unless such a location is required for recognising</del> the functional <del>and or</del> operational requirements of regionally significant infrastructure.</p>  | <p>Policy 6.2.7 requires land use activities to be set back from rivers, lakes and the coastal marine area to preserve natural character “where practicable and reasonable”. Trustpower supports including this qualifier however it seeks more certainty for its hydro-electric power schemes. These schemes (and other activities) must be located in, on or very near to rivers and lakes and so it is appropriate that they are exempt from this requirement.</p>   |



| PROVISION                                | RELIEF SOUGHT   | REASONS FOR APPEAL  |
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|  |   | <p>Including “the functional or operational requirements of regionally significant infrastructure” does not create an inappropriate exemption. Rather, it integrates certainty for the continued operation of Trustpower’s hydro-electric power schemes, consistent with the NPSREG, with the policy direction to preserve natural character.</p>   |
| <p><b>Chapter 6 AER 2</b></p>            | <p>The natural character of Marlborough’s coastal environment and of lakes, rivers and their margins is restored where it has already been degraded, <u>to the extent practicable</u>.</p> <ul style="list-style-type: none"> <li>• The number of successful restoration projects undertaken by Marlborough’s tangata whenua iwi, private landowners, community groups, businesses and others to restore natural character.</li> <li>• The abiotic systems, biotic systems and experiential attributes that contribute to the natural character of the coastal environment are enhanced in areas where restoration projects and efforts have occurred, as measured by reassessment of Marlborough’s natural character.</li> </ul> | <p>The phrase “to the extent practicable” needs to be inserted into this AER because not all degraded areas of natural character can be restored. For example, regionally significant infrastructure may be located in areas of degraded natural character, and it would be impossible to restore the natural character without removing the infrastructure.</p>  |
| <p><b>Policy 7.1.1</b><br/>[RPS]</p>     | <p><b>Identify and assess the values of Marlborough’s landscapes and features using the following factors:</b></p> <ul style="list-style-type: none"> <li>(a) <b>biophysical values, including geological and ecological elements;</b></li> <li>(b) <b>perceptual values, including aesthetics, natural beauty and transient matters; and</b></li> <li>(c) <b>associative values, including the values of Marlborough’s tangata whenua iwi, and other cultural and heritage values, and shared and recognised values; and,</b></li> <li>(d) <del>consultation with Marlborough’s tangata whenua iwi.</del></li> </ul>   | <p>Policy 7.1.1 lists the factors that will be used to identify and assess the values of landscapes and features. Consultation with Marlborough’s tangata whenua iwi is not a “factor” that can be used to assess these values. Rather, it is a mechanism for determining tangata whenua values, which is already a factor listed in clause (c). Clause (d) should therefore be deleted.</p>  |
| <p><b>Policy 7.2.4</b><br/>[R, C, D]</p> | <p><b>Where resource consent is required to undertake an activity within an outstanding natural feature and outstanding natural landscape, or a landscape with high amenity value;</b></p> <ul style="list-style-type: none"> <li>(a) <b>have regard to the potential adverse effects of the proposal on the values that contribute to the landscape;</b></li> <li>(b) <b>recognise that <u>where policy direction requires adverse effects to be avoided,</u> minor or transitory adverse effects may not need to be avoided;</b></li> </ul>   | <p>Trustpower opposes the inclusion of clause (b) in Policy 7.2.4 as drafted, as it suggests that only minor or transitory adverse effects may not need to be avoided in outstanding natural features, outstanding natural landscapes, or landscapes with high amenity value.</p> <p>This is inappropriate and with respect to renewable electricity generation activities, is inconsistent with the NPSREG. Trustpower therefore seeks that this clause be amended to clarify that this direction is only relevant where policy direction is to avoid adverse effects.</p> |

| PROVISION                                | RELIEF SOUGHT   | REASONS FOR APPEAL  |
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|  | (c) have regard to any restoration and enhancement of the landscape proposed.   |   |
| <p><b>Policy 7.2.5</b><br/>[R, C, D]</p> | <p><b>Unless Policy 7.2.6 applies, Avoid adverse effects on the values that contribute to outstanding natural features and outstanding natural landscapes in the first instance. Where adverse effects cannot be avoided and the activity is not proposed to take place in the coastal environment, ensure that the adverse effects are remedied <u>or mitigated</u>.</b></p>   | <p>Policy 7.2.5 requires adverse effects on outstanding natural features and outstanding natural landscapes to be avoided in the first instance and then remedied where they cannot be avoided.</p> <p>Policy 7.2.6 then provides that for the development and upgrade of regionally significant infrastructure, adverse effects on outstanding natural features and outstanding natural landscapes are to be avoided where practicable and otherwise remedied and mitigated. Subject to Trustpower’s proposed amendments to that Policy (set out below), Trustpower is comfortable with that direction.</p> <p>Trustpower seeks an amendment to Policy 7.2.5 to make it clear that Policy 7.2.5 does not apply to activities covered by Policy 7.2.6.</p> <p>Policy 7.2.5 should also be amended to provide for mitigation. While Policy 7.2.6 covers the development and upgrade of regionally significant infrastructure, other activities such as maintenance and operation are covered by Policy 7.2.5. It is inappropriate to remove the option to mitigate adverse effects for these activities.</p> |
| <p><b>Policy 7.2.6</b><br/>[R, C, D]</p> | <p><b>Where the development and upgrade of regionally significant infrastructure, or activities that enhance passive recreational opportunities for the public which are of a small scale, are proposed to take place in an area with outstanding natural features and outstanding natural landscapes:</b></p> <p>(a) in the case of development of the National Grid in the coastal environment, seek to avoid adverse effects on the values that contribute to the landscape; or</p> <p>(b) in all other cases avoid where practicable, and otherwise remedy <del>and-or</del> mitigate adverse effects on the values that contribute to the landscape.</p> <p><b>Provided the overall qualities and integrity of the wider outstanding natural feature and landscape are retained.</b></p> | <p>This Policy provides direction for specific activities. Trustpower understands that “which are of a small scale” is not intended to qualify regionally significant infrastructure (see explanation), and it agrees with that approach. It therefore seeks the addition of a comma to make that clear in the Policy.</p> <p>Trustpower also considers that the Policy needs amending to make it clear that remediation “or” mitigation can be carried out.</p> <p>The explanation also discusses a clause (c), which was removed by the Hearing Panel. The explanation needs amending to reflect this change.</p>   |

| PROVISION | RELIEF SOUGHT  | REASONS FOR APPEAL |
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|           | <p>This policy relaxes the direction provided by Policy 7.2.5 for outstanding natural features and outstanding natural landscapes in limited circumstances. These circumstances are described in (a) <del>to and (c)</del>(b) and reflect the considerable benefits that the listed activities provide to the social and economic wellbeing, health and safety of our community.</p> <p>Regionally significant infrastructure is essential to allowing our communities to function on a day-by-day basis. This infrastructure may need to be expanded in the future and that expansion may need to occur in areas of outstanding natural features and outstanding natural landscapes. In respect of (b), many outstanding natural features and outstanding natural landscapes can already be accessed for passive recreational purposes and the RMA seeks to maintain and enhance these amenity values. Enhancement may take the form of new tracks or huts in the landscape, but would be of a small scale. <del>The MEP seeks to optimise the use of the Marlborough's renewable energy and encourages the use and development of renewable electricity resources. This is recognised in (c) of the policy. However, (c) does not apply where the structures associated with the generation cannot be realistically removed from the environment with minimal trace, as any landscape effects in these circumstances are permanent. It is also important in consideration of this policy to acknowledge that the Council is required to give effect to the NPSREG, which sets out a framework to enable the sustainable management of renewable electricity generation.</del></p> <p>The policy does not allow the activities in (a) to <del>(c)</del>(b) to occur without consideration of the impact they may have on outstanding natural features and outstanding natural landscapes. Any adverse effects on the biophysical, perceptual or associative values within the landscape must still be mitigated as much as possible. As adverse effects can occur at various scales, there should also be consideration of the impacts of the proposed activity on the overall qualities and integrity of the wider outstanding natural feature or outstanding natural landscape. The policy requires that the overall quality and integrity of the landscape should be retained.</p> |                    |

| PROVISION                              | RELIEF SOUGHT   | REASONS FOR APPEAL   |
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|  | This policy does not apply to activities occurring in the coastal environment, as Policy 15 of the NZCPS requires that adverse effects of activities on outstanding natural feature or outstanding natural landscape be avoided.  |  |
| <b>Objective 8.1</b><br>[RPS, R, C, D] | <del>The intrinsic values of Marlborough's remaining</del> <b>significant indigenous biodiversity in terrestrial, freshwater and marine environments</b> <del>are</del> <b>is protected.</b>  | Section 6(c) of the RMA requires decision makers to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Trustpower's proposed amendments ensure that this objective reflects that direction. Whilst Policy 11 of the NZCPS requires the broad protection of indigenous biodiversity, that direction only applies to the coastal environment and this objective applies beyond the coastal environment.  |
| <b>Policy 8.1.1</b><br>[RPS]           | <b>When assessing whether terrestrial, wetlands, <del>freshwater</del> or marine ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:</b><br><br><i>Identification Criteria</i> <ul style="list-style-type: none"> <li>(a) representativeness;</li> <li>(b) rarity;</li> <li>(c) diversity and pattern;</li> <li>(d) distinctiveness;</li> </ul> <i>Management Criteria</i> <ul style="list-style-type: none"> <li>(e) size and shape;</li> <li>(f) connectivity/ecological context;</li> <li>(g) sustainability; and</li> <li>(h) adjacent catchment modifications.</li> </ul> <b>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 medium or high.</b> | Policy 8.1.1 sets out how sites of significance will be identified. The notified version of this policy applied to wetlands, marine or terrestrial habitats and was expanded to freshwater environments through Hearing Panel decisions.<br><br>Trustpower opposes this amendment. It is inappropriate to require indigenous biodiversity in freshwater to be identified using the listed criteria given the mobility of freshwater species and their distinct ecological environments. The NPSFM also covers the management of freshwater ecosystems and this issue is more appropriately dealt with by the water quality/allocation provisions of the Plan.<br><br>Trustpower also seeks consequential amendments to Appendix 3 to remove the references to freshwater environments. |
| <b>Policy 8.2.10</b><br>[R, C, D]      | <del>Encourage</del> <b>Promote</b> <del>the maintenance, and voluntary</del> <b>enhancement or restoration of 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:</b> <ul style="list-style-type: none"> <li>(a) the continued functioning of ecological processes;</li> </ul>   | The requirement to enhance or restore non-significant indigenous biodiversity should be a voluntary action, such as being offered by a resource consent applicant, particularly where the indigenous biodiversity is on private land.  |

| PROVISION                                | RELIEF SOUGHT  | REASONS FOR APPEAL   |
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|  | <ul style="list-style-type: none"> <li>(b) providing connections within or corridors between habitats of indigenous flora and fauna;</li> <li>(c) cultural purposes;</li> <li>(d) providing buffers or filters between land uses and wetlands, lakes or rivers and the coastal marine area;</li> <li>(e) botanical, wildlife, fishery and amenity values;</li> <li>(f) biological and genetic diversity; and</li> <li>(g) water quality, levels and flows.</li> </ul>  |  |
| <p><b>Policy 8.3.2</b><br/>[R, D]</p>    | <p>Outside the coastal environment the adverse effects on areas, habitats or ecosystems with indigenous biodiversity value shall be:</p> <ul style="list-style-type: none"> <li>(a) avoided <u>where practicable and otherwise remedied or mitigated</u>, where it is a significant site in the context of Policy 8.1.1; and</li> <li>(b) managed to ensure that indigenous biodiversity values are retained in areas that have not been assessed as being significant in terms of Policy 8.1.1.</li> </ul>  | <p>Policy 8.3.2 requires adverse effects on significant indigenous biodiversity to be avoided. This is a very high and unreasonable threshold, particularly for regionally significant infrastructure which has locational or technical constraints. Trustpower therefore seeks amendments to allow for remediation or mitigation.</p>   |
| <p><b>Policy 8.3.4</b><br/>[R, C, D]</p> | <p>In the context of Policy 8.3.1 and Policy 8.3.2, adverse effects <del>to be avoided or otherwise remedied or mitigated</del> may include:<br/>...</p>   | <p>The phrase “avoided or otherwise remedied or mitigated” is inconsistent with other effects management policies. For example, Policy 8.3.2 requires adverse effects in non-significant areas to be managed to ensure that biodiversity values are retained. This policy should be amended so that it sets out a list of adverse effects and then the other policies provide the effects management guidance.</p>   |
| <p><b>Policy 8.3.6</b><br/>[R, C, D]</p> | <p>Where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset <u>or compensation</u> can be considered to offset <u>or compensate</u> significant residual adverse effects. Where a biodiversity offset is proposed <u>by a resource consent applicant</u>, the following criteria will apply:</p> <ul style="list-style-type: none"> <li>(a) Residual adverse effects: the offset will only <u>compensate for address</u> significant residual adverse effects that cannot otherwise be avoided, remedied or mitigated;</li> <li>(b) Limits to offsetting: offsetting should not be applied to justify impacts on vulnerable or irreplaceable biodiversity.</li> <li>(c) No net loss: the <u>significant</u> residual adverse effects on <u>indigenous</u> biodiversity are capable of being offset and will be fully <u>compensated counterbalanced</u> by the offset to ensure no net loss of <u>indigenous</u> biodiversity;</li> </ul> | <p>Trustpower supports both offset and compensation measures being provided for as distinct effects management tools. With respect to its hydro-electricity generation activities, the NPSREG directs decision-makers to have regard to offsetting measures or environmental compensation. Trustpower therefore seeks amendments to make that clear in the policy, as the current drafting appears to conflate offsets with compensation measures.</p> <p>Trustpower also seeks the inclusion of “by a resource consent applicant” to make it clear that these measures will be considered only when proposed by an applicant. Amendments are also proposed to make it clear that this policy only relates to “indigenous” biodiversity.</p> <p>Clause (c) should be amended to specify that achieving no net loss applies to “significant” residual adverse effects. The Act is not a no-</p> |

| PROVISION                             | RELIEF SOUGHT   | REASONS FOR APPEAL   |
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|                                       | <p>(d) Like for like: offsets should re-establish or protect the same type of <b>indigenous</b> ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity in the same area.</p> <p>(e) Proximity: the proposal should be located close to the application site, where this will achieve the best ecological outcomes.</p> <p>(f) Timing: the delay between the loss of <b>indigenous</b> biodiversity through development and the gain or maturation of ecological outcomes is minimized.</p> <p>(g) Any offsetting proposal will include biodiversity management plans prepared in accordance with good practice.</p> <p><u>Where a biodiversity compensation is proposed by a resource consent applicant, the compensation will only address significant residual adverse effects that cannot otherwise be avoided, remedied, mitigated or offset.</u></p> <p>Biodiversity offsets are the final step in a hierarchical process in which adverse effects on indigenous biodiversity are first avoided, then remedied, and finally mitigated. Only after these approaches have been exhausted is it appropriate to consider biodiversity offsets to deal with unavoidable residual adverse effects. <del>Policy 8.3.6 makes clear that biodiversity offsets should not be considered in areas that have been assessed as having significant biodiversity value and where adverse effects on these values are to be avoided.</del></p> <p>...</p> | <p>effects statute and does not require all potential adverse effects to be avoided, remedied or mitigated.</p> <p>In addition to consequential amendments to the policy explanation, Trustpower also seeks that “Policy 8.3.6 makes clear that biodiversity offsets should not be considered in areas that have been assessed as having significant biodiversity value and where adverse effects on these values are to be avoided” be deleted from the explanation, as this does not reflect the policy.</p>                 |
| <p><b>Method 8.M.1</b><br/>[R, C]</p> | <p>Resource consent will be required to modify waterbodies and for any activity that would result in the draining or modification of a <b>significant</b> wetland (excluding artificially created ponds). The term ‘modification’ applies in the context of a physical change to the waterbody or in terms of alteration to flow (including the taking of water). Regard must be had to the values of waterbodies identified in Appendix 5.</p> <p>Permitted activity rules will enable some activities to be carried out in <b>significant</b> wetlands and rivers where there is no more than minor adverse effect. These rules will specify certain standards that have to be met for the activity to remain as permitted. In some cases where significant wetlands</p>  | <p>Policy 8.1.2 states that natural wetlands assessed as having significant indigenous biodiversity value will be specifically identified in the Plan, and wetlands which are not significant are not subject to the wetland rules.</p> <p>Method 8.M.1 appears to be inconsistent with this direction by stating that resource consent will be required for any activity that would result in the draining or modification of a wetland. Method 8.M.1 should therefore be amended to relate to significant wetlands only.</p> |

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|  | <p>have been least modified by humans, prohibited activity rules have been applied to ensure the values of the significant wetlands are maintained.</p> <p>...</p>   |  |
| <p><b>Chapter 14.3</b><br/><b>New Policy</b></p> | <p><u><b>Provide for the operation, maintenance, upgrade and development of renewable electricity generation activities and associated infrastructure that require a rural location, provided that adverse effects are avoided, remedied or mitigated.</b></u></p>   | <p>A new policy should be included in Chapter 14 to recognise the need to develop and maintain renewable electricity generation activities within the Rural Environment Zone. Renewable electricity generation activities require rural/isolated locations due to functional and operational constraints, and the need to be located where the renewable resource is located. This new policy recognises this reality and gives effect to the NPSREG, which requires decision makers to have particular regard to those locational constraints.</p>  |
| <p><b>Policy 15.1.16</b><br/>[R, C]</p>          | <p><u><b>With the exception of regionally significant infrastructure, the duration of any new discharge permit will be either:</b></u></p> <p>(a) <b>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></p> <p>(b) <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 the discharge will comply with water quality classification standards for the waterbody or coastal waters; or</b></p> <p>(c) <b>No more than five years where the existing discharge will not comply with water quality classification standards for the waterbody or coastal waters.</b></p> <p><b>With the exception of regionally significant infrastructure, no discharge permit will be granted subsequent to the one granted under (c), if the discharge still does not meet the water quality classification standards for the waterbody or coastal waters.</b></p> | <p>The maximum consent terms are inappropriate for regionally significant infrastructure. Longer consent terms are often required given the need for investment certainty and the cost to re-consent this type of infrastructure, and it is appropriate that the consent term for regionally significant infrastructure be assessed on a case by case basis.</p> <p>This is particularly appropriate for Trustpower’s hydro-electric power schemes, which are long-standing structures and are subject to multiple resource consents. Policy 15.1.16 is overly restrictive and does not reflect the merits of each discharge (such as discharge quality). It should therefore be amended to exclude regionally significant infrastructure.</p> |
| <p><b>Objective 18.1</b><br/>[RPS, R, C, D]</p>  | <p><b>Optimise the use of Marlborough’s <u>renewable</u> energy resources.</b></p>   | <p>Trustpower seeks the insertion of “renewable” into Objective 18.1, to clarify that this objective and supporting policies relate to renewable energy resources only. Trustpower understands that this was the intention, which is evidenced by supporting policies 18.1.1 – 18.1.6 being specific to renewable energy.</p>  |
| <p><b>Policy 18.1.3</b><br/>[R, C, D]</p>        | <p><b>When considering the environmental effects of proposals to use and develop renewable energy resources, to have regard to:</b></p> <p>(a) <b>the benefits to be obtained from the proposal at local, regional or national levels, including:</b></p>  | <p>For the reasons set out below, Trustpower seeks that a new objective and accompanying policies be inserted into Chapter 18 to recognise the importance of renewable electricity generation and to give effect to the NPSREG. To avoid unnecessary duplication of policies, Trustpower</p>   |

| PROVISION                                 | RELIEF SOUGHT   | REASONS FOR APPEAL  |
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|   | <p><del>(i) maintaining or increasing security of renewable electricity supply by diversifying the type and/or location of electricity generation;</del></p> <p><del>(ii) maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;</del></p> <p><del>(iii) for economic, social or cultural wellbeing; and</del></p> <p>(b) effects on the immediate and surrounding environment, including effects on air quality, water quality, water quantity, ecosystems, natural character, outstanding landscapes, visual amenities, the cultural values of Marlborough's tangata whenua iwi and from noise;</p> <p>(c) the degree of effect (extent, magnitude) and the degree to which unavoidable adverse effects can be remedied or mitigated, including the relative degree of reversibility of the adverse effects associated with the proposed generation technologies;</p> <p>(d) where the adverse effects are significant, alternatives to the development in terms of either means, location or scale; and</p> <p>(e) the environmental values affected or enhanced and whether these are of local, regional or national significance.</p> <p>(f) <del>the logistical or technical practicalities associated with locating renewable electricity generation infrastructure.</del></p> | <p>seeks that Policy 18.1.3 be amended to remove specific references to renewable electricity generation.</p>   |
| <p><b>Policy 18.1.5</b><br/>[R, C, D]</p> | <p><b>Manage other activities to the extent reasonably practicable to avoid reverse sensitivity effects on consented or existing renewable electricity generation activities.</b></p>   | <p>Trustpower supports this policy but seeks that it be re-numbered as Policy 18.3.2, as it implements Trustpower's proposed new Objective 18.3. This policy is required to give effect to Policy D of the NPSREG, which provides direction to decision-makers around avoiding reverse sensitivity effects.</p> |
| <p><b>Policy 18.1.6</b><br/>[R, C, D]</p> | <p><del>Provide for the ongoing generation of electricity from existing renewable energy generation infrastructure by having particular regard to:</del></p> <p><del>(a) Maintaining the output from existing renewable electricity generation schemes;</del></p> <p><del>(b)(a) Enabling the maintenance of renewable electricity generation schemes, and their upgrading where the adverse effects on the environment can be avoided, remedied or mitigated to an acceptable level.</del></p>   | <p>Trustpower supports aspects of Policy 18.1.6 and seeks an amended version of this policy be inserted as Policy 18.3.1, as it implements Trustpower's proposed new Objective 18.3.</p>  |



| PROVISION                                   | RELIEF SOUGHT   | REASONS FOR APPEAL  |
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| <p><b>New Objective</b><br/><b>18.3</b></p> | <p><u>Recognise the national and regional significance of renewable electricity generation activities by providing for their development, operation, maintenance, and upgrading.</u></p>  | <p>A new objective is required to recognise the significance of renewable electricity generation activities. This objective gives effect to the NPSREG, particularly Policies E1-E4 which direct regional policy statements and regional and district plans to include provisions to provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.</p> <p>Renewable electricity generation is essential for supplying the energy needs of the District and to address the Government's climate change aspirations.</p> |
| <p><b>New Policy</b><br/><b>18.3.1</b></p>  | <p><u>Recognise and provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, including by:</u></p> <ul style="list-style-type: none"> <li><u>a) providing for the use of renewable natural resources;</u></li> <li><u>b) having particular regard to the locational, logistical and technical constraints associated with renewable electricity generation activities;</u></li> <li><u>c) enabling the maintenance and upgrading of existing renewable electricity generation schemes; and</u></li> <li><u>a)d) maintaining or increasing the generation output of existing renewable electricity generation activities.</u></li> </ul>   | <p>New Policy 18.3.1 is necessary to give effect to the NPSREG. Particularly, Policy C1 acknowledges the practical constraints associated with the development, operation and upgrading of new and existing renewable electricity generation activities. It is important to enable the maintenance and upgrading of existing schemes, and to ensure that generation output is maintained or increased.</p>  |
| <p><b>New Policy</b><br/><b>18.3.3</b></p>  | <p><u>Enable activities associated with investigating, identifying and assessing potential sites and energy sources for renewable electricity generation activities.</u></p>  | <p>New Policy 18.3.3 is necessary to give effect to Policy G of the NPSREG, which enables the identification of renewable electricity generation possibilities.</p>   |
| <p><b>New Policy</b><br/><b>18.3.4</b></p>  | <p><u>When considering proposals to develop and operate renewable electricity generation activities, have particular regard to the benefits to be obtained from the proposal at local, regional or national levels, including:</u></p> <ul style="list-style-type: none"> <li><u>a) maintaining or increasing security of renewable electricity supply by diversifying the type and/or location of electricity generation;</u></li> <li><u>b) maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;</u></li> <li><u>c) for economic, social or cultural wellbeing; and</u></li> <li><u>d) the contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets.</u></li> </ul> | <p>New Policy 18.3.4 is required to give effect to the NPSREG. Particularly, Policy A recognises the benefits of renewable electricity generation activities.</p>   |

| PROVISION  | RELIEF SOUGHT   | REASONS FOR APPEAL   |
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| <p><b>Policy 19.1.5</b><br/>[R]</p>  | <p><del>Ensure that the freshwater that is available for out of stream use is allocated and used efficiently, by:</del></p> <p><del>(a) requiring that the rate of water use authorised by water permit be no more than that required for the intended use, having regard to the local conditions;</del></p> <p><del>(b) enabling the transfer of water permits between users within the same Freshwater Management Unit; and</del></p> <p><del>(c)(a) enabling the storage of water during periods of high river flow for subsequent use during low flow and low level periods.</del></p>  | <p>Policy 19.1.5 relates to freshwater allocation, which is addressed in Chapter 5 “Allocation of Freshwater Resources”. This policy primarily relates to the efficient use of water, and enabling water storage, which are both water allocation issues that should be addressed in Chapter 5. Trustpower therefore seeks that Policy 19.1.5 be deleted.</p>  |
| <p><b>New Permitted Activity Rule</b><br/><b>Chapter 2</b><br/><b>New Standards</b><br/><b>Chapter 2</b></p> | <p><u>Rule</u></p> <p><u>Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of any lawfully established renewable electricity generation activity.</u></p> <p><u>Standards</u></p> <p><u>Vegetation (except noxious plants under the Noxious Plants Act) must not be removed by chemical, fire or mechanical means within 8m of a river (excluding an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.</u></p> <p><u>Where clearance is by hand or mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.</u></p> <p><u>All trees must be felled away from a river (excluding an ephemeral river, or intermittently flowing river, when not flowing), Significant Wetland or the coastal marine area.</u></p> <p><u>No tree or log may be dragged through the bed of a river (excluding an ephemeral river or intermittently flowing river when not flowing), Significant Wetland or the coastal marine area.</u></p> <p><u>Wheeled or tracked machinery must not be operated in or within 8m of a river (excluding an ephemeral river or intermittently flowing river, when not flowing), Significant Wetland or the coastal marine area.</u></p> | <p>Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of renewable electricity generation infrastructure should be provided for through permitted activity rules. Avoiding the need for resource consent for these activities will ensure that this regionally significant infrastructure can continue to function with minimal disruption. The same standards as the network utility provisions are sought for this rule so the effects will be no different to those that the plan is already seeking to permit. This approach gives effect to the Objective and Policies B and E1-E4 of the NPSREG.</p> <p>Trustpower also seeks consequential amendments to ensure that this rule takes precedence over other rules for vegetation clearance.</p> |

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|  | <p><u>All cut or felled vegetation and soil debris must:</u></p> <ul style="list-style-type: none"> <li><u>a) not be left within 8m of, or deposited in, a river (excluding an ephemeral river or intermittently flowing river when not flowing), Significant Wetland or the coastal marine area;</u></li> <li><u>b) not be left in a position where it can enter, or be carried into, a river (excluding an ephemeral river), Significant Wetland or the coastal marine area;</u></li> <li><u>c) be stored on stable ground;</u></li> <li><u>a)d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.</u></li> </ul>  |   |
| <p><b>New Controlled Activity Rule Chapter 2</b></p> | <p><u>The lawfully established:</u></p> <ul style="list-style-type: none"> <li><u>• Damming and diversion of water; and</u></li> <li><u>• Take and use of water; and</u></li> <li><u>• Discharge of water to water; and</u></li> <li><u>• Discharges of contaminants to water and to land; and</u></li> <li><u>• Use of a structure in the bed of a lake, stream or river; and</u></li> <li><u>• Excavation and disturbance of the beds of lakes and rivers;</u></li> </ul> <p><u>Associated with the operation and maintenance of a hydro-electric power scheme that existed on the date this plan becomes operative is a controlled activity where the following conditions are met:</u></p> <ul style="list-style-type: none"> <li><u>1) The consent application(s) replace existing resource consents; and</u></li> <li><u>2) There is no increase in the existing volume or rate of take or diversion; and</u></li> <li><u>i) There is no increase in the existing volume of discharge or the nature of contaminants being discharged.</u></li> </ul> <p><u>Marlborough District Council reserves control over the following matters:</u></p> <ul style="list-style-type: none"> <li><u>a) The volume and rate of water taken or diverted, and the timing of the take or diversion;</u></li> <li><u>b) Intake velocities and measures to avoid or mitigate fish entrainment;</u></li> <li><u>c) Water levels;</u></li> <li><u>d) Compliance with environmental flow and allocation limits;</u></li> </ul> | <p>A new rule should be inserted into Chapter 2 to provide for re-consenting of existing hydro-electricity generation activities as a controlled activity (where not otherwise permitted), as there is a lack of certainty around how these activities will be re-consented.</p> <p>Renewable electricity generation activities are a significant physical resource as they are essential for supplying Marlborough's electricity needs and meeting the Government's climate change aspirations. Including a controlled activity rule will reflect their significance, and will also give effect to s 7(j) of the Act and the NPSREG.</p> |

| PROVISION   | RELIEF SOUGHT   | REASONS FOR APPEAL   |
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|   | <p><u>e) Measures to avoid, remedy or mitigate any adverse effects on the following:</u></p> <ul style="list-style-type: none"> <li><u>i. cultural values;</u></li> <li><u>ii. lawfully established users of the lake, river or stream;</u></li> <li><u>iii. downstream sediment transport processes;</u></li> <li><u>iv. aquatic ecosystems, areas of significant indigenous vegetation, and significant habitats of indigenous fauna;</u></li> <li><u>v. outstanding natural features and landscapes, and natural character;</u></li> <li><u>vi. amenity values (including recreation), and existing public access to and along the margins of rivers and lakes;</u></li> </ul> <p><u>f) Fish passage;</u></p> <p><u>g) Measures to manage land stability and erosion;</u></p> <p><u>h) Measures to control flooding;</u></p> <p><u>i) Measures required to comply with s107(1) RMA;</u></p> <p><u>j) Maintenance and contingency requirements;</u></p> <p><u>k) Monitoring and information requirements;</u></p> <p><u>l) Duration of consent;</u></p> <p><u>m) Review of consent conditions; and</u></p> <p><u>n) Compliance monitoring.</u></p> <p><u>Except for where otherwise permitted, the re-consenting of hydro-electricity generation schemes will be processed under this rule notwithstanding any other rule in this plan.</u></p> |  |
| <p><b>New Permitted Activity Rule Chapter 2</b></p> <p><b>New Standards Chapter 2</b></p> | <p><b><u>Rule</u></b></p> <p><u>Any work or activity associated with the on-going operation, maintenance, replacement or upgrading of any lawfully established renewable electricity generation activity.</u></p> <p><b><u>Standards</u></b></p> <p><u>The maximum height of a building must not exceed 5m.</u></p> <p><u>The maximum gross floor area of a building must not exceed 65m<sup>2</sup>.</u></p> <p><u>A structure for an electricity line within the Rural Environment Zone must be set back a minimum distance of 15m from any road intersection and</u></p>   | <p>Trustpower considers that maintenance, minor upgrading and replacement of renewable electricity generation infrastructure should be provided for through permitted activity rules. This ensures that this regionally significant infrastructure can continue to function with minimal disruption.</p> |

| PROVISION   | RELIEF SOUGHT   | REASONS FOR APPEAL   |
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|   | <p><u>must be measured parallel from the centerline of the carriageways, at the point where the roads intersect.</u></p> <p><u>A building larger than 15m<sup>2</sup> in ground floor area or over 2m in height must be set back from the road boundary by a distance of not less than half the height of the building.</u></p> <p><u>Excavation, filling, vegetation clearance (indigenous and non-indigenous), noise and discharge rules for the relevant zone in which the renewable electricity generation activity is located must be complied with.</u></p> <p><u>An electricity line or a building or depot must not be located:</u></p> <ul style="list-style-type: none"> <li><u>a. In, or within 8m of, a Significant Wetland;</u></li> <li><u>b. Within 8m of a river or the Drainage Channel Network;</u></li> <li><u>a.c. On, or adjacent to, any land used for the purposes of a farm airstrip, or in such a manner as to adversely affect the safe operation of a farm airstrip existing at the time of the Plan becoming operative</u></li> </ul> |  |
| <p><b>New</b></p> <p><b>Discretionary</b></p> <p><b>Activity Rule</b></p> <p><b>Chapter 2</b></p> | <p><u>Any work or activity associated with the on-going operation, maintenance, replacement or upgrading of any lawfully established renewable electricity generation activity that does not meet permitted activity standards [X].</u></p>   | <p>Trustpower proposes a new discretionary activity rule. This rule will apply where any work or activity associated with the on-going operation, maintenance, replacement or upgrading of any lawfully established renewable electricity generation activity cannot meet Trustpower’s proposed permitted activity standards.</p>  |
| <p><b>Rule 2.6.4</b></p>  | <p><u>New Take, use, damming or diversion <del>activities of water</del></u> from the following waterbodies, including their tributaries:</p> <p>...</p> <p>(b) Branch River (including downstream of weir to the Wairau River confluence) provided that the rule does not apply to a take, use or diversion of water associated with the maintenance or upgrade of the State Highway 63 road bridge over the Branch River;</p> <p>...</p> <p>This rule does not apply to <del>a</del> take, use, damming or diversion <del>of water activities</del> lawfully established prior to 9 June 2016, including <u>associated maintenance and upgrade activities (such as temporary damming activities)</u>, the take and use of water for an individual’s reasonable domestic needs, the take and use of water for the reasonable drinking water needs of an</p>  | <p>Trustpower understands that Rule 2.6.4(b) is intended to address the take, use, damming and diversion of water from the Branch River for “new” activities. However, it is not explicitly clear within the rule as to how activities which are lawfully established will be treated when existing consents expire.</p> <p>Trustpower is particularly concerned about how maintenance and upgrades associated with its existing intake from the Branch River will be treated. For example, maintenance works may occasionally require damming of water to create a dry work area and can be a critical activity for hydro-electricity generation. Trustpower opposes these works being considered under this rule as a prohibited activity.</p> |

| PROVISION                                    | RELIEF SOUGHT   | REASONS FOR APPEAL   |
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|  | individual's animals, and the take, use, damming or diversion of water for firefighting purposes and firefighting training by Fire and Emergency New Zealand and the New Zealand Defence Force permitted by Rule 2.2.8.   | The rule should therefore be amended to give consent holders clarity and certainty around how their existing consents and activities will be treated in the future.  |
| <b>Rule 2.7.8</b>                            | Maintenance, replacement and minor upgrading in, on, or under the bed of a lake or river of the following utilities:<br>(a) <del>electricity National grid transmission lines</del> and associated cables.<br>(b) telecommunication or radio communication facility.  | Trustpower considers that this rule should apply to all electricity lines, not just transmission lines associated with the National Grid.  |
| <b>Rule 2.7.14</b>                           | <u>Maintenance, repair and upgrade of a</u> telecommunication line or electricity line or cable in, on, under or over the bed of a lake or river.   | This rule should be amended to make it clear that it applies to maintenance, repair and upgrade activities.  |
| <b>Standard 2.8.1.7</b>                      | The works or structures do not <u>permanently</u> prevent any existing fish passage.  | This standard will apply to all activities in, on, over, or under the bed of a lake or river that are permitted by section 2.7 of Chapter 2. Of particular relevance to Trustpower, this includes the alteration, repair or maintenance of an existing structure – including any associated temporary damming.<br><br>Maintenance of Trustpower's hydro-electric power schemes may occasionally require damming of water to create a dry work area and can be a critical activity for hydro-electricity generation. In carrying out these necessary maintenance works, in some cases fish passage may be temporarily prevented. Trustpower therefore seeks that this standard be amended to specify that works or structures should not permanently prevent existing fish passage. |
| <b>Rule 2.11.1</b>                           | Construction of a <u>new</u> dam on the following lakes and rivers, including their tributaries unless otherwise stipulated:<br>...<br>(a) Branch River (including downstream of weir to the Wairau River confluence);<br>...<br><u>This rule does not apply to new dams constructed as part of maintenance and upgrade works associated with lawfully established activities established prior to 9 June 2016.</u> | Trustpower is concerned with how maintenance and upgrade works associated with its existing intake from the Branch River will be treated. For example, maintenance works may occasionally require damming of water to create a dry work area and can be a critical activity for hydro-electricity generation. Trustpower opposes these works being considered under this rule as a prohibited activity, and proposes amendments to make it clear that this rule applies to the construction of new dams not associated with existing activities.   |
| <b>Rule 3.1.26</b><br><b>Standard 3.3.26</b> | Application (involving a discharge) of compost, <u>other vegetative matter</u> or solid agricultural waste into or onto land.   | Rule 3.1.26 should be amended to include other vegetative matter, as disposing of vegetative material is not covered under any other rule. The discharge of vegetative material has similar effects to the discharge of compost or solid agricultural waste and providing for it as a permitted activity in the rural environment with clear and reasonable  |

| PROVISION                                 | RELIEF SOUGHT   | REASONS FOR APPEAL   |
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|   |   | standards is an effective and efficient way to manage its effects. Other vegetative matter would include tree trimmings, vegetative flood debris and vegetative debris from hydro-electric power scheme intake screens.  |
| <b>Rule 3.1.60</b>                        | <u>Operation, Maintenance, and replacement and upgrading of the structures and facilities of</u> an existing renewable electricity generation activity.   | This rule needs amending to cover operation and upgrading as well as maintenance and replacement and needs re-wording so that it is clear it applies to the infrastructure, not the activity itself.   |
| <b>Standard 3.2.3.4</b>                   | Noise emissions from any generator used for electricity generation must be operated so that noise emissions at any point within the notional boundary of any dwelling in any zone must not at any time exceed 55 dB LAeq(15 min) when measured and assessed in accordance with Rule 3.2.3.5. <u>This standard does not apply to emergency generation activities covered by Rules 2.45 - 2.47.</u> | Trustpower sought a new rule and standards for emergency electricity generation, which has been included in Chapter 2. Trustpower seeks an amendment to Standard 3.2.3.4 so that it does not apply to those activities. It is important that small-scale emergency diesel-generators are provided for, particularly to provide back up for hydro-electric power schemes if an electricity connection is disrupted or unavailable.  |
| <b>Standard 3.3.12.2</b>                  | The clearance of indigenous vegetation in the following circumstances is exempt from Standards 3.3.12.3 to 3.3.12.6 (inclusive):<br>...<br><u>(h) Where the clearance is associated with the maintenance of renewable electricity generation activities.</u>  | Trustpower considers that these exemptions should be amended to include renewable electricity generation activities.<br><br>Standard 3.3.12.3 states that clearance of indigenous vegetation must not occur on a Threatened Environments - Indigenous Vegetation Site. Trustpower seeks, as alternative relief, that the Threatened Environments overlay be amended so that it does not cover those parts of Trustpower's hydro-electric power schemes where it may need to carry out indigenous vegetation clearance. |
| <b>Standard 19.3.3.2</b>                  | The clearance of indigenous vegetation in the following circumstances is exempt from Standards 19.3.3.3 to 19.3.3.5 (inclusive):<br>...<br><u>(h) Where the clearance is associated with the maintenance of renewable electricity generation activities.</u>  | Trustpower considers that these exemptions should be amended to include renewable electricity generation activities.<br><br>Standard 19.3.3.2 states that clearance of indigenous vegetation must not occur on a Threatened Environments - Indigenous Vegetation Site. Trustpower seeks, as alternative relief, that the Threatened Environments overlay be amended so that it does not cover those parts of Trustpower's hydro-electric power schemes where it may need to carry out indigenous vegetation clearance. |
| <b>Definition "Maori Cultural Values"</b> | <u>Any natural attribute, area, place or thing (tangible or intangible) which is of physical, economic, social, cultural, historic and/or spiritual significance to tangata-whenua iwi</u>  | Trustpower seeks that this definition be deleted. Whilst Trustpower does not oppose cultural values being recognised in the Plan, it considers that this definition is vague and unclear. For example, it is unclear how economic interests are considered cultural values.  |

| PROVISION                       | RELIEF SOUGHT   | REASONS FOR APPEAL   |
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| <p><b>Definition "Site"</b></p> | <p><i>Delete the following definition of "Site" and use it instead, or in similar terms, as a new definition for "Property".</i></p> <p>means:</p> <ul style="list-style-type: none"> <li>(a) an area of land comprised in a single record of title (as per Land Transfer Act 2017); or</li> <li>(b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be administered separately without the prior consent of the council; or</li> <li>(c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title could be issued without further consent of the Council; or</li> <li>(d) in the case of land subdivided under the Unit title Act 1972 or the cross lease system, a site is deemed to be the whole of the land subject to the unit development or cross lease; or</li> <li>(e) an area of land comprised in two or more records of title adjacent to each other where an activity is occurring or proposed; or</li> <li>(f) where there is no record of title for a property, the place or area where the activity takes place.</li> </ul> <p>Where a right of way is employed, the extent of that right of way on a survey plan shall not be included as the legal boundary but instead the inner boundary of the right of way closest to the building shall be treated as a legal boundary for the purpose of bulk and location controls.</p> | <p>Trustpower seeks that this definition of "site" be deleted and used instead, or in similar terms, as a new definition for "property". Trustpower is concerned that the Hearing Panel's extensive changes to this definition could impact the operation of some provisions. At a general level, Trustpower also considers that "site" more appropriately relates to areas where an activity takes place or where certain values exist, and "property" is better described by the amended definition for "site".</p> <p>In terms of provisions where the definition of "site" could cause an issue, Policy 8.1.1 provides for the identification of sites with significant indigenous biodiversity value. Trustpower is concerned that applying the amended definition of "site" to this policy could mean that areas without significant indigenous biodiversity value would be inadvertently identified as significant. As only part of the areas described in the definition of "site" may have significant indigenous biodiversity value, the balance of those areas should not be encompassed as a site with significant indigenous biodiversity value.</p> <p>A series of provisions include the term "property" and in Trustpower's view a definition would be helpful in assisting the interpretation of those provisions. For example, Standard 3.3.37.1 requires that for discharges of contaminants to air arising from burning in the open, only material generated on the same property or a property under the same management or ownership must be burned. For this provision a definition for property would be helpful.</p> <p>Standard 3.3.50.1 requires that for the discharge of contaminants into air from water blasting and dry abrasive blasting, there must be no discharge of water spray, dust or other contaminant beyond the boundary of the property. Similarly, for this provision a definition for property would be helpful.</p> <p>These changes may require consequential amendments to provisions that contain the terms "site" and "property" (or similar terms) to ensure that the changes are workable for those provisions.</p> |



| PROVISION                               | RELIEF SOUGHT  | REASONS FOR APPEAL  |
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| <b>Appendix 5 – Title</b>               | <del>Water Resource</del> <u>Freshwater Management</u> Unit <u>Natural and Human Use</u> Values & Water Quality Classification Standards   | Trustpower considers that the title of Appendix 5 could be misleading. Particularly, it is unclear what the difference is between Water Resource Units and Freshwater Management Units.   |
| <b>Appendix 5 – Schedule 1, Title</b>   | Schedule 1 - <del>Water Resource</del> <u>Freshwater Management</u> Unit <u>Natural and Human Use</u> Values<br><br><del>Water Resource</del> <u>Freshwater Management</u> Unit <u>Natural and Human Use</u> Values  | Trustpower considers that the title of Appendix 5, Schedule 1 and its table headings could be misleading. Particularly, it is unclear what the difference is between Water Resource Units and Freshwater Management Units.  |
| <b>Appendix 5 - Schedule 1, Unit 13</b> | <del>Lake Argyle only: Recreation</del><br><del>Highly values trout fishery. Water skiing and model boating.</del>   | Trustpower opposes the inclusion of Lake Argyle within the Water Resource Unit for Branch. The “lake” is an out-of-river artificial storage reservoir, which is the head pond for the Argyle Power Station. It is fed by a canal and is integral for the operation of Trustpower’s hydro-electric power scheme. That is its primary function and is consented as such.  |
| <b>Appendix 6 – Schedule 1</b>          | <i>Insert new footnote for the Waihopai Freshwater Management Unit:</i><br><br><u>The existing consented take and use of water for hydro-electric power generation within the Waihopai River is considered a non-consumptive take and is therefore outside of this allocation framework.</u> | Trustpower does not oppose the allocation volumes set for the Waihopai River. However, it is concerned about how Trustpower's existing non-consumptive consented take and use of water for hydro-electricity generation would be treated. While the relevant resource consents acknowledge that the take is non-consumptive, Trustpower seeks that this be explicitly provided for in the allocation framework.<br><br>This is a large non-consumptive take (864,000 cubic metres per day) which is well in excess of the allocation limits for the Waihopai Freshwater Management Unit. As it provides for renewable electricity generation, which is a nationally significant activity, it is important to provide clarity around how this take will be treated under the Plan. |

**Attachment A**

**Submission and further submissions**

**Attachment B**

**Decision of the respondent**

## Attachment C

A copy of this appeal has been served on the respondent electronically by email to [Kaye.McIlveney@marlborough.govt.nz](mailto:Kaye.McIlveney@marlborough.govt.nz). The requirement to serve a copy of this notice of appeal on the following submitters has been waived by the Environment Court in a Minute dated 15 April 2020.

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| <p>Marlborough District Council<br/>PO Box 443<br/>Blenheim 7240<br/>Attention: Kaye McIlveney<br/><a href="mailto:Kaye.McIlveney@marlborough.govt.nz">Kaye.McIlveney@marlborough.govt.nz</a><br/><a href="mailto:z">z</a></p> | <p>A E Sadd Limited<br/>Yvonne Wratt<br/>38 Vickerman Street<br/>Grovetown<br/>Blenheim 7202<br/><a href="mailto:aesadd@xtra.co.nz">aesadd@xtra.co.nz</a></p>   | <p>A J King Family Trust and S A King Family Trust<br/>Andrew and Sandra King<br/>6882 Kenepuru Road<br/>Picton 7282<br/><a href="mailto:sandra.king@xtra.co.nz">sandra.king@xtra.co.nz</a></p> |
| <p>Accolade Wines New Zealand Limited<br/>Steve Wilkes<br/>C/- WilkesRM Ltd<br/>Temple Chambers<br/>76 High Street<br/>Blenheim 7201<br/><a href="mailto:steve@wilkesrm.co.nz">steve@wilkesrm.co.nz</a></p>                    | <p>Nigel Ackroyd<br/>360 Heywards Road<br/>RD 2<br/>Kaiapoi 7692<br/><a href="mailto:n.ackroyd@xtra.co.nz">n.ackroyd@xtra.co.nz</a></p>   | <p>Johann Adam<br/>17 Mahakipawa Road<br/>Havelock 7100</p>   |
| <p>Keith Adams<br/>28 Wratts Road<br/>RD 3<br/>Blenheim 7273<br/><a href="mailto:KMJAdams@xtra.co.nz">KMJAdams@xtra.co.nz</a></p>  | <p>Simon and Richard Adams<br/>C/- WilkesRM Ltd<br/>Temple Chambers<br/>76 High Street<br/>Blenheim 7201<br/><a href="mailto:steve@wilkesrm.co.nz">steve@wilkesrm.co.nz</a></p>                               | <p>David Adams<br/>19 Belvue Crescent<br/>Witherlea<br/>Blenheim 7201</p>   |
| <p>Ahuriri Forests Limited<br/>William Musgrove<br/>4/34 Douglas Street<br/>Auckland 1021<br/><a href="mailto:bill@musgrove.co.nz">bill@musgrove.co.nz</a></p>   | <p>Aitken Taylor Limited<br/>Den Aitken and Alice Taylor<br/>19 Howick Road<br/>Blenheim 7201<br/><a href="mailto:alice@aitkentaylor.co.nz">alice@aitkentaylor.co.nz</a></p>                                  | <p>Bryan Albrey<br/>2 Shoreline Place<br/>RD 3<br/>Blenheim 7273</p>  |
| <p>John Aldridge<br/>PO Box 296<br/>Picton 7250<br/><a href="mailto:jlaldridge@surf.co.nz">jlaldridge@surf.co.nz</a></p>   | <p>David Allan<br/>74 Kennedys Road<br/>RD 2<br/>Blenheim 7272<br/><a href="mailto:allan-family@xtra.co.nz">allan-family@xtra.co.nz</a></p>   | <p>Belinda Allen<br/>120 Lord Rutherford Road South<br/>Brightwater 7022</p>  |
| <p>David Allen<br/>C/- Tony Hawke<br/>Gilbert Haymes &amp; Associates Limited<br/>PO Box 380<br/>Blenheim 7240<br/><a href="mailto:tony@gilberthaymes.co.nz">tony@gilberthaymes.co.nz</a></p>                                  | <p>Anne Allison<br/>8 Wilson Street<br/>Havelock 7100</p>   | <p>Mark Altoft<br/>4A Bayview Drive<br/>Waikawa<br/>Picton 7220<br/><a href="mailto:altoft@gmail.com">altoft@gmail.com</a></p>  |
| <p>AM and LM Campbell Family Trust<br/>Alastair Campbell<br/>1090 Rapaura Road<br/>RD 3<br/>Blenheim 7273<br/><a href="mailto:breezemere@hotmail.com">breezemere@hotmail.com</a></p>   | <p>Andebrook Farming Limited<br/>Nick Anderson<br/>3032 State Highway 63<br/>RD 1<br/>Blenheim 7271<br/><a href="mailto:andebrook@gmail.com">andebrook@gmail.com</a></p>                                      | <p>AGN Anderson<br/>PO Box 1240<br/>Queenstown 9348<br/><a href="mailto:aanderson@xtra.co.nz">aanderson@xtra.co.nz</a></p>  |
| <p>Andrew Pope Homes Limited Terry McGrail<br/>PO Box 704<br/>Blenheim 7240<br/><a href="mailto:terry@ayson.co.nz">terry@ayson.co.nz</a></p>   | <p>Anna Caroline Memorial Trust<br/>Jennifer Cochrane<br/>499 Sandy Knolls Road<br/>RD 5<br/>Christchurch 7675<br/><a href="mailto:jenny.cochran@nevada-sport.co.nz">jenny.cochran@nevada-sport.co.nz</a></p> | <p>Apex Marine Farm Limited<br/>Quentin Davies and Amanda Hills<br/>Gascoigne Wicks<br/>PO Box 2<br/>Blenheim 7240<br/><a href="mailto:ahills@gwlaw.co.nz">ahills@gwlaw.co.nz</a></p>           |

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| David Walker<br>4 Rose Street<br>Havelock 7100  | Robert Walker<br>C/- Kono NZ LP<br>PO Box 762   | Harman Wallace<br>10 Orcades Street<br>Shirley   |

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| Walnut Block Wines Limited<br>Clyde Sowman<br>43 Blinks Lane<br>RD 2<br>Blenheim 7272<br><a href="mailto:sowman@walnutblock.co.nz">sowman@walnutblock.co.nz</a>           | Walnut Creek Partnership<br>Ed Chapman-Cohen<br>PO Box 27<br>Spring Creek 7244<br><a href="mailto:ed@remacconsulting.co.nz">ed@remacconsulting.co.nz</a> | Karen Walshe<br>12 Manor Place<br>Redwoodtown<br>Blenheim 7201<br><a href="mailto:karen@wmss.co.nz">karen@wmss.co.nz</a>   |
| Bruce Walton<br>16A Snowden Crescent<br>Islington<br>Blenheim 7201<br><a href="mailto:bjwalton@clear.net.nz">bjwalton@clear.net.nz</a>                                    | Vaughan Warburton<br>10 Ngati Kuia Drive<br>Havelock 7100  | Lewis Ward<br>4369 State Highway 6<br>RD 1<br>Havelock 7178  |
| Warren Forestry Ltd<br>Charles Etherington<br>PO Box 36358<br>Merivale<br>Christchurch 8146<br><a href="mailto:charles@warrenforestry.com">charles@warrenforestry.com</a> | Evaon Watkins<br><a href="mailto:evaon@mediapublications.co.nz">evaon@mediapublications.co.nz</a>  | Bruce Watkins<br><a href="mailto:bruce@soundsholiday.co.nz">bruce@soundsholiday.co.nz</a>  |
| Natasha Watts<br>3 Lawrence Street<br>Havelock 7100   | Heath Webb<br>48 Nelson Street<br>Mayfield<br>Blenheim 7201  | Gregory Webb<br>3370 Wairau Valley<br>RD 1<br>Blenheim 7271  |
| Christopher Webb<br>3 Moana Heights<br>Waikawa<br>Picton 7220<br><a href="mailto:crwebb@xtra.co.nz">crwebb@xtra.co.nz</a>   | Nicholas Webby<br>PO Box 26<br>Ward 7248<br><a href="mailto:nickcarolewebby@gmail.com">nickcarolewebby@gmail.com</a>                                     | Welton Vineyards Ltd<br>Wendy Palmer<br>10 Staces Road<br>Grovetown<br>Blenheim 7202<br><a href="mailto:wendypalmer1@gmail.com">wendypalmer1@gmail.com</a>           |
| Tony Westend<br>365 Brookby Road<br>RD 2<br>Blenheim 7272<br><a href="mailto:Tony.nicola@clear.net.nz">Tony.nicola@clear.net.nz</a>                                       | Whatamonga Farms Limited<br>William Musgrove<br>4/34 Douglas Street<br>Auckland 1021<br><a href="mailto:bill@musgrove.co.nz">bill@musgrove.co.nz</a>     | Whatamonga Forests Limited<br>William Musgrove<br>4/34 Douglas Street<br>Auckland 1021<br><a href="mailto:bill@musgrove.co.nz">bill@musgrove.co.nz</a>               |
| Victoria White<br>174 Rapaura Road<br>RD 3<br>Blenheim 7273   | Spencer and Susan White<br>59 Te Rou Road<br>Northbank<br>Blenheim 7275<br><a href="mailto:sts.white@xtra.co.nz">sts.white@xtra.co.nz</a>                | Matthew White<br>174 Rapaura Road<br>RD 3<br>Blenheim 7273   |
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| Geoffrey Wiffen<br>PO Box 87<br>Ward 7248<br><a href="mailto:grwiff@hotmail.com">grwiff@hotmail.com</a>   | Wildacres Limited<br>Peter Deacon<br>475 Brookby Road<br>RD 2<br>Blenheim 7272<br><a href="mailto:peterd@orcon.net.nz">peterd@orcon.net.nz</a>           | WilkesRM Limited<br>Steve Wilkes<br>Temple Chambers<br>76 High Street<br>Blenheim 7201<br><a href="mailto:steve@wilkesrm.co.nz">steve@wilkesrm.co.nz</a>             |

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| Chase Harrison<br>1/23 Douglas Road   | Alex Khadzhi<br>105 Champion Street   | Hope Lagden<br>285 Tapps Road<br>Canvastown  |
| Brad Lewis<br>2C/12 Perano Apartments<br>London Quay<br>Picton 7220   | Brook Lines   | John McGregor<br>122 Hay Street  |