

4. Coastal Environment Zone

4.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 4.2 and 4.3, except that for commercial plantation forestry replanting the standards in 4.2 do not apply.

[D]

4.1.1. Farming.

[D]

4.1.2. Farm airstrip or farm helipad.

[D]

4.1.3. Relocated building.

[D]

4.1.4. Temporary building or structure, or unmodified shipping container.

[D]

4.1.5. Audible bird-scaring device.

[R, D]

4.1.6. ~~Commercial~~ Plantation forestry replanting.

[R]

4.1.7. Woodlot forestry planting.

[R, D]

4.1.8. Woodlot forestry harvesting.

[R, D]

4.1.9. Conservation planting.

[R, D]

4.1.10. Indigenous vegetation clearance, ~~including where managed by the National Environmental Standards for Plantation Forestry 2017.~~

[R, D]

4.1.11. Non-indigenous vegetation clearance, ~~including~~ excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

[R, D]

4.1.12. Cultivation, including where managed by the National Environmental Standards for Plantation Forestry 2017.

[R, D]

4.1.13. Excavation, ~~including where managed by the National Environmental Standards for Plantation Forestry 2017.~~

Comment [1]: Topic 22

Comment [RW2]: NES – Plantation Forestry 1/2/2019

Comment [3]: Topic 22

Comment [RW4]: NES – Plantation Forestry 1/2/2019

Comment [5]: Topic 19

Comment [RW6]: NES – Plantation Forestry 1/2/2019

Comment [RW7]: NES – Plantation Forestry 1/2/2019

Comment [RW8]: NES – Plantation Forestry 1/2/2019

[D]

4.1.14. ~~Excavation or filling~~ Earthworks within the National Grid Yard.

Comment [9]: Topic 20

[R, D]

4.1.15. Filling of land with clean fill.

[R, D]

4.1.16. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.

[R, D]

4.1.17. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

[R, D]

4.1.18. Construction of an off-river dam.

[R, D]

4.1.19. Land disturbance to create and maintain a fire break.

[R]

4.1.20. Livestock entering onto, or passing across, the bed of any river.

[R]

4.1.21. Application (involving a discharge) of an agrichemical into or onto land.

Comment [10]: Topic 14

[R]

4.1.22. Storage and Application (involving a discharge) of fertiliser or lime into or onto land.

Comment [11]: Topic 14

[R]

4.1.23. Application (involving a discharge) of a vertebrate toxic agent by hand into or onto all land, or application (involving a discharge) of a vertebrate toxic agent by air on private land.

Comment [12]: Topic 14

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

Comment [13]: Topic 14

[R]

4.1.24. Application (involving a discharge) of compost or solid agricultural waste into or onto land.

Comment [14]: Topic 14

[R]

4.1.25. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

[R]

4.1.26. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.

[R]

4.1.27. Discharge of dairy farm effluent into or onto land.

[R]

4.1.28. Discharge of swimming or spa pool water onto land.

[R]

4.1.29. Discharge of human effluent into or onto land through an onsite management system.

[R]

4.1.30. Disposal of farm rubbish into a pit.

[R]

4.1.31. Disposal of offal or a carcass into an offal pit.

[R]

4.1.32. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

[R]

4.1.33. Storage of compost not in a pit or stack.

[R]

4.1.34. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

4.1.35. Discharge of contaminants to air arising from burning in the open.

[R]

4.1.36. Discharge of contaminants to air from burning for the purposes of vegetation clearance.

[R]

4.1.37. Discharge of contaminants to air from seed cleaning.

[R]

4.1.38. Discharge of contaminants to air from the burning of oil in a frost protection heater.

[R]

4.1.39. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

[R]

4.1.40. Discharge of contaminants to air from the burning of solid fuel in any indoor open fire.

[R]

4.1.41. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance.

[R]

4.1.42. Discharge of heat and water vapour from cooling towers.

[D]

4.1.43. Residential activity.

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Volume Two

[D]

4.1.44. Home occupation.

[D]

4.1.45. Homestay.

[D]

4.1.46. Keeping of domestic livestock.

[D]

4.1.47. Marae activity on Sec 1 SO 313389.

[D]

4.1.48. Papakāinga.

[D]

4.1.49. Community activity using an existing community facility.

[D]

4.1.50. Passive recreation.

[D]

4.1.51. Recreational event or special event.

[D]

4.1.52. Veterinary clinic.

[D]

4.1.53. Golf course.

[D]

4.1.54. Racing stable or trotting ground.

[D]

4.1.55. Cattery or kennel.

[D]

4.1.56. Worker accommodation.

Comment [15]: Topic 12

[R]

4.1.57. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

Comment [16]: Topic 13

[D]

4.1.58. Buildings, structures and activities in the National Grid Yard.

Comment [17]: Topic 20

[R]

4.1.59. Discharge of dust.

Comment [18]: Topic 18

[R]

4.1.60. -Amateur Radio Configurations

Comment [19]: Topic 20

4.2. Standards that apply to all permitted activities

4.2.1. Construction and siting of a building or structure except a temporary building or structure, unmodified shipping container or an off-river dam (unless any Standards listed below are specified as Standards for those activities).

- 4.2.1.1. No more than one residential dwelling must be constructed or sited per ~~Computer Register~~ Record of Title.
- 4.2.1.2. The maximum height of a building or structure must not exceed 10m.
- 4.2.1.3. On a site smaller than 4000m², the minimum setbacks from site boundaries must be:
- (a) 6m for a building that is a dwelling;
 - (b) 3m for a building (except a dwelling) that has a gross floor area greater than 15m²;
 - (c) 1.5m for a building (except a dwelling) has a gross floor area less than 15m². ~~no part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level.~~
- 4.2.1.4. No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.
- 4.2.1.5. A dwelling must not be sited closer than:
- (a) 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works; or
 - (b) 150m from a building or an associated waste storage facility that is used for intensive farming.
- 4.2.1.6. A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing ~~commercial~~ plantation forestry or carbon sequestration forestry on any adjacent land under different ownership.
- 4.2.1.7. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area, excluding stock fences.
- 4.2.1.8. A building must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, the landward toe of any stopbank or the sea.
- 4.2.1.9. Permanent buildings must not cover more than 15% of the net site area within a ~~Computer Register~~ Record of Title. The net site area does not include any greenhouse utilising the soils of the site.
- 4.2.1.10. For a site larger than 4000m², the following minimum setbacks must be provided:
- (a) 8m for the front boundary;
 - (b) ~~8~~5m for the rear boundary;
 - (c) 5m for a side boundary.
- 4.2.1.11. On land within any Marlborough Sounds Outstanding Natural Feature and Landscape:
- (a) a building or structure must not exceed 10m²;

Comment [20]: Topic 12

Comment [21]: Topic 12

Comment [22]: Topic 9

Comment [23]: Topic 22

Comment [24]: Topic 5

Comment [25]: Topic 12

- (b) any exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 4.2.1.12. On land within the Marlborough Sounds ~~Coastal-High Amenity~~ Landscape any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 4.2.1.13. A building or structure that has the potential to divert water must not be erected within a Level 2 Flood Hazard Area provided that the following buildings or structure are exempt:
- (a) post and wire stock and boundary fences;
- (b) structures which are both less than 6m² in area and less than 2m in height;
- (c) masts, poles, radio and telephone aerials less than 6m above mean ground level;
- (d) viticultural support structures.
- (e) except that this standard does not apply to the properties identified on Appendix 22.
- 4.2.1.14. A building or structure must not be erected within a Level 3 Flood Hazard Area provided that the following buildings or structure are exempt:
- (a) post and wire stock and boundary fences;
- (b) structures which are both less than 6m² in area and less than 2m in height;
- (c) masts, poles, radio and telephone aerials less than 6m above mean ground level.
- ~~4.2.1.15. (Deleted) Under the National Grid Conductors (wires) within the National Grid Yard the following apply:~~
- ~~(a) a fence must not exceed 2.5m in height;~~
- ~~(b) a building or structure must be uninhabitable and used for farming or horticulture but must not be used as a dairy shed, intensive farming building or commercial greenhouse;~~
- ~~(c) building alterations and additions must be contained within the original building height and footprint;~~
- ~~(d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.~~
- ~~4.2.1.16. (Deleted) Around National Grid Support Structures within the National Grid Yard the following apply:~~
- ~~(a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;~~
- ~~(b) a building or structure must not be closer than 12m to a National Grid Support Structure.~~
- 4.2.1.15. A building or structure must not be located within 1.5m of the legal boundary with the rail corridor of the Main North Line except for a fence up to 2m in height.

Comment [26]: Topic 5

Comment [27]: Topic 9

Comment [28]:

Comment [29]: Topic 9

Comment [30]: Topic 20

Comment [31]: Topic 12

4.2.2. Noise.

4.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the notional boundary of any dwelling in the Coastal Environment Zone ~~the Zone boundary or within the Zone (other than on a property on which the activity occurs):~~

7.00 am to 10.00 pm	65-dBA L_{Aeq}
10.00 pm to 7.00 am	65-dBA L_{Aeq} 75dB L_{AFmax}

Comment [32]: Topic 18

4.2.2.2. An activity undertaken within the Coastal Environment Zone must be conducted to ensure that noise arising at any point ~~er~~ within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or at any point within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Coastal Environment does not exceed the following noise limits:

7.00 am to 10.00 pm	50-dBA L_{Aeq}
10.00 pm to 7.00 am	40-dBA L_{Aeq} 70dB L_{AFmax}

4.2.2.3. The following activities are excluded from having to comply with the noise limits:

- (a) sirens and call out sirens associated with the activities of emergency services;
- (b) mobile machinery used for a limited duration as part of agricultural, or horticultural activities occurring in the Coastal Environment Zone;
- ~~(b) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes. (Deleted)~~

4.2.2.4. 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 L_{Aeq} (15 min) when measured and assessed in accordance with Rule 4.2.2.5.

4.2.2.5 Wind turbine sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise and the noise at any point within the notional boundary of any residential Dwelling must not exceed 40 dB $L_{A90}(10min)$ or the background sound level $L_{A90}(10 min)$ plus 5dB, whichever is higher.

Comment [33]: Topic 18

~~Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55 dBA L_{Aeq} (15 min) at all times.~~

4.2.2.56. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

4.2.2.76. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

4.2.2.8. The noise from wind turbines shall be designed and operated to comply with the requirements of NZS 6808:2010 Acoustics - Wind Farm Noise.

4.2.39 Noise sensitive activity in the context of port activities.

Comment [34]: Topic 18

4.2.3.1. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity within the Outer Noise Control Boundary at the port in the Coastal Environment Zone shall be adequately insulated from port noise.

4.2.3.2 Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40dBA L_{dn} in all new habitable spaces and buildings used for noise sensitive activities. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.

Comment [35]: Topic 18

4.2.34. Noise sensitive activity in the context of frost fans.

4.2.34.1. Any new noise sensitive activity located within 300m of any frost fan not within the same site single land holding must be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1:2004-2013 Acoustics – Rating of sound insulation in buildings and of building elements Part 1 – Airborne sound insulation:

Comment [36]: Topic 21

Dwellings located less than 300m and $DnT,w + Ctr50-3150 \geq 27$ -dB more than 200m from the nearest frost fan

Dwellings located less than 200m and $DnT,w + Ctr50-3150 \geq 32$ -dB more than 100m from the nearest frost fan

Dwellings located less than 100m from the $DnT,w + Ctr50-3150 \geq 37$ -dB nearest frost fan

Comment [37]: Topic 18

4.2.34.2. For the purposes of Standard 4.2.3.1, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof.

4.2.34.3. Standards 4.2.3.1 and 4.2.3.2 also apply to any alteration of an existing dwelling, visitor accommodation or other habitable building located within 300m of the closest frost fan selected for the purpose of Standard 4.2.3.1, where a new bedroom forms part of the alteration. For the avoidance of doubt only the new bedroom has to be treated in accordance with Standards 4.2.3.1 and 4.2.3.2.

4.2.34.4. For the purposes of Standards 4.2.3.1, 4.2.3.2 and 4.2.3.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted ~~and "site" has the meaning of "single land holding".~~

Comment [38]: Topic 21

4.2.45. Odour.

4.2.45.1. There must be no ~~The odour must not be~~ objectionable or offensive odour to the extent that it causes an adverse effect ~~, as detected~~ at or beyond the legal boundary of the ~~site area of land on which the permitted activity is occurring.~~

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance

standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

Comment [39]: Topic 18

4.2.56. Smoke.

4.2.56.1. 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.

4.2.67. Dust.

4.2.67.1. ~~The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring. There must be no objectionable or offence discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.~~

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

Comment [40]: Topic 18

4.2.78. ~~Dust-Particulate~~ from any process vent or stack.

4.2.78.1. The ~~dust-particulate~~ must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

4.2.78.2. The concentration of particulate discharged ~~rate~~ from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to "Standards for specific permitted activities"

~~4.2.7.3. Dust particles must not exceed 0.05mm size in any direction. (Deleted)~~

Comment [41]: Topic 18

4.2.9. Use of external lighting

4.2.9.1. All outdoor lighting and exterior lighting excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.

Comment [42]: Topic 18

4.3. Standards that apply to specific permitted activities

4.3.1. Farming.

4.3.1.1. The farming must not include:

(a) a dairy farm established after 9 June 2016; or

(b) the expansion of an existing dairy farm where there is an increase in the area or intensity of the farming operation resulting in an additional area of dairy shed.

Comment [43]: Topic 12

4.3.2. Farm airstrip or farm helipad.

4.3.2.1. The airstrip or helipad must be ~~integral~~ ancillary to the use of the land on which the airstrip or helipad is located for farming.

Comment [44]: Topic 12

4.3.3. Relocated building.

4.3.3.1. A relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

~~4.3.3.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site. This includes providing connections to all infrastructure services and closing in and ventilation of the foundations. The owner of the land on which the relocated building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 6 month period. (Deleted)~~

Comment [45]: Topic 12

4.3.3.2 A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.

Comment [46]: Topic 12 – new 4.3.3.2 (previous 4.3.3.2 deleted)

4.3.3.3 The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.

4.3.3.4 All other reinstatement work required by the report referred to in 4.3.3.2 and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting 4.3.3.5, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

4.3.3.5 The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 12 month period.

4.3.3.~~36~~. The siting of the relocated building must also comply with Standards 4.2.1.1 to 4.2.1.16 (inclusive).

Comment [47]: Topic 12

4.3.4. Temporary building or structure, or unmodified shipping container.

4.3.4.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

- (a) exceed 40m² in area;
- (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

4.3.4.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.

4.3.4.3. A temporary building or structure, or unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 4.2.1.3 and 4.2.1.10.

4.3.5. Audible bird-scaring device.

4.3.5.1. A Category A or Category B device must not be operated:

- (a) between sunset and sunrise ~~8.00 pm and 7.00 am the following day~~ if the device is within 2km of a noise sensitive activity;

Comment [48]: Topic 12

- (b) within 800m of any rest home, public or private hospital;
- ~~(c) within 160m of the boundary or notional boundary of the nearest dwelling, visitor accommodation or other habitable building on land in different ownership;~~~~(Deleted)~~
- ~~(d)~~ such that sound is emitted at a level greater than 65-dB LAE, measured at or within the boundary (Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 Zones, and Coastal Living and Rural Living Zones) or notional boundary (Rural Environment or Coastal Environment Zones) of the nearest dwelling, visitor accommodation or other habitable building on land in different ownership;
- ~~(e)~~ closer than 250m to any other audible bird-scaring device.

Comment [49]: Topic 18

4.3.5.2. A Category A device must not be operated:

- (a) within 100m of a public road;
- (b) at any greater frequency than 4 events in any period of one hour. An event is defined as 3 discharges within a 30 second period;
- (c) at a greater density than one device per five hectares of land in any single land holding, except where the land is less than five hectares in area, one device shall be permitted.

4.3.5.3. A Category B device must not be operated for any continuous period exceeding two seconds, or at a frequency greater than 10 times in any hour for each 5ha block that the device is being operated over.

Comment [50]: Topic 12s

4.3.5.4. The device must only be operated where a crop is at risk from bird damage.

4.3.5.5. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

4.3.6. ~~Commercial~~ Plantation forestry replanting.

Comment [51]: Topic 22

4.3.6.1. Replanting must not be in, or within:

- (a) ~~8 metres of a river (except an ephemeral river) or lake;~~~~(Deleted)~~
- (b) 8m of a Significant Wetland;
- (c) ~~30-200metres~~ of the coastal marine area.

Comment [RW52]: NES – Plantation Forestry 1/2/2019 (deletion of 4.3.6.1)

Comment [53]: Topic 22

4.3.6.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

4.3.7. Woodlot forestry planting.

4.3.7.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

- 4.3.7.2. Planting must not be in, or within:
- (a) 30m of a formed and sealed public road;
 - (b) 8m of a river (except an ephemeral river) or lake;
 - (c) 8m of a Significant Wetland;
 - (d) 200m of the coastal marine area;
 - (e) Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.
- 4.3.7.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

4.3.8. Woodlot forestry harvesting.

- 4.3.8.1. Harvesting must not be in, or within:
- (a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
 - (b) 8m of a Significant Wetland;
 - (c) 200m of the coastal marine area.
- 4.3.8.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.8.3. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.
- 4.3.8.4. No excavation must occur on any land with a slope greater than 35°.
- 4.3.8.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.
- 4.3.8.6. Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.
- 4.3.8.7. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.8.8. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 4.3.8.9. Trees, slash and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (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;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

- 4.3.8.10. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.8.11. Harvesting must not cause any conspicuous change in the colour or ~~visual natural~~ clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, ~~as measured as follows:~~
- (a) ~~hue must not be changed by more than 10 points on the Munsell scale.~~~~Deleted~~
 - (b) ~~the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.~~~~Deleted~~
 - (c) ~~the change in reflectance must be <50%.~~~~Deleted~~
- 4.3.8.12. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

Comment [54]: Topic 13

4.3.9. Conservation planting.

- 4.3.9.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga Menziesii*);
 - (b) Lodgepole pine (*Pinus contorta*);
 - (c) Muricata pine (*Pinus muricata*);
 - (d) European larch (*Larix decidua*);
 - (e) Scots pine (*Pinus sylvestris*);
 - (f) Mountain or dwarf pine (*Pinus mugo*);
 - (g) Corsican pine (*Pinus nigra*).
- 4.3.9.2. ~~That the There must be no~~ planting of vegetation ~~must not occur where that vegetation, when fully grown, could shade which will mature to a height exceeding 6m within 30m of~~ a formed and sealed road ~~between 10.00 am and 2.00 pm on the shortest day of the year except where the topography already causes shading.~~
- 4.3.9.3. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

Comment [55]: Topic 12

4.3.10. Indigenous vegetation clearance.

Note:
Permitted Activity standards 4.3.10.2, 4.3.10.3(a), 4.3.10.5, and 4.3.10.6 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Plantation Forestry 2017.

- 4.3.10.1. Indigenous vegetation clearance must comply with Standards 4.3.11.1 to 4.3.11.11 (inclusive).
- 4.3.10.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 4.3.10.3 to 4.3.10.6 (inclusive):
- (a) indigenous vegetation under ~~or within 50m of commercial forest, woodlot forest or shelter belt;~~
 - (b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from

Comment [RW56]: NES – Plantation Forestry 1/2/2019

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previously cleared land (i.e. regrowth) and where the regrowth is less than ~~20~~-10 years in age;

- (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~~-20 years in age;
- (d) where the clearance is associated with the maintenance of ~~an~~-existing roads, forestry roads, harvesting tracks, ~~or~~ farm tracks, fence lines, cycling tracks or walking tracks;
- (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling;
- (f) where the clearance is associated with operation and maintenance of the National Grid, existing network utility operations, and existing electricity distribution activities;
- (g) where the clearance is associated with the maintenance of existing fire breaks.

Comment [58]: Topic 6

4.3.10.3. Clearance of indigenous vegetation must not occur:

- (a) on a Threatened Environments – Indigenous Vegetation Site;
- (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.

4.3.10.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:

- (a) duneland vegetation;
- (b) coastal grassland;
- ~~(c) coastal flaxlands; (deleted)~~
- ~~(d)~~ coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium ~~sp~~ speciosum*);
- ~~(e)~~ coastal broadleaved shrubland;
- ~~(f)~~ coastal small-leaved shrubland;
- ~~(g)~~ coastal salt turf;
- ~~(h)~~ coastal speargrass herbfield.

Comment [59]: Topic 6

4.3.10.5. Clearance of indigenous forest must not exceed 1,000m² per ~~Computer Register~~Record of Title in any 5 year period.

Comment [60]: Topic 21

4.3.10.6. Clearance of indigenous vegetation, per ~~Computer Register~~Record of Title, must not exceed:

- (a) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 10,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 500m² of indigenous sub-alpine vegetation;
 - (ii) 100m² of tall tussock of the genus *Chinochloa*.

4.3.10.7. Clearance of indigenous forest within the coastal environment must not exceed 500m² per Record of Title in any 5 year period.

4.3.10.8. Clearance of indigenous vegetation within the coastal environment, per Record of Title, must not exceed:

- (a) 1,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 5,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 250m² of indigenous sub-alpine vegetation;
 - (ii) 50m² of tall tussock of the genus *Chinochloa*.

Comment [61]: Topic 6

4.3.11. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

Note:

Standards 4.3.11.2, 4.3.11.3, 4.3.11.4, 4.3.11. 8, 4.3.11.9 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan.

Comment [62]: Topic 19

Comment [63]: Topic 19

Note:

Where non-indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 4.3.11.1, 4.3.11.8 and 4.3.11.9 do not apply, and Standards 4.3.11.2, 4.3.11.5, 4.3.11.6, 4.3.11.7, 4.3.11.10 and 4.3.11.11 only apply to the extent that they relate to Significant Wetlands and the coastal marine area.

Comment [RW64]: NES – Plantation Forestry 1/2/2019

4.3.11.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.

Comment [65]: Topic 19

4.3.11.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.

4.3.11.3. Vegetation clearance must not be in, or within 8m of a Significant Wetland except:

- (a) where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case vegetation clearance may occur up to the fenced boundary; or
- (b) plants identified in Appendix 25 may be removed from a Significant Wetland but by non-mechanical means only.

Comment [66]: Topic 6

4.3.11.4. 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.

4.3.11.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.

4.3.11.6 Notwithstanding 4.3.11.5, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.

Comment [67]: Topic 12

~~4.3.11.67.~~ Except for trees felled in accordance with 4.3.11.6, No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.

- 4.3.11.78. Wheeled or tracked machinery must not be operated in or within 8m of:
- (a) a river (except an ephemeral river or intermittently flowing river, when not flowing);
 - (b) a lake;
 - (c) a Significant Wetland ~~or the coastal marine area except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case wheeled or tracked machinery may be operated up to the fenced boundary;~~ or
 - (d) the coastal marine area.
- 4.3.11.89. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 4.3.11.910. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 4.3.11.4011. Woody material greater than 100mm in diameter and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (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;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 4.3.11.1412. Vegetation clearance must not cause any conspicuous change in the colour or visual natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, ~~measured as follows:~~
- (a) ~~hue must not be changed by more than 10 points on the Munsell scale;~~ Deleted
 - (b) ~~the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;~~ Deleted
 - (c) ~~the change in reflectance must be <50%;~~ Deleted

Comment [68]: Topic 6

Comment [69]: Topic 13

4.3.12. Cultivation.

Note:

Where cultivation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 4.3.12.1, 4.3.12.2, 4.3.12.3, and 4.3.12.5 and 4.3.12.6 do not apply, and Standards 4.3.12.2, 4.3.12.4 and 4.3.12.6 only apply to the extent that they relate to Significant Wetlands and the coastal marine area.

- 4.3.12.1. On all slopes greater than 20° cultivation must be parallel to the contour of the land, except that up to 15% of the cultivated area may be cultivated at an angle to the contour.

Comment [RW70]: NES – Plantation Forestry 1/2/2019

Comment [71]: Topic 19

- 4.3.12.2. On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.3. On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.4. Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.
- 4.3.12.5. On completion of cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.
- 4.3.12.6. Cultivation must not cause any conspicuous change in the colour or ~~visual natural~~ clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, ~~measured as follows:~~
- ~~(a) hue must not be changed by more than 10 points on the Munsell scale; Deleted~~
 - ~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site; Deleted~~
 - ~~(c) the change in reflectance must be <50%; Deleted~~

Comment [72]: Topic 13

4.3.13. Excavation.Note:

Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 4.3.13.1, 4.3.13.2, 4.3.13.3(a), 4.3.13.8 and 4.3.13.9 and 4.3.13.10 do not apply, and Standards 4.3.13.3(a)(b), 4.3.13.7 and 4.3.13.7 and 4.3.13.10 only apply to the extent that they relate to Significant Wetlands smaller than 0.25ha in area and the coastal marine area.

Comment [RW73]: NES – Plantation Forestry 1/2/2019

- 4.3.13.1. Excavation in excess of 1000m³ must not occur on any land with a slope greater than 20° within any 24 month period. This standard excludes:
- (a) excavation undertaken for the maintenance of farm tracks; or
 - (b) digging of postholes for the construction of fences.
- 4.3.13.2. Excavation must not occur on any land with a slope greater than 35°.
- 4.3.13.3. Excavation must not be in, or within:
- (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of a Significant Wetland;
 - (c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.
- 4.3.13.4. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.13.5. Excavation must not be within a Level 2 or 3 Flood Hazard Area.

Comment [74]: Topic 19

- 4.3.13.6. There must be no excavation in excess of 500m³ per ~~Computer Register~~Record of Title located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.
- 4.3.13.7. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.13.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 4.3.13.9. Water control measures and sediment control measures must be designed, constructed and maintained in ~~an~~ an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.
- 4.3.13.10. Excavation must not cause any conspicuous change in the colour or ~~visual natural~~ visual natural clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area. ~~measured as follows:~~
- ~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~ Deleted
 - ~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;~~ Deleted
 - ~~(c) the change in reflectance must be <50%.~~ Deleted
- 4.3.13.11. Where the excavation results in areas of exposed soil, those areas must be revegetated within 12 months of the completion of the excavation.
- 4.3.13.12. Excavation must not cause water to enter onto any adjacent land under different ownership.
- 4.3.13.13 Excavation must not be associated with the construction or maintenance of forestry roads, forestry tracks, or skid sites.
- 4.3.14. ~~Excavation or filling~~Earthworks within the National Grid Yard.
- 4.3.14.1. ~~Excavation~~Earthworks within the National Grid Yard in the following circumstances is exempt from Standards 4.3.14.2 to 4.3.14.5 (inclusive):
- (a) ~~Excavation~~Earthworks ~~that is~~ undertaken as part of agricultural, horticultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
 - (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;
 - ~~(c) Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.~~
 - (c) Earthworks that are undertaken by a network utility operator.
- 4.3.14.2. The ~~excavation earthworks~~ must be no deeper than 300mm within 6m of the outer visible edge of a foundation of a National Grid transmission line support structure~~Transmission Tower Support Structure~~.

Comment [75]: Topic 5

Comment [76]: Topic 13

Comment [77]: Topic 19

Comment [78]: Topic 19

Comment [79]: Topic 22

- 4.3.14.3. The ~~excavation earthworks~~ must be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a National Grid transmission line support structure ~~Transmission Tower Support Structure~~.
- 4.3.14.4. The ~~excavation earthworks~~ must not compromise the stability of a National Grid transmission line Support Structure.
- 4.3.14.5. The ~~filling earthworks~~ must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

Comment [80]: Topic 20

4.3.15. Filling of land with clean fill.

- ~~4.3.15.1. The filling must not use commercial clean fill. (Deleted)~~
- 4.3.15.21. Filling in excess of 1000m³ must not occur within any 24 month period.
- 4.3.15.32. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 4.3.15.43. Fill must not be within a Level 2 or 3 Flood Hazard Area.
- 4.3.15.54. There must be no filling in excess of 500m³ per ~~Computer Register~~ Record of Title located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.
- 4.3.15.65. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 4.3.15.76. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.
- 4.3.15.87. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.
- 4.3.15.98. Filling must not be in, or within:
- 8m of a river (except an ephemeral river when not flowing) ~~or lake or the coastal marine area;~~
 - 8m of, a Significant Wetland;
 - 8m of the landward toe of a stopbank;-
 - 20m of the coastal marine area.
- 4.3.15.409. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.15.4410. Filling must not cause any conspicuous change in the colour or ~~visual~~ natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, ~~measured as follows:~~
- ~~hue must not be changed by more than 10 points on the Munsell scale; Deleted~~
 - ~~the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site; Deleted~~

Comment [81]: Topic 19

Comment [82]: Topic 5

Comment [83]: Topic 19

~~(c) the change in reflectance must be <50%. Deleted~~

4.3.15.11. Filling must not cause water to enter onto any adjacent land under different ownership.

Comment [84]: Topic 19

4.3.15.12 Filling must not be associated with the construction or maintenance of forestry roads, forestry tracks or skid sites.

Comment [85]: Topic 22

4.3.16. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.

The construction or alteration of a bore does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

4.3.16.1. The bore must not be located:

- (a) within the bed of a river;
- (b) within 8m of the landward toe of a stopbank;
- (c) within 50m of the land application area of any on-site wastewater management system or an offal pit;
- (d) within 50m of the boundary of a property in which the discharge of dairy effluent to land occurs;
- (e) in, or within 8m of, a Significant Wetland;

4.3.16.2. The bore casing must contain only one screen, which must not exceed 10m in length.

4.3.16.3. The bore must be capped at all times.

4.3.16.4. The bore must be constructed by a Recognised Professional.

4.3.16.5. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of construction or alteration of the bore.

Additional Standards for bores to be used for domestic purposes:

4.3.16.6. The bore must not be located within 10m of an existing bore used for domestic purposes on an adjacent property in different ownership.

Additional Standards for bores to be used for irrigation purposes:

4.3.16.7. The bore must not be located within 50m of an existing bore on an adjacent property in different ownership.

4.3.17. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

4.3.17.1. The bore must be drilled by a Recognised Professional.

4.3.17.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of the drilling of the bore.

4.3.17.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

4.3.18. Construction of an off-river dam.

The construction of a dam does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

4.3.18.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.

- 4.3.18.2. The dam must not intersect the groundwater.
- 4.3.18.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 4.3.18.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 4.3.18.5. The construction must comply with the Permitted Activity standards for Excavation, Filling, Indigenous Vegetation Clearance and Non-Indigenous Vegetation Clearance in the Coastal Environment Zone.
- 4.3.18.6. The dam walls must comply with the setbacks for buildings in Standards 4.2.1.3 and 4.2.1.10.

4.3.19. Land disturbance to create and maintain a fire break.

- 4.3.19.1. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed in the creation of a fire break, such that the areas are stable and the measures remain effective after completion of the land disturbance.

4.3.20. Livestock entering onto, or passing across, the bed of a river.

- 4.3.20.1. The entering onto or passing across the bed of a river of livestock must not involve intensively farmed livestock if there is water flowing in the river.
- 4.3.20.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or ~~visual-natural~~ clarity of a flowing river, ~~measured as follows: due to sediment or sediment laden discharge originating from the activity site.~~

- ~~(a) hue must not be changed by more than 10 points on the Munsell scale; (deleted)~~
- ~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site; (deleted)~~
- ~~(c) the change in reflectance must be <50%; (deleted)~~

Comment [86]: Topic 13

- 4.3.20.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in the water quality of the river exceeding ~~the a change in concentration of~~ following:
 - (a) ~~daily average 2mg/l carbonaceous BOD⁵ due to dissolved organic compounds (i.e. those passing a GF/C filter);~~
 - ~~(b) dissolved reactive phosphorus; (deleted)~~
 - ~~(c) dissolved inorganic nitrogen; (deleted);~~
 - ~~(d) 260 Escherichia coli (E. coli)/100ml.~~

Comment [87]: Topic 13

4.3.21. Application (involving a discharge) of an agrichemical into or onto land.

- 4.3.21.1. ~~(Deleted) The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.~~

Comment [88]: Topic 14

Comment [89]: Topic 14

- 4.3.21.12. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 4.3.21.23. The application must be undertaken either:
 - (a) in accordance with the most recent product label; or
 - (b) if the agrichemical is approved for use under the Hazardous Substances and New Organisms Act 1996, the discharge shall be in accordance with all conditions of the approval. ~~All spills of~~

~~agricultural above the application rate must be notified to Council immediately.~~

Comment [90]: Topic 14

4.3.21.3. All spills of agricultural above the application rate must be notified to Council immediately.

Comment [91]: Topic 14

4.3.21.4. 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 Agricultural.

4.3.22. Storage and Application (involving a discharge) of fertiliser or lime into or onto land.

Comment [92]: Topic 14

4.3.22.1. Fertiliser must be stored on an impermeable surface, banded ~~surface~~ and covered at all times, except when fertiliser is being applied.

Comment [93]: Topic 14

4.3.22.2. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.

4.3.22.3. 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).

4.3.22.4. The application must not occur when the soil moisture exceeds field capacity.

4.3.22.5. ~~All reasonable care must be exercised with the application of fertiliser or lime 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.~~ The application of fertiliser must not result in so as to ensure that the fertiliser or lime must not passing beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

4.3.22.5. All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.

Comment [94]: Topic 14

4.3.23. Application (involving a discharge) of a vertebrate toxic agent by hand into or onto all land, or application (involving a discharge) of a vertebrate toxic agent by air on private land.

Comment [95]: Topic 14

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

Comment [96]: Topic 14

4.3.23.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996.

4.3.23.2. All reasonable care must be exercised in the discharge 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.

4.3.24. Application (involving a discharge) of compost or solid agricultural waste into or onto land.

Comment [97]: Topic 14

4.3.24.1. The application must not occur within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, ~~or~~ drainage channel, or mean high water springs;
- (c) 10m of a dwelling on any adjacent land in different ownership.

Comment [98]: Topic 14

4.3.24.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

4.3.24.3. The application must not occur within a Groundwater Protection Area.

Comment [99]: Topic 14

4.3.25. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

4.3.25.1. The discharge must not occur within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, ~~or~~ drainage channel or mean high water springs;
- (c) 10m of the boundary of any adjacent land in different ownership.

Comment [100]: Topic 14

4.3.25.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.

4.3.25.3. The discharge must not occur when the soil moisture exceeds field capacity.

4.3.25.4. The discharge must not result in the ponding of effluent. ~~Ponding must not be detectable beyond 24 hours after the discharge.~~

Comment [101]: Topic 14

4.3.25.5. The discharge must not result in anaerobic soil conditions.

4.3.25.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).

4.3.25.7. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.

4.3.25.8. Records of pH levels must be kept and available upon request by the Council.

4.3.25.9. The discharge must not occur within a Groundwater Protection Area.

Comment [102]: Topic 14

4.3.26. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.

4.3.26.1. ~~Pest~~ Plants identified in the Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard~~ are the only vegetation that may be sprayed.

Comment [103]: Topic 6

4.3.26.2. The aquatic herbicide used must be one approved for aquatic use by the Environmental Protection Authority.

4.3.26.3. The application must be undertaken in accordance with the manufacturer's instructions.

4.3.26.4. The application rate must not exceed that stated on the most recent product label for the relevant application equipment or method and target species.

4.3.27. Discharge of dairy farm effluent into or onto land.

4.3.27.1. The discharge must not occur within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, ~~or~~ drainage channel or mean high water springs;
- (c) 10m of the boundary of any adjacent land in different ownership.

Comment [104]: Topic 14

- 4.3.27.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 4.3.27.3. [The discharge must not result in the ponding of effluent.](#) -The discharge must not occur when the soil moisture exceeds field capacity.
- ~~4.3.27.4. Pending must not be detectable beyond 24 hours after the discharge.(Deleted)~~
- 4.3.27.54. The discharge must not result in anaerobic soil conditions.
- 4.3.27.65. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).
- 4.3.27.76. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional [who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer](#) as being sufficient to allow for discharges to be deferred so that Standards 4.3.27.3, 4.3.27.4 and 4.3.27.5 are not breached. The certification report must be provided to the Council prior to effluent entering the storage system [and the certified storage volume must be maintained at all times.](#)
- 4.3.27.87. For a new dairy farm established after 9 June 2016, the [effluent collection and storage system must at all times be sealed to prevent leakage](#) with an impermeable material [and the integrity of the system and impermeable material to prevent leakage is certified at the time of construction and upon request by Council](#) by a recognised professional [who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer.](#)
- 4.3.27.98. For a new dairy farm established after 9 June 2016, the storage system must not be located within:
- 20m of a river, lake, Significant Wetland, or drainage channel [or mean high water springs;](#)
 - 20m of the boundary of any adjacent land in different ownership;
 - a Flood Hazard Area.
- 4.3.27.109. [24 months after the plan becomes operative, From 9 June 2019,](#) Standards 4.3.27.7, 4.3.27.8 and 4.3.27.9 apply to a dairy farm existing at 9 June 2016 [and a new dairy farm established after 9 June 2016.](#)
- [4.3.27.10. The discharge must not occur within a Groundwater Protection Area.](#)

Comment [105]: Topic 14

Comment [106]: Topic 14

Comment [107]: Topic 14

Comment [108]: Topic 14

Comment [109]: Topic 14

Comment [110]: Topic 14

4.3.28. Discharge of swimming or spa pool water onto land.

- 4.3.28.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 4.3.28.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 4.3.28.3. Fourteen days prior to discharging to land, swimming or spa pool water:
- must be uncovered;
 - must not be treated with any chemicals.

4.3.29. Discharge of human effluent into or onto land through an onsite management system.

- 4.3.29.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
- 4.3.29.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 4.3.29.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 4.3.29.4. There must be:
- no ponding of effluent;
 - no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, groundwater or coastal water.
- 4.3.29.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 4.3.29.6. Effluent must be able to:
- infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 4.3.29.7. The discharge must not occur within 50m of a bore.
- 4.3.29.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

4.3.30. Disposal of farm rubbish into a pit.

- 4.3.30.1. Only biodegradable material (~~except including~~ offal or ~~a carcasses not from intensive farming~~) ~~must may~~ be disposed of to a farm rubbish pit. Comment [111]: Topic 14
- 4.3.30.2. Only farm rubbish sourced from the same property, ~~must or a property held in the same ownership, may~~ be disposed of to a farm rubbish pit. Comment [112]: Topic 14
- 4.3.30.3. The farm rubbish pit must not be located within:
- 50m of a bore;
 - 20m of a river, lake, Significant Wetland, ~~or drainage channel or mean high water springs;~~ Comment [113]: Topic 14
 - 50m of any boundary of the property or a dwelling.
- 4.3.30.4. Surface run-off must not enter the pit.
- 4.3.30.5. When a pit is filled to within 0.5 m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.
- 4.3.30.6. The farm rubbish pit must be located above the natural ground water level at all times. Comment [114]: Topic 14

4.3.31. Disposal of offal or a carcass into an offal pit.

- 4.3.31.1. ~~The Only~~ offal, or carcasses ~~must be sourced from pastoral agriculture (except intensive farming) undertaken (except those from intensive farming)~~

sourced from ~~or~~ the same property, or a property held in the same ownership may be disposed of to an offal pit.

Comment [115]: Topic 14

4.3.31.2. Only offal, ~~or a carcasses or biodegradable material~~ may be disposed of to an offal pit.

Comment [116]: Topic 14

4.3.31.3. The offal pit must not be located within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, ~~or drainage channel~~ or mean high water springs;
- (c) 50m of any boundary of the property or a dwelling.

Comment [117]: Topic 14

4.3.31.4. The offal pit must be located above the natural ground water level at all times.

4.3.31.5. When not in use, ~~the~~ offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface ~~runoff when not in use~~.

Comment [118]: Topic 14

4.3.31.6 The disposal must not occur within a Groundwater Protection Area.

Comment [119]: Topic 14

4.3.32. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

4.3.32.1. The pit, stack or stockpile must not be located within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, ~~or drainage channel~~ or mean high water springs;
- (c) 10m of any boundary of any adjacent land in different ownership.

Comment [120]: Topic 14

4.3.32.2. The pit or stack must be completely covered by an impermeable material when the pit or stack is not being accessed to add or remove compost or silage ~~not in use~~.

Comment [121]: Topic 14

4.3.32.3. There must be no run-off of leachate from the pit, stack or stockpile or infiltration of leachate into groundwater.

Comment [122]: Topic 14

4.3.32.4. Stormwater must not enter the pit, stack or stockpile.

4.3.32.5. The pit, stack or stockpile must not occur within a Groundwater Protection Area.

4.3.32.6. The total area of any compost or silage in a stack(s), or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.

Comment [123]: Topic 14

4.3.33. Storage of compost not in a pit or stack.

4.3.33.1. The storage of compost must not occur within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, ~~or drainage channel~~ or mean high water springs;
- (c) 10m of any dwelling on any adjacent land in different ownership.

Comment [124]: Topic 14

4.3.33.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.

4.3.33.3. The storage of compost must not occur within a Groundwater Protection Area.

Comment [125]: Topic 14

4.3.33.4. The total area of any compost or silage in a stack(s), or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.

4.3.34. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

4.3.34.1. The Council must be notified at least 5 working days prior to the burning activity commencing.

4.3.34.2. Any discharges for purposes of training people to put out fires must take place under the control of [Fire and Emergency New Zealand, the New Zealand Defence Force](#) ~~the NZ Fire Service~~ or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

Comment [126]: Topic 13

4.3.35. Discharge of contaminants to air arising from burning in the open.

4.3.35.1. Only material generated on the same property or a property under the same ownership must be burned.

4.3.36. Discharge of contaminants to air from burning for the purposes of vegetation clearance.

4.3.36.1. Burning must not be carried out on [Land Use Capability](#) Class 7e or Class 8 land, as shown as the 'LUC' category on the New Zealand Land Resource Inventory database, when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the [Fire and Emergency New Zealand Act 2017](#) ~~Forest and Rural Fires Act 1977~~) for the burn are:

Comment [127]: Topic 13

- (a) drought code - 200 or higher;
- (b) build up index - 40 or higher.

4.3.37. Discharge of contaminants to air from seed cleaning.

4.3.37.1. The seed cleaning operation must be contained within a building.

4.3.37.2. Any new seed cleaning operation commenced after 9 June 2016 must not be located within 100m of any sensitive receptor.

4.3.38. Discharge of contaminants to air from the burning of oil in a frost protection heater.

4.3.38.1. The discharge must only take place for the purpose of preventing frost damage to crops.

4.3.38.2. The burning of oil must only take place in fuel burning equipment that operates with a stack or chimney, is purpose built, maintained and has double burning.

4.3.38.3 No waste oil is burnt, excluding re-refined oil.

Comment [128]: Topic 13

4.3.39. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

~~4.3.39.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2 (Deleted).~~

Comment [129]: Topic 13

4.3.39.2. The burner must only burn fuels approved for use in the burner.

4.3.40. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance.

~~4.3.40.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1. (Deleted)~~

~~4.3.40.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2. (Deleted)~~

4.3.40.31. The appliance must only burn fuels approved for use in the appliance.

4.3.40.42. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

Comment [130]: Topic 13

4.3.41. Discharge of heat and water vapour from cooling towers.

4.3.41.1. No more than 5MW of heat per hour must be discharged.

4.3.42. Home occupation.

4.3.42.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.

4.3.42.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:

8.00 am – 6.00 pm Monday to Friday

9.00 am – 12.00 pm Saturday

4.3.42.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.

4.3.42.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

4.3.43. Homestay.

4.3.43.1. The homestay must be operated within a dwelling that is a Permitted Activity in the Plan.

4.3.43.2. The homestay must be operated by a person residing in the dwelling on the property.

4.3.43.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.

4.3.43.4. The homestay must not accommodate more than 5 guests at any time.

4.3.44. Marae activity on Sec 1 SO 313389.

4.3.44.1. A maximum of five papakāinga units are permitted on the marae.

4.3.44.2. A minimum land area of 80m² must be provided for each papakāinga unit.

4.3.44.3. Any setbacks required under Standards 4.2.1.3 to 4.2.1.8 (inclusive) or 4.2.1.10 are to the external boundary of the ~~property~~ site and do not apply between buildings on the site.

Comment [131]: Topic 10

4.3.45. Papakāinga.

4.3.45.1. A maximum of five papakāinga units are permitted on a ~~Computer Register~~ Record of Title.

4.3.45.2. A minimum land area of 80m² must be provided for each papakāinga unit.

- 4.3.45.3. Any setbacks required under Standards 4.2.1.3 to 4.2.1.8 (inclusive) or 4.2.1.10 are to the external boundary of the ~~property site~~ and do not apply between units on the site.

Comment [132]: Topic 10

4.3.46. Recreational event or special event.

- 4.3.46.1. The event must not exceed seven consecutive days duration.
- 4.3.46.2. Where a site immediately adjoins or is located across a road from any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, the activity must not be conducted on the site between the hours of midnight and 7am.
- 4.3.46.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.
- 4.3.46.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

4.3.47. Worker accommodation.

- 4.3.47.1. The worker accommodation must be located within a Worker Accommodation Area as identified in Appendix 24.

Comment [133]: Topic 12

4.3.48. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

- 4.3.48.1. There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

Comment [134]: Topic 13

4.3.49. Buildings, structures and activities in the National Grid Yard

- 4.3.49.1. Sensitive activities and buildings for the handling or storage of hazardous substances with explosive or flammable intrinsic properties must not be located within the National Grid Yard.
- 4.3.49.2. Buildings and structures must not be located within the National Grid Yard unless they are:
- (a) a fence not exceeding 2.5m in height; or
 - (b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
 - (c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure;
- 4.3.49.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:
- (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or
 - (b) artificial crop protection structures or crop support structures not more than 2.5m in height and located at least 8m from a National Grid pi-pole structure (but not a tower) and are:
 - (i) removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and

(ii) all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or

(c) located within 12m of a National Grid transmission line support structure that meets the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice (NZECP34:2001).

4.3.49.4. All buildings and structures must have a minimum vertical clearance of 10m below the lowest point of a conductor under all transmission lines and building operating conditions.

Comment [135]: Topic 20

4.3.50 Amateur Radio Configurations

4.3.50.1 Except as specified below, the Recession Plane and Height Controls do not apply to any antenna or support structure.

4.3.50.2 Any part of an antenna or support structure must not overhang property boundaries.

4.3.50.3 Any of the elements making up an antenna must not exceed 80mm in diameter.

4.3.50.4 The maximum height of any support structure (including antenna) shall not exceed the height limit otherwise applicable to structures, except that:

(a) one free standing support structure (including antenna) per site may exceed the maximum height for a structure, up to a maximum of 20m; and

(b) any support structure (including antenna) attached to a building may exceed the height of the building by no more than 7m.

4.3.50.5 The maximum number of antennas on a site shall not exceed 12.

4.3.50.6 For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.

4.3.50.7 Any dish antenna must:

(a) Be less than 5m in diameter

(b) Be pivoted less than 4m above the ground

(c) Meet the relevant building setback

(d) At any point in its possible rotation, not exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.

Comment [136]: Topic 20

4.4. Controlled Activities

Application must be made for a Controlled Activity for the following:

[D]

4.4.1. Erection and use of a frost fan.

Standards and terms:

4.4.1.1. Noise from a frost fan shall not exceed 55-dB L_{Aeq} (15min):

(a) at a distance of 300m from the device;

- (b) at any point within the notional boundary of any existing dwelling, visitor accommodation or other habitable building (other than on the property on which the frost fan is situated);
whichever is the least distance.
- 4.4.1.2. Subject to Standard 4.4.1.3, sound levels must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802: 2008 Acoustics – Environmental Noise.
- 4.4.1.3. Noise from a frost fan which has special audible characteristics such as tonality or impulsiveness, must have a 5-dB penalty added to the measured level before compliance with Standard 4.4.1.1 is assessed except that where the Reference Method in the Standard is used to determine the penalty, the value of the penalty shall be a value in the range 0.1-dB to 6.0-dB as determined by that method.
- 4.4.1.4. The frost fan must only be operated for protection of crops from frost from bud burst to harvest, with the exception that frost fans may also be operated in the following circumstances:
- (a) for the purposes of maintenance and testing, limited to operation between 8.00 am to 5.00 pm on any day; or
- (b) for compliance monitoring at any time when the monitoring is undertaken by the Council or, where the monitoring is undertaken by a third party, when the Council has been notified.
- 4.4.1.5. When protecting crops from potential frost damage, a frost fan must only be operated in wind speeds not greater than 8km/hr (averaged over periods not greater than 5 minutes) and when the local air temperature is less than 1°C. For the purposes of this Standard, temperature must be measured within the property to be protected, for vineyards at the lowest fruiting wire and for other crops at the lowest point of the bud height (above ground level) of the plants being protected.
- 4.4.1.6. The frost fan must not be located within 500m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 or within 300m of any land zoned Rural Living or Coastal Living.
- 4.4.1.7. An application to erect a frost fan must include the following information:
- (a) details of the proposed frost fan(s), including make and model, manufacturers' specifications, blade type and configuration, drive motor details, and design speed of the tips of the blades;
- (b) a plan showing the location of the proposed frost fan(s) (with accurate NZTM coordinates) and area it is designed to cover;
- (c) a plan showing the location of the nearest dwelling, visitor accommodation or habitable building, or the nearest land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 Zone, Rural Living or Coastal Living Zone, and the distance to it;
- (d) detail of all means to ensure the performance of the frost fan and noise levels remain as predicted, including measures to govern the blade tip speed and the cut-off mechanism for winds exceeding 8km per hour;
- (e) a report prepared by an appropriately qualified and experienced acoustic consultant addressing the following:

- (i) a full and detailed description of the proposed frost fan;
- (ii) prediction of the noise contours of the proposed frost fan based on operational parameters specifically identified in the report for the particular location where the frost fan is proposed to operate, except where that frost fan has been certified by a body approved by the Council and the proposed fan is to be located and operated in accordance with that certification.

Matters over which the Council has reserved control:

- 4.4.1.8. Operational requirements of the frost fan.
- 4.4.1.9. Orientation, rotational constraints, speed of the frost fan power source or frost fan blade set and engine muffling.
- 4.4.1.10. Operation of the frost fan for maintenance purposes.
- 4.4.1.11. Recording information about the use of the frost fan, including temperature and windspeed at the area being protected.
- 4.4.1.12. Monitoring and reporting.
- 4.4.1.13. The provision of contact details for the property owner/manager.
- 4.4.1.14. Review of conditions.

[D]

4.4.2. Sale of farm produce from a rural selling place.

Standards and terms:

- 4.4.2.1. The place must not be served by vehicular access from a State Highway.
- 4.4.2.2. No vegetative produce that has been processed beyond cutting, cleaning, chilling, freezing, grading and packaging may be sold, except that unprocessed extracted juices may be sold.
- 4.4.2.3. The farm produce offered or displayed for sale must be:
 - (a) grown on a farming unit owned or leased by the seller of the produce; and
 - (b) must be contained within a structure within an area of less than 10m².
- 4.4.2.4. At least 1 parking space per 5m² of gross floor area of the selling place must be provided.
- 4.4.2.5. The parking area must be laid out in a manner such that vehicles do not reverse off the property.

Comment [137]: Topic 12

Matters over which the Council has reserved control:

- 4.4.2.6. The design and appearance of the selling place.
- 4.4.2.7. The location of the selling place.
- 4.4.2.8. The safety of the access.

Comment [138]: Topic 12

[R, D]

4.4.3 Plantation forestry replanting between 30m and 200m of the coastal marine area

Matters over which the Council has reserved control:

- 4.4.3.1 The location of planting, including areas of permanent planting.

[4.4.3.2](#) [Effects of sedimentation, including those likely to arise from harvesting, and measures proposed to avoid or mitigate these effects.](#)

Comment [139]: Topic 22

4.5. Restricted Discretionary Activities

Application must be made for a Controlled Activity for the following:

[D]

4.5.1. Construction and siting of a building or structure exceeding 10m² on land within the Marlborough Sounds Outstanding Natural Feature and Landscape.

Matters over which the Council will exercise discretion:

4.5.1.1. The effects of the building or structure on the values of the Marlborough Sounds Outstanding Natural Feature and Landscape.

[R]

4.5.2. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting.

Matters over which the Council has restricted its discretion

4.5.2.1. The effects on water quality, [aquatic ecosystems](#) and soil conservation from the excavation.

Comment [140]: Topic 19

[R, D]

~~4.5.3. Commercial forestry planting~~ [Plantation forestry afforestation, or plantation forestry replanting that is not provided for as a Permitted Activity or a Controlled Activity.](#)

Comment [RW141]: NES – Plantation Forestry 1/2/2019

Comment [142]: Topic 22

Matters over which the Council has restricted its discretion:

4.5.3.1. [Effects on Significant Wetlands.](#)

4.5.3.2. [Effects of sedimentation.](#)

4.5.3.3. [The effects on the values of the Marlborough Sounds High Amenity Landscape and the Marlborough Sounds Outstanding Natural Feature and Landscape.](#)

Comment [143]: Topic 5

4.5.3.4. [Effects on any drinking water supply registered under Section 69J of the Health Act 1956.](#)

[R, D]

~~4.5.4. Commercial~~ [Plantation forestry harvesting](#)

Comment [144]: Topic 22

Matters over which the Council has restricted its discretion:

4.5.4.1. [Effects on Significant Wetlands.](#)

4.5.4.2. [Effects of sedimentation.](#)

4.5.4.3. [The effects on the values of the Marlborough Sounds High Amenity Landscape and the Marlborough Sounds Outstanding Natural Feature and Landscape.](#)

Comment [145]: Topic 5

4.5.4.4. [Effects on any drinking water supply registered under Section 69J of the Health Act 1956.](#)

Comment [RW146]: NES – Plantation Forestry 1/2/2019

[R]

4.5.5 Excavation and filling to construct or maintain forestry roads, forestry tracks or skid sides.

Matters over which the Council has restricted its discretion:

4.5.5.1 Effects of sedimentation.

4.5.5.2 Reduction of sediment loadings in run-off.

4.5.5.3 Effects on the values of Outstanding Natural Features and Landscapes.

4.5.5.4 Effects on Significant Wetlands.

4.5.5.5 Effects on any drinking water supply registered under Section 69J of the Health Act 1956.

Comment [RW147]: NES – Plantation Forestry 1/2/2019

Comment [148]: Topic 22

4.6. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

4.6.1. Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.

[D]

4.6.2. Visitor accommodation.

~~[R, D]~~

~~**4.6.3. Commercial forestry planting.**~~ ~~[Deleted]~~

Comment [RW149]: NES – Plantation Forestry 1/2/2019

~~[R, D]~~

~~**4.6.4. Commercial forestry harvesting.**~~ ~~[Deleted]~~

Comment [RW150]: NES – Plantation Forestry 1/2/2019

[D]

4.6.5. Community facility.

[R, D]

4.6.6. Quarrying and ~~mineral extraction~~ mining.

Comment [151]: Topic 12

Note:

Where quarrying is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 4.6.6 does not apply.

Comment [RW152]: NES – Plantation Forestry 1/2/2019

[D]

4.6.7. Rural industry.

[R]

4.6.8. Dairy farm established after 9 June 2016.

[R, D]

4.6.9. Commercial clean fill operation.

[D]

4.6.10. Commercial activity.

[R]

4.6.11. Discharge human effluent into or onto land through an onsite wastewater management system.

[D]

4.6.12. Any use of land not provided for as Permitted Activity, Controlled Activity or Restricted Discretionary Activity or limited as a Prohibited Activity.

[R]

4.6.13. Any discharge of contaminants into or onto land, or to air, not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

4.6.14. Livestock entering into or passing across a Significant Wetland.

Comment [153]: Topic 13

4.7. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R]

4.7.1. ~~Commercial forestry planting~~ Plantation forestry afforestation, carbon sequestration forestry planting (~~non-permanent~~) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (~~non-permanent~~) or woodlot forestry.

Comment [154]: Topic 22

~~[R]~~

~~4.7.2. The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established. (Deleted)~~

Comment [155]: Topic 22

~~[D]~~

~~4.7.3. Planting Lodgepole pine (*Pinus contorta*).~~

~~Note:~~

~~Where the planting of Lodgepole pine (*Pinus contorta*) is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 4.7.3 does not apply. (Deleted)~~

Comment [RW156]: NES – Plantation Forestry 1/2/2019

Comment [157]: Topic 22

[R]

4.7.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a lake, into a Significant Wetland or onto the bed of a river when there is water flowing in the river.

Comment [158]: Topic 13

Comment [159]: Topic 22

[R]

4.7.5. From 9 June 2022, permitting intensively farmed livestock to pass across [the bed of a lake, a Significant Wetland or the bed of a river](#) when there is water flowing in the river.

Comment [160]: Topic 13

[R]

4.7.6. Disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

4.7.7. Discharge of human effluent through a soak pit established after 9 June 2016.

[R]

4.7.8. Drainage of Kauauroa Bay Significant Wetland – W1026.

[R]

4.7.9. Discharge of contaminants to air arising from the burning [in any small scale solid fuel burning appliance](#) 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, [except that woodfuel burnt in a fuel burning device \(external combustion\) may contain incidental amounts of anti-sapstain chemicals](#);
- (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 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 any type of plastics;
- (k) waste oil [\(excluding re-refined oil\)](#);
- (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.

Comment [161]: Clause 16 Minor Amendment

[R]

4.7.10. [Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent](#);

- (a) [wood which is painted, stained, oiled or coated](#);

- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;
- (l) sludge from industrial processes;
- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Comment [162]: Topic 13

Appendix 3

Ecological Significance Criteria for terrestrial, wetland, freshwater and ~~coastal~~ marine environments

Comment [1]: Topic 6

The following provides explanations or guidelines for the application of ecological significance criteria in the assessment of sites.

The scale at which significance is to be determined depends on the type of environment:

Rankings within each criterion are: **H** = High; **M** = Medium; **L** = Low. They collectively contribute to an overall ranking, indicating the degree of significance. For a site to be considered significant, one of the first four criteria (representativeness, rarity, diversity and pattern or distinctiveness) must rank **M** or **H**.

The ecological criteria are to be applied by suitably qualified and experienced ecologists in their field of expertise.

Comment [2]: Topic 6

Identification Criteria

Comment [3]: Topic 6

Representativeness

- ~~1.~~ Indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the relevant ecological district. This can include degraded examples where they are some of the best remaining examples of their type, or represent all that remains of indigenous biodiversity in some areas.
- ~~2.~~ Indigenous vegetation or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district.
- ~~3.~~ Additionally for the coastal marine area the site is significant if it contains biological features (habitat, species, community) that represent a good example within the biogeographic area.

H: The site contains one of the best examples of the characteristic ecosystem types in the region or ecological district or biogeographic area for sites within the coastal marine area.

M: The site contains one of the better examples, but not the best, of the characteristic ecosystem types in the region or ecological district or biogeographic area for sites within the coastal marine area.

L: The site contains an example, but not one of the better or best, of the characteristic ecosystem types in the region or ecological district or biogeographic area for sites within the coastal marine area.

Rarity

- ~~4.~~ Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in Marlborough, ~~or relevant land environment,~~ ecological district, biogeographic area or freshwater environment.

Comment [4]: Topic 6

- ~~5.~~—Indigenous vegetation or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk, or uncommon, nationally or within the relevant ecological district or biogeographic area for sites within the coastal marine area.
- ~~6.~~—The site contains indigenous vegetation or an indigenous species that is endemic to Marlborough or that are at distributional limits within Marlborough.

H: The site contains nationally threatened or rare flora, fauna or communities; or the site contains several examples of regionally or locally threatened or rare flora, fauna or communities.

M: The site contains one or a few regionally or locally (but not nationally) threatened or rare flora, fauna or communities.

L: The site is not known to contain flora, fauna or communities that are threatened or rare in the ecological district or biogeographic area, regionally or nationally.

Diversity and pattern

- ~~7.~~—Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of indigenous ecosystem or habitat types, indigenous taxa, or has changes in species composition reflecting the existence of diverse natural features or ecological gradients.

H: The site contains an unusually high diversity of species and ecosystem types.

M: The site contains a moderate diversity of species and ecosystem types.

L: The site contains a relatively low diversity of species and ecosystem types.

Distinctiveness

- ~~8.~~—Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.

H: The site contains any ecological feature that is unique nationally, in the region or in the ecological district or biogeographic area; or it contains several such features that are outstanding regionally or in the ecological district or biogeographic area.

Comment [5]: Topic 6

M: The site contains ecological features that are notable or unusual but not outstanding or unique nationally, in the region or in the ecological district or biogeographic area.

L: The site contains no ecological features that are outstanding or unique nationally, in the region or in the ecological district or biogeographic area; i.e. the ecological features are typical rather than distinctive or special.

Comment [6]: Topic 6

Management Criteria

Size and shape

- ~~9.~~—The site is significant if it is moderate to large in size and is physically ~~compact or~~ cohesive.

H: The site is large in size for the region or ecological district or biogeographic area and is ~~compact in shape~~ cohesive.

M: The site is moderate in size for the region or ecological district or biogeographic area and is cohesive ~~compact in shape~~; or the site is relatively large but not very ~~compact or~~ cohesive.

L: The site is small in size for the region or ecological district or biogeographic area, or the site is moderate in size but not at all ~~compact or~~ cohesive.

Comment [7]: Topic 6

Connectivity/ecological context

- ~~10.4~~ Vegetation or habitat of indigenous fauna that provides or contributes to an important ecological linkage or network, or provides an important buffering function.
- ~~14.~~ A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a river or coastal system.
- ~~12.~~ Indigenous vegetation or habitat of indigenous fauna that provides important habitat (including refuges from predation, or key habitat for feeding, breeding, or resting) for indigenous species, either seasonally or permanently.

H: The site is close or well connected to a large natural area or several other natural areas.

M: The site is in the vicinity of other natural areas but only partially connected to them or at an appreciable distance.

L: The site is very isolated from other natural areas.

Sustainability

- ~~13.~~ The site is significant if it is ecologically resilient, i.e. its natural ecological integrity and processes (functioning) are largely self-sustaining.

H: The site can maintain its ecological integrity and processes with minimal human assistance.

M: The site requires some but not much human assistance to maintain its ecological integrity and processes.

L: The site requires much human assistance to maintain its ecological integrity and processes.

Adjacent catchment modification in respect of significant sites within the coastal marine area

- ~~14.~~ Catchments that drain large tracts of land can lead to high sediment loading into adjacent marine areas. A site in the coastal marine area is significant if the adjacent catchment is >400 ha and clad in relatively mature native vegetative cover resulting in a long term stable environment with markedly reduced sediment and contaminant run-off compared to developed or modified catchments.

H: The site is dominated by an adjacent land catchment area with stable and relatively mature native vegetation (>400ha) that is legally protected.

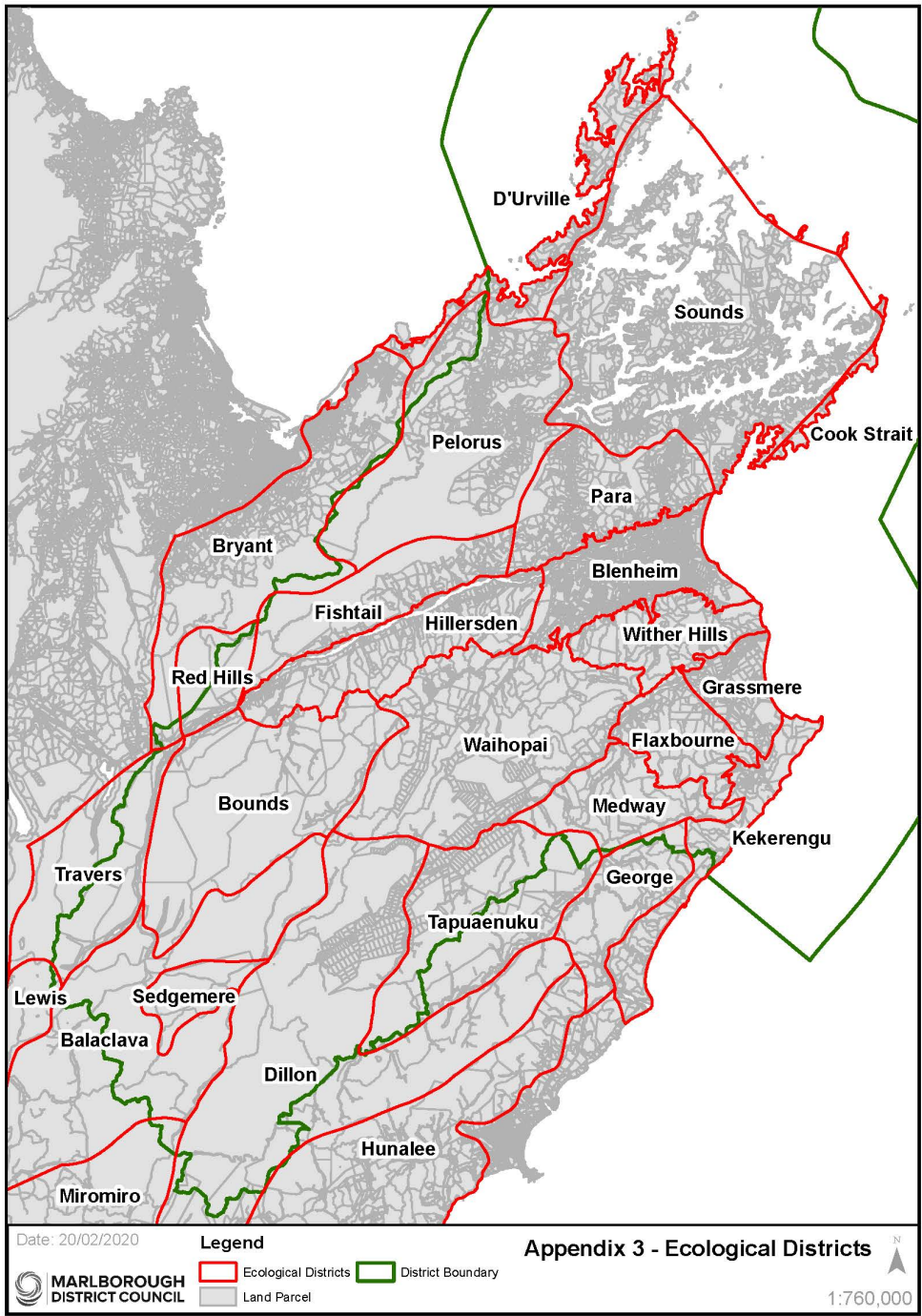
M: The site is dominated by an adjacent land catchment area with stable and relatively mature native vegetation (>400ha) with partial or no legal protection.

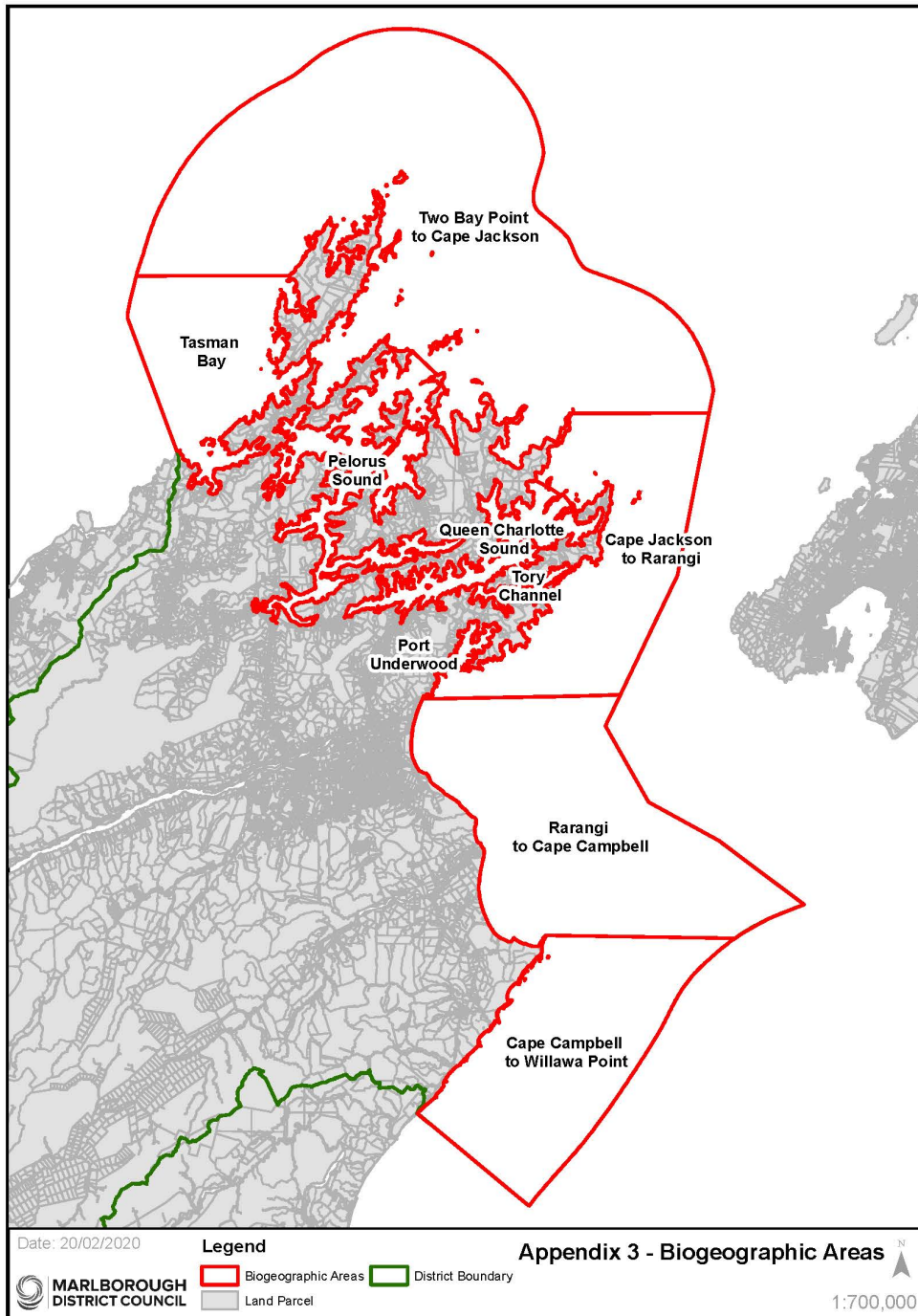
L: The site is surrounded by an adjacent land catchment area (>400ha) that is farmed, highly modified or has limited relatively mature vegetative cover.

Glossary

Ecological District: An Ecological District is defined as a local part of New Zealand where the topographical, geological, climatic, soils and biological features produce a characteristic landscape and range of biological communities (see map).

Biogeographic Area: A geographical area of similar ecology and habitats where the community structure and grouping of species is distinct (see map).





Appendix 27

<u>Category A - Ecologically Significant Marine Sites</u>		
<u>Site ID</u>	<u>Site name</u>	<u>Buffer distance</u>
1.5	Coppermine Bay	100
2.13	Catherine Cove Rhodoliths	50
2.24	Allen Strait	100
2.6	Rangitoto Roadstead	200
3.7	Picnic Bay	100
4.11	Bob's Bay	50
4.16	Perano Shoal	100
4.25	Onauku Bay (Northern Coastline)	100
4.9	Wedge Point (subtidal rocky shores)	100
6.1	The Knobbys	100
6.2	Whataroa Bay	100

<u>Category B - Ecologically Significant Marine Sites</u>		
<u>Site ID</u>	<u>Site name</u>	<u>Buffer distance</u>
1.2	Motuanauru Island Boulder Bank	200
1.7	Inner Greville Harbour/Whararikii	N/A
1.8	Greville Harbour/Wharariki Channel	100
2.1	North West D'Urville Island Coast	100
2.10	Trio Bank	200
2.12	Penguin Island Coastline	100
2.15	Clay Point	100
2.16	Te Aumiti/French Pass	100
2.18	Paparoa Point	100
2.20	Chetwode Islands	100
2.22	Goat Point	100
2.23	Culdaff Point	100

Category B - Ecologically Significant Marine Sites		
<u>Site ID</u>	<u>Site name</u>	<u>Buffer distance</u>
2.27	Titi Island	100
2.28	McManaway Rocks	100
2.29	Witt Rocks Offshore Reef	100
2.31	Te Anamāhanga/Port Gore	200
2.33	Te Anamāhanga/Port Gore	100
2.34	Gannet Point	100
2.5	Rangitoto Islands	100
2.9	Jag Rocks	100
3.1	Harris Bay	100
3.11	Tapapa, Kauauroa & Tawera Current Communities	100
3.12	Piripaua Reef	100
3.14	Clova Bay	100
3.15	Grant Reef	100
3.16	Crail Bay	100
3.18	Little Nikau	100
3.2	Oke Rock	100
3.6	Tawhitinui Reach	100
3.8	Fitzroy Bay / Hallam Cove	100
4.13	Lochmara Bay	100
4.14	Pihaka Point	100
4.15	Kumutoto Bay	100
4.18	Patten Passage	100
4.2	The Grove	100
4.21	Te Aroha Bay	100
4.22	Puriri Bay	100
4.23	Matiere Point	100
4.24	Onauku Bay	100
4.3	Bottle and Umungata Bays	100
4.4	Houhou Point	100
4.6	Ngakuta Point	100
4.7	Iwirua Point	100
4.8	Wedge Point (subtidal soft shores)	100
5.1	Diftenbach Point	100

Comment [1]: Topic 6

Category B - Ecologically Significant Marine Sites		
<u>Site ID</u>	<u>Site name</u>	<u>Buffer distance</u>
5.2	Tikimaeroero Point	50
5.3	Takatea Point, Hitaua Bay entrance	100
5.4	Tory Channel/Kura Te Au subsites: Site 5.4A Raumoko, site 5.4B Wiriwaka Point, Site 5.4C Tokokaroro Point, Site 5.4D Te-Uira-Karapa Point	50
5.6	Tio Point	50
5.7	Deep Bay	100
5.8	Tory Channel/Kura Te Au	100
5.9	Tory Channel/Kura Te Au Entrance	100
6.3	Cutters Bay	100
7.1	Cape Jackson	100
7.4	Motuara subtidal	100
7.10	Cook Rock Reef	100
7.11	Brothers Island Reef	100
7.13	Awash Rock	100
7.2	Cape Jackson Bryozoan Community	100
7.8	White Rocks Current Community	100
9.1	Cape Campbell / Ward Reef	100

5. Allocation of **Public-Freshwater** Resources

Comment [1]: Topic 11

Introduction

Much of the Council's resource management work involves managing resources that are in the public domain. Marlborough has a considerable coastline, large areas of land in Crown ownership and extensive freshwater resources. [Water is a taonga and is essential to all as a life-source. Water is also essential for mahinga kai, and holds particular significance to Marlborough's tangata whenua iwi.](#) The Council frequently allocates or authorises the use of these natural resources for private benefit, especially resources in the coastal marine area, rivers, riverbeds and aquifers.

[Sustainable management of the taking, using, damming or diverting of water means recognising Te Mana o te Wai and safeguarding the life-supporting capacity of freshwater resources, and ensuring there are sufficient flows and/or levels to retain the natural and human use values supported by waterbodies.](#)

Comment [2]: Topic 4

Allocating rights to use public resources has become a fundamental part of the overall fabric of Marlborough's social and economic wellbeing. For example, our viticulture industry, which contributes significantly to Marlborough's economy, relies on access to freshwater resources from rivers and aquifers. Other examples include the many moorings, boatsheds and jetties throughout the Sounds, all of which contribute to the social wellbeing of residents and holidaymakers. [The allocation of freshwater is also integral to the health and safety of people and communities, for example, the allocation of water for human consumption.](#)

Comment [3]: Topic 4

The importance of the community and visitors being able to continue to use and develop these natural resources within the constraints of the Resource Management Act 1991 (RMA) cannot be underestimated. Any significant reduction or change in approach to resource use could have significant implications for Marlborough's economic, cultural and social wellbeing. [However, a healthy economy which relies on the environment, must be premised on a healthy environment.](#) The two main areas where allocation of public resources is considered to be an issue are rights to occupy space in the coastal marine area, and rights to take and use freshwater.

Comment [4]: Topic 4

[The environmental flows and levels set in accordance with the provisions of Chapter 5 are based on hydrological records collated up to the notification of the PMEP. If data collected over the life of the Plan demonstrates that catchment/aquifer yield has changed as a result of climate change, then there may be the need to review the environmental flows and levels contained in Appendix 6. Any change to the operative environmental flows and levels deemed necessary as a result of the review will be made via plan changes.](#)

Comment [5]: Topic 16

[Provisions are included in Chapter 19 that address the potential implications of climate change in the context of water allocation and use.](#)

Comment [6]: Topic 4

Issue 5A – The diversity of water resources makes it difficult to achieve uniformity in water allocation and water use management regimes across the District.

Marlborough's geology, topography, land cover and climate vary dramatically across the district. This results in a diverse array of rivers and aquifers, evident in the size of catchments/aquifers, the length of rivers through the catchment, the spatial extent and depth of aquifers, the flow of water through the river/aquifer, water availability (and variation in water availability) and the natural and human use values that the waterbodies support. Although the objectives of the Marlborough Environment Plan (MEP) establish consistent objectives across all water resources, the means to achieve these outcomes will necessarily differ due to the above variation. It is

therefore difficult to achieve consistent approaches to managing water resources across Marlborough. The lack of consistency can create frustration, especially for water users who access water from more than one water resource.

[RPS]

Objective 5.1 – Water allocation and water use management regimes reflect hydrological and environmental conditions within each water resource.

If the management applied to the taking and use of water does not reflect the hydrological and environmental conditions that exist in each water resource, one of two things may happen: water users could be unnecessarily restricted in taking or using that water, or taking and use of water may result in adverse effects on the natural and human use values supported by the freshwater resource. These are inappropriate outcomes given the value of water in terms of its contribution to social, economic and cultural wellbeing and its life-supporting capacity. It is therefore essential that the management applied to any water resource is fit for purpose in order to achieve sustainable outcomes.

[RPS, R]

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.

To ensure that the management applied to the taking and use of water is appropriate to the hydrological and environmental circumstances, it is necessary to distinguish between the different catchments and aquifers that exist in Marlborough. The Council will achieve this by identifying Freshwater Management Units (FMUs), which will be based on the hydrological characteristics of each water resource and the natural and human use values supported by the waterbody/bodies. These freshwater management units are identified in the MEP. This approach also gives effect to the National Objectives Framework of the National Policy Statement Freshwater Management 2014 (NPSFM), which requires the Council to identify freshwater management units.

[RPS, R]

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.

Most water taken from rivers or aquifers involves a subsequent consumptive use of that water, predominantly for irrigation of crops. Section 14 of the RMA treats the subsequent use of water as a distinct activity to the taking of the water in the first place. This is because the two activities have different potential adverse effects on the surrounding environment. The adverse effects of taking water tend to relate to the direct or indirect effects on the natural and human use values supported by the waterbody from which the water has been taken and on other people taking water from that resource. The efficiency of water use is a relevant consideration for the use of water, especially as the resource from which the water has been taken approaches full allocation. In these circumstances, inefficient water use could potentially deprive other users from accessing the water resource. This policy records that the Council will require applications for water permits to authorise the taking of water and the use of water separately. The distinct adverse effects of each of the activities will be managed through the separate applications.

Issue 5B – The taking, damming or diversion of water can compromise the life-supporting capacity of rivers, lakes, aquifers and wetlands.

Marlborough's freshwater bodies sustain a diverse range of natural and human use values. These values include the cultural and spiritual values of Marlborough's tangata whenua iwi; opportunities for passive and active recreation; the provision of habitat for indigenous flora and fauna, trout and salmon; a contribution to Marlborough's distinctive landscape and natural character; and the provision of a source of drinking water. In summary, the water that flows in

rivers or that is contained in aquifers, lakes and wetlands sustains Marlborough's community and environment.

Marlborough's freshwater bodies are also utilised as an important source of water for a range of uses, including irrigation, industrial, commercial and frost fighting. This water use relies on the taking, damming and/or diversion of water. These activities all have the potential to change the characteristics of the flow or level of water in the waterbody. The taking of water removes water from the river, aquifer, lake or wetland, reducing flow or level. The diversion of water out of a river, and associated riverbed modifications, changes the natural flow pattern and can also reduce flow or level. The damming of water retains water behind the dam structure potentially changing the character of the waterbody upstream and downstream of the dam structure.

Although natural and human use values have some resilience to natural changes in water flow and/or level, the taking, damming and diversion of water have the potential to significantly change the flow or level characteristics of waterbodies. Such changes can adversely affect the natural and human use values that rely on the water in the waterbody. Those effects could be as a result of one person's activity or the cumulative effect of multiple water users. The effects could be experienced in the short-term but also have the potential to become permanent, for example where there is a loss of habitat.

Any loss of natural and human use values, either short-term or long-term, will have an impact on the community and the intrinsic values of the environment.

[RPS, R]

Objective 5.2 – Recognise Te Mana o te Wai and Ssafeguard the life-supporting capacity of freshwater resources by recognising the connection between water and the broader environment and retaining sufficient flows and/or levels required for the natural and human use values supported by waterbodies.

The natural and human use values supported by Marlborough's freshwater bodies are important to retain given their contribution to the social, economic and cultural wellbeing of the community. In addition, the values can also have significance as a matter of national importance under Section 6 of the RMA, which must be recognised and provided for. Objectives ~~AA1 and~~ B1 of the NPSFM ~~also requires Council to recognise and consider Te Mana o te Wai in the management of fresh water, and to safeguard the life-supporting capacity, ecosystem processes and indigenous species of freshwater resources, to be safeguarded.~~ Objective 5.2 reflects the need to recognise Te Mana o te Wai and safeguard the life-supporting capacity of Marlborough's freshwater bodies when managing the taking, damming or diversion of water.

Comment [7]: Topic 4

Natural and human use values

[RPS, R]

Policy 5.2.1 – Maintain or enhance the natural and human use values supported by freshwater bodies.

The natural and human use values supported by freshwater bodies in Marlborough are varied, reflecting the diversity of water resources highlighted in Policy 5.1.1. The natural and human use values supported by different waterbodies are identified in Appendix 5. Given their intrinsic value and their significance to the community, the policy seeks to retain the natural and human use values.

The development of allocation frameworks contained in the provisions of this chapter has taken into account Objective 5.2 and this policy. The setting of environmental limits established through subsequent policies, are intended to retain sufficient flow and/or level to maintain, restore and ~~or~~ enhance the natural and human use values of specific freshwater bodies. Maintaining or enhancing natural and human use values were also a relevant consideration in determining the circumstances under which the taking of water could occur without resource consent.

Some proposals to take, dam or divert water can involve site specific adverse effects on natural and human use values. This policy allows those potential adverse effects to be considered in the determination of any application for resource consent to take, dam or divert water.

Comment [8]: Topic 4

[RPS, R]

Policy 5.2.2 – Recognising Te Mana o Te Wai, Gives priority to the integrated and holistic well-being protecting the mauri of freshwater and freshwater flows/levels.

The National Policy Statement for Freshwater Management 2017 (NPSFM) provides councils with direction on how freshwater is to be managed through an objective and policy framework. Objective 5.2 requires councils to consider and recognise Te Mana o te Wai in freshwater management, and the policy requires councils to consider and recognise Te Mana o te Wai when making or changing regional policy statements and plans, noting that:

- (a) Te Mana o te Wai recognises the connection between water and the broader environment – Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people); and
- (b) values identified through engagement and discussion with the community, including tangata whenua, must inform the setting of freshwater objectives and limits.

~~Mauri is the term used by Marlborough's tangata whenua iwi to describe the cultural concept that all natural resources have a life force. This life force (wairua) is derived from the physical attributes of the resource as well as the spiritual association iwi have with natural resources. Water is considered to be particularly significant to iwi in this regard as it sustains all life. Papā-tū-ā-nuku (Mother Earth) supports all people, flora and fauna, and waterbodies represent the blood vessels that supply nourishment to her, and through her, to all living things.~~

~~Marlborough's tangata whenua iwi feel that there is a lack of understanding in the community and by decision makers that water has wairua. It is their view that land and water are therefore used and managed in ways that do not recognise the spiritual significance of the resource. As a result, To achieve this, council and communities, including Marlborough's tangata whenua iwi, will come together and discuss what values they hold for the freshwater bodies in their rohe (geographical area) or areas of statutory acknowledgement, and set freshwater objectives and limits in response to this. This will include identifying what Te Mana o te Wai means to the Marlborough community. Marlborough's tangata whenua iwi often use terms like mauri to describe the cultural concept that all natural resources have a life force. This life force (wairua) is derived from the physical attributes of the resource as well as the spiritual association iwi have with natural resources. †The taking, damming or diversion of water can adversely affect the mauri of water. Of particular concern is the impact of reduced flow on the ability of each iwi to support traditional uses and values. Given the whakapapa link between Māori and water, the flows/levels in waterbodies are a reflection of the health of the tangata whenua. Marlborough's tangata whenua iwi wish to avoid making any waterbody waimate (where water flow/level becomes so degraded that it loses its mauri).~~

Te Mana o te Wai will assist in building a greater understanding amongst the community of the integrated and inter-connectedness of values and their role in managing freshwater resources.

Regard was had to protecting the mauri of freshwater and freshwater bodies when establishing the allocation frameworks and permitted activity rules contained in the provisions of this chapter, Te Mana o te Wai will build on this process.

Comment [9]: Topic 4

[R]

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.

There are freshwater bodies in Marlborough that are in an unmodified state or a state close to unmodified. These water bodies retain high or very high natural character. In these circumstances, it is considered appropriate to preserve the natural character by preventing the

taking, damming or diversion of water. This is reflected in regional rules that prohibit specific activities in these waterbodies that have significant values.

Taking, damming or diversion of water lawfully established prior to 9 June 2016 is also excluded from this prohibition.

Comment [10]: Topic 4

Setting of environmental limits

[R]

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 instream 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~~
- (g) maintain amenity values; and
- (h) enable natural flushes in rivers to occur.

Policy B1 of the NPSFM requires the Council to set environmental flows and/or levels for all FMUs. An environmental flow or level includes an allocation limit and a minimum flow or level. This is a complex task given the diversity in the natural and human use values supported by rivers, lakes and wetlands and the variation in the flow/level required to maintain those values. This policy sets out the matters that have been considered in the process of setting the environmental flows/levels established in the MEP. The environmental flows/levels are intended to provide sufficient water to sustain the matters identified in (a) to (g).

~~[R]~~

~~**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.**~~

~~Water users will not be able to continue taking water once in a Freshwater Management Unit flows and/or levels reach the management flows/levels established in the MEP. Any such abstraction would result in an adverse effect on the life-supporting capacity of the waterbody. The policy will be implemented by way of a condition(s) of resource consent.~~

~~Water taken for domestic needs or animal drinking water is exempt from the policy given the contribution they make to sustaining the community.~~

[R]

Policy 5.2.65 – For rivers, establish whether the flow has reached the management flows set in the Marlborough Environment Plan on the basis of 24 hour averages (midnight to midnight).

This policy establishes the basis on which management flows for rivers will be administered. A 24 hour average evens out short-term fluctuations in river flow and represents a pragmatic time period. Any shorter period is not administratively efficient as water users could be required to cease abstraction multiple times within a day while the flow fluctuates above and below the relevant management flow. Midnight to midnight reflects a working day and the timing allows water users to make decisions for managing their operations on the following day.

[R]

Policy 5.2.76 – 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 5m³/s and 90% of the seven day mean annual low flow for rivers with a mean flow less than 5m³/s.

Policy B1 NPSFM requires the Council to set environmental flows for all FMUs, which includes minimum flows. The Council monitors flow in rivers from which there is a demand for water, but does not necessarily monitor flow in rivers from which there is no or little demand. In some cases, this means that there is insufficient hydrological information and other relevant environmental data to establish a specific minimum flow for the river. In these circumstances, a default has been applied to meet the requirements of the NPSFM. The relevant minimum flow in these circumstances will be applied as the management flow in a condition of resource consent.

[R]

Policy 5.2.87 – Consider proposals to set a minimum flow for a river that varies from the default minimum flow established by Policy 5.2.76 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.

The default minimum flow set for rivers in accordance with Policy 5.2.76 may not provide adequate protection to the natural and human use values supported by a river or may unnecessarily constrain the taking of water from the river. This policy provides an opportunity for any person to provide the Council with specific information that may justify a higher or lower minimum flow. In these circumstances it is appropriate that Policies 5.2.1 to 5.2.4 are utilised to make this judgement.

[R]

Policy 5.2.98 – Have regard to the adverse effects of the proposed instantaneous rate of take from any river, except an ephemeral flowing river, if that rate of take exceeds or is likely to exceed 5% of river flow at any time.

The minimum flows set for rivers manage the cumulative effects of taking water on natural and human use values. However, it remains possible for a take at a discrete location to have a significant adverse effect on flow immediately downstream of the point of abstraction. The risk is probably greatest in the upper part of a catchment due to lower flow that tends to occur in those reaches. This policy allows decision makers to have regard to the adverse effects of an individual take in certain circumstances irrespective of the minimum flows established in the MEP. ~~The~~ where the proposed rate of abstraction ~~must be~~ calculated to exceed 5% of the river flow at the point of abstraction. Flows in excess of this threshold are considered to have the potential to adversely affect natural and human use values. The policy only applies if the river is perennially or intermittently flowing.

Comment [11]: Topic 4

[R]

Policy 5.2.409 – 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:

- (a) the timing and duration of that flow connection;
- (b) the physical extent of any disconnection in flow; and
- (c) any adverse effects on connected aquifers.

Even though some rivers do not have surface flow at all times, there may still be circumstances where the flow connection is important in maintaining natural and human use values. For example, flow at a critical time of year may be important to facilitate the migration of indigenous fish, trout or salmon upstream or downstream. The policy allows the importance of flow connection to be considered when determining a resource consent application to take water from an intermittently flowing water body. The matters set out in (a) to (c) are those that are relevant to this consideration. Matters (a) and (b) relate to changes in the temporal and spatial extent of any

disconnection, while matter (c) recognises that the intermittent flow may recharge connected aquifers. The changes created by the taking of water in this regard must be considered in light of any adverse effect on natural and human use values.

[R]

Policy 5.2.4.10 – Set specific minimum levels for Freshwater Management Units dominated by aquifers to:

- (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).

Policy B1 of the NPSFM requires the Council to set environmental levels for all FMUs, including minimum levels. This is a complex task for aquifers given the range of factors that influence rates of aquifer recharge and the difficulties determining the effect of abstraction on groundwater levels. This includes lags in response to either recharge and/or abstraction. This policy sets out the matters that have been considered in the process of setting the minimum levels in the MEP for FMUs dominated by aquifers. The minimum levels are intended to achieve the matters in (a) to (f) and therefore protect the sustainability of the FMUs in the long-term.

[R]

Policy 5.2.11 - To implement a programme of investigation in order to establish minimum flows and/or levels for the Wairau Aquifer FMU in accordance with Policy 5.2.4 and Policy 5.2.10 by 2024, including a review of the minimum levels already established for Wairau Aquifer Urban Springs FMU, Wairau Aquifer Central Springs FMU and Wairau Aquifer North Springs FMU.

Policy B1 of the NPSFM requires the Council to set water quantity environmental flows and/or levels for all Freshwater Management Units. Environmental flows and/or levels are defined in the NPSFM as a type of limit which describes the amount of water in a freshwater management unit, and must include an allocation limit and a minimum flow or level.

At the time of notification of the MEP, the Council did not hold the resource use and environmental data required to set a minimum flow or level for the recharge sector of the Wairau Aquifer FMU. For this reason, the Council adopted a programme of progressive implementation that was publicly notified on 2 April 2015. That programme sets a date of 2024 as a target for establishing this minimum flow or level.

In recognition of the hydraulic connections within the wider Wairau Aquifer FMU, a review of the minimum levels in Schedule 3 of Appendix 6 of the MEP for the Wairau Aquifer Urban Springs FMU, Wairau Aquifer Central Springs FMU and Wairau Aquifer North Springs FMU will occur alongside the programme of investigation for establishing the minimum flow or level for the recharge sector of the Wairau Aquifer FMU.

This policy establishes a commitment to a progressive programme of investigation to collect and analyse environmental data required to establish the minimum flow or level. The minimum flow or level of the Wairau Aquifer FMU will be added to the MEP by plan change or upon review.

If, as a consequence of the review of the minimum levels for the Wairau Aquifer Urban Springs FMU, Wairau Aquifer Central Springs FMU or Wairau Aquifer North Springs FMU, changes to those levels are required, this will also be amended in the MEP by plan change or upon review.

This policy assists to give effect to Policy B1 of the NPSFM and the Council's Programme of Staged Implementation adopted under Policy E1 the NPSFM.

Comment [12]: Topic 4

[R]

Policy 5.2.12 – Set conductivity limits for Freshwater Management Units dominated by aquifers adjoining the coast to manage the potential for saltwater contamination of the aquifer.

One of the potential effects of taking water from FMUs adjoining the coast is the potential within an aquifer to reduce water pressures at the interface between freshwater and salt water. Reduced pressures will result in a landward shift of the interface, creating the potential for salt water intrusion into the aquifer. Any salt water intrusion will adversely affect the ability to use the groundwater and is likely to result in long-term effects.

Conductivity is an indicative measure of the salt levels in groundwater. The setting of conductivity limits for FMUs adjoining the coast is intended to ensure the taking of water from aquifers does not shift the interface. A warning system is also in place to detect signs of salt water intrusion. Limits will be imposed by way of conditions on resource consents, and due to the nature of the potential effects of abstraction in the coastal area, restrictions will be based on reducing actual water taken rather than that allocated through the resource consent.

[R]

Policy 5.2.13 – 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.

Comment [13]: Topic 4

Water users will not be able to continue taking water once in a Freshwater Management Unit flows and/or levels reach the management flows/levels established in the MEP. Any such abstraction would result in an adverse effect on the life-supporting capacity of the waterbody. The policy will be implemented by way of a condition(s) of resource consent.

Water taken for domestic needs or animal drinking water is exempt from the policy given the contribution they make to sustaining the community.

Allocation of water

[R]

Policy 5.2.13-14 – 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.

Policy B1 NPSFM requires the Council to set environmental flows and/or levels for all FMUs. These levels include an allocation limit, a limit on the total amount of water that can be allocated within any FMU. Policy 5.2.13 gives effect to Policy B1 of the NPSFM by establishing allocation limits for each FMU through regional rules. For those water resources that have multiple allocation classes, an allocation limit is set for each class.

Policy B5 of the NPSFM specifies that the Council must not make decisions that will likely result in future over-allocation. This means that the Council cannot continue to allocate water once the cumulative level of allocation from a FMU reaches the allocation limit set in rules. For this reason, any further allocation of water from the FMU should be avoided (unless explicitly provided for in another allocation class).

Environmental flows and/or levels include allocation limits and minimum flows/levels, and both are set to provide for and/or achieve the matters expressed in Policies 5.2.4 and 5.2.8.

[R]

Policy 5.2.44-15 – 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.

Policy B1 NPSFM requires the Council to set environmental flows for all FMUs, which includes allocation limits. The Council monitors flow in rivers from which there is a demand for water, but does not necessarily monitor flow in rivers from which there is no or little demand. In some cases, this means that there is insufficient hydrological information and other relevant environmental data to establish a specific allocation limit for the river. In these circumstances, a default has been applied to meet the requirements of the NPSFM. The relevant allocation limit in these circumstances will be applied as a condition of resource consent.

[R]

Policy 5.2.45-16 – 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.

Objective AA1 of the NPSFM requires Council to recognise and consider Te Mana o te Wai in the management of fresh water. The establishment of environmental flows for rivers affords protection to natural and human use values by establishing the minimum flow requirements for those uses and values. In some circumstances, flow variability above the minimum flow may also be important to sustain the natural and human use values supported by the river, including Te Mana o te Wai values identified by the community. Where this is the case, a system of flow sharing is used to proportionally allocate the water above the minimum flow to both abstractive users and natural and human use values. In other words, a proportion of the water available within the allocation class can be abstracted, while a proportion must be left in the river. The water left in the river will ensure that the taking of water does not reduce river flow to the minimum for an extended period of time. Flow sharing will leave one unit of water for instream use for every two units abstracted within a class (referred to as 2:1 flow sharing).

The detail of the flow sharing is river specific and is reflected in the allocation limits and thresholds for taking water in each of the allocation classes.

Note:

That there is no provision for flow sharing within any Class A allocation, as flows below the minimum flow are effectively part of the flow share for Class A.

[R]

Policy 5.2.46-17 – 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. This Policy does not apply to existing non-consumptive takes related to regionally significant infrastructure.

When monitoring of river flow occurs downstream of abstraction of water from the river, the effect of abstraction on river flow can be measured. In the Waihopai FMU and Awatere FMU, the monitoring of river flow occurs predominantly upstream of abstraction due to the absence of suitable flow monitoring sites further downstream. The management flow that applies in each FMU is the flow measured at the monitoring site, corresponding to an equivalent minimum flow that gives effect to Policy 5.2.4 downstream of abstraction. (Monitoring of flow in the Waihopai and Awatere Rivers over many years has allowed the establishment of a robust relationship between flows at the flow monitoring sites and gauged flows at other locations.)

Comment [14]: Topic 11

Taking into account the allocation limits, abstraction downstream of the flow monitoring site can result in the non-attainment of the minimum flow that is sought to be achieved downstream. For this reason, the policy requires a proportional reduction in the allocations made by resource consent and consequent rationing of abstraction.

The abstractions will be limited based on flows recorded at the monitoring site to achieve the minimum flow for management purposes as specified in Volume 3, Appendix 6, Schedule 3, plus any environmental flow share within the Class. As flow at the monitoring site falls from the rationing point in Schedule 3, towards the final cut off point, abstractions will be rationed progressively, with available allocation expressed as a percentage of the consented rate of take as required to protect the minimum flow.

[R]

Policy 5.2.17-18 – 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.

At times of water restriction it is important that all of the community respond to the vulnerability of water resources. The potential impacts on the natural and human use values of waterbodies can be heightened at times of low flow and/or water levels. While restrictions are imposed through conditions of consents on non-urban water users, it is also appropriate that urban water users accessing municipal water supplies take measures to reduce water usage during times of low flows and/or levels. This policy will be implemented by the Council's Assets and Services Department as managers of the District's municipal water supplies.

Diversion of water

[R]

Policy 5.2.18-19 – Require resource consent for the diversion of water to enable the potential adverse effects of the diversion to be considered.

The diversion of water from its natural course has the potential to adversely affect the natural and human use values supported by the waterbody and existing water users downstream of the diversion. At its worst, there may not be sufficient water downstream to sustain the values and uses. The nature, severity and significance of the potential adverse effects will be circumstantial and will depend on the nature of the waterbody and the type of diversion, as well as the natural and human use values and other uses currently supported downstream of the proposed diversion. To ensure that the potential adverse effects can be accurately identified and assessed, diversions of water will generally require resource consent. The specific circumstances of the proposed diversion can then be considered in the determination of any application for water permit.

[R]

Policy 5.2.19-20 – Have regard to the following matters in determining any resource consent application to divert water:

(a) any adverse effects on Marlborough's tangata whenua iwi values associated with the waterbody, including mahinga kai.

- (ab) the purpose of the diversion and any positive effects;**
- (bc) the volume or proportion of flow remaining in-channel and the duration of the diversion;**
- (ed) the effect of the diversion on environmental flows set for the waterbody;**
- (de) the scale and method of diversion;**
- (ef) any adverse effects on natural and human use values identified in the Marlborough Environment Plan in the reach of the waterbody to be diverted;**
- (fg) any adverse effects on permitted or authorised uses of water; and**

Comment [15]: Topic 4

(gh) any adverse effects on the natural character of the waterbody, including but not restricted to flow patterns and channel shape, form and appearance.

The matters listed in (ef) to (gh) are the potential adverse effects created by the diversion of water. The nature, severity and significance of the potential adverse effects are influenced by the matters listed in (a) to (de). The consideration of the matters listed in the policy will allow a determination to be made as to whether the proposed diversion of water is sustainable.

Damming of water

[R]

Policy 5.2.20-21 – 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 rivers.

The damming of water to store water is a key response to temporary and seasonal shortages of water for irrigation purposes. Stored water provides a reservoir that can be accessed when other supplies are constrained or restricted. The policies and methods under Objective 5.8 focus on the positive effects of storing water.

Storage can involve the interception of run-off by damming ephemeral water bodies, the damming of intermittently or permanently flowing water bodies or the placement of abstracted water in purpose-built reservoirs on land. Dams constructed on riverbeds create the potential for a range of adverse effects (see Policies 5.2.24-22 and 5.2.22-23 for more detail) that may not be created when water is placed in reservoirs on land. For this reason, the construction of reservoirs on land is preferred to dams within the bed of rivers. However, the policy does not prohibit the construction of dams within the bed of rivers: applications for resource consent can still be made and will be considered having regard to Policies 5.2.24-22 and 5.2.22-23. However, district rules will create an incentive to utilise “out-of-river” dams for any water storage proposal.

Comment [16]: Topic 14

A decision maker may also utilise this policy to consider alternatives to the use of dams within the bed of rivers. The extent to which this consideration is necessary will also rely on the significance of the potential adverse effects of the damming of water as assessed under Policies 5.2.24-22 and 5.2.22-23.

[R]

Policy 5.2.24-22 – Ensure any new proposal to dam water within the bed of a river provides for:

- (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) sufficient flow and flow variability downstream of the dam structure to maintain:
 - (i) existing indigenous fish habitats and the habitats of trout and salmon; and
 - (ii) permitted or authorised uses of water; and
 - (iii) flushing flows below the dam;
 - (iv) mauri o te wai; and
- (c) the natural character of any waterbody downstream of the dam structure; and

have regard to the matters in (a) to (c) when considering any resource consent application to continue damming water.

Where a dam is proposed to be constructed in the bed of a river in spite of Policy 5.2.20-21, the policy identifies three matters to be provided for as part of the proposal. It recognises that a dam structure can act as a barrier to fish passage, modify the flow pattern downstream of the dam structure ~~and~~, alter the natural character and mauri of the river of the river (or other downstream

Comment [17]: Topic 4

Comment [18]: Topic 13

waterbodies) as a result of flow modification. The nature and significance of the adverse effects created by the dam structure will vary depending on the proposed structure, and the nature of the river and the natural and human use values it supports. This policy allows these proposal and site specific factors to be taken into account.

This policy can also be applied to applications for resource consent to continue damming water (i.e. existing dams). Given the existing dam structure, there may be limits to the extent to which the matters in (a) to (c) can be provided for. For this reason, the policy direction is to have regard to the matters, rather than provide for them. However, opportunities to remedy or mitigate the existing adverse effects may exist and can be addressed via conditions imposed on the grant of the resource consent.

[R]

Policy 5.2.~~22-23~~ – In the determination of any resource consent application, have regard to the following effects of damming of water:

- (a) the retention of sediment flows and any consequent adverse effect 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 run-off;
- (f) loss of indigenous biodiversity;
- (g) the positive effects of the damming; and
- (h) the degradation of mauri o te wai.

Comment [19]: Topic 14

Comment [20]: Topic 4

In addition to the matters identified in Policy 5.2.~~24~~22, there are a range of other potential adverse effects of damming water in the bed of a river or on land. These effects are identified in (a) to (e~~h~~) of this policy. Regard will be had to these effects in determining a resource consent application to dam water.

Water shortage direction

[R]

Policy 5.2.~~23-24~~ – 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.

Section 329 of the RMA allows the Council to issue a notice to apportion, restrict or suspend the taking, use, damming or diversion of water to address a serious temporary shortage of water. The policy identifies that in addition to the management applied through other policies in this chapter, the Council will also consider the option of using a water shortage direction. The circumstances of the shortage will have to be sufficient to justify the additional apportionment, restriction or suspension over and above that already applied in the rules of the MEP.

Other

[R]

Policy 5.2.~~24-25~~ – 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.

Conditions will be imposed on the grant of new resource consents (whether to continue taking water or to take water for the first time) requiring abstraction to cease when limits set in the MEP are reached. The environmental flows and limits are established by rules in the MEP in accordance with Policies 5.2.4, 5.2.~~7-6~~ and 5.2.~~14~~10.

[R]

Policy 5.2.25–26 – 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 relevant environmental flows and levels are met.

For many water resources, environmental flows or levels will be established for the first time. In other cases, environmental flows or levels established in previous planning documents, or on an ad hoc basis through the resource consent process in the absence of such plan limits, have been modified upon review. Where the ongoing exercise of those water permits will result in the non-attainment of Objective 5.2 due to the absence of limits or due to adherence to previous limits, then it is appropriate to consider imposing the limits set by the MEP. This will be achieved by undertaking a review of resource consent conditions in accordance with Section 128(1)(b) of the RMA. Such reviews can only occur once the rules setting the environmental flows or levels become operative. The policy signals that the reviews will occur within a set time period after the operative date.

Plan changes subsequent to the MEP becoming operative may also introduce new limits or may modify existing limits. The policy can also apply in this situation once the plan change becomes operative.

[R]

5.M.1 - Setting community values – Te Mana o te Wai

Council will work with communities, including Marlborough's tangata whenua iwi, to identify values and use them to inform the setting of freshwater objectives and limits.

Comment [21]: Topic 4

[R]

5.M.2 - Setting of Environmental Flows and/or Levels.

Where the Council has established a Progressive Implementation Programme under Policy E1 of the NPSFM for the establishment or review of minimum flow or levels, the Council will work with all relevant parties including, but not limited to, Marlborough's tangata whenua iwi, water user groups, industry groups, resource users and community organisations to determine any minimum flow or level to be incorporated or amended by plan change to the MEP.

Comment [22]: Topic 4

Issue 5C – Marlborough's social and economic wellbeing relies on an adequate supply of freshwater.

Water is considered Marlborough's most important natural resource. Over time our communities have come to rely upon freshwater in the district's rivers, lakes, wetlands and aquifers. This freshwater, particularly from aquifers, is the source of the drinking water that sustains many of Marlborough's rural and urban communities and provides an essential contribution to health standards within those communities. Freshwater also critically supports primary production in Marlborough, particularly for irrigation of land and crops in our dry climate, and is heavily used for commercial and industrial purposes. The economic value of that water to Marlborough's economy was estimated at \$1.1 billion in 2011, 77% of which was contributed through primary production. Reductions in the supply of water would therefore have significant implications for Marlborough's social and economic wellbeing.

[R]

Objective 5.3 – Enable access to reliable supplies of freshwater

For the reasons identified in Issue 5C, enabling access to freshwater in Marlborough's rivers, lakes, wetlands and aquifers is one of the Council's most important functions. A reliable and suitable water supply maintains community health standards and can result in significant

improvements in primary production, commercial and industrial outputs. This objective is considered necessary in order to ensure Marlborough's social and economic vitality.

[R]

Policy 5.3.1 – To allocate water in the following order of priority:

- (a) Te Mana o te Wai**
- (ab) natural and human use values; then**
- (bc) aquifer recharge; then**
- (ed) domestic and stock water supply; then**
- (de) municipal water supply; and then**
- (ef) all other takes of water.**

This policy establishes a hierarchy of water uses. The hierarchy reflects the relative value or significance of the uses listed. The term "uses" is broad and extends beyond consumptive use to include Te Mana o te Wai, intrinsic values, ecosystem services and hydrological functions. The relative priority between the different uses listed in (a) to (ef) have been used as the basis for allocating Marlborough's freshwater resources. This does not mean that consumptive use is not valuable or significant, but the application of the policy ensures that critical uses are provided for as a priority. Once those uses are provided for, water can then be made available for the consumptive uses listed in (de) to (fe). The application of the policy does influence the reliability of water abstraction for consumptive use. Limits to protect the matters in (a) and (bc) will be applied to consumptive water uses. However, those restrictions will be applied progressively, reflecting the relative priority of domestic and stock water supply, municipal water supply and other consumptive takes of water. The term "uses" is broad and extends beyond consumptive use to include Te Mana o te Wai, intrinsic values, ecosystem services and hydrological functions.

Comment [23]: Topic 4

The only way any other form of prioritisation of access to water could be achieved would be by way of plan change as a result of the development of a proposal resulting from broad community engagement including iwi, utilising the assistance of council facilitation. A method or model for such a community engagement process on any different prioritisation or rationing proposal is contained in Method 5.M.2.

Given the NPSFM 2017 directives to protect Te Mana o te Wai and the compulsory national values, such a community engagement process would have to be very broad and on an inclusive basis, particularly involving a water user group or groups to achieve different water access through a range of mechanisms. The process would have to address considerations such as - alternative land use; improved efficiency in water application; assessment of soil saturation & field capacity of soils; larger-scale or small-scale storage possibilities; and/or some form of rationing with a higher level cut-off for general irrigation leaving a small pocket of water allocated for agreed 'survival crops.

Comment [24]: Topic 4

[R]

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.

The use of water involves users making investment decisions relating to the establishment, redevelopment, upgrading and maintenance of infrastructure required to take and use that water. It is therefore important that water users are provided with adequate information regarding the volume of water that is expected to be available for out-of-stream use, as this will influence those investment decisions. Rules will identify the volume of water available for consumptive uses in each freshwater management unit.

Equally important are the circumstances under which the water is available for taking. The application of Policies 5.2.4 to 5.2.11 will influence the reliability of the water supply. The consequent rules establishing environmental flows for rivers and levels for aquifers will prevent water from being taken in particular circumstances. It is anticipated that water users will utilise

this information to make informed decisions on the level of risk they are prepared to adopt when making their respective investments.

The information provided to water users will be based upon historical river flow or aquifer level data. However, it is future rainfall that will determine the status of the river flow and aquifer levels, and therefore the availability of water for abstraction. Historical records provide a representation of the reliability of the water allocation but should not be treated as an accurate prediction due to natural variation in rainfall between seasons and within a season.

[R]

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 and above the ~~management~~ minimum flows and/or levels set through the implementation of Policies 5.2.4 and 5.2.10.

Comment [25]: Topic 4

The NPSFM requires the Council to set limits on the allocation of water. Previous planning instruments had established allocation limits for particular rivers and aquifers to ensure the sustainability of the water resource, protect the natural and human use values that the water resource sustains and maintain the reliability of supply for existing water users. These limits have been reviewed and, where appropriate, reconfirmed. Other water resources have not previously had allocation limits and these have now been set. Rules prevent the allocation of water beyond these limits.

For some rivers, two allocation classes are provided for, referred to as Class A and Class B. In many cases, the two classes are carried over from previous planning instruments. Class A water permits have a greater inherent reliability, due to their lower restrictions, than Class B permits. In some cases, a Class B allocation has been provided for the first time in order to provide for growth in demand (within the constraints of the water resource). These allocation classes provide for run-of-the-river irrigation and other instantaneous uses. Allocation moves sequentially through the two allocation classes.

Note that Policy 5.8.2 also provides for a Class C allocation for some water resources, specifically for storage purposes. Class C water can be applied for at any stage.

[R]

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.

Municipal water supplies perform the important function of providing water to residential, commercial and industrial activities in Marlborough's urban environments. Without the supply of water, the urban environments would cease to function. It is therefore critical for our social and economic wellbeing that our towns and small settlements have a reliable supply of water. This policy achieves this aim by providing an allocation specifically for the water needs of Blenheim, Picton, Havelock, Renwick and Seddon (including the Awatere community). The allocation volume is set out in rules. This policy also assists to implement Policy 5.3.1 by making municipal water supplies exempt from restrictions that would apply to other consumptive users.

[R]

Policy 5.3.5 – Enable the take and use of water where it will have little or no adverse effect on water resources.

The policy records a principle that users should be entitled to access water with relative ease if the provisions of the MEP determine the abstraction from the water resource to be sustainable. This policy could be applied in two circumstances. The first is through the application of permitted activity rules for the taking of water. Under Section 14 of the RMA, water use can only occur if provided for in a rule or through a resource consent. One of the key functions of the Council is therefore to enable sustainable abstraction of water via the use of permitted activity rules.

Access to water allocated through the provisions of the MEP should also be relatively straight forward. However, one of the potential effects of the taking of water is to adversely affect the reliability of existing water takes accessing the same resource, so called “interference effects.” There may also be site specific effects of the taking of water on natural and human use values. For this reason, the rules still require a water permit for takes beyond the low volume uses enabled by permitted activity rules. The resource consent process will enable the adverse effects of any proposed take on another user or on natural and human use values to be taken into account. However, the issue of sustainable levels of abstraction have been determined through the application of Policies 5.2.4 to 5.2.46~~17~~.

There may be circumstances in which it is appropriate for the Council to consider reducing the amount of water able to be taken under the permitted activity rules to assist it to manage extreme shortages of water. This would be achieved by a Water Shortage Direction issued under Section 329 of the RMA. Any such direction would be issued to address the potential for abstraction authorised by permitted activity rule to adversely affect the resource, the natural and human use resources supported by the resource and/or the ability of people to continue taking essential water from the resource (albeit at a lower rate).

[R]

Policy 5.3.6 – Allocate water within any class on a first-in, first-served basis through the resource consent process until the allocation limit is reached for the first time.

This policy establishes the basis on which freshwater will be allocated within any class. This continues the approach utilised under water allocation and use regimes in previous planning documents. Once an allocation limit is reached, then no further water can be allocated within the class. However, water within the class can become available to allocate again. Other provisions in the MEP address that situation (see Issue 5I).

[R]

Policy 5.3.7 – Allocate water to irrigation users on the basis of a nine in ten year water demand for the crop/pasture.

The irrigation of crops and pasture is designed to offset shortages of soil-water experienced over the drier months of the year. The aim is to provide for the water demand of the plant by supplementing rainfall. Crop and pasture demand for water therefore varies season to season and within each season, depending on the amount of rainfall. This policy establishes the basis for which irrigation water will be allocated. Allocating on a “nine years in ten” basis fully meets irrigation requirements on the property nine years out of ten and meets a large part of requirements in the very driest years. This standard recognises that it is difficult to provide for absolute reliability given the potential for extreme fluctuations in climate, but nonetheless seeks to provide a high degree of reliability. This reflects the value of the crop/pasture to the grower. It also reflects the fact that the higher the reliability standard is set, the smaller the total area of land that can be irrigated within the allocation limits set for the resource. The “nine in ten” reliability standard is a balance between the value of irrigation to individual growers and its value to Marlborough collectively.

[R]

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;
- (ab) the Freshwater Management Unit is not over-allocated in terms of the limits set in the Marlborough Environment Plan;
- (bc) there is to be no change to the intended use of water, or if there is a change in use, this does not results in an ~~decrease~~ increase in the rate of take of water; and

Comment [26]: Topic 4

(ed) the application is made at least three months prior to the expiry of the existing water permit.

The policy provides criteria for determining water permit applications to continue taking water from the same water resource. If the circumstances set out in (a) to (d) apply, then the existing take and use of water should be granted. Depending on how other policies in the MEP apply to the take, it may be granted with different conditions.

[R]

Policy 5.3.9 – Express any allocation of water for irrigation purposes on the following basis:

	Take of surface water	Take of groundwater	Use of water , except for the Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or Omaka Aquifer Freshwater Management Unit.	Use of water – Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or Omaka Aquifer Freshwater Management Unit
Quantity	m ³	m ³	m ³	m ³
Period	24 hours	Annual	Monthly; and Annual	Annual
Method of determination	The maximum daily rate of take shall not exceed the daily volume that fully meets irrigation demand on 90% of the days in the irrigation season, as calculated by using IrriCalc with climate data for the period 1 July 1972 to the most recent year ending 30 June 30 June 2014.	The maximum rate of take (m ³ /year) in a July-June year shall not exceed the volume that fully meets irrigation demand in 90% of July-June years in the period 1 July 1972 to the most recent year ending 30 June 30 June 2014, as calculated by using IrriCalc.	The maximum volume of irrigation water use in a calendar month shall be the monthly volume that fully meets irrigation demand in 90% of those months in the period 1 July 1972 to the most recent year ending 30 June 30 June 2014, as calculated by using IrriCalc; and The maximum volume of irrigation water use in a July-June year shall be the volume that fully meets irrigation demand in 90% of July-June years in the period 1 July 1972 to the most recent year ending 30 June, 2014, as calculated by using IrriCalc.	The maximum volume of irrigation water use in a July-June year shall be the volume that fully meets irrigation demand in 90% of July-June years in the period 1 July 1972 to the most recent year ending 30 June 30 June 2014, as calculated by using IrriCalc.

Comment [27]: Topic 4

This policy sets out how allocations will be expressed on water permits authorising the taking and use of water. A condition will be applied to water permits authorising the taking of surface water, the taking of groundwater and the use of water, setting out the specific allocation for each activity. The application of the policy will ensure consistency in the expression of conditions. Such consistency will assist to reduce the potential for conflict between water users.

[R]

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;

but in both cases the cumulative take over 24 hours (midnight to midnight) must not exceed the daily maximum.

The infrastructure installed for irrigation from surface water resources is not necessarily set up to operate on a 24 hour basis. In some cases, the authorised allocation is applied over a shorter period (i.e. at an instantaneous rate in litres per second that exceeds the instantaneous equivalent of the maximum daily allocation). This policy provides consent holders with the flexibility to apply the allocated water effectively at this higher rate, provided that the volume of water used over the day does not exceed the daily maximum established through Policy 5.3.9. The higher instantaneous rate of take may occur either at any point over the day or for a proportion of the day. In either case, an exceedance of 20% is considered fair and reasonable in this regard. The limit of 20% also assists to manage interference effects between users and adverse effects on the natural and human use values supported by the river. The irrigation day is set from midnight to midnight.

[R]

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.

A site specific adverse effect of taking water is the potential to influence the efficiency of other water takes from the same resource. The rate of abstraction of water from a river or the method of abstraction may reduce the flow of water past an existing intake or divert water from the intake. Similarly, pumping groundwater from an aquifer draws down aquifer levels in proximity to the bore. Takes located in close proximity to the proposed intake/bore are at greatest risk in this respect. The potential for such “interference effects” exists in spite of the limits set in the MEP.

This policy signals that such adverse effects can be managed by limiting the instantaneous rate of take. Any such limit would be imposed, where necessary, as a condition of the water permit. The potential for any interference effects and the scale of those effects will have to be assessed for any water permit application.

Policy 5.3.12 provides for the construction of bores as a permitted activity. Conditions are set in the relevant rule requiring separation distances between bores in order to further reduce the potential for “interference effects.” The separation distance makes it less likely that the drawdown in aquifer level caused by pumping will affect the water level in another bore in the vicinity.

[R]

Policy 5.3.12 – Enable the construction of bores while recognising that this policy does not authorise the taking of water for any purpose other than bore testing.

Bores are used as the means to access water from Marlborough’s aquifers. Rules identify that bore construction will be a permitted activity. The construction of a bore has limited potential to cause adverse effects, while still enabling groundwater to be accessed. Although the construction of a bore may be a permitted activity, the abstraction of groundwater for subsequent use may require a water permit (depending on the status of taking water under the rules).

[R]

Policy 5.3.13 – While seeking to manage interference effects between groundwater users, recognise that it is unreasonable to protect an existing take of groundwater when the bore does not fully penetrate the aquifer.

It is not equitable to utilise Policy 5.3.11 to protect the water supply from bores that do not fully penetrate the aquifer. Any such limit would penalise the resource consent applicant for bores that are effectively too shallow. The effect of the policy is that the owner of a shallow well will have to deepen the well or construct a new well in order to protect the reliability of their own water supply.

[R]

Policy 5.3.14 – 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:

- (a) not be less than ~~30~~ 20 years when the take or diversion for consumptive purposes is from a ~~water resource~~ Freshwater Management Unit:
 - (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 the take or diversion of water for consumptive purposes is from an over-allocated ~~water resource~~ Freshwater Management Unit as specified in Policy 5.5.1; or
- (c) not be more than ten years when the take or diversion of water for consumptive purposes is from a ~~water resource~~ Freshwater Management Unit that has a default environmental flow established in accordance with Policies 5.2.7 and 5.2.14.

Comment [28]: Topic 4

This policy assists decision makers to determine the appropriate duration of water permits. The circumstance in (a) reflects a desire by water users for longer water permit terms in order to provide the certainty required to make long-term investment decisions. It also recognises that there is certainty regarding the sustainability of water abstraction from a FMU when limits are set by rules in the MEP. In this circumstance, durations of 30 years are generally considered appropriate.

The circumstances in (b) and (c) reflect situations where there is uncertainty regarding the sustainability of abstraction, either because the resource is over-allocated or because there is a lack of knowledge to set specific environmental flows/levels. A shorter term is an effective means of managing this uncertainty as it allows the sustainability of the existing abstraction to be reassessed against the provisions of a reviewed MEP after its current ten year life.

The policy also recognises that there may be other factors involved with a specific proposal that influence the determination of appropriate duration.

[The duration of diversions for consumptive purposes has the same potential effect on the total allocation of water as the duration of takes, so the policy treats them equally.](#)

Comment [29]: Topic 4

[R]

Policy 5.3.15 – Require land use consent for the planting of new ~~commercial~~ plantation forestry in flow sensitive areas.

Comment [30]: Topic 22

Afforestation of land currently in pasture has the potential to reduce water yield in the relevant catchment with consequential effects on the surface water hydrology. Water permits have been granted through the provisions of the MEP and through previous planning documents, with reliabilities based on historical surface water hydrology. If water yield is reduced by afforestation

in the long-term, it creates the potential to reduce the flow reliability that water users have come to depend upon. This could mean that water users become subject to restrictions more frequently than they have been to date.

The water resources most at risk are south of the Wairau River and specific Afforestation Flow Sensitive Sites are identified. The identified land receives low rainfall (in comparison to north of the Wairau River) and contributes run-off to smaller catchments. These factors make the water resource supplied by run-off from the land more vulnerable to changes in water yield.

Comment [31]: Topic 14

Comment [32]: Topic 14

The policy does not apply to existing ~~commercial~~plantation forestry or the replanting of that forest following harvest, as the effects of this forestry on water yield are part of the existing environment.

[R]

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 existing commercial~~plantation forestry and ~~carbon sequestration forestry (non-permanent) established after 9 June 2016~~) and seek to avoid any cumulative reduction in the seven day mean annual low flow of more than 5%.

Comment [33]: Topic 4

Comment [34]: Topic 4

The policy provides guidance to determine land use consent applications required as a result of Policy 5.3.15. The threshold protects the reliability of supply for existing water permit holders by limiting the extent of flow modification. The effects of reductions in water yield on reliability are greatest at times of low flow and for this reason the seven day mean annual low flow is used in the policy. It is also important that any assessment of environmental effects considers the cumulative effects of afforestation within a catchment and any opportunities for adverse effects on water yield to be remedied or mitigated.

The establishment of ~~commercial~~plantation forestry prior to the notification of the MEP was permitted in most situations under the provisions of the previous Wairau/Awatere Resource Management Plan. Any reduction in flow shall be measured against the seven day mean annual low flow at 9 June 2016, being the date of notification of the MEP, and any assessment of cumulative effects should only consider ~~commercial~~plantation forestry established after 9 June 2016.

Issue 5D – Many water resources are fully allocated or are approaching full allocation, inhibiting the opportunity to provide for further demand for water resources.

Amounts of water available for abstraction (sometimes called a class) were established between 1995 and 1997 for specific rivers and aquifers. Allocation has progressed relatively smoothly and people have been able to access water reasonably easily through the water permit process. For the Awatere, Wairau and Waihopai Rivers this has involved allocation moving sequentially through a tiered system of allocation classes.

Allocations are approaching or have reached allocation limits for a number of rivers. The NPSFM requires the Council to avoid any future over-allocation; i.e. the Council cannot continue to allocate beyond the limits established by the MEP. Without further intervention, reaching a state of full allocation will seriously affect opportunities for future economic growth. Marlborough's primary and secondary industries rely on freshwater and any constraint on future supply will curtail economic growth in these industries.

[R]

Objective 5.4 – Improve the utilisation of scarce water resources.

In a state of full allocation of water resources, and given the implications of full allocation for potential users under the NPSFM, it is essential that [better utilisation of scarce water resources](#)

~~occurs to enable access to water to meet future demand, an alternative method to gain access to water is found to meet future demand.~~

Comment [35]: Topic 4

[R]

Policy 5.4.1 – Unless special circumstances exist that justify a longer period ~~the~~ the lapse period for water permits to take water shall be no more than two years.

The statutory lapse period to commence the exercise of a resource consent is five years. This is a considerable period of time to have water allocated but potentially not used. With increasing scarcity of freshwater resources, it is appropriate to have a shorter lapse period. This policy records that the appropriate lapse period is two years, as this period represents a reasonable balance between providing sufficient time for a water permit holder to arrange necessary infrastructure and avoiding a situation of other potential users being denied access to reliable water supplies through the consent holder's inaction. There may be special circumstances which may warrant an extension to this period, and it will be for consent applicants to describe those appropriately for a decision-maker as part of a consent application. For example, a longer lapse period may be justified for regionally significant infrastructure or due to the scale or complexity of the activity for which the water permit is required. The allocation status of the water resource will be taken into account in terms of considering any applications to extend a lapse period under Section 125(1A) of the RMA.

Comment [36]: Topic 4

~~[R]~~

~~**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.**~~

~~Section 125(1A)(a) specifies that a resource consent does not lapse if the consent is "given effect to." There was uncertainty during the administration of the previous resource management plans as to what this term meant in the context of a water permit. To avoid confusion in the future, this policy clearly describes that a water permit is given effect to when, in conjunction with Policy 7.4, water is taken from the freshwater resource, the take is measured via an appropriate meter and the water is used for the purpose in which it was granted.~~

Comment [37]: Topic 4

[R]

Policy 5.4.3-2 – The lapse period for water permits to use water shall be ~~at least ten~~ no more than 5 years.

A user must, as a minimum, hold a water permit to use water (a water permit to take water may not be necessary depending on the method of water distribution). To improve the utilisation of scarce water resources the streamlined transfer process for use of water may enable an opportunity to use otherwise unutilised water for limited periods of time. ~~Opportunities to utilise enhanced transfer of water permits may be limited in time.~~ It would therefore be inappropriate to lapse the water permit to use water on the basis that no such opportunity arose in the lapse period. For this reason, a long lapse period of ten years is signalled for water permits to use water by this policy. This will ensure that a system of enhanced transfer has the greatest opportunity to function effectively over time.

Comment [38]: Topic 4

[R]

Policy 5.4.23 – Giving effect to water permits to take and/or 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.

Section 125(1A)(a) specifies that a resource consent does not lapse if the consent is "given effect to." There was uncertainty during the administration of the previous resource management plans as to what this term meant in the context of a water permit. Many of Marlborough's water resources are fully allocated relative to the limits in this Plan, or are approaching a status of full allocation. There is therefore increasing competition for available water between water users. To avoid the potential for conflict in the community that this competition may cause, and to ensure water already allocated is being used for productive use as intended, it is important to administer

the lapse of water permits diligently. To allow this to occur, this policy clearly describes that a water permit is given effect to when, in conjunction with Policy 5.7.4, water is taken from the freshwater resource, the take is measured via an appropriate meter and the water is used for the purpose in which it was granted.

Comment [39]: Topic 4

[R]

Policy 5.4.4 – Enable access to water that has been allocated but is not currently being utilised by individual water permit holders through the transfer of water permits.

This policy seeks to enable the movement of water between users within a freshwater management unit so that more efficient utilisation of the available water can occur. Through the monitoring of water use authorised by resource consent, it is evident that the actual demand for water is usually less (sometimes considerably so) than the volume of water allocated via the water permit. This is water that could be utilised by other existing users or by potential users that are unable to access water due to a state of full allocation.

[R]

Policy 5.4.5 – When an ~~enhanced~~-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:

- (a) the respective takes are from the same Freshwater Management Unit;
- (b) the Freshwater Management Unit has a water allocation limit specified in Schedule 1 of Appendix 6;
- (c) the take is not from the Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit, Omaka Aquifer Freshwater Management Unit or the Riverlands Freshwater Management Unit;
- (d) metered take and use data is transferred to the Council by both the transferor and the transferee in real time using telemetry;
- (e) the allocation is authorised via a 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.

Comment [40]: Topic 4

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.

An ~~enhanced~~-streamlined transfer system was not included in the MEP when it was publically notified on 9 June 2016. However, the Council intends to introduce such a system to the MEP through the plan change provisions under First Schedule of the RMA at a later date. Under a system of ~~enhanced~~-streamlined transfer of water permits, water users would have the flexibility to develop their own transfer arrangements. In these circumstances, there is a need for appropriate protections to be put in place to make a system of ~~enhanced~~-streamlined transfer work efficiently and effectively for water users, as well as to protect the reliability of the water resource for existing users. The matters (a) to (fg) effectively establish ground rules under which ~~enhanced~~-streamlined transfer can occur. In doing so, this policy gives effect to Policy B3 of the NPSFM. The matters listed above will form the basis of permitted activity standards for the transfer of water permits.

[R]

Policy 5.4.6 – Provide water users and the community with daily water use information for fully allocated water resources.

This policy commits the Council to providing daily water use information for uses authorised by way of resource consent occurring in fully allocated water resources. The provision of such information will be particularly important when the enhanced transfer system identified in Policy 5.4.5 is introduced to the MEP as this will enable opportunities for the transfer of water between users to be identified by those users.

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.

The NPSFM defines over-allocation of water resources as where a water resource has been allocated beyond a limit or is being used to a point where a freshwater objective is no longer being met. Allocation limits are established for water resources through the provisions of the MEP. Where the cumulative abstraction of water by all water users exceeds the allocation limits, the abstraction creates the potential for significant adverse effects. This is because the limits represent the extent of safe yield from the river or aquifer. Water abstracted in excess of the safe yield is likely to not only adversely affect flows in rivers and levels in aquifers, but also the various uses and values that depend upon those river flows and aquifer levels, including abstractive uses. In summary, such abstraction is unsustainable as it threatens the life-supporting capacity of the water resource and, where the adverse effect is long-term, the ability of the water resource to sustain future generations.

Other provisions of the MEP seek to ensure that allocation limits are not exceeded in the future. However, in five aquifers the allocation of water to users through water permit allocations has already exceeded safe yield. These aquifers are identified in Policy 5.5.1. In the Southern Valleys, actual use under those paper allocations has also exceeded safe yield, resulting in significant drawdown of aquifer levels and adverse effects on water users.

[R]

Objective 5.5 – Phase out any over-allocation of water resources.

Objective B2 and Policy B6 of the NPSFM require the Council to phase out over-allocation of water resources. Objective 5.5 of the MEP is designed to give effect to this requirement.

[R]

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.

The water resources set out in the policy have been over-allocated with respect to limits set out in the MEP. The policy provides certainty with respect to the scope of the application of subsequent policies to address over-allocation.

[R]

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.

Water resources identified as over-allocated should not be placed under further stress by additional demand. Any additional demand will not only make existing or potential adverse effects of over-allocation worse, it will make the community's objective of addressing over-allocation more challenging. For this reason, this policy directs that no further water permits to take water from the water resources identified in Policy 5.5.1 should be granted after 9 June 2016 (the date of notification of the MEP). This policy will be implemented by a prohibited activity rule. For the avoidance of doubt, the policy does not apply to any application to continue taking water from the water resource in the same circumstances as previously authorised.

[R]

Policy 5.5.3 – Avoid any additional diversion of water from over-allocated water resources for use on land in other freshwater management units.

Over time, many water users have been innovative in addressing the shortage of water in an area by diverting available water from other water resources. However, diverting water from an over-allocated water resource to another freshwater management unit will not result in sustainable outcomes and is to be avoided.

[R]

Policy 5.5.4 – Progressively resolve over-allocation of the Wairau Aquifer 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.

This policy sets out the means by which the over-allocation of groundwater from the Wairau Aquifer and Riverlands Aquifer will be resolved. The application of the policies to achieve efficient water use (see Policies 5.7.1 to 5.7.6) will reduce the cumulative allocation of water from the Wairau Aquifer over time. By 2025 it is expected that the total allocation authorised by resource consent will reflect the allocation limit. This policy will assist to give effect to Policy B6 of the NPSFM.

[R]

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.

This policy sets out the means by which the over-allocation of groundwater from the Benmorven, Brancott and Omaka Aquifer FMUs will be resolved. A reduction in the allocation that has been granted resource consent, based on reallocating the total allocation available relative to each individual's irrigated land area, is considered to be the most equitable means of reducing total allocation of water from these FMUs. Where water use is for non-irrigation purposes, such as winery or commercial use, the proportion of the reallocation will be calculated to be relative to irrigation water permit holders.

A degree of reduction of allocation has already occurred prior to the notification of the MEP through the processing of some water permits to continue taking water from these resources. Some resource consent applicants have also applied to take less water than the guideline rate under the provisions of the WARMP/MSRMP. These actions will be taken into account in terms of the application of the policy to these specific water permits.

The reductions will be calculated and applied by reviewing the conditions of water permits in accordance with Section 128(1)(b) of the RMA.

Reflecting Policy 5.3.1, no proportional reduction of allocation has been applied to takes used to supply stock or domestic water.

[By 2025 it is expected that the total allocation authorised by resource consent will reflect the allocation limit.](#)

Comment [41]: Topic 4

This policy will assist to give effect to Policy B6 of the NPSFM.

Issue 5F – The taking of groundwater in proximity to rivers can individually or collectively reduce flows in the rivers.

For most of Marlborough's water resources, there is exchange of water between rivers and underlying groundwater. Because of this interaction, the taking of groundwater can reduce the flow in the river, termed a "stream depletion" effect. The degree of stream depletion will vary depending on the rate of groundwater pumping, the distance between the point of abstraction and the river and the ability of water to move through the sediments on the river bed and through the adjoining soils. Where groundwater abstraction causes stream depletion effects, there is the ability for the same effects identified in Issue 5B to be created, either in isolation or in combination with other groundwater and/or surface water takes.

[R]

Objective 5.6 – Ensure that the taking of groundwater does not cause significant adverse effects on river flow.

Natural and human use values supported by rivers are flow dependent. Any reductions in river flow caused by groundwater abstraction at times of low flow have the ability to adversely affect the natural and human use values supported by the river. As for direct takes of surface water, the objective with respect to groundwater takes that have stream depletion effects is to maintain the natural and human use values supported by flow in the river.

[R]

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.

In a Marlborough context, an aquifer is a significant body of water stored in the unconsolidated materials below the ground surface. The groundwater occupies the pore space between sand, silt or gravel particles. In many cases, the groundwater associated with rivers does not involve the storage of a significant volume of water and the groundwater is therefore not recognised as an aquifer. In these circumstances, the taking of groundwater has greater potential for stream depletion effects.

This policy directs that the potential adverse effects of groundwater takes will be managed in the same manner as surface water takes. The effect of the policy is two-fold:

- any take of groundwater will be included within the allocation provided from the river; and
- the environmental flow set for the river will apply to any groundwater take.

Aquifers are excluded from the policy as either the volume of stored groundwater has the potential to buffer the effects of groundwater abstraction on flows in rivers or there is sufficient physical separation between a river and underlying aquifer so that no stream depletion effect is caused.

[R]

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.

As the slope of the Wairau Plain flattens, groundwater returns to the surface in the form of springs. The largest of these spring systems are Spring Creek, Fultons Creek and Murphys Creek. Although not retaining outstanding natural character, these rivers are still highly valued by the community for the clear water that flows in them and in the case of Fultons Creek and Murphys Creek, the provision of a baseflow of water to sustain the Taylor River during the summer months.

The taking of groundwater in close proximity to spring-fed streams has the potential to cause stream depletion effects. The greatest risk is that abstraction could cause a downstream shift in the position of the headwaters. In order to preserve the remaining natural character of these spring-fed streams and to maintain the amenity values that they support, this policy identifies that groundwater takes close to spring-fed streams will be subject to specific management.

A network of bores has been established across the spring belt of the Wairau Plains to monitor aquifer levels. There is a very good relationship between aquifer level and the position of headwaters of the spring-fed streams and the subsequent flows in the streams. Aquifer environmental levels have been established by regional rule at each of the monitoring bores. The taking of groundwater in the relevant FMU must cease when the level of water in the Wairau Aquifer falls to the specified level.

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.

Inefficient allocation and use of water is potentially a significant issue in Marlborough, given that many water resources are at or are approaching full allocation. As described in Issue 5D, once allocation limits have been reached, the Council is unable to continue allocating water to other users. Allocating and/or using more water than is required for a particular use represents a lost opportunity for other potential users to gain access to water in a limit based management system. This can occur when water is allocated to a user but is not utilised or is lost through wasteful distribution/application methods. There will be cumulative social, cultural and economic effects from inefficient allocation and use of water once limits have been reached. In particular, as Marlborough relies on water for primary production and the processing of crops, inefficient allocation and/or use of water limits the opportunities for economic growth and employment.

[R]

Objective 5.7 – ~~The allocation and use of water do not exceed the rate or volume required for any given water use~~ To achieve efficient water use for any given activity.

Water is one of Marlborough's most significant natural resources. There is a collective community responsibility to ensure that the greatest social, cultural and economic benefit can be derived from the water available for consumptive use. Efficient allocation and use of water has an important role to play in this respect, as it ensures that water is put to productive use.

Comment [42]: Topic 4

[R]

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.

This policy identifies that the use of water is a separate activity to the taking of water from a water resource, with the potential for distinct positive and adverse effects. By requiring a separate water permit to authorise the use of water, those effects can be recognised and, where necessary, appropriately managed through the processing of the application in accordance with the provisions of the MEP.

The policy also establishes separate classes of use. This distinction between different uses allows other policies of the MEP to be applied to those uses, including Policy 5.7.5.

[R]

Policy 5.7.2 – To allocate water on the basis of reasonable demand given the intended use.

One of the ways in which efficient use of water can be achieved is by ensuring that the allocation to the user does not exceed that which is reasonably required for the use. ~~For irrigation in the case of irrigation, the Council will provide users with a tool, "IrriCalc,"~~ a reasonable use model will be used to estimate water demand for the crop, based on the soil type(s) and climate that exist at the property. For non-irrigation uses, the allocation will be assessed on a case-by-case basis.

Comment [43]: Topic 4

This policy assists to give effect to Policy B4 of the NPSFM.

[R]

Policy 5.7.3 – Water permit applications to use water for irrigation will not be approved when 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.

Irrigation is used to replace any deficit in soil moisture in order to maintain crop health and growth. Climate and the properties of the soil in which the crop is growing are the main determinants of water availability and therefore irrigation demand. In terms of soils, Plant Available Water (the measure of the difference between field capacity and plant wilting point) is a key influence on crop water demand. The Plant Available Water varies according to soil type.

~~"IrriCalc"~~ Reasonable use models uses existing soils information and modelled climate data to provide estimates of water use for all crop types. To ensure efficient use of water for irrigation, the Council will generally not grant water permits to use water for irrigation purposes at a rate that exceeds the reasonable use calculation provided by a reasonable use model ~~"IrriCalc."~~

Past methods of determining water use allocations have not accounted for the variation in water demand when growing the same crop in different locations and conditions. The use of ~~"IrriCalc"~~ a reasonable use model in the manner described above will therefore result in improvements in the efficient allocation and use of water and assist to give effect to Policy B4 of the NPSFM.

The policy recognises that the calculation is a modelled calculation and may not accurately estimate reasonable use in all circumstances. For this reason, the policy provides resource consent applicants the opportunity to provide property specific information on the factors that influence crop demand that may demonstrate a ~~higher~~ rate that exceeds the calculation provided by the model of water use than ~~IrriCalc~~ a reasonable use model would otherwise indicate. Examples could include historical measurement of rainfall or the investigation of soil type and plant available water on the property. Regard can be had to such information in determining an appropriate allocation on water permits to use water.

Comment [44]: Topic 4

[R]

Policy 5.7.4 – Require water permit holders to measure ~~their water take with a pulse emitting meter, to record water take and use with a data logger, and to transfer the recorded water take and use information by the use of telemetry~~ record and transfer the

information from their water take using a meter and data management system that is capable of recording real time information, and transmitting this to the Marlborough District Council via telemetry. Alternative methods of measurement, recording or transfer that provide the Marlborough District Council with accurate water take and use data may be considered.

Comment [45]: Topic 4

All water takes authorised by way of resource consent are required to be accurately metered. The water use information gained through the measurement of water take and use is important for:

- establishing compliance with the water allocations provided by water permits and the conditions imposed on water take and use (e.g. compliance with water restrictions);
- enabling cumulative rates of take within a freshwater management unit to be accounted for (and reported) as required by Policy CC1 of the NPSFM;
- indicating the extent of water availability at any point in time; and
- establishing or refining a relationship between cumulative rates of water use and the water resource response. In this way, water use information collected through accurate metering assists the Council to review limits set in accordance with provisions of the MEP and refine those limits where necessary.

The policy establishes the requirements with respect to measurement of water takes in Marlborough. Data ~~loggers~~ management systems that are capable of recording real time information provide accurate water take records and their use avoids the need for manual readings. The use of telemetry ensures the transfer of recorded data to the Council in a timely fashion. These efficient means of recording and transferring water take information will also assist to enable the transfer of water permits between users, as provided for under Policy 5.4.4. By providing users with real time information on water user relative to limits, metering establishes the extent of water availability at any point in time.

Comment [46]: Topic 4

[R]

Policy 5.7.5 – Separate measurement will be required to record different categories of water use, but not for different uses within each category. Categories include municipal, irrigation, industrial, residential, commercial and frost fighting.

Reflecting Policy 5.7.1, each different category of water use authorised by water permit must be measured. This policy helps to give effect to Policy CC1 of the NPSFM, which requires the Council to account for the proportion of water taken for each major category of use. Water use information is requested by Central Government on an annual basis for the purposes of national reporting. The categories in the policy reflect the nature of those requests.

[R]

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.

The way in which water is distributed and/or applied to the crop can influence the technical efficiency of water use. Methods or practices of distribution and/or application that are wasteful (relative to crop demand) are inappropriate within a limit-based water management system. When considering a water permit application to use water, it is appropriate that the Council has regard to the nature of the irrigation system to ensure that wasteful water use is avoided. The use of technology and best irrigation practice will be important factors for resource consent applicants to address in their applications. Industry groups may produce guidance material that assists with this task.

[R]

Policy 5.7.7 – Allocate water for domestic needs on the basis of five cubic metres per household per day.

Rules specify that a reasonable abstraction for an individual's domestic needs is five cubic metres per household per day. However, there are water permits authorising the supply to more than one

household that enable the taking of water at higher rates. The exercise of these water permits effectively represents an inefficient use of water. When applications to continue taking domestic water are processed in these circumstances, the allocation provided will be reduced from the previously authorised level to the equivalent of five cubic metres per household per day.

This reduction in allocation will help the Council to address over-allocation in accordance with Policy B6 of the NPSFM while still providing sufficient water to the consent holder for domestic needs. This outcome will ensure that the over-allocation of the water resource is addressed equitably across all water users.

This policy assists to give effect to Policy B4 of the NPSFM.

Frost fighting

[R]

Policy 5.7.8 – Approve applications to take and use water for frost fighting purposes only where there are no effective alternative methods for frost control on the property.

Although the use of water for frost fighting may be efficient for protecting crops, it involves significant volumes of water at very high rates of use (compared to irrigation). For this reason, the use of water for frost fighting is not considered efficient, especially in circumstances where water resources are fully allocated or are approaching full allocation. There are alternative methods of frost fighting that do not involve the use of water (e.g. wind machines) and the policy identifies that these methods should generally be used in preference. However, the policy also recognises that there are circumstances where alternative methods of frost protection are not effective and in these cases the use of water can be considered.

[It is also noted that restrictions on the use of alternatives due to proximity to residential activity may mean the use of water can be considered in those limited circumstances](#)

Comment [47]: Topic 4

This policy assists to give effect to Policy B4 of the NPSFM.

[R]

Policy 5.7.9 – A limitation will be imposed on the maximum rate of use of water for frost fighting purposes of 44 cubic metres per hour per hectare.

This policy assists to give effect to Policy B4 of the NPSFM and sets a maximum rate of water use for frost protection in order to avoid excessive use of water.

[R]

Policy 5.7.10 – Avoid taking water for frost fighting purposes during periods of peak irrigation demand (1 January to 30 April in any calendar year).

Given the significant volume of water involved in frost fighting, it is inappropriate for this water to be taken during the period of peak water demand (January to April). Abstraction of frost fighting water during this period has the potential to adversely affect other users of water. It is also unlikely that frost conditions will exist for most of the time period stated in the policy.

[R]

Policy 5.7.11 – Where water is to be stored for the purpose of frost fighting, require a minimum storage volume equivalent to three days of frost fighting demand. In addition, where water is proposed to be taken to replenish stored water used during a frost event, have regard to effect of the rate of refill on other water permit holders and the natural and human use values supported by the source waterbody.

Stored water is often used to supply water for frost protection given the high water demand. It is reasonable for people to replace the water utilised from the reservoir/dam for frost protection, particularly if subsequent frosts are predicted. The rate of abstraction of water to refill the reservoir/dam can be high and may lead to adverse effects on the natural and human use values supported by the waterbody and on other users of water. For this reason, there should be

sufficient water stored to protect against three consecutive days of frost. This will minimise the need to take water at a significant rate to refill the reservoir for frost fighting on the subsequent day. If a person undertaking frost fighting proposes to refill the reservoir within the three days, then it is appropriate to also consider the effects of the rate of refill.

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.

Marlborough typically experiences a dry climate with the potential for significant seasonal variation in rainfall. Rainfall over summer months, even in average years, is insufficient to meet the demand of most crops, resulting in a significant increase in the demand for water for irrigation purposes. For the same reasons (low rainfall and high evapo-transpiration), the flow of water in rivers and the levels of aquifers are typically at their lowest over this same period. The imposition of environmental flows/levels to protect the life-supporting capacity of the water resource can result in the restriction or suspension of abstraction from those water resources. The outcome is one in which water users, particularly irrigators, cannot access water at the very time they need it the most. In such circumstances there is the potential for failure of crops, [reduced pasture growth](#) or at least reduced yield/[production](#). Given the importance of primary production to Marlborough's social and economic wellbeing, there is a need to find ways to alleviate such short-term water availability issues.

Comment [48]: Topic 4

[R]

Objective 5.8 – Maximise the availability of water within the limits of the resource.

Water availability varies significantly in Marlborough, both in time and location. There are methods by which water that is available at different times of year (due to higher rainfall and lower evapo-transpiration) or available at other locations can be made available to help resolve short-term water availability issues. Examples can include the storage of water and/or augmentation of water resources from other sources. This objective seeks to maximise water availability in order to mitigate the significant negative effects of water shortages, especially for primary production, which relies on water to grow crops. The sustainable yield from the water resource can place natural limits on the ability to achieve this objective, but where there are opportunities to supplement water resources, these will result in a more resilient economy and community.

[R]

Policy 5.8.1 – Encourage the storage of water as an effective response to seasonal water availability issues [while safeguarding ecosystem health](#).

Given Marlborough's dry climate, especially over the summer months, storage of water has been utilised as a common strategy to offset temporary shortages of water for irrigation purposes. Storage has involved the interception of run-off by damming ephemeral water bodies, the damming of intermittently or permanently flowing water bodies and the placement of abstracted water in purpose-built reservoirs. There may also be the potential to augment river flow from the stored water. All of these approaches provide a back-up supply of water that increases water user resilience. For this reason the storage of water is strongly supported.

Comment [49]: Topic 14

In some cases, activity status will assist to encourage the storage of water by providing for activities involved in storing water as a permitted activity or controlled activity.

Damming of intermittently or permanently flowing waterbodies can create the potential for adverse effects. These effects will be considered through Policies 5.2.~~21~~-[22](#) and 5.2.~~22~~[23](#).

[R]

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 water availability).

Utilising higher flows in surface waterbodies to offset the shortage of water for irrigation during periods of low flow is an efficient and effective water management mechanism. The abstraction of water during periods of higher flow and the placement of this water into storage have been enabled for some time in Marlborough through Class C water permits. This regime continues under the reviewed resource management framework. It will assist water users to manage water shortages in a limit-based management regime, especially in response to the effect of any suspension of Class A or Class B water permits in accordance with other provisions in the MEP. “Higher flows” will be defined by rules which will set minimum flows below which water cannot be taken for storage through Class C water permits.

[R]

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.

Although an explicit C class exists to facilitate access to water for storage purposes under the circumstances set out in Policy 5.8.2, taking water allocated under another class for storage can also be efficient. For example, some rivers experience periods of high turbidity that can make run-of-the-river abstraction particularly difficult due to the effect on irrigation distribution systems. The storage of water during the irrigation season provides for a back-up supply of irrigation water when access to Class C water may otherwise be restricted or where no Class C has been established. There may also be short-term peaks in flow over the irrigation season in response to rainfall events that, while not sufficient to reactivate access to Class C, still create an opportunity to store water. This policy recognises these circumstances by enabling the storage of Class A or Class B water.

~~The policy also recognises that~~ Class A and Class B were primarily created to enable access to water as instantaneous takes. Significant abstraction of water over the irrigation season for storage purposes over and above the rate of take for irrigation purposes has the potential to adversely affect the reliability of existing takes of water (by drawing down river flow/aquifer level at a faster rate than would otherwise have been the case). For this reason, the policy limits the rate of take of water for storage purposes to the authorised daily take for irrigation purposes. This still provides the consent holder with flexibility to decide how water will be used on any given day, but also ensures that the abstraction would have no greater effect on existing users than the daily take solely for irrigation purposes.

Comment [50]: Topic 4

[R]

Policy 5.8.4 – The annual volume of water taken for storage for irrigation purposes 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.

This policy ensures that water taken from a water resource for storage is not excessive relative to the use(s) to which it is eventually to be put. Excessive taking of water to storage of water may frustrate the attempts of other users to access water by fully allocating the C class or through interference effects caused by the rate of take from the source waterbody. The policy provides a threshold for appropriate takes to storage that reflects that the stored water should be sufficient to provide for irrigation needs for two seasons. This is reasonable in Marlborough’s dry climate where consecutive dry summers have historically occurred.

Comment [51]: Topic 4

The policy assists to give effect to Policy B4 of the NPSFM.

[R]

Policy 5.8.5 – All water placed in storage should be accurately accounted for.

Although storage is not as such a 'use' of water (as water is stored for pending and subsequent use), it is still important to account for water taken from freshwater bodies for storage purposes as it represents a permanent removal of water from the freshwater resource. This policy does not establish a set methodology for accounting in these circumstances, as there has been, and will continue to be, a wide diversity of distribution systems developed by individual water users in response to the circumstances that exist on their property. The appropriate accounting system will be developed on a case-by-case basis through the resource consent process, but as a minimum requirement must accurately account for water taken from the freshwater resource that would not otherwise be accounted for through the metering requirements established by Policy 5.7.4. Dedicated metering would be one form of measurement, but other methods may also be appropriate.

Issue 5I – There is the potential for a new water user to get access to water on a more reliable basis than allocations already made, resulting in inequitable outcomes.

Freshwater in Marlborough has become a scarce resource in many freshwater management units as resource limits are approached (if not already reached). This results in competition for available water. Policy 5.3.6 identifies that the first in, first served method of allocation is efficient and effective for dealing with this competition prior to allocation limits being reached for the first time.

Once the water resource is fully allocated, there are limited circumstances under which that allocated water could become available for re-allocation. For example, an existing consent to take and use water may lapse, be only partially exercised, or be surrendered. Water users have identified as a concern the ability for existing or potential users to gain access to that water through the first in, first served method of allocation. Water that becomes available will have an inherent reliability depending on when that water was first allocated relative to other subsequent allocations. If the application is granted, the successful applicant may gain access to water under more favourable circumstances than other users granted water later than the original permit was granted. This is considered an inequitable outcome and one that could see the competition for water resulting in community conflict.

[R]

Objective 5.9 – Ensure that water users in the same or similar circumstances are treated in the same manner when it comes to securing access to water.

Water users have a desire to ensure that others in the same or similar circumstances are treated in the same manner with regard to securing access to water through the resource consent process. That does not mean that the outcome of the process will necessarily be the same, as the finite nature of water resources will inevitably result in different outcomes as allocation proceeds on a first in, first served basis. The provisions of the MEP attempt to ensure that there is some certainty about the volume of water available for allocation and the circumstances under which it is available to minimise the potential for conflict in the community. Even so, there will be circumstances under a first in, first served allocation regime that create the potential for a water user to get access to water on a more reliable basis than allocations made previously. This objective seeks to avoid such inequitable outcomes.

[R]

Policy 5.9.1 – Once an allocation limit is reached and that part of the water resource is fully allocated, any water that subsequently becomes free to allocate to other users will only be made available to those users through a system of ballot.

This policy sets out in principle that any water that becomes available to re-allocate shall be allocated via ballot. A ballot is considered by water users to be the most equitable way to determine who should receive the water given the likely competition for the water amongst existing users. It avoids the situation of a person gaining access to water in preference to other potential users based on the nature of the use or because they were first to make an application.

[R]

Policy 5.9.2 – On securing the ballot, the successful ballotter must apply for the necessary water permits to authorise the taking and (if relevant) use of water. Until the successful ballotter(s) secures the necessary water permits, the water resource is considered fully allocated.

The policy sets out what the successful ballotter must do to secure the allocation gained through a ballot. As existing water permits define the spatial extent and rate of use, any proposed additional use would exceed existing allocations expressed in consents to take and use water. This means that a separate water permit would be required to authorise the taking and use of water. This policy secures the ability to make such an application without predetermining the outcome. While this process is underway, the water resource is considered to remain fully allocated to prevent a third party making an application for a water permit that would effectively nullify the result of the ballot.

[R]

Policy 5.9.3 – If required, any ballot will be conducted on the following basis:

- (a) at least annually for the calendar year;
- (b) if the water permit holder already holds a water permit to take and use water for the same purpose, then they must surrender the original water permit before giving effect to the new water permit; and
- (c) if the subsequent water permit application to authorise the taking of water is not made within 12 months of the ballot result or the water permit application is refused, then that water will be re-balloted in the subsequent year.

The matters in (a) to (c) set out procedurally how any ballot to allocate water would be conducted. These matters will therefore guide the ballot process, if any ballot is required.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[R]

5.M.43 Regional rules

Set environmental flows and/or levels for permanently flowing rivers, lakes, wetlands and aquifers to maintain the uses and values supported by the waterbody.

Set allocation limits for each FMU to establish the total amount of water able to be sustainably abstracted from the water resource.

Apply regional rules to regulate the taking, use, damming or diversion of water in accordance with the policies in this chapter. This includes the use of permitted activity rules to enable the taking, use, damming or diversion of water where the activity will not give rise to adverse effects on natural and human use values supported by the waterbody.

A permitted activity rule will enable the construction of bores.

Prohibit the taking, use, damming or diversion of water where those activities would adversely affect the significant values of ~~outstanding~~ water bodies.

Prohibit the taking of water beyond environmental flows/levels and allocation limits set by rules.

Require all resource consents granted ~~for to take and use~~ water takes to be measured using a meter and data management system that is capable of recording real time information~~by pulse emitting meter and recorded by data logger~~, and require the recorded take and use information to be transferred to the Council by telemetry.

Review water permit conditions to impose or alter environmental flows and levels (or other relevant limits) established by rules in the MEP.

[R]

5.M.25 Water user groups

Encourage the establishment of water user groups to assist the Council to manage water resources. In particular, seek to work with water user groups in the Awatere and Waihopai FMUs to achieve voluntarily rationing of water takes in response to falling flows in order to achieve the flow objectives for each river (see Policy 5.2.167). Water user groups may also co-ordinate voluntary rationing of water takes in any FMU to delay the onset of restrictions imposed as a result of environmental flows or limits set by this Plan. The method of rationing to be considered is at the discretion of the water user group but may include prioritising the application of voluntary rationing between users or uses.

[R]

5.M.36 Ballot

If water in a fully allocated FMU becomes available for allocation again, the Council will hold a ballot to determine who can make an application to take and use the water. If a water user group exists for the FMU, then the Council will seek to work with it to run the ballot.

[R]

5.M.47 Information

Provide water users and the community with river flow and aquifer level information so that they can make informed decisions with respect to the rationing or cessation of their water take in order to comply with the rules in the MEP.

Provide water users with information on their recorded water use relative to their water permit allocation.

[R]

5.M.58 E-Planning

Deliver Council resource consent, compliance and environmental information functions through digital means via the Council website. Provision of timely information and functions will assist water users to improve their use practices and encourage more efficient use of water.

[R]

5.M.69 Storage Incentives

Incentivise the storage of water during periods of higher river flow to provide an alternative supply of water during periods of low flow. Incentives include the use of a permitted activity for the use of stored water and a controlled activity for the taking of Class C water.

Comment [52]: Topic 4

Comment [53]: Topic 4

Comment [54]: Topic 4

[R]

5.M.710 Modelling

Model the irrigation demand of pasture and crops according to soil type and climate [using Irricalc or a similar reasonable use model approved by Marlborough District Council](#). The model output will be used as a basis for determining allocations for the use of water. The model will be provided to water users via ~~the E-planning-an online~~ [tool](#).

Comment [55]: Topic 4

[R]

5.M.811 Research

Continue to research the reasonable use requirements of the crops grown in Marlborough. This will include continuing to collect and refine soil information to allow the model to be refined over time.

[R]

5.M.912 Advocacy

Encourage water users to undertake soil moisture monitoring on irrigated properties so that irrigation occurs to maintain soil moisture levels. This will result in more responsive and efficient use of water.

[R]

5.M.13 – Efficient Water Use

Encourage efficient water use by sharing information with water users and water user groups. Information gathered through the application of other methods in this Chapter will be provided, including real time water use data and river flow/aquifer level data, the results of research and modelling in terms of reasonable use requirements and sharing information on new technology. The information will be able to be applied by water users to make adjustments to their existing water management regime to ensure the volume and rate of water use match actual water use requirements.

Comment [56]: Topic 4

~~Issue 5J – People want to be able to use and develop the coastal marine area for private benefit.~~

~~The Council's role in managing the resources of the coastal marine area follows from the way in which people's use of the coastal marine area is restricted under the RMA. The RMA prohibits the use or occupation of the coastal marine area unless allowed to by resource consent or rules within a regional coastal plan. (The same situation does not apply to land uses above the mean high water springs mark, where people are allowed to use land unless a district plan rule states they cannot.)~~

~~Management regimes for specific uses and activities in the coastal marine area are included within Chapter 13 – Use of the Coastal Environment. However, provisions in this part of the Marlborough Environment Plan (MEP) deal with higher level concerns about how space in the coastal marine area should be allocated, the degree to which various occupations generate private versus public benefits and the circumstances in which a user should pay to use the space.~~

~~The community has different expectations about the extent of rights able to be enjoyed in using public resources. For some, there is a belief that there is a right to be able to have a jetty and a boatshed fronting a family property in the Marlborough Sounds and multiple moorings for boats. Others believe that there are no such rights. Many such structures have limited benefit for the wider public, yet occupy public space. Conversely, some structures, such as public jetties and launching ramps, do provide enhanced public use of and access to the coast and consequently are of general public benefit.~~

~~The occupation of coastal marine area may effectively prevent other activities from occurring. The extent to which the public are excluded from parts of the coastal marine area varies according to the nature of an authorised activity, whether by resource consent or by a rule in a regional coastal plan. At times there can also be conflict and competition for water space, where uses and activities are not necessarily compatible in the same area.~~

~~Regardless of the type of activity or use proposed in the coastal marine area, in addition to consideration of other effects it is important that the impact on the public interest is considered, as the coastal marine area is a public resource.~~

~~[RPS, C]~~

~~Objective 5.10 – Equitable and sustainable allocation of public space within Marlborough’s coastal marine area.~~

~~The control of the occupation of space in the coastal marine area is a specific function of the Council. The Council allocates or allows the right to use public resources for private benefit. This is within the Council’s role of promoting the sustainable management of the natural and physical resources of the coastal marine area. The objective is therefore intended to ensure that these resources and their associated qualities remain available for the use, enjoyment and benefit of future generations in a way that minimises adverse effects on the environment, avoids conflicts between users and ensures efficient and beneficial use.~~

~~[RPS, C]~~

~~Policy 5.10.1 – Recognition that there are no inherent rights to be able to use, develop or occupy the coastal marine area.~~

~~Both the RMA and the New Zealand Coastal Policy Statement 2010 (NZCPS) anticipate that appropriate ‘use’ can be made of the coastal marine area and that this may involve occupation of coastal space for private benefit. Additionally, the Marine and Coastal Area (Takutai Moana) Act 2011 enables public access and recreation in, on, over and across the public foreshore and seabed, as well as general rights of navigation. However, it is important to recognise that the rights to be able to use coastal marine area are not guaranteed in terms of Section 12 of the RMA; rather, use must be enabled by way of a rule in a plan or by resource consent.~~

~~[RPS, C]~~

~~Policy 5.10.2 – The ‘first in, first served’ method is the default mechanism to be used in the allocation of resources in the coastal marine area. Where competing demand for coastal space becomes apparent, the Marlborough District Council may consider the option of introducing an alternative regime.~~

~~The default process for processing resource consent applications under the RMA is ‘first in, first served.’ The Council processes resource consent applications in the order they are received, provided they are accompanied by an adequate assessment of environmental effects. Using this approach the Council has to date effectively managed the demand for space in the coastal marine area. However, if competing demand for space becomes an issue, the Council may consider the introduction of other allocation methods. There may also be certain circumstances under which a specific allocation mechanism is introduced to address a specific issue.~~

~~[RPS, C]~~

~~Policy 5.10.3 – Where a right to occupy the coastal marine area is sought, the area of exclusive occupation should be minimised to that necessary and reasonable to undertake the activity, having regard to the public interest.~~

~~Exclusive occupation restricts access to the resource consent holder, who has the right to occupy and therefore alienate public space from public use. However, not all activities require exclusive occupation, meaning that other users may carry out activities in the same space where there is no occupation needed, e.g. recreational boating. Given the public’s expectation of being able to use the coastal marine area, the Council considers that exclusive occupation should only be allowed where absolutely necessary.~~

[C]

~~Policy 5.10.4 — Coastal occupancy charges will be imposed on coastal permits where there is greater private than public benefit arising from occupation of the coastal marine area.~~

~~The RMA enables the Council to apply a coastal occupancy charge to activities occupying space within the coastal marine area, after having regard to the extent to which public benefits from the coastal marine area are lost or gained and the extent to which private benefit is obtained from the occupation of the coastal marine area. The Council has considered the private and public benefits associated with coastal occupations and has determined that where the private benefit is greater than the public benefit, charging for occupation of coastal space is justified. The assessment of benefits (private/public) is directed to those arising or lost as a consequence of the structure occupying coastal space, not the associated activity that may be facilitated by the structure being present.~~

[C]

~~Policy 5.10.5 — The Marlborough District Council will waive the need for coastal occupancy charges for the following:~~

- ~~(a) — public wharves, jetties, boat ramps and facilities owned by the Marlborough District Council and the Department of Conservation;~~
- ~~(b) — monitoring equipment;~~
- ~~(c) — activities listed as permitted, except for moorings in a Mooring Management Area;~~
- ~~(d) — retaining walls; and~~
- ~~(e) — port and marina activities where resource consents authorised under Section 384A of the Resource Management Act 1991 are in place until such time as those resource consents expire.~~

~~These waivers exist because the facilities owned by the Council and the Department of Conservation provide a significant level of public benefit as they are used by and available to many people. Retaining walls generally do not occupy significant areas of the coastal marine area to the exclusion of other users, while monitoring equipment is generally very small and often temporary. There are few permitted activities that involve occupation and those that are permitted tend to have a more significant element of public benefit, e.g. navigation aids or public and safety information signs. Although moorings in a Mooring Management Area identified through rules are provided for as a permitted activity in the Coastal Marine Zone (where a relevant bylaw is in place), these moorings are for private benefit and therefore will attract a coastal occupation charge.~~

~~Certain occupation rights are granted to port companies under Section 384A of the RMA. In Marlborough the resource consents granted under this section of the RMA relate to port related commercial undertakings being carried out in the areas of Picton (excluding the area of port in Shakespeare Bay), Waikawa, Havelock, Elaine and Oyster Bays. The RMA appears to exempt these resource consents from attracting coastal occupancy charges until after 30 September 2026.~~

[C]

~~Policy 5.10.6 — Where there is an application by a resource consent holder to request a waiver (in whole or in part) of a coastal occupation charge, the following circumstances will be considered:~~

- ~~(a) — the extent to which the occupation is non-exclusive;~~
- ~~(b) — whether the opportunity to derive public benefit from the occupation is at least the same or greater than if the occupation did not exist;~~
- ~~(c) — whether the occupation is temporary and of a non-recurring nature;~~
- ~~(d) — whether the applicant is a charitable organisation, trust or community or residents association, and if so:~~

Comment [57]: Topic 11

- ~~(i) — the nature of the activities of that organisation; and~~
- ~~(ii) — the responsibilities of that organisation.~~

~~Section 64A(3)(b) of the RMA requires the circumstances when the Council will consider waiving, either in whole or part, coastal occupation charges to be set out in the MEP. These circumstances, set out in a) to d) above, effectively require consideration of the difference between private benefit from an occupation and the public benefit that can accrue from an occupation. For a), where there is exclusive occupation this carries a high degree of private benefit, whereas where the occupation is only temporary there may only be a short-term private benefit. Where trusts, clubs, associations, etc are involved, it is important to understand the nature of the activities and responsibilities of that organisation, including how its purpose relates to the occupation for which a waiver is being sought and the wider public benefits that will accrue from this.~~

~~{G}~~

~~Policy 5.10.7 — The manner in which the level of coastal occupancy charges has been determined is as follows:~~

- ~~(a) — the expenditure related to the Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area has been established;~~
- ~~(b) — the anticipated exemptions and waivers from coastal occupancy charges has been considered;~~
- ~~(c) — the beneficiaries and allocation of costs fairly and equitably amongst beneficiaries has been decided; and~~
- ~~(d) — the appropriate charge for the differing occupations to recover costs has been determined.~~

~~In deciding how to set charges, the Council has used as its starting point the actual expenditure considered necessary to promote the sustainable management of the coastal marine area. The budgeted expenditure for this is described year to year in the Council's Annual Plan for the Environmental Science and Monitoring Group, Environmental Policy Group and Environmental Compliance and Education Group.~~

~~In determining who should meet the cost of sustainably managing the coastal marine environment, an allocation of costs needs to occur between beneficiaries. The Council has considered that a contribution towards the costs should be made by ratepayers (25%) as well as those benefitting from the occupation of public space (75%). The Council has also given consideration to anticipated waivers that may be granted and the number and size of the various occupations. From this assessment, a schedule of charges has been derived and is set out in the Council's Annual Plan.~~

~~{G}~~

~~Policy 5.10.8 — Any coastal occupancy charges collected will be used on the following to promote the sustainable management of the coastal marine area:~~

- ~~(a) — implementation of a Coastal Monitoring Strategy;~~
- ~~(b) — State of the Environment monitoring;~~
- ~~(c) — research in relation to the state and workings of the natural, physical and social aspects of the coastal marine area;~~
- ~~(d) — education and awareness;~~
- ~~(e) — habitat and natural character restoration and enhancement;~~
- ~~(f) — managing marine biosecurity threats;~~
- ~~(g) — maintaining and enhancing public access; and~~

~~(h) formal planning in the Resource Management Act 1991 planning context and strategic planning and overview in relation to the coastal environment.~~

~~The RMA requires that in implementing a coastal occupancy charging regime, any money collected must be used to promote the sustainable management of the coastal marine area. The policy describes those matters on which the revenue collected from imposing charges is to be used, as required by the RMA. Greater detail on these matters can be found in a number of the subsequent chapters of the MEP, including Chapter 6 – Natural Character, Chapter 7 – Landscape, Chapter 8 – Indigenous Biodiversity, Chapter 9 – Public Access and Open Space, Chapter 10 – Heritage Resources, Chapter 13 – Use of the Coastal Environment and Chapter 15 – Resource Quality (Water, Air, Soil).~~

Methods of implementation

~~The methods listed below are to be implemented by the Council unless otherwise specified.~~

~~{G}~~

5.M.10 Regional Rules

~~Include provisions relating to the requirement for coastal occupation charges for port facilities where appropriate, moorings, marinas where appropriate, marine farms, jetties, wharves, boat ramps and slipways, boatsheds and other structures and utilities. Rules will also require discretionary activity applications to be made to enable an assessment of whether an exemption or waiver of any charge should be granted.~~

~~{G}~~

5.M.11 Annual Plan

~~The level of charge to be applied to any activity for which a coastal permit is granted to occupy the coastal marine area is set out in the Council's Annual Plan.~~

Comment [58]: Topic 11

Anticipated environmental result	Monitoring effectiveness
5.AER.1 Sufficient flow in rivers and adequate groundwater level to sustain natural and human use values supported by these water bodies.	Attainment of environmental flows and levels, as recorded at representative monitoring sites. The record of compliance with environmental flows and levels, as recorded by water meter and published via E-planning.
5.AER.2 Maintenance of spring flows on the Wairau Plain.	Attainment of environmental flows for Spring Creek, Taylor River and Doctors Creek, as measured at representative monitoring sites.
5.AER.3 Maintenance of the significant values of outstanding water bodies.	Reassessment of waterbody values at the time of the next review of the MEP.
5.AER.4 More efficient allocation of water resources.	The number of water permits granted for the use of water on the basis of the reasonable use test.

Comment [59]: Topic 4

Anticipated environmental result	Monitoring effectiveness
<p>5.AER.5</p> <p>Increased utilisation of allocated water.</p>	<p>Increased use of water, within allocation limits, as recorded by water meter and published via E-planning.</p> <p>Water users transfer water permits from site to site, as recorded by E-planning.</p>
<p>5.AER.6</p> <p>Reduced conflict between water users.</p>	<p>A reduction in the number of complaints regarding the taking, use, damming and diversion of water.</p>
<p>5.AER.7</p> <p>Over-allocation of water resources is phased out.</p>	<p>The total amount of water allocated to water users in over-allocated resources does not exceed the allocation limit by 2025.</p>
<p>5.AER.8</p> <p>Land use change does not reduce water yield in fully allocated FMUs to the extent that it adversely affects the reliability of existing water permits.</p>	<p>No significant increase in the incidence of flow restrictions experienced by water permit holders in fully allocated FMUs.</p>
<p>5.AER.9</p> <p>Storage of water is increasingly utilised to improve the resilience of water uses.</p>	<p>The record of the number of Class C water permits granted.</p>
<p>5.AER.10</p> <p>No occurrence of sea water intrusion into aquifers.</p>	<p>Conductivity levels as measured by Council's sentinel wells.</p>

Comment [60]: Topic 4

6. Natural Character

Introduction

'Natural character' is the term used to describe the degree of naturalness in an area, and includes the natural elements, patterns, processes and experiential ~~qualities~~attributes of an environment. The natural character of the coastal environment, and freshwater bodies and their margins, is comprised of a number of ~~key components~~attributes which include:

- ~~• coastal or freshwater landforms and landscapes (including seascape);~~
- ~~• coastal or freshwater physical processes (including the movement of water and sediments);~~
- ~~• biodiversity (including individual indigenous species, their habitats and communities they form);~~
- ~~• biological processes and patterns;~~
- ~~• water flows and levels, and water quality; and~~
- ~~• the ways in which people experience the natural elements, patterns and processes;~~
- abiotic systems - physical processes, geomorphology, topography, landform, and water quantity/quality;
- biotic systems - species, communities, habitats, and ecological processes; and
- experiential attributes - the way in which people including tangata whenua experience the natural elements, patterns and processes.

Comment [1]: Topic 5

Collectively, these combine to create the overall natural character of the environment. The degree of natural character present in an area is commonly described on a continuum. Some environments have very high natural character due to the lack of human induced modification and may even be in a natural state. In other areas, there may be little natural character remaining due to extensive human modification.

This chapter provides the basis from which to determine the degree of natural character present: The classification of areas of natural character; the management of natural character to recognise and provide for section 6(a) of the Resource Management Act 1991; to give effect to policies 13 and 14 of the New Zealand Coastal Policy Statement 2010 (NZCPS); to the National Policy Statement for Freshwater Management 2017 (NPSFM).

The chapter includes objectives, policies, and methods to guide activities within both coastal and river environments.

The natural character characteristics that have been identified are included in Appendix 2 (coastal), Appendix 5 (freshwater) and specific areas of high, very high, and outstanding natural character are identified on the planning maps in Volume 4. The difference between areas of high natural character and very high coastal natural character is one of degree on the spectrum of assessment of natural character rather than one of legal effect.

Comment [2]: Topic 5

Provisions included elsewhere in the Marlborough Environment Plan (MEP) ~~target~~address the individual components of natural character and provide direction on how adverse effects on particular ~~values~~characteristics can be managed. These include:

Comment [3]: Topic 5

- Chapter 5 - Allocation of Public Resources

- ~~Chapter 7 - Landscape~~
- Chapter 8 - Indigenous Biodiversity
- Chapter 9 - Public Access and Open Space
- Chapter 13 - Use of the Coastal Environment
- Chapter 15 - Resource Quality (Water, Air, Soil)

Comment [4]: Topic 5

This chapter does not address the natural character of wetlands. The natural character of wetlands has been established through an integrated process of assessing wetland values. Provisions to preserve the natural character of wetlands are included in Chapter 8 – Indigenous Biodiversity. 6

~~However, there is a need for this management to be integrated in order to preserve natural character in coastal and freshwater environments. This ensures that the management of the individual components of natural character is co-ordinated to achieve a common end in the context of Section 6(a) of the Resource Management Act 1991 (RMA), of the New Zealand Coastal Policy Statement 2010 (NZCPS) and of the National Policy Statement for Freshwater Management 2014 (NPSFM).~~

Comment [5]: Topic 5

Issue 6A – Resource use and changes in resource use can result in the ~~degradation~~ modification of the natural character of the coastal environment, and of lakes, rivers and their margins.

Section 6(a) of the RMA requires the Council to ~~preserve~~ recognise and provide for the preservation of the natural character of the coastal environment, wetlands, and lakes, rivers and their margins and to protect this natural character from inappropriate subdivision, use and development. ~~The NZCPS sets a similar objective for the coastal environment. Policies 13 and 14 of the NZCPS and the NPSFM provide more specific direction on the preservation and restoration of natural character in the coastal environment, and lakes and rivers respectively.~~

Comment [6]: Topic 5

The entire coastal environment and all freshwater bodies possess some or all of the ~~components~~ characteristics of natural character (natural elements, patterns, processes and experiential ~~qualities~~ attributes) and therefore all hold some degree of natural character. The extent of human-induced modification has a significant influence on the level of natural character that exists in the coastal environment and in and adjacent to freshwater bodies. Some environments will have high natural character due to the lack of human-induced modification and may even be in a natural state. In other areas, there will be little remaining natural character due to extensive human-induced modification of the environment.

Preservation of natural character is a matter of national importance and there is a real risk that further human-induced modification within coastal or freshwater environments will have adverse effects. This risk is greatest in unmodified environments, as it is more likely that subdivision, use and development will change the existing natural elements, patterns, processes and experiential ~~qualities~~ attributes. As the degree of existing human-induced modification in the coastal or freshwater environment increases, so too does the ability of the environment to assimilate change into the components that contribute to natural character.

Even in areas with low overall natural character, components of high natural character may remain and the protection of this natural character from inappropriate subdivision, use and development may still be important to the local community, wider public and intrinsically. These areas could also become the focus of restoration efforts.

[RPS]

Objective 6.1 – Establish the degree of natural character in the coastal environment, and in lakes and rivers and their margins.

Marlborough's coastal and freshwater environments are diverse, reflecting a range of landforms and landscapes, natural processes and characteristics, and biodiversity. The degree of human-induced modification in our coastal environment and in our wetlands, lakes and rivers also varies significantly. Some areas are in a relatively natural state, while others have been significantly modified as a result of human activity. This variation explains why it is necessary to establish the degree of natural character in coastal and freshwater environments. Achieving this objective will assist in establishing which activities are inappropriate in the context of Section 6(a) of the RMA.

The natural character of wetlands has been established through an integrated process of assessing wetland values. Provisions to preserve the natural character of wetlands are included in Chapter 8 - Indigenous Biodiversity.

[RPS]

Policy 6.1.1 – Recognise that the following natural elements, patterns, processes and experiential ~~qualities~~attributes contribute to natural character:

- ~~(a)-(g) (Deleted) 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 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.~~
- (a) abiotic systems - physical processes, geomorphology, topography, landform, and water quantity/quality;
- (b) biotic systems - species, communities, and habitats, and ecological processes;
- (c) experiential attributes - the way in which people experience natural elements, patterns and processes.

This policy describes those matters considered to contribute to the natural character of coastal and river environments. This provides MEP users with a clear understanding of the meaning of natural character.

[RPS]

Policy 6.1.2 – The extent of the coastal environment is identified in the Marlborough Environment Plan to establish the areas of land and coastal marine area to which management may need to be applied in order to protect the natural character of the coastal environment from inappropriate subdivision, use and development.

The coastal environment includes the coastal marine area, an active coastal interface area (where the sea is the dominant element and influence on landform, vegetation and perception) and a coastal significance area (which generally includes the land up to the first coastal ridge) - see Figure 6.1. This recognises the characteristics set out in Policy 1 of the NZCPS. All of the Marlborough Sounds is considered to be coastal environment, while the south coast of Marlborough is more complex due to variation in landform.

Comment [7]: Topic 5

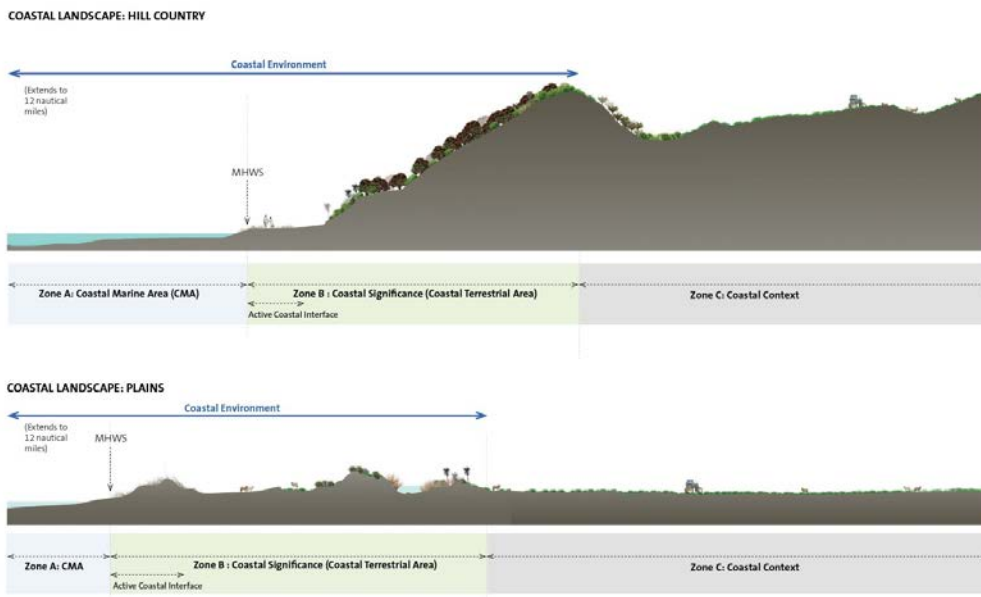


Figure 6.1: Extent of the coastal environment.

The landward extent of Marlborough's coastal environment is mapped in the MEP. Establishing the extent of the coastal environment defines the areas in which activities may need to be managed in a particular way to preserve the natural character of this environment in accordance with Section 6(a) of the RMA, [and relevant policies of the NZCPS](#). This will provide resource users and the community with certainty as to the spatial area to which the natural character and other provisions of the NZCPS apply.

[RPS]

Policy 6.1.3 – Determine the degree of natural character in both the coastal marine and coastal terrestrial ~~components~~ areas of the coastal environment by assessing:

- (a) **the degree of human-induced modification on abiotic and biotic systems ~~and landforms, marine and terrestrial biotic systems and experiential qualities, including those listed in Policy 6.1.1; and~~**
- (b) **the way in which people experience the natural elements, patterns and processes; and**
- (c) **natural character at a range of scales.**

The natural character of the coastal environment can vary significantly from place to place. An evaluation of the degree of natural character in Marlborough's coastal environment has been undertaken. This comprised an assessment of the extent of human-induced modification in the coastal marine area and on land within the coastal environment. To assist this process, Marlborough's coastal environment was divided into nine distinct coastal marine areas and 17 distinct coastal terrestrial areas based on land typology. For each area, abiotic systems and ~~landforms~~, biotic systems and experiential attributes were assessed. Freshwater values within the coastal environment were identified in the coastal terrestrial areas.

The analysis of natural character was undertaken at a range of scales from broad (i.e. at the Marlborough Sounds or South Marlborough level) through to a more detailed scale, which in some cases was bay-level assessment. As a result, natural character can be perceived at different

levels and different scales, depending on the level of information that is available. The scales at which the assessments have been undertaken can be seen in Figure 6.2.

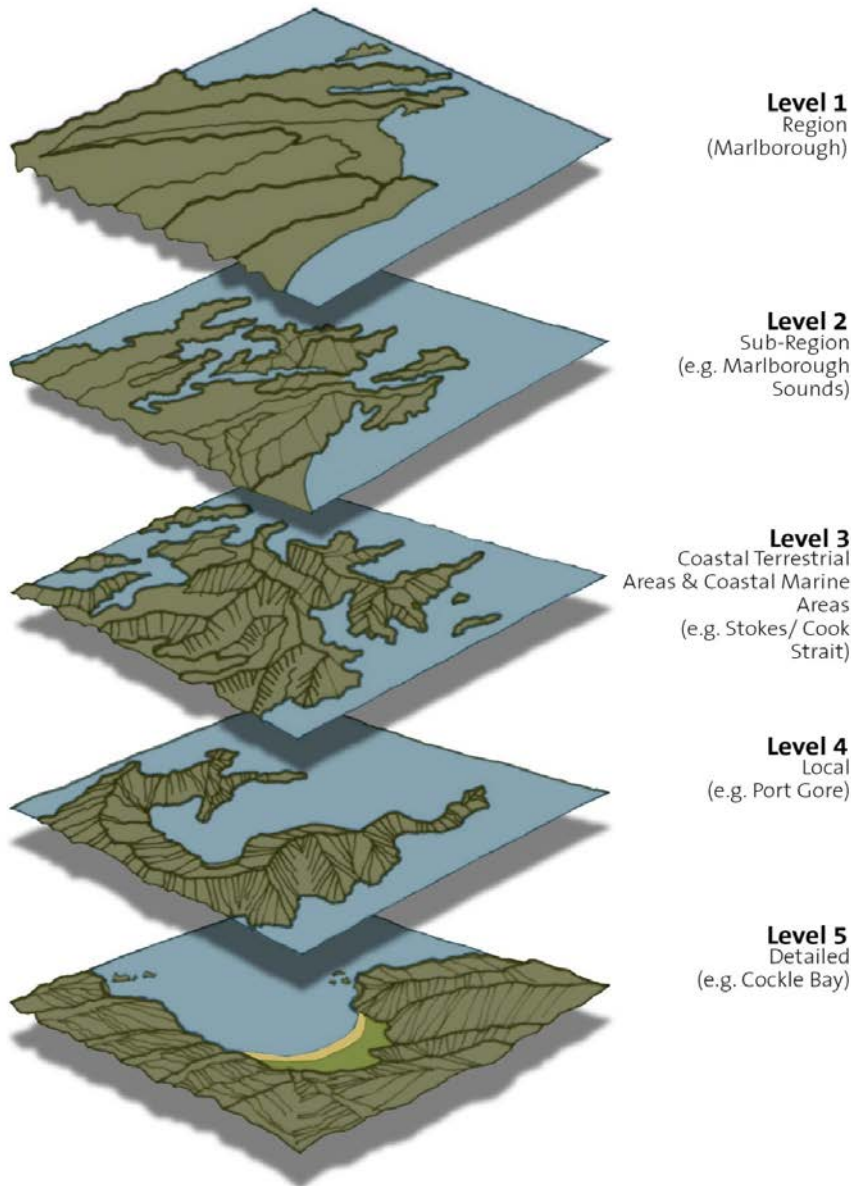


Figure 6.2: Natural Character Assessment Scale

Appendix 2 identifies the [values-characteristics](#) that contribute to high and very high coastal natural character in each of the discrete natural character areas (reaching Levels 4 to 5 on the assessment scale). [The difference between areas of high natural character and very high coastal natural character is one of degree on the spectrum of assessment rather than one of legal effect.](#) The [values-characteristics](#) for areas with outstanding coastal natural character are also included within Appendix 2.

Comment [8]: Topic 5

[RPS]

Policy 6.1.4 – Identify and map those areas of the coastal environment that have high, very high or outstanding natural character.

Policy 13 of the NZCPS requires that areas of at least high natural character be mapped or otherwise identified. The Council considers that the most effective form of identification is mapping, as it provides certainty on the location and extent of those spatial areas. For this reason, the MEP identifies through mapping areas of the coastal environment that have high or very high natural character following an evaluation in accordance with Policy 6.1.3. Because of the gaps in knowledge of marine ecosystems, it is difficult to map an exact line where natural character shifts from high to very high. For this reason the maps show a 'transition' area between areas of high and very high natural character in marine areas.

Policy 13(1)(a) of the NZCPS specifies requirements for areas of outstanding natural character. For the purposes of the MEP, those areas of the coastal environment that have very high natural character and which also exhibit a combination of natural elements, patterns and processes that are exceptional in their extent, intactness, integrity and lack of built structures (and other modifications) compared to other areas in Marlborough, are identified as having outstanding coastal natural character. These areas are also mapped in the MEP.

The mapping of high, very high and outstanding natural character through this policy will enable appropriate management to be applied to relevant parts of the coastal environment to give effect to the NZCPS.

[RPS]

Policy 6.1.5 – Determine the degree of natural character in and ~~adjacent to~~ within the margins of lakes and rivers by assessing the degree of human-induced modification on abiotic and biotic systems, and experiential attributes, including those listed in Policy 6.1.1 ~~to the following:~~

- ~~(a)–(b) (Deleted) 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 elements, patterns and processes including unmodified, scenic and wilderness qualities.~~

The natural character of rivers can vary significantly from place to place. An evaluation of the degree of natural character in Marlborough's rivers has been undertaken, involving the assessment of a range of natural elements, patterns, processes, and experiential attributes. ~~The matters identified in (a) to (i) are those elements, patterns, processes and experiential qualities that contribute to the natural character of Marlborough's lakes and rivers and their margins. The extent to which these have been modified by human activities will determine the degree of natural character. Where the matters in (a) to (i) have not been modified or have been only been slightly modified, then the natural character will be assessed as being very high. As the degree of human-induced modification of the river and its margins increases, the degree of natural character will reduce from high, through moderate, low and finally, very low (where the river environment has been heavily modified).~~ The degree of natural character is identified as part of the range of values identified for Marlborough's rivers in Appendix 5.

Comment [9]: Topic 5

[RPS]

Policy 6.1.6 – Identify and map those rivers or parts of rivers that have high or very high natural character.

Although there is no specific requirement for the Council to identify rivers that have high or very high natural character, the Council has undertaken an assessment to determine the natural character values of a number of Marlborough's rivers. This has been carried out to recognise and provide for Section 6(a) of the RMA. Using the criteria in Policy 6.1.5, a five-point assessment scale on the significance of the waterbodies has allowed natural character to be determined. The rivers with high or very high natural character have been mapped in the MEP. Further information on a range of values for Marlborough's rivers, including natural character values, is set out in Appendix 5.

[RPS, R, C, D]

Objective 6.2 – Preserve and promote the restoration of the natural character of the coastal environment, and lakes and rivers and their margins, and protect them from inappropriate subdivision, use and development.

This objective meets the expectations of Section 6(a) of the RMA, which establishes that preservation of natural character is a matter of national importance. Policy 14 of the NZCPS requires the Council to promote the restoration of the natural character of the coastal environment. The Council also considers it appropriate to promote the restoration of the natural character of lakes and rivers and their margins

[RPS, R, C, D]

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 values~~ the characteristics that contribute to areas of the coastal environment with outstanding natural character.

Where the natural character of the coastal environment is outstanding, Section 6(a) of the RMA indicates that this level of preservation should be retained, particularly when coupled with the similar direction in Policy 13 of the NZCPS. This means that any adverse effects on natural character ~~values~~ characteristics should be avoided. That is not to say that no subdivision, use or development can occur within the coastal environment - activities may not adversely affect the natural character of the surrounding environment, or may include features or benefits that maintain the existing levels of natural character.

~~For freshwater bodies there is also a requirement in Section 6(a) to preserve the natural character of wetlands, lakes and rivers and their margins and to protect this natural character from inappropriate subdivision, use and development. Having regard to Policy 6.1.5, the Council has assessed the values of rivers and lakes and their level of significance in order to give effect to Section 6(a). In undertaking this assessment, the Council has determined that where the freshwater values are high or very high, then adverse effects on these values should be avoided.~~

[RPS, R, C, D]

Policy 6.2.2 – Avoid the significant adverse effects of subdivision, use or development, and otherwise avoid, remedy or mitigate adverse effects on the characteristics that contribute to coastal natural character, having regard to the significance criteria in Appendix 4, within:

- (a) all areas of the coastal environment outside of areas of outstanding natural character; and**
- (b) lakes and rivers, and their margins of high and very high natural character.**

The degree of adverse effects on coastal natural character is an important consideration under Policy 13(1)(b) of the NZCPS. Where the extent of change in the coastal environment from subdivision, use or development causes significant adverse effects on natural character, the NZCPS states those effects should be avoided.

Comment [10]: Topic 5

Comment [11]: Topic 5

Comment [12]: Topic 5

For freshwater bodies there is also a requirement in Section 6(a) to preserve the natural character of wetlands, lakes and rivers and their margins and to protect this natural character from inappropriate subdivision, use and development. Having regard to Policy 6.1.5, the Council has assessed the attributes of rivers and lakes and their level of significance in order to give effect to Section 6(a). In undertaking this assessment, the Council has determined that where the freshwater attributes are high or very high, then significant adverse effects on these attributes should also be avoided.

There is therefore a threshold in these areas beyond which remediation and/or mitigation of ~~these~~ adverse effects is not an appropriate management option. That threshold will be determined on a case-by-case basis through the resource consent or plan change process. The significance of the adverse effect will depend on the nature of the proposal, the natural character context within which the activity is proposed to occur and the degree of change to the attributes that contribute to natural character in that context. Where adverse effects are not assessed as significant, then adverse effects should otherwise be avoided, remedied, or mitigated.

In addition to using information in the appendices on the degree of natural character at particular locations, consideration should also be given to other chapters of the MEP, which help to inform how adverse effects ~~can should~~ be avoided. For example, the policies in Chapter 7 - Landscape, Chapter 8 - Indigenous Biodiversity and Chapter 13 - Use of the Coastal Environment, target the individual components of natural character and therefore provide a framework on how to avoid significant adverse effects on natural character ~~values~~ characteristics.

~~[RPS, R, C, D]~~

~~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.~~

~~The degree of adverse effects on coastal natural character is an important consideration under Policy 13 of the NZCPS. This policy establishes a threshold for the extent of further change that can be made in coastal environments that have high or very high natural character. Any activity that would have the effect of reducing the natural character at or near the site to a classification below that which exists at the time of making a resource consent application or plan change request, will be considered a significant adverse effect in the context of Policy 13(1)(b) of the NZCPS and should therefore be avoided. Although there is no equivalent direction in a statutory sense for freshwater bodies that reflects Policy 13(1)(b) of the NZCPS, the Council considers that the same policy approach is relevant given that freshwater bodies are included within the direction in Section 6(a).~~

~~The extent of change in natural character at or near a site will be determined on a case-by-case basis through the resource consent or plan change process. The change will depend on the nature of the proposal, the natural character context within which the activity is proposed to occur and the degree of change to the attributes that contribute to natural character in that context. For the coastal environment specifically, Appendix 2 contains information on the elements, patterns, processes and experiential qualities that give discrete areas high or very high natural character. For freshwater environments, information on a range of values for Marlborough's rivers, including natural character values, is set out in Appendix 5. This will help to inform any assessment of environmental effects on natural character of Marlborough's rivers and the coastal environment. (Deleted)~~

~~[RPS, R, C, D]~~

~~Policy 6.2.43 – 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.~~

- (a) have regard to the potential adverse effects of the proposal on the elements, patterns, processes and experiential attributes that contribute to natural character;
- (b) in the case of the development of the National Grid, seek to avoid adverse effects on the characteristics that contribute to natural character;

Comment [13]: Topic 5

(c) recognise that minor or transitory adverse effects may not need to be avoided;

(d) recognise the functional and operational requirements of regionally significant infrastructure.

Comment [14]: Topic 5

Where it is proposed that an activity will take place in an area of high, very high or outstanding natural character, it is appropriate that the applicant assesses the impact of the proposal on natural character at the site and in the surrounding environment. To undertake the assessment, regard must be had to the elements, patterns, processes and experiential ~~qualities~~ attributes that contribute to natural character. For the coastal environment, Appendix 2 of the MEP contains information on these matters for each area, which will assist the assessment process. The level of assessment undertaken should reflect the scale of the proposed activity and the potential adverse effects on the attributes that contribute to the natural character in the coastal environment. The values of freshwater bodies, including natural character values, can be found in Appendix 5.

[RPS, R, C, D]

Policy 6.2.54 – 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.

Modified coastal and freshwater environments have greater potential to absorb change than those that have not been modified previously or that have low levels of modification. For this reason, the Council will use a combination of regional and district rules, zoning and overlays to provide direction about where development should be located. This will help to preserve the natural character of coastal and freshwater environments.

[RPS, R, C, D]

Policy 6.2.65 – In assessing the appropriateness of subdivision, use or development in coastal or freshwater environments, regard shall be given to the potential to ~~enhance~~ restore natural character in the area subject to the proposal.

It may be possible to improve the natural character of coastal environments and freshwater bodies through appropriate subdivision, use and development of natural resources. Any improvement to the ~~landscape, natural processes, biodiversity, water flows or quality~~ natural elements, patterns, processes and those experiential attributes incorporated into the proposal will be considered in this regard. ~~Enhancement~~ Restoration of natural character is particularly desirable where the coastal environment and freshwater bodies have been substantially modified by past resource use activities. ~~Enhancement~~ Restoration in this context is to be used in its broadest term and can include ~~restoration~~ enhancement and rehabilitation. However, for the purposes of this policy it does not include addressing the effects of a proposal. Any actions proposed by an applicant or imposed by the consent authority (through consent conditions) begin the process of remedying past resource use impacts on natural character. The policy also implements Policy 14 of the NZCPS.

Comment [15]: Topic 5

[RPS, R, C, D]

Policy 6.2.76 – 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:

- (a) the effect of allowing more of the same or similar activity;
- (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; and
- (c) the combined effects from all activities in the coastal or freshwater environment in the locality.

Although individual activities may not adversely affect the natural character of the coastal environment or freshwater bodies, when combined with the effects of similar activities or other activities with similar effects, the activities may collectively have cumulative effects on natural character. This policy describes how the cumulative effects of activities on the natural character

of the coastal environment or freshwater bodies will be considered. For the coastal environment specifically, any consideration of cumulative effects should take into account scale and may need to include consideration of the intactness of the coastal terrestrial and coastal marine natural character areas.

[RPS, R, C, D]

Policy 6.2.87 – Require land use activities to be set back from rivers, lakes and the coastal marine area ~~in order~~ where practicable and reasonable to preserve natural character while recognising the functional and operational requirements of regionally significant infrastructure.

The proximity of land use activity to rivers, lakes and the coastal marine area has a significant influence on the potential for adverse effects on natural character. The closer the activity, the greater the potential for modification to the elements, patterns, processes and experiential ~~qualities~~ attributes that contribute to natural character. For this reason, land use activities will be required to be set back from rivers, lakes and the coastal marine area. The setback will be implemented through permitted activity standards and application can be made for resource consent to undertake an activity within the setback. The adverse effects of any such proposal will be assessed against the provisions of this chapter.

[RPS, R, C, D]

Policy 6.2.98 – Encourage and support Marlborough's tangata whenua iwi, private landowners, community groups, businesses, and others in their efforts to restore the natural character of the coastal environment, wetlands, lakes and rivers.

Not all of the responses to preserving natural character need to be achieved through regulatory methods, particularly when restoring natural character in parts of the coastal environment and in wetlands, lakes and rivers already significantly modified by historic human activity. This policy acknowledges the significant efforts of Marlborough's tangata whenua iwi, private landowners, community groups, businesses and others to restore natural character in modified coastal and aquatic environments. The Council will seek to support existing restoration initiatives and will encourage new restoration initiatives to be established, in order to give effect to Policy 14 of the NZCPS. Given that natural character consists of a range of abiotic, biotic and experiential attributes, methods elsewhere in the MEP targeting an improvement in the quality of the environment will also contribute to the restoration of natural character.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[RPS, R, C, D]

6.M.1 Regional and district rules

As necessary, apply district or regional rules to activities that have the potential to threaten identified attributes that contribute to natural character, particularly areas with high, very high and outstanding natural character. The status of activities will depend on the severity of the threat and range from permitted activity standards through to prohibited activities. Activities to be regulated include:

- *subdivision;*
- *erection and placement of structures, especially location, scale, density and appearance;*
- *land disturbance;*
- *indigenous vegetation removal; and*
- ~~*the planting of certain species of exotic tree.*~~

Comment [16]: Topic 5

[A permitted activity standard will be used to establish an appropriate setback for structures and activities from rivers and the coastal marine area in order to preserve natural character.](#)

Comment [17]: Topic 5

[RPS]

6.M.2 Identifying natural character within Marlborough’s freshwater and coastal environments

An assessment of Marlborough’s coastal and freshwater environments has identified areas of high, very high and outstanding natural character. For freshwater environments, the assessment is included within the document “The Natural Character of Selected Marlborough Rivers and Their Margins,” and identifies rivers and parts of rivers that have high or very high natural character. For Marlborough’s coastal environments, the assessment is included within the document “Natural Character of the Marlborough Coast.” The results of the assessments are mapped in the MEP. Appendix 2 of the MEP also identifies the attributes that contribute to the high, very high or outstanding natural character of these mapped areas of coastal environment, while Appendix 5 identifies the values of Marlborough’s rivers, including natural character values.

[R, C, D]

6.M.3 Information

The Council has made available background information on the natural character of Marlborough’s coastal and freshwater environments. This information is included in the documents identified in Method 6.M.2. The contents of the documents is useful reference material generally, but can also be used by resource consent applicants to assist any assessment of adverse effects on natural character.

[R, C, D]

6.M.4 Restoration of natural character

The document “Natural Character of the Marlborough Coast” provides information on potential actions that can be taken to restore the natural character of the coastal environment. This information will help land owners and resource users to implement measures to restore natural character on their property or as part of their operations.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental result of the natural character provisions of the MEP. The anticipated environmental result is a ten year target from the date that the MEP becomes operative. An indicator that will be used to monitor the effectiveness of the natural character provisions is also identified.

Anticipated environmental result	Monitoring effectiveness
<p>6.AER.1</p> <p>The natural character of Marlborough’s coastal environment and of lakes, rivers and their margins is retained.</p> <p>The intactness of the individual coastal marine and coastal terrestrial areas of the Marlborough Sounds is retained in order to preserve the natural character of the Sounds.</p>	<p>Only appropriate development is allowed to occur within the coastal environment and in lakes, rivers and their margins, as measured by reassessment of the degree of natural character within these environments.</p> <p>The abiotic systems and landforms, biotic systems and experiential attributes that contribute to the natural character of the coastal environment are retained, as measured by reassessment of Marlborough’s natural character.</p>

6.AER.2

The natural character of Marlborough's coastal environment and of lakes, rivers and their margins is restored where it has already been degraded.

The number of successful restoration projects undertaken by Marlborough's tangata whenua iwi, private landowners, community groups, businesses and others to restore natural character.

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.

Comment [18]: Topic 5

As the natural character of coastal and freshwater environments is formed by a number of natural elements, patterns, processes and experiential ~~qualities~~ attributes, the anticipated environmental results and indicators in the following chapters will also help to determine whether the anticipated environmental result above is achieved:

- Chapter 5 - Allocation of Public Resources;
- Chapter 7 - Landscape;
- Chapter 8 - Indigenous Biodiversity;
- Chapter 9 - Public Access and Open Space;
- Chapter 13 - Use of the Coastal Environment; and
- Chapter 15 - Resource Quality (Water, Air, Soil).

7. Landscape

Introduction

Our landscapes provide us with a Marlborough identity and are an integral part of the Marlborough environment. Landscapes are distinct spatial areas influenced by location-specific [features, patterns and processes](#) within the environment. These [features, patterns and processes](#) can be natural or human-induced (e.g. land use change) [and incorporate the biophysical aspects of natural character which are separately addressed within Chapter 6 of this Plan.](#) ~~Natural features within the landscape can also help to define a landscape.~~ The resulting landscape characteristics are expressed ~~visually~~ [perceptually](#), ~~but~~ [and](#) can be valued for their ecological significance or for intrinsic reasons (e.g. by providing a sense of place).

The Resource Management Act 1991 (RMA) identifies the protection of outstanding natural features and ~~landscapes~~ [outstanding natural landscapes](#) from inappropriate subdivision, use and development as a matter of national importance (Section 6(b)). Those landscapes that do not meet the threshold of being considered 'outstanding' may still make a contribution to the ~~visual appreciation or~~ amenity values of Marlborough. The RMA seeks to maintain and enhance these landscapes with ~~visual~~ amenity value (Section 7(c)). ~~For the purposes of this chapter, landscapes that are identified for Section 6(b) or 7(c) reasons are referred to as "significant landscapes."~~

[Landscapes will often have specific values for Marlborough's tangata whenua iwi. Many landscapes are focussed on water bodies, the coast, or mountain ranges, which incorporate a range of historic and contemporary values for Marlborough's tangata whenua iwi. These values include awa, maunga, trails, māhinga kai, and sites of traditional settlement.](#)

There are five broad landscape areas in Marlborough: the Richmond Range and associated mountain ranges; the Wairau and Awatere River Valleys; the mountainous interior; the Marlborough Sounds; and the remainder of the coastal environment.

Richmond Ranges

These mountains enjoy a wetter climate than their counterparts to the south. As a consequence, and due to the steep landform, the slopes and valleys are predominantly covered in indigenous forest. Although plantation forestry and intensive pastoral farming are evident within the valleys and on some of the lower slopes, especially along the north bank of the Wairau River, the majority of the land is managed by the Department of Conservation. A number of European and Māori historic and cultural elements can also be found within this landscape, particularly within the eastern coastal margin from Rarangi in the south to Oyster Bay in the north.

Wairau and Awatere River valleys

These river valleys are characterised by their broad, low lying outwash plains confined to the Wairau River plain and the Awatere River valley. These plains are bounded by the characteristic rolling hills of Southern Marlborough. This vastly modified landscape contains urban developments, pasture, forestry, horticulture and vineyards.

Mountainous interior

The mountainous interior south of the Wairau River is an extensive, largely inaccessible tract of land comprising rugged hills and mountains that reach 2,800 metres above sea level in some places. This landscape is largely bare, although remnant indigenous vegetation exists in alpine areas and in many of the river gorges. Some of the land is used for extensive pastoral farming. Due to vegetation clearance that has occurred, the biophysical aspects of this area are somewhat diminished; however, its bold landform, characterised by

Comment [1]: Topic 5

underlying geology, geomorphology and natural erosion processes, is typical of high country areas.

The Marlborough Sounds

The Marlborough Sounds display a unique combination of landforms formed by drowned river valleys, resulting in a highly fractured coastline with numerous offshore islands. Shaped largely by physical and climatic influences, the Marlborough Sounds include very steep to moderately steep dissected coastal hills and a mixture of vegetated and cleared mountain slopes. Some parts of the Marlborough Sounds are modified through agricultural, forestry and residential land uses and aquaculture activities in the coastal marine area. A number of significant Māori and European historic and cultural elements also contribute to this landscape.

The East Coast

From Rarangi in the north to Willawa Point on the Kaikoura Coast, the east coast of Marlborough provides a variety of landforms. In the north, the coastal environment comprises a sequence of dunes and swales moving inland, although these features have been modified by agricultural and residential activities. There are two significant river mouths - the Wairau and Awatere rivers - and two significant saline lagoons - Vernon Lagoons and Lake Grassmere. Salt is harvested from Lake Grassmere. The remainder of the coastline is rugged and relatively inaccessible. From Cape Campbell south, this coastline is characterised by dramatic limestone features.

The presence of water, in terms of lakes, rivers, wetlands or the sea, makes a significant contribution to the overall landscape and any reference to landscape within the Marlborough Environment Plan (MEP) includes reference to these water environments.

It is important to recognise that there is significant diversity in landscape within the broad areas identified above. This diversity is partly a response to variation in geological and ecological processes. Human activity has also had a considerable effect on our landscape over time, while current land use continues to influence the landscape character of Marlborough. Because the underlying human and natural processes are subject to change and evolution, landscapes are dynamic systems.

Issue 7A – Resource use and changes in resource use can result in the modification or loss of values that contribute to outstanding natural features and ~~landscapes~~outstanding natural landscapes, and ~~to~~ landscapes with high amenity value.

The use and development of natural and physical resources has always played an important role in sustaining Marlborough communities. The landscape within which this resource use occurs also makes a significant contribution in this regard. For Marlborough's tangata whenua iwi in Marlborough, particular features within the landscape are taonga. The wider community enjoys and values the landscapes that exist within the Marlborough Sounds, Richmond Ranges, in the Wairau and Awatere River valleys and in the mountainous interior. Our landscapes collectively make a significant contribution to our wellbeing and help provide us with a Marlborough identity.

The use and development of natural and physical resources changes the landscape. This can take several forms, such as: the introduction of built form where there is currently none or where it is introduced into prominent locations; the introduction of colour contrasts those in the existing landscape; or the introduction or removal of vegetation that affects pattern and texture within the landscape. Landscape change can occur at a range of scales and timeframes, be they site-specific or broad scale, immediate or incremental and potentially cumulative.

Not all change in the landscape will result in a loss of landscape values. In fact, some changes have enhanced landscape values. An example of this is the indigenous revegetation in the

Marlborough Sounds. Other landscapes are a direct result of resource use. For example, the conversion of pastoral land to viticulture in the river valleys has created a landscape of structure, seasonal colour contrast and colour contrast with the surrounding landscape. These examples demonstrate the dynamic nature of our landscape.

Although our landscape is dynamic and will continue to change in response to future resource use, there are some landscapes that the community values above others. The importance of these outstanding natural features and outstanding natural landscapes and landscapes with high amenity value~~significant landscapes~~ and the contribution they make to community wellbeing is recognised by the RMA and NZCPS. The value placed on our outstanding natural features and outstanding natural landscapes and landscapes with high amenity value~~significant landscapes~~ means that they are often more sensitive to change.

Comment [2]: Topic 5

Issues can arise where the effects of resource use, especially the subdivision, use and development of land result in the loss or degradation of the values fundamental or integral to a landscape being considered ~~significant~~important. As the community gains economic wellbeing from the productive use of natural and physical resources, it can be challenging to balance this against the need to retain the values that contribute to our outstanding natural features and outstanding natural landscapes and landscapes with high amenity value~~significant landscapes~~. Judgements are therefore required to determine appropriate development within our outstanding natural features and outstanding natural landscapes and landscapes with high amenity value~~significant landscapes~~.

[RPS]

Objective 7.1 – Identify Marlborough’s outstanding natural features and ~~landscapes~~outstanding natural landscapes and landscapes with high amenity value.

Identification of the nature and extent of outstanding natural features and ~~landscapes~~outstanding natural landscapes and landscapes with high amenity value allows the application of appropriate management mechanisms. The identification process is a complex task, given the dynamic nature of Marlborough’s landscapes as well as the diverse range of values that contribute to Marlborough’s landscape character and the variation in the sensitivity of these values to change. In addition, our perception of landscape varies widely depending on our own culture and life experience. In this context, it is very important to identify those values that make particular landscapes significant.

[RPS]

Policy 7.1.1 – ~~When assessing~~Identify and assess the values of Marlborough’s landscapes and features using ~~the following criteria factors~~will be used:

- (a) **biophysical values, including geological and ecological elements;**
- (b) ~~sensory~~perceptual values, including aesthetics, natural beauty and ~~visual perception~~transient matters; and
- (c) associative values, including the values of Marlborough’s tangata whenua iwi, and other associative values, including cultural and historic heritage values, and shared and recognised values~~and landscapes that are widely known and valued by the immediate and wider community for their contribution to a sense of place~~; and
- (d) consultation with Marlborough’s tangata whenua iwi.

Multiple values contribute to landscape. Primarily, landscape is the expression of natural processes and human activity in and on the land. However, it is also a function of how people perceive the results of this interaction. Those values considered relevant in a Marlborough context are identified in (a) to (c) of the policy. Landscapes may have one or more of these values. The criteria are derived from national and international landscape assessment criteria. More detail on what constitutes the values in (a) to (c) and how the values are assessed is

included within the report “Marlborough Landscape Study August 2015” undertaken by expert landscape consultants. The Council will use these values as the basis of any assessment of landscape.

[RPS]

Policy 7.1.2 – Define the boundaries of outstanding natural features and outstanding natural landscapes and landscapes of high amenity value~~significant landscapes~~ using the following methods:

- (a) land typing;
- (b) contour line;
- (c) contained landscape features;
- (d) ~~visual catchment~~nested landscapes; ~~and/or~~
- (e) land use; and/or
- (f) consultation with Marlborough’s tangata whenua iwi.

The identification of outstanding natural features and outstanding natural landscapes and landscapes with high amenity value~~significant landscapes~~ requires the extent or boundary of these outstanding natural features and outstanding natural landscapes and landscapes with high amenity value~~significant landscapes~~ to be identified. This policy identifies the methods that will be used to establish the boundaries, as follows:

- Land typing: uses a change in landform to establish a boundary at and following the edge of the landform.
- Contour line: uses a specific contour line(s) to establish a boundary.
- Contained landscape feature: uses an enclosed area of land around a landscape feature, such as an island.
- Visual catchment: uses ridgelines and spurs to establish a boundary.
- Land use: uses a variation in land use to establish a boundary.

The method to be used will depend on the values that contribute to the landscape and how they are expressed in the landscape.

[RPS]

Policy 7.1.3 —~~Assessment~~ Identify and assess ~~of~~ the values in Policy 7.1.1 ~~will to~~ determine:

- (a) whether a landscape is ~~identified as~~ an outstanding natural feature and ~~landscape~~outstanding natural landscape in terms of Section 6(b) of the Resource Management Act 1991;
- (b) whether ~~the a~~ landscape has a high amenity value in terms of Section 7(c) of the Resource Management Act 1991 ~~;-of~~and
- ~~(c) —where landscape~~whether those values are ~~not~~ sensitive to change.

Once an assessment of a landscape has been undertaken based on the values identified in Policy 7.1.1, a determination will be made as to whether the landscape values are significant enough for the landscape to be considered outstanding in the context of Section 6(b) of the RMA. If a landscape is considered to exhibit exceptional or very high biophysical, ~~sensory~~perceptual and/or associative values, then it will be identified as an outstanding natural landscape. Outstanding natural features can also be included within this assessment.

There are also landscapes in Marlborough that, although their values are not as significant as those for an outstanding natural feature or ~~landscape~~outstanding natural landscape, can still make a significant contribution to the appreciation and quality of our environment. A range of ~~sensory~~perceptual values can contribute to the amenity of these landscapes, including scenic

beauty, coastal character, dramatic or attractive natural features within the landscape and the openness or naturalness of the landscape. Where these ~~sensory~~perceptual values are collectively considered to be high, the landscape can be categorised as a landscape with high amenity value.

Those landscapes that are an outstanding natural feature or outstanding natural landscape are mapped in the MEP. Landscapes identified as having high amenity values which are more sensitive to change are also mapped in the MEP. The two specific areas considered sensitive to change are the Marlborough Sounds High Amenity Landscape and the Wairau Dry Hills High Amenity Landscape. Mapping makes it clear to resource users where Marlborough's significant landscapes are located. Additionally, the values that make these landscapes significant are described in Appendix 1. These values should be considered when resource consent applications are made and decided upon, including the extent to which they may be affected by a particular use or development

~~Controls will apply to both of these landscapes, as set out in subsequent policy. Landscapes with high amenity values not identified as being less sensitive to change will not be included in the MEP, subject to specific management for landscape outcomes.~~

[RPS, R, C, D]

~~**Policy 7.1.4 – Landscapes that meet the criteria to be identified as an outstanding natural feature and landscape, or landscapes with high amenity value, where those values are more sensitive to change:**~~

- ~~(a) – are specifically identified on the Landscape Overlay; and~~
- ~~(b) – the specific values associated with the identified landscapes are set out in Appendix 1 of Volume 3 of the Marlborough Environment Plan.~~

~~Those landscapes that are an outstanding natural feature or landscape will be identified (and mapped) in the MEP. For the coastal environment particularly, this policy helps to give effect to Policy 15(d) of the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires regional policy statements and plans to map or otherwise identify areas that need protection. For those landscapes identified as having high amenity value, only landscapes that are more sensitive to change have been identified. The two specific areas considered sensitive to change are the Marlborough Sounds Coastal Landscape and the Wairau Dry Hills Landscape.~~

~~Mapping makes it clear to resource users where Marlborough's significant landscapes are located. Additionally, the values that make these landscapes significant are described in Appendix 1. These values should be considered when resource consent applications are made and decided upon including the extent to which they may be affected by a particular use or development.~~

[RPS, R, C, D]

Policy 7.1.54 – Refine the boundaries of outstanding natural features and landscape~~outstanding natural landscapes~~ and landscapes with high amenity value through the plan change process in response to:

- (a) landscape change over time; ~~or~~
- (b) more detailed assessment of landscape values; or
- (c) new information.

Although it is intended to identify Marlborough's outstanding natural features and ~~landscape~~outstanding natural landscapes and landscapes with high amenity value, landscape is also dynamic and is constantly changing. Change may occur quickly as a result of land use change or a catastrophic event (e.g. earthquake) or slowly as a result of natural processes (e.g. indigenous revegetation). Where landscape change occurs over time or where there is a more detailed assessment of landscape values at a particular site, it may be necessary to refine the boundaries of the identified outstanding natural features and ~~landscapes~~outstanding natural

Comment [3]: Topic 5

Comment [4]: Topic 5

[landscapes](#) and landscapes with high amenity value. Any changes to the boundaries of these identified landscapes will have to pass through the First Schedule process of the RMA.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[RPS]

7.M.1 Identifying Marlborough's outstanding natural features and [landscapes](#)[outstanding natural landscapes](#) and landscapes with high amenity value that are sensitive to change

An extensive assessment of Marlborough's landscapes was undertaken in 2009 by professional landscape consultants. This assessment identified Marlborough's outstanding natural features and [landscape](#)[outstanding natural landscape](#)s as well as those landscapes with high amenity value. After consultation with landowners (including site visits where requested by landowners, resource users and the community), those landscapes that meet national and international criteria for significance have been identified in the MEP. Appendix 1 of the MEP also identifies the values (as listed in Policy 7.1.1) that make each landscape significant.

[RPS, R, C, D]

7.M.2 Information

The Council has made available information on Marlborough's diverse landscape character and the results of any evaluation of landscape significance (following consultation with relevant landowners). This will be a useful reference document generally, but can also be used by resource consent applicants to assist in any assessment of adverse effects on landscape values.

[RPS, R, C, D]

Objective 7.2 – Protect outstanding natural features and [landscapes](#)[outstanding natural landscapes](#) from inappropriate subdivision, use and development and maintain and enhance landscapes with high amenity value.

Section 6(b) of the RMA requires the Council to protect outstanding natural features and [landscapes](#)[outstanding natural landscapes](#) from inappropriate subdivision, use and development, while Section 7(c) of the RMA requires the Council to have particular regard to the maintenance and enhancement of amenity values. This objective reflects these statutory obligations and recognises the significant contribution of landscape to community wellbeing. Protecting the biophysical, [sensory](#)[perceptual](#) and associative values that contribute to our [outstanding natural features and outstanding natural landscapes and landscapes with high amenity values](#)[significant landscapes](#) means that locals and visitors alike can continue to appreciate this important part of Marlborough's identity, character and environment.

It is important to acknowledge that the landscape management mechanisms that stem from this objective do not anticipate that there will be no landscape change. Rather, the objective focusses on determining what is appropriate resource use and development in relation to the values that make the landscape significant.

[R, C, D]

Policy 7.2.1 – Control activities that have the potential to degrade those values contributing to outstanding natural features and [landscapes](#)[outstanding natural landscapes](#) by requiring activities and structures to be subject to an [comprehensive](#) assessment of effects on landscape values through the resource consent process.

One of ways in which the Council is to fulfil its statutory obligations with respect to landscape is to control inappropriate subdivision, use and development through regional and district rules. Because some of Marlborough's natural features and landscapes have been identified as having outstanding value, it is important that activities in these areas are assessed through the resource

consent process to determine whether the activity will have an adverse effect on landscape values. The activities to be controlled vary between each outstanding natural feature and ~~landscape~~outstanding natural landscape as the values that contribute to the outstanding natural feature and outstanding natural landscape and landscape with high amenity value~~significant landscape~~, and the sensitivity of these values to change, will differ from place to place. For example, the threats to landscape values in the coastal environment could be different to those in the mountainous interior. Appendix 1 of the MEP identifies the values that make each outstanding natural feature and ~~landscape~~outstanding natural landscape significant. The MEP will also contain the regional and district rules.

Where Marlborough's tangata whenua iwi values contribute to an outstanding natural feature or landscape, consultation may be required with iwi.

[D]

Policy 7.2.2 – Control activities that have the potential to degrade the amenity values that contribute to the Wairau Dry Hills High Amenity Landscape by:

- (a) setting permitted activity standards that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and
- (b) requiring resource consent for new ~~commercial~~plantation forestry ~~activities~~planting, but not replanting.

The Wairau Dry Hills High Amenity Landscape is more sensitive to change than other landscapes with high amenity value as it forms the visual backdrop to Blenheim and the Wairau Plain, providing an attractive contrast to the valley floor. (The specific values that are present within this landscape are set out in Appendix 1 of the MEP.) While most landscapes identified as having high amenity value have a non-regulatory approach as the means of maintaining and enhancing landscape value, for the Wairau Dry Hills High Amenity Landscape a regulatory approach is considered more appropriate in order to fulfil statutory obligations under Section 7(c) of the RMA. Only one activity, new ~~commercial~~plantation forestry, needs to be assessed through the resource consent process, as it could have a significant adverse effect on the landscape values of this area. The use of standards for permitted activities is considered appropriate for other activities in order to manage effects on landscape values, as resource use and development is generally to be expected within this landscape.

[C, D]

Policy 7.2.3 – Control activities that have the potential to degrade the amenity values that contribute to those areas of the Marlborough Sounds ~~Coastal~~High Amenity Landscape not identified as being an outstanding natural feature and ~~landscape~~outstanding natural landscape by:

- (a) using a non-regulatory approach as the means of maintaining and enhancing landscape values in areas of this landscape zoned as Coastal Living;
- (b) setting permitted activity standards/conditions that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and
- (c) requiring resource consent for new ~~commercial~~plantation forestry ~~activities~~planting and harvesting.

Similar to the Wairau Dry Hills High Amenity Landscape, the Marlborough Sounds High Amenity ~~Coastal~~ Landscape is more sensitive to change than other landscapes with high amenity values. The Marlborough Sounds is an iconic and unique landscape with considerable scenic beauty. While some parts of the Sounds have more significant values than others, in its entirety the Sounds has considerable landscape value, which is why the whole of the Sounds have been included within the Marlborough Sounds High Amenity ~~Coastal~~ Landscape. However, the areas subject to the management framework of this policy are those not identified as an outstanding natural feature and ~~landscape~~outstanding natural landscape.

Comment [5]: Topic 5

Comment [6]: Topic 22

Comment [7]: Topic 5

Comment [8]: Topic 5

Because the Marlborough Sounds is subject to development pressure for a range of subdivision, use and development, it is appropriate to control these activities through a range of means. For those areas zoned Coastal Living, there has already been a degree of modification to landscape values and in these areas a non-regulatory approach is considered appropriate to manage further landscape impacts. The remaining areas within the Marlborough Sounds [High Amenity Coastal Landscape](#) have a management approach that includes standards for permitted activities and conditions on consent for controlled activities, as it is expected that there will be some resource use within these areas. The one exception is a [restricted discretionary activity resource consent](#) requirement for [commercial plantation](#) forestry to ensure that this activity can be assessed for its impact on the landscape values identified in Appendix 1.

Comment [9]: Topic 5

[R, C, D]

Policy 7.2.4 – Where resource consent is required to undertake an activity within an outstanding natural feature and [landscape outstanding natural landscape](#), or a landscape with high amenity value;

- (a) ~~have~~, regard ~~will be had~~ to the potential adverse effects of the proposal on the values that contribute to the landscape;**
- (b) recognise that minor or transitory adverse effects may not need to be avoided;**
- (c) have regard to any restoration and enhancement of the landscape proposed.**

Where it is proposed that an activity will take place in an outstanding natural feature and [landscape outstanding natural landscape](#) or in a landscape with high amenity value, it is appropriate that an assessment of the impact of the proposal on these [outstanding natural features and outstanding natural landscapes and landscapes with high amenity values](#) ~~significant landscapes~~ is carried out. To undertake the assessment, regard must be had to the values that contribute to the outstanding natural feature and [landscape outstanding natural landscape](#) or a landscape with high amenity value as identified in Appendix 1 of the MEP. The level of assessment should reflect the scale of the proposed activity and the potential adverse effects on the values that contribute to the landscape.

[Where Marlborough's tangata whenua iwi values contribute to an outstanding natural feature or landscape, consultation may be required with iwi.](#)

[R, C, D]

Policy 7.2.5 – Avoid adverse effects on the values that contribute to outstanding natural features and [landscapes 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.

Where resource consent is required to undertake a particular activity in an outstanding natural feature or [landscape outstanding natural landscape](#), this policy provides a clear preference for avoiding adverse effects on the biophysical, ~~sensory~~ [perceptual](#) or associative values within the landscape. This does not mean that there can be no new resource use within outstanding natural features or [landscapes outstanding natural landscapes](#); rather, the use or development of natural and physical resources may be able to be undertaken in a way that the quality and significance of the values is not diminished. Alternatively, adverse effects may be able to be remedied through careful planning or remedial works. Policy 7.2.7 provides further guidance in this regard. The option of remedying adverse effects on landscape values does not apply to activities occurring within the coastal environment, as Policy 15 of the NZCPS requires that such adverse effects are avoided.

[R, C, D]

Policy 7.2.6 – 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:

- (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**
- (b) in all other cases avoid where practicable, and otherwise remedy and mitigate adverse effects on the values that contribute to the landscape.**

Provided the overall qualities and integrity of the wider outstanding natural feature and landscape are retained.

~~Where the following activities are proposed to take place in an area with outstanding natural features and landscapes, then any adverse effects on the values of these areas can be mitigated, provided the overall qualities and integrity of the wider outstanding natural feature and landscape are retained:~~

- ~~(a) activities involving the development and operation of regionally significant infrastructure;~~
- ~~(b) activities that enhance passive recreational opportunities for the public where these are of a smaller scale; and~~
- ~~(c) activities involving the development and operation of renewable electricity generation schemes within Marlborough where the method of generation is reversible.~~

This policy relaxes the direction provided by Policy 7.2.5 for outstanding natural features and ~~landscapes~~outstanding natural landscapes in limited circumstances. These circumstances are described in (a) to (c) and reflect the considerable benefits that the listed activities provide to the social and economic wellbeing, health and safety of our community.

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 ~~landscapes~~outstanding natural landscapes. In respect of (b), many outstanding natural features and ~~landscapes~~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. 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.

The policy does not allow the activities in (a) to (c) to occur without consideration of the impact they may have on outstanding natural features and ~~landscapes~~outstanding natural landscapes. Any adverse effects on the biophysical, ~~sensory~~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 ~~landscape~~outstanding natural landscape. The policy requires that the overall quality and integrity of the landscape should be retained.

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 ~~landscape~~outstanding natural landscape be avoided.

Comment [10]: Topic 5

[R, C, D]

Policy 7.2.7 – Protect the values of outstanding natural features and ~~landscapes~~outstanding natural landscapes and maintain and enhance the high amenity values of ~~the Wairau Dry Hills and~~ the Marlborough Sounds High Amenity Coastal Landscapes by:

- (a) In respect of structures:
- (i) avoiding visual intrusion on skylines, particularly when viewed from public places;
 - (ii) avoiding new dwellings in ~~close proximity~~adjacent to the foreshore;
 - (iii) using reflectivity levels and building materials that complement the colours in the surrounding landscape;
 - (iv) limiting the scale, height and placement of structures to minimise intrusion of built form into the landscape;
 - (v) recognising that existing structures may contribute to the landscape character of an area and additional structures may complement this contribution;
 - (vi) making use of existing vegetation as a background and utilising new vegetation as a screen to reduce the visual impact of built form on the surrounding landscape, providing that the vegetation used is also in keeping with the surrounding landscape character; and
 - (vii) encouraging utilities to be co-located wherever possible; whilst recognising the functional and operational needs of regionally significant infrastructure.
- (b) In respect of land disturbance (including tracks and roads):
- (i) avoiding ~~extensive~~ land disturbance activity that creates a long term change in the ~~visual~~ appearance of the landscape, particularly when viewed from public places;
 - (ii) encouraging tracks and roads to be located adjacent to slopes or at the edge of landforms or vegetation patterns and to follow natural contour lines in order to minimise the amount of land disturbance required;
 - (iii) minimising the extent of any cuts or side castings where land disturbance is to take place on a slope; and
 - (iv) encouraging the revegetation of cuts or side castings by seeding or planting; whilst recognising the functional and operational needs of regionally significant infrastructure.
- (c) In respect of vegetation planting:
- (i) avoiding the planting of new exotic forestry in areas of outstanding natural features and ~~landscapes~~outstanding natural landscapes in the coastal environment of the Marlborough Sounds where they degrade landscape values;
 - (ii) encouraging plantations of exotic trees to be planted in a form that complements the natural landform; ~~and,~~
 - ~~(iii) recognising the potential for wilding pine spread. (Deleted)~~

Comment [11]: Topic 5

Comment [12]: Topic 5

Comment [13]: Topic 5

The ~~sensory perceptual~~ values of outstanding natural features and ~~landscapes~~outstanding natural landscapes are vulnerable to change brought about by resource use. The introduction of new structures, tracks and roads into the landscape, and the planting of new vegetation, all have the ability to affect our ~~visual~~ perception and appreciation of the landscape. Tracking on slopes, if not

appropriately constructed and maintained, can induce erosion, which has the potential for significant landscape effects.

Comment [14]: Topic 5

Although not an exhaustive list, this policy describes how the visual integrity of the landscape can be maintained in response to changes in resource use. The subdivision of land can act as a precursor to such changes, so it is also appropriate to have regard to this policy when considering subdivision consent applications.

The matters in (a) to (c) guide how visual intrusion into outstanding natural features and outstanding natural landscapes and landscapes with high amenity value~~significant landscapes~~ can be avoided, remedied or mitigated. These mostly relate to undertaking land use activities in ways that limit the visual intrusion into the landscape. These actions will be implemented through a range of activity status as well as standards on permitted activity rules. Policy 7.2.1 provides guidance on how these controls will be applied to outstanding natural features and ~~landscapes~~outstanding natural landscapes. For landscapes with high amenity value, guidance is provided through Policies 7.2.2 and 7.2.3.

This policy cannot apply to existing land use activities that have been lawfully established due to existing use rights under Section 10 of the RMA.

[C, D]

Policy 7.2.8 – Recognise that farming in South Marlborough contributes to the values of some outstanding natural features and landscapes~~outstanding natural landscapes and landscapes with high amenity value.~~ will fall within areas in which primary production activities currently occur.

In some areas where outstanding natural features and ~~landscapes~~outstanding natural landscapes and landscapes with high amenity values have been identified in the overlays in Volume 4 of the MEP, there ~~are~~ is a range of primary production activities taking place.

Some landscapes, especially south of the Wairau River, are a product of past and present extensive pastoral farming. In this situation, the continuation of such pastoral farming is not anticipated to threaten the biophysical, ~~sensory~~perceptual or associative values that contribute to landscape significance. This will be reflected in the status of regional and district rules that apply in identified outstanding natural features and ~~landscapes~~outstanding natural landscapes and landscapes with high amenity value in rural areas. Existing land uses within these areas will also have existing use rights under Section 10 of the RMA.

~~Primary production activities currently also occur in the Marlborough Sounds in locations identified within the MEP as having landscape significance. Rules applying to land uses do require consent for new commercial forestry activity and land disturbance over certain limits. However given the existing use rights under Section 10 of the RMA, existing land-based primary production activity, even within an area of landscape significance, can continue to take place.~~

[R, C, D]

~~**Policy 7.2.9 – When considering resource consent applications for activities in close proximity to outstanding natural features and landscapes, regard may be had to the matters in Policy 7.2.7.**~~

~~The extent of outstanding natural features and landscapes are identified in the MEP. Establishing a boundary beyond which values no longer contribute to landscape significance is difficult. For this reason it may be appropriate to assess the impacts on landscape values for activities outside of, but in close proximity to, an identified outstanding natural feature or landscape. Application of this policy will be determined on a case-by-case basis, depending on the nature of the proposal and its proximity to the outstanding natural feature or landscape.~~

Comment [15]: Topic 5

[D]

Policy 7.2.409 – Reduce the impact of wilding pines on the landscape by:

~~(a) supporting initiatives to control existing wilding pines and limit their further spread; and~~

~~(b) controlling the planting of commercial wood species that are prone to wilding pine spread.~~ **(Deleted)**

The ability of pine trees to spread from commercial plantations, soil conservation plantings, rural shelterbelts and isolated plantings is well documented in Marlborough. As pines spread, they alter the landscape due to their visual dominance and colour contrast. In addition, where forests have been harvested but not replanted there is the potential for rapid growth of wilding seedlings, creating more unmanaged sources of wilding pine spread. Many in the community believe that these landscape changes are unacceptable and some locals have initiated control programmes in an effort to reduce the presence of wilding pines in the landscape and limit their spread to other areas. These efforts are to be supported as a means of effective landscape protection. ~~Additionally, there are certain species of tree grown for commercial wood production that are more prone to wilding pine spread. Controls on planting certain species will assist to reduce the risk of wilding pine spread and therefore reduce impacts on landscape values.~~

Comment [16]: Topic 5

[D]

Policy 7.2.4410 – Liaise with the Department of Conservation regarding any landscape issues on land administered by the Department and identified as having outstanding natural features and ~~landscapes~~outstanding natural landscapes (including within the Marlborough Sounds ~~High Amenity Coastal~~ Landscape).

A significant proportion of outstanding natural features and ~~landscapes~~outstanding natural landscapes occur on Crown land administered by the Department of Conservation. Because this land is managed for conservation purposes and is not likely to attract development, there are fewer threats to the biophysical, ~~sensory~~perceptual and associative values in these landscapes compared to those areas with outstanding natural features and ~~landscapes~~outstanding natural landscapes on privately owned land. However, that is not to say that potential threats do not exist. For example, applications can be made to operate concessions within areas administered by the Department and vegetation change can occur as a result of pest plant incursions (including wilding pines, broom and gorse). The Council will liaise with the Department on an ongoing basis to discuss landscape issues as they arise and to develop and implement appropriate management responses.

[R, C, D]

Policy 7.2.4211 – Encourage landowners and resource users to consider landscape qualities in the use or development of natural and physical resources in landscapes with high amenity value.

The primary means of maintaining and enhancing landscapes with high amenity value is through non-regulatory methods, except in the Wairau Dry Hills ~~High Amenity Coastal~~ Landscapes where a management framework for a range of activities is set out in Policies 7.2.2, 7.2.3 and 7.2.7. Other landscapes with high amenity values have not been identified in the MEP, as these landscapes are usually located in remote areas or areas where ~~sensory~~perceptual values are not under any critical threat. Nonetheless, ~~it may be appropriate to consider landscape qualities in these areas as part of a resource consent application.~~Landowners and resource users are encouraged to consider landscape qualities when undertaking use and development in these landscapes.

Comment [17]: Topic 5

[R, C, D]

Policy 7.2.12 In assessing the cumulative effects of activities on outstanding natural features and landscapes, and landscapes with high amenity values, consideration shall be given to:

(a) the effect of allowing more of the same or similar activity;

(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; and

(c) the combined effects from all activities in the locality.

Although individual activities may not adversely affect the values that contribute to landscapes, when combined with the effects of similar activities or other activities with similar effects, the activities may collectively have cumulative adverse effects on those values. This Policy describes how the cumulative effects of activities on landscapes will be considered.

Comment [18]: Topic 5

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[R, C, D]

7.M.3 District and regional rules

As necessary, apply district or regional rules to activities that have the potential to threaten identified values that contribute to the landscape character of outstanding natural features and ~~landscapes~~outstanding natural landscapes. Rules may also be required to maintain and enhance the Wairau Dry Hills High Amenity Landscape and the Marlborough Sounds High Amenity Coastal Landscape. The status of activities will depend on the severity of the threat and range from permitted activity standards through to prohibited activities. Activities to be regulated include:

- subdivision;
- erection and placement of structures, especially location, scale, density and appearance;
- land disturbance;
- indigenous vegetation removal;
- ~~commercial~~plantation forestry; and
- the planting of certain species of exotic tree for woodlot forestry planting, carbon sequestration forestry planting and conservation planting

A permitted activity standard will be used to establish an appropriate setback for structures and activities from rivers and the coastal marine area in order to preserve natural character.

Comment [19]: Topic 5

[R, C, D]

7.M.4 Guidelines

The Council will provide guidelines to help landowners and resource users to avoid, remedy or mitigate the adverse visual effects of development on landscape values. Guidelines for forest harvest activities and new structures will be priorities for development. These guidelines are intended to encourage landowners and resource users to consider landscape qualities when using or developing natural and physical resources. This may result in improved recognition of the landscape within which the resource use or development is proposed to occur and therefore improved (harvest or structure) design from a landscape perspective. In this way, the guidelines will assist with the implementation of the regulatory methods and are complimentary to these methods.

[D]

7.M.5 Colour palette

A colour palette had been developed to help protect, maintain and enhance landscapes in the Marlborough Sounds and south Marlborough. By contrasting and detracting from the colours present in the natural environment, built structures have the potential to adversely impact on the visual qualities and natural characteristics of landscape areas. To minimise this potential, colour palettes will help to integrate new buildings (or the repainting of existing buildings) into the landscape through the use of appropriate colour hues, tonalities and reflectivity.

The colour palette does not form part of any rule framework; however, a number of landowners within the significant landscape areas, particularly those in the Marlborough Sounds, have used the colour palette in guiding choices about repainting of dwellings. The colour palette can be downloaded from the Council's website.

[D]

7.M.6 Incentives

Consider providing rates relief where landscape protection is formalised by way of covenant or similar methods of protection.

Consider providing funding to wilding pine control programmes and other community initiated control programmes for undesirable plants and animals.

Consider providing incentives to drive transition of commercial forests within outstanding natural features and outstanding natural landscapes, and landscapes with high amenity to alternative forestry or land uses, as informed by the outcomes of research.

Comment [20]: Topic 3

[D]

7.M.7 Investigation

Undertake research into alternative forestry and land use options available to pine forest owners in the Marlborough Sounds. The investigations should include how best to manage the transition from pine plantations to the chosen alternatives in a manner that minimises landscape effects, especially those caused by wilding pines.

[RPS, R, C, D]

7.M.8 Information

Make available background information on Marlborough's diverse landscape character, particularly through Appendix 1, which identifies the values of Marlborough's outstanding natural features and outstanding natural landscapes and landscapes with high amenity values~~significant landscapes~~.

Provide forest owners in the Marlborough Sounds with information on alternative forestry options and alternative land uses so that they can make informed decisions regarding succession planning leading up to and upon the harvesting of existing pine forests.

Provide the community with information on effective control practices for wilding pines.

[RPS, R, C, D]

7.M.9 Advocacy

Advocate for increased guidance to be provided at a national level for assessing the adverse effects of resource use and development on landscape values.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the landscape provisions of the MEP. The anticipated environmental results are ten year targets from the date that the MEP becomes operative, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the landscape provisions.

Anticipated environmental result	Monitoring effectiveness
<p>7.AER.1</p> <p>Marlborough's outstanding natural features and landscapes<u>outstanding natural landscapes</u> and landscapes with visual amenity value are protected from degradation.</p>	<p>Outstanding natural features and landscapes<u>outstanding natural landscapes</u> and landscapes with high amenity value are included within the MEP. This will include the identification of values that make<u>comprise</u> each landscape significant and mapping of the extent of the landscapes<u>significant landscapes</u>.</p> <p>The awareness of Marlborough's outstanding natural features and landscapes<u>outstanding natural landscapes</u> and landscapes with high amenity value increases, as measured by public perception survey.</p> <p>The biophysical, sensory<u>perceptual</u> and associative values that contribute to the significance of particular landscapes are maintained (or enhanced), as measured by reassessment of Marlborough's landscape.</p> <p>Only appropriate development is allowed to occur in outstanding natural features and landscapes<u>outstanding natural landscapes</u>, as measured by reassessment of Marlborough's landscape.</p> <p>The area of land vegetated by wilding pines in the Marlborough Sounds decreases<u>does not increase</u>.</p> <p><u>The number of programmes in the community to control wilding pines</u></p>

Comment [21]: Topic 5

8. Indigenous Biodiversity

Introduction

New Zealand's biodiversity gives our country a unique character and is internationally important. A large proportion of our species are endemic to New Zealand and if they become extinct they are lost to the world. About 90 percent of New Zealand insects, 80 percent of trees, ferns and flowering plants, 25 percent of bird species, all 60 reptile species, four frog species and two species of bat are endemic.

New Zealand's biodiversity has helped shape our national identity, with our distinctive flora and fauna contributing to our sense of belonging. The koru and kiwi are internationally recognised. Biodiversity also provides social and economic benefits through recreational opportunities, tourism, research, education, provision of ecosystem services and natural resources for primary industry and customary and medical uses.

The Resource Management Act 1991 (RMA) requires the Council to recognise and provide for as a matter of national importance the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Section 6(c)). The protection of these values, whether on land, in freshwater or coastal environments, also helps to achieve other matters of national importance, including landscape and natural character values and historic heritage. However, biodiversity values are also important components of amenity, kaitiakitanga, quality of the environment, and [the intrinsic values of ecosystems](#), ~~values~~ matters to which regard shall be had in terms of Section 7 of the RMA. For this reason there are important links between the provisions of this chapter and others in the Marlborough Environment Plan (MEP).

Comment [1]: Topic 6

In addition, there are specific roles and functions in relation to protecting significant natural areas and habitats and maintaining indigenous biological diversity. These functions enable the Council to:

- establish, implement and review objectives, policies and methods for maintaining indigenous biological diversity [Section 30(1)(ga)]; and
- control any actual or potential effects of the use, development or protection of land for the purpose of maintaining indigenous biological diversity [Section 31(1)(b)(iii)].

Marlborough's central location within New Zealand and its varied landforms, climate and rich human history combine to form an interesting and diverse area. The District has a range of important and unusual natural features, native plants and animals, a number of which are at their southern or northern limits of distribution. Part of south Marlborough has been identified as one of five areas of high biodiversity concentration within New Zealand.

Importantly, Marlborough's tangata whenua iwi have a significant interest in the protection, management and restoration of indigenous biodiversity, having developed relationships based on whakapapa, mahinga kai and kaitiakitanga developed over centuries of occupation, close interaction and use of natural resources. Whakapapa provides the links or connections between people and all things, including plants and animals. Mahinga kai is based on the sustainable gathering of food and resources, the places where they are gathered, the resources themselves and the passing on of knowledge about these resources. Kaitiakitanga is a responsibility to ensure that the mauri of natural resources is healthy and strong and that the life supporting capacity of these ecosystems is preserved.

Although the focus of the RMA is on indigenous biodiversity, it is important to recognise that some parts of Marlborough have been modified as a result of a variety of land uses over many years. As has occurred throughout New Zealand, Marlborough's natural environment has been highly modified from that which would have existed prior to human arrival. This has resulted in a range

of non-indigenous species, which have in their own right made a significant contribution to amenity values in both urban and rural environments as well as to the character and economy of Marlborough. This is recognised in other chapters of the MEP. However, it is important to acknowledge that the remaining areas of indigenous biodiversity still contribute significantly to Marlborough's heritage values.

Issue 8A – A reduction in the extent and condition of indigenous biodiversity in Marlborough.

Despite the original diversity and uniqueness of Marlborough's biodiversity and natural areas, human activities have been particularly severe on Marlborough's sensitive landscape and ecosystems, especially in the terrestrial and freshwater ecosystems of lowland south Marlborough. A continuation of past trends will result in further loss of or deterioration in the condition of Marlborough's indigenous biological heritage. For Marlborough's tangata whenua iwi, this will impact on the mauri of natural resources.

Terrestrial and freshwater environments

Centuries of fire have created the present pattern of small, isolated remnants of natural vegetation. The dry climate and easy contours of most of this land have meant that fires were very effective in clearing vegetation. Very few original areas of native forest remain in south Marlborough – most are secondary vegetation that has regenerated after the earliest fires. Further intensive clearance of shrub and tussock subsequently removed most of the remaining vegetation.

North Marlborough has a moister climate and steeper terrain than south Marlborough and has been less modified by human arrival. A significant amount of original forest cover remains and vigorous native regeneration is well underway on land that was cleared for pastoral farming from 1850 to 1940.

High populations of exotic wild animals and introduced plants have become well established in Marlborough because of the favourable climate, terrain and land-use. These introduced species have added further pressure on natural habitats. As a result of habitat loss and competition and predation from introduced animals, the original indigenous animals have also largely disappeared; only a few of these species remain in isolated remnant habitats. These habitats are often too small and too far from other sites in the locality to support significant and sustainable populations of native species, including birds, invertebrates and lizards.

The ecology of ground water is a relatively new area of investigation. Aquifers are now known to provide a habitat that can support a subterranean ecosystem. Species of crustaceans have adapted and evolved to live and complete their entire lifecycle underground. It is possible that these species may have a role in maintaining underground water quality. To date, little is known of the distribution of densities or even what species are present in our groundwater aquifers.

Many of the small streams and waterways on the Wairau Plain, including the largest river in Marlborough, the Wairau River, have been straightened, diverted and channelled over the last 150 years in order to control flooding and enable increased agricultural production. Native riparian or riverside vegetation has been largely replaced by exotic willows and shrubs. These modifications have resulted in the loss of native fish species that rely on native invertebrates falling onto the water for food.

With intensification of lowland land-use, particularly for viticulture, the demand for water for irrigation purposes has been significant. In the naturally dry landscape of these lowland areas, taking or diverting water from surface and groundwater sources can result in the loss of habitat as headwaters of spring-fed streams recede or waterways dry up altogether. The increasing use of dams to capture and store water also has the potential to have both negative (e.g. preventing fish passage) and positive effects (e.g. creation of new habitat) on natural areas and biodiversity.

Wetlands

The term wetland covers habitats where the land is covered in or wetted by water for most (but not necessarily all) of the time. Wetlands occur in areas where surface water collects or where groundwater seeps to the surface. They include swamps, bogs, coastal wetlands, lakes and some river edges.

Wetlands are highly productive environments that can support a diverse range of plants and animals (birds, fish, insects and micro-organisms). They support processes that provide environmental services such as water storage and flood control, nutrient removal, erosion control and water table maintenance. Wetland areas have always been highly valued by Māori as they provide a rich source of traditional resources like food (fish and birds), flax and medicinal plants. Wetlands therefore represent a significant part of Marlborough's natural heritage.

Between 1920 and 1980, most of New Zealand's wetlands were drained for pastoral land use. This has resulted in an approximately 85% reduction in wetland areas and many remaining wetlands are still under pressure from land development. Many remaining wetlands are small and their natural character and habitat quality have been degraded by partial drainage, damage by farm animals and weed invasion. Lowland wetlands have been worst affected and in some cases are still at risk.

The systematic draining of Marlborough's wetlands over the last 150 years has had a profound impact on aquatic ecosystems, especially in the lowland areas of the Wairau Plain. Less than one percent of the Wairau Plain wetlands that existed before Europeans arrived in New Zealand still exist. In addition, the taking of groundwater or surfacewater can affect the habitat and flow regimes of wetlands.

Marine environments

Marlborough supports a wide variety of marine habitats, ranging from exposed rocky shores to sheltered sandy bays. The coast is affected by a wide variety of physical and biological processes including tidal currents, wave energy, water clarity, substratum and temperature. Marlborough's geographic location influences these processes and as a result, our marine environment is one of the most interesting of any coastal areas in New Zealand, supporting a high diversity of species. Furthermore, Marlborough is an important part of the migratory route for several large marine mammals, including humpback and southern right whales. Other marine mammals live in Marlborough's marine environment, including the nationally endangered Hector's dolphin, which resides in Cloudy-Clifford Bays and Queen Charlotte Sound. Species such as dusky dolphins and orca regularly visit the Marlborough Sounds, while bottlenose dolphins are found here during most of the year.

Marlborough's marine environment supports a significant diversity of sea birds, most of which rely on the area for breeding, raising young or for feeding. Of particular note is the king shag, which is endemic to the Marlborough Sounds.

Tidal wetlands, although mostly small and widely spread throughout Marlborough, form an important network for mobile species of wetland bird. Larger estuaries do exist, including those at Whangarae (Croisilles Harbour), Havelock, Kaiuma and Wairau Lagoons. These larger estuaries provide habitat and feeding areas for a wide variety of fish, invertebrates and birds.

The condition and state of marine biodiversity can be affected by land or water based activities. Adverse impacts can arise from sedimentation, contamination and habitat disturbance. Effects can be temporary, but in particular circumstances can result in permanent loss or damage. Long term or cumulative smaller scale, localised effects from impacts such as contamination and physical disturbance can also have significant effects on the functioning of marine systems. Many activities, such as recreational swimming, do not affect or have an impact on marine biodiversity; however, other activities, including shipping (especially large and/or fast ships), reclamations or other coastal structures, marine farming and physical disturbance from certain fishing techniques can affect marine biodiversity.

There are also a variety of marine organisms that can be introduced by transport into our marine environment by ships (including the discharge of ballast water), oil rigs, barges and other boat. Regardless of whether or not these pest organisms are exotic, there is the potential for displacement of native species if the introduced organisms are not kept to a minimum. This could otherwise have a significant impact on Marlborough's indigenous biodiversity.

Despite the extensive length and physical size of Marlborough's coastline, many marine habitats and species are fragile and vulnerable to impact. The increasing use of the coastal environment for recreational, cultural and commercial activities leads to a corresponding increase in the potential for adverse effects on marine biodiversity. Unfortunately, it is difficult to determine all of the significant marine values due to the size of the area and difficulties associated with surveying subtidal marine areas, although techniques for assessing marine biodiversity are constantly improving and evolving.

[RPS, R, C, D]

Objective 8.1 – The intrinsic values of Marlborough's remaining indigenous biodiversity in terrestrial, freshwater and ~~coastal~~ marine environments ~~is~~ are protected.

As there has been considerable loss of indigenous biodiversity in Marlborough, it is important that remaining areas are protected and that their condition is maintained and improved where opportunities arise. This will ensure that the intrinsic values of the District's ecosystems, some of which are unique to Marlborough, are safeguarded. Intrinsic values in this context are defined in Section 2 of the RMA as "...those aspects of ecosystems and their constituent parts which have value in their own right, including -

(a) their biological and genetic diversity; and

(b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.

Protection ~~in this context~~ should be considered in a broad sense and may include legal protection as well as fencing, active pest control, regulation and improved land management practices.

The inclusion of this objective ~~helps-gives effect to achieve~~ the National Policy Statement for Freshwater Management 2014 (NPSFM), where for both water quantity and quality reasons the protection of the significant values of wetlands is required. This objective also gives effect to ~~helps-to-achieve~~ Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) where there is specific direction to protect biological diversity in the coastal environment.

This objective also ~~helps-sets out the intent~~ to protect indigenous biodiversity as an important component of Marlborough's natural heritage and gives recognition to central government's 'statement of national priorities' for protecting rare and threatened indigenous biodiversity on private land (June 2007). These priorities are:

National Priority 1:

To protect indigenous vegetation associated with land environments that have 20 percent or less remaining in indigenous cover.

National Priority 2:

To protect indigenous vegetation associated with sand dunes and wetlands; ecosystem types that have become uncommon due to human activity.

National Priority 3:

To protect indigenous vegetation associated with 'originally rare' terrestrial ecosystem types not already covered by priorities 1 and 2.

National Priority 4:

To protect habitats of threatened and declining indigenous species.

Comment [2]: Topic 6

Comment [3]: Topic 6

Comment [4]: Topic 6

~~Matters of national importance in Section 6(a) and 6(c) of the RMA require the Council to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, lakes, rivers and their margins, and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. These matters help to protect biodiversity as important components of Marlborough's natural heritage.~~

There is a relationship between this objective and Objective 6.2 in Chapter 6 in terms of the preservation of natural character under section 6(a) of the RMA and Policies 13 and 14 of the NZCPS within the coastal environment. This is because indigenous biodiversity is also a component determining natural character. For this reason, policies in this chapter that provide for the protection of indigenous biodiversity in the coastal environment also assist to give effect to NZCPS

[RPS, R, C, D]

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.

While protection of remaining areas of indigenous biodiversity is important, so too is the restoration and re-establishment of some of what has been lost or degraded. Restoration means the active intervention and management of degraded biotic communities, landforms and landscapes to enhance biological character, ecological and physical processes. If restoration and re-establishment does not occur then indigenous biodiversity will remain seriously threatened and be vulnerable to further decline, especially in lowland southern Marlborough.

Given the important roles that wetlands can play and as many wetlands in Marlborough are in poor condition, it is important to improve their extent and condition. The creation of new wetlands will also help to increase the overall size and stock of wetland habitat in Marlborough.

It is acknowledged that in some hill country areas extensive natural regeneration has occurred and this has already helped to increase the extent of Marlborough's indigenous biodiversity. Although there is a natural ability of many species to regenerate given the right circumstances, some species cannot as they are too few in number, sometimes down to single individuals. In many cases, the propagation and replanting of plants is needed to establish a centre from which natural regeneration is possible.

Identification of sites, areas and habitats with significant indigenous biodiversity value

[RPS]

Policy 8.1.1 – When assessing whether terrestrial, wetlands, freshwater or marine or ~~terrestrial~~ ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:

Identification Criteria

- (a) representativeness;
- (b) rarity;
- (c) diversity and pattern;
- (d) distinctiveness;

Management Criteria

- (e) size and shape;
- (f) connectivity/ecological context;
- (g) sustainability; and

Comment [5]: Topic 6

Comment [6]: Topic 6

Comment [7]: Topic 6

Comment [8]: Topic 6

(h) adjacent catchment modifications.

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.

To determine whether a site is significant for the purposes of Section 6(c) of the RMA, an assessment needs to be made by the Council or others against consistently applied criteria. The criteria identified in this policy (further explained in Appendix 3), have been used by the Council previously to identify and encourage opportunities for the conservation of natural features on private land in Marlborough and will enable assessments to be made in the future where none have occurred to date. The same criteria have also been used in identifying wetlands of significance in Marlborough and in identifying areas in the coastal marine area with significant indigenous biodiversity value.

[\[RPS\]](#)

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.

Significant wetlands have been identified in the MEP because these small and fragmented areas are all that remain of the once vast areas of wetland that covered lowland Marlborough. It is important to ensure the values of the significant wetlands are protected. Areas that meet the RMA's definition of a wetland but do not have significant values in terms of the criteria in Policy 8.1.1 have not been identified in the MEP and therefore are not subject to wetland rules.

Areas or habitats assessed as having significant ecological values within the coastal marine area have been specifically identified in the MEP and are referred to as 'ecologically significant marine sites'. This is because the coastal marine area is comprised of resources in public ownership, with the Council having a more direct role in managing these resources including in relation to areas with significant biodiversity value in terms of Section 6(c) of the RMA.

[A buffer is also identified around all category A and B ecologically significant marine sites. A buffer recognises that habitats on the sea bed are vulnerable to disturbance from activities conducted in the coastal marine area. Those activities cannot necessarily be undertaken in a precise manner to avoid the adverse effects of seabed disturbance, particularly given the physical separation between the sea surface and seabed. In these circumstances, a buffer represents a precautionary approach to the protection of the Ecologically Significant Marine Sites.](#)

Regulation and education will be the Council's main approach in protecting marine biodiversity.

[\[RPS\]](#)

Policy 8.1.3 – ~~Continue to gather~~ Having adequate information on the state of biodiversity in terrestrial, freshwater and ~~coastal-marine~~ environments in Marlborough to enable decision makers to assess the impact on biodiversity values from various activities and uses.

Survey work on private land through programmes run by the Council and Department of Conservation has provided an overview of biodiversity in Marlborough. However, while many landowners have had their land surveyed as part of these programmes, not all land has been surveyed. Having adequate information about biodiversity values of waterbodies is equally important for decision makers when assessing the impacts of various activities and uses within waterbodies, as well as activities and uses on adjoining land.

For the coastal marine area, the Council has undertaken a review of published and unpublished reports to provide an overview of Marlborough's marine biodiversity. This information is available to the public but it is acknowledged that there are significant gaps in our knowledge. The Council will undertake surveys to improve knowledge of biodiversity patterns and condition.

Comment [9]: Topic 6

Comment [10]: Topic 6

Comment [11]: Topic 6

Comment [12]: Topic 6

Continuing to add to the knowledge of the extent, condition and use of biodiversity in Marlborough will be important in assisting decision making on resource consent or plan change applications, as well as for general awareness of the state of Marlborough's environment.

Protecting and enhancing indigenous biodiversity

[RPS]

Policy 8.2.1 – A variety of means will be used to assist in the protection, maintenance and enhancement of areas and habitats with indigenous biodiversity value, ~~including partnerships, support and liaison with landowners, regulation, pest management, legal protection, education and the provision of information and guidelines.~~

A variety of methods are necessary to achieve the protection and enhancement of areas and habitats with indigenous biodiversity value. These methods include partnerships; support for and liaison with landowners, resource users, community groups and Marlborough's tangata whenua iwi; pest management; legal protection; education; and the provision of information and guidelines.

Sometimes, simply fencing an area is the most effective means of protection and in this case, it is the Council's role to support landowners (including financially). In other cases, it may be appropriate that regulation is used. It is important to acknowledge, however that rules on their own do not protect important areas. The Council can also take an active role in enhancement activities, again through supporting landowners with education, the provision of information and guidelines and through working in partnerships.

[RPS]

Policy 8.2.2 – Use a voluntary partnership approach with landowners, enabling a 10 year transition to both expand the SNA programme to other areas and to assess its effectiveness for achieving protection of significant indigenous biodiversity, as the primary means for achieving the protection of areas of significant indigenous biodiversity on private land, except for areas that are wetlands.

Since 2000, the Council has undertaken a programme to identify and protect significant natural areas and indigenous biodiversity on private land in Marlborough. The Council has worked on the principle of a partnership approach, with landowners to achieve improvements in the protection of remaining significant natural areas. The rate of participation in this programme reflects the fact that most landowners want to protect unique ecosystems and species where they occur on their properties.

The programme includes support through a landowner assistance programme operating alongside the field survey work. The programme is funded by the Council, ~~central government's biodiversity fund~~ and landowners. This approach has allowed for property-based surveys to be carried out in cooperation with landowners.

However, not all landowners have chosen to participate in the SNA programme and other areas are yet to be surveyed as part of the programme. This policy provides for a 10 year transition to expand the SNA programme to areas yet to be surveyed, but also provides the opportunity for the Council and the community to assess the effectiveness of the voluntary partnership in achieving Objective 8.1. In this regard, Policy 8.2.8 and Method 8.M.5 will be particularly relevant.

The exception for wetlands reflects that these significant sites will be subject to a regulatory regime. This helps give effect to the NPSFM, where for both water quality and quantity purposes the significant values of wetlands are to be protected (Objective A2(b) and Objective B4). This approach also assists in recognising and providing for the preservation of natural character of wetlands as required by Section 6(a) of the RMA.

[RPS, R, C]

Comment [13]: Topic 6

Comment [14]: Topic 6

Comment [15]: Clause 16

Comment [16]: Topic 6

Comment [17]: Topic 6

Comment [18]: Topic 6

Comment [19]: Topic 6

Policy 8.2.3 – Priority for Council funding and partnership resources 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.

Those ecosystems, habitats and areas assessed as having significant indigenous biodiversity value are to be given priority in terms of their protection, maintenance and restoration. This policy recognises that a targeted approach to indigenous biodiversity is appropriate given that resources to assist landowners are limited. If the Council has to make decisions about which sites should be supported financially for protection works, those sites that have been legally protected through mechanisms such as covenants will be prioritised for funding support.

This policy also gives recognition to central government's 'statement of national priorities' for protecting rare and threatened indigenous biodiversity on private land as set out in Objective 8.1. These priorities will potentially have a significant influence on the Council's future policy and programmes. A significant area of lowland Marlborough (i.e. the Wairau and Awatere Plains) and coastal south Marlborough will fall under Priority 1. A number of specific areas will fall into Priorities 2 and 3, for example wetlands, the stony beach ridges at Rarangi and the coastal limestone cliffs. In terms of Priority 4 habitats, in Marlborough bird species such as the [king shag](#), New Zealand falcon, weka and rifleman and plant species such as pingao, *Muehlenbeckia astonii* and native broom species are either acutely or chronically threatened.

[\[RPS, R\]](#)

Policy 8.2.4 – Priority will be given to encouraging the re-establishment and enhancement of indigenous biodiversity in Marlborough's ~~lowland~~ most threatened environments including lowland and marine habitats.

In Marlborough's lowland environments (the Wairau and Awatere Plains) some ecosystem types are extremely depleted and have been fragmented over time. In these areas fully functioning ecosystems are not common as many native bush birds and insects are present in low numbers (for instance, very few tui can be found in south Marlborough). Lack of habitat caused by lack of fauna prevents natural functions such as seed dispersal and pollination, meaning that without active intervention by humans, some sites are, or will become unviable in the long term. Although there are challenges in natural regeneration and assisted revegetation, it is important that efforts are made to re-establish indigenous biodiversity in these areas, particularly as there is little public conservation land in south Marlborough. This policy will also help to address central government's national priorities for protecting indigenous vegetation on private land.

[\[RPS, R\]](#)

Policy 8.2.5 – Encourage the legal protection of sites with significant indigenous biodiversity value through covenanting.

An important aspect of covenanting is that it is voluntary. To assist with the implementation of Policy 8.2.2, the Council will actively work with landowners to register covenants over sites with significant indigenous biodiversity value, resulting in important sites being protected in perpetuity. Covenants, such as those available under the Queen Elizabeth II National Trust, mean that land ownership and management of land remains with the landowner, but ongoing advice and support can be received for the site covenanted.

[\[RPS, D\]](#)

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.

Land along the margins of rivers, lakes and significant wetlands may have significant natural value and serve as important habitats. There is strong emphasis given to the enhancement of these areas under Section 6 of the RMA. Esplanade reserves or esplanade strips can be taken for the purposes set out in Section 229 of the RMA, including where this will contribute to the protection of conservation values. The reason for this policy therefore is to signal that where areas of significant indigenous biodiversity value occur in riparian margins, then land may be taken or set aside upon subdivision, or as a financial contribution on activities not requiring

Comment [20]: Topic 6

Comment [21]: Topic 6

Comment [22]: Topic 6

Comment [23]: Topic 6

Comment [24]: Topic 6

subdivision consent. The Council may also negotiate with landowners outside of these more formal processes if the values are significant enough to warrant protection.

[D]

Policy 8.2.7 - To require where appropriate (as part of the subdivision consent process) the creation of esplanade reserves and esplanade strips to maintain or enhance aquatic habitats.

The RMA specifically provides for esplanade areas as one method of maintaining or enhancing aquatic habitats. The RMA provides two tiers of esplanade areas in this context: esplanade reserves and esplanade strips. Esplanade reserves or esplanade strips can be taken in accordance with Part 10 of the RMA (Subdivision and Reclamation). The appropriateness of doing so will be determined through the subdivision consent process.

Comment [25]: Topic 13

[RPS, R, C]

Policy 8.2.78 – A strategic approach to the ~~containment/eradication~~management of undesirable animals and plants that impact on indigenous biodiversity values will be developed and ~~implemented~~maintained.

Comment [26]: Topic 6

The wide range of pest species present in Marlborough, their location, characteristics and spread, means that a range of responses is necessary to deal with them and protect indigenous biodiversity. This can occur through rules in the Council's regional pest management plan, national pest management strategies, provision of information and advice to landowners, consent holders and the public, biological and physical control, monitoring and surveillance and at times, direct funding to landowners to help protect significant sites from pests. It is important to acknowledge that landowners (including statutory organisations) have a significant responsibility for controlling and managing pest animals and plants.

Often the resources required (technologically or financially) to effectively manage pests with physical control methods across the entire District are not available. The most effective and efficient approach will be to target pests at sites of high ecological value where they can be realistically managed to protect particular values or areas. This approach will rely on strong partnerships with landowners.

To date the Council has had limited involvement or experience in dealing with pests in the coastal marine area, but what work has been done has focussed on managing pests for economic reasons, especially for the marine farming industry in the Marlborough Sounds. Part of the Council's strategic approach for the coastal marine area has seen the establishment of a collaborative partnership to help build capability and put in place a framework to manage future biosecurity threats.

[RPS]

Policy 8.2.89 – Where monitoring of ecosystems, habitats and areas with significant indigenous biodiversity value shows that there is a loss of or deterioration in condition of these sites, then the Marlborough District Council will review the approach to protection.

Comment [27]: Topic 6

Ongoing monitoring of the condition of sites with significant indigenous biodiversity value will be necessary to determine if the methods in the MEP are helping to improve the overall condition of significant indigenous biodiversity in Marlborough. Where state of the environment monitoring shows a loss of or deterioration in the condition of significant sites as a result of the voluntary approach to protection, then the Council will review the voluntary approach to determine whether increased use of regulation should be pursued. Any changes to the MEP as a result of this review would only occur through the First Schedule process of the RMA.

[R, C, D]

Comment [28]: Topic 6

Policy 8.2.910 – Promote the maintenance, enhancement or restoration of ~~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;
- (f) biological and genetic diversity; and
- (g) water quality, levels and flows.

This policy identifies a range of factors that are important for the overall functioning of ecological processes. However, it is important to recognise that not all areas with indigenous biodiversity value will be considered significant. Nonetheless, these areas still add to the overall sustainable management purpose of the RMA, particularly when having regard to the following Section 7 matters of the RMA:

- (c) *The maintenance and enhancement of amenity values.*
- (d) *Intrinsic values of ecosystems.*
- (f) *Maintenance and enhancement of the quality of the environment.*
- (g) *Any finite characteristics of natural and physical resources.*

The importance of areas of indigenous biodiversity for cultural purposes could include a range of associations and uses of indigenous biodiversity, including taonga species, māhinga kai, underlying cultural values of a place, presence of resources used for rongoā, weaving, food sources, or ceremonial uses.

[R, C]

Policy 8.2.4011 – Promote to the general public and landowners the importance of protecting and maintaining indigenous biodiversity because of its intrinsic, conservation, social, economic, scientific, cultural, heritage and educational worth and for its contribution to natural character.

Increasing awareness about the unique and diverse biodiversity of Marlborough is important. The policy recognises contributions towards protecting and maintaining biodiversity will see the Council continuing to work closely with the community. This approach has been fundamental to improving biodiversity to date, because to protect biodiversity on private land, the Council relies heavily on voluntary participation and proactive protection activity from landowners. Within the coastal environment this role is particularly important as the resources comprised in the coastal marine area are in public ownership. Coupled with imperatives in the RMA requiring the preservation of the natural character of the coastal environment, wetlands, lakes and rivers, the Council recognises that informing the public about Marlborough's biodiversity is essential in helping to protect the values identified in the policy.

[R]

Policy 8.2.4412 – 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.

Riparian areas are the interface between land and water resources and provide important habitat for unique flora and fauna, including swamp nettle and whitebait spawning sites. Vegetation

Comment [29]: Topic 6

Comment [30]: Topic 6

Comment [31]: Topic 6

within the riparian area also contributes to freshwater habitat through the provision of refuge and the input of food and shade. For example, many native fish species are dependent on native terrestrial insects as a food source and these insects are often only found in indigenous riparian vegetation. Promoting ecological corridors on both public and private land therefore plays an important part in protecting ecosystems and maintaining and enhancing the quality and diversity of remaining natural areas.

The opportunity already exists to improve biodiversity on Council-owned land along a number of waterways on the Wairau Plain, as well as alongside rivers in other catchments (e.g. Wakamarina, Rai, Onamalutu and Pelorus), despite these riparian areas being maintained for flood hazard mitigation. These river margins may not presently have particular value for biodiversity, but they could have in future with enhancement work such as the removal of plant pests and planting with native species.

[\[R, C\]](#)

Policy 8.2.4213 – Encourage and support private landowners, [Marlborough's tangata whenua iwi](#), [community and industry groups](#), [central government agencies](#) and others in their efforts to protect, restore or re-establish areas of indigenous biodiversity.

Not all of the responses to protecting, restoring or re-establishing indigenous biodiversity need to be achieved through the RMA or by regulation. For example, voluntary agreements can be put in place by various groups to protect species or habitats. There are also provisions in other statutes that can be used by various agencies to protect particular values and these may extend to also protecting important biodiversity values, e.g. the Marine Reserves Act 1971. The Council has also established programmes to assist landowners and community groups to protect and restore natural areas and ecosystems. This includes financial assistance to landowners willing to protect ecologically important areas on their properties.

[\[R, D\]](#)

Policy 8.2.4314 – When re-establishment or restoration of indigenous vegetation and habitat is undertaken, preference should be given to the use of native species of local genetic stock.

Plants within the same species can adapt to local conditions to become genetically separate (and sometimes physically distinctive). Local plants are therefore well adapted and are best used for propagation, as they provide the best chance of survival and good growth within the District. These plants also protect genetic diversity within local populations and prevent the character of local ecosystems from being swamped by imported varieties from other areas. Therefore, where feasible, seed should be collected from within a catchment or ecological district as close as possible to the specific site of a planting project.

Managing effects of subdivision, use and development on indigenous biodiversity

[\[R, C, D\]](#)

Policy 8.3.1 – Manage the effects of subdivision, use or development in the coastal environment by:

- (a) avoiding adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(a) of the New Zealand Coastal Policy Statement 2010;
- (b) avoiding adverse effects where the areas, habitats or ecosystems are mapped as significant wetlands or ecologically significant marine sites in the Marlborough Environment Plan; or
- (c) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(b) of the New Zealand Coastal Policy Statement 2010 ~~or are not identified as significant in terms of Policy 8.1.1 of the Marlborough Environment Plan.~~

Comment [32]: Topic 6

Comment [33]: Topic 6

Comment [34]: Topic 6

Comment [35]: Topic 6

Comment [36]: Topic 6

(d) creating a buffer to manage activities in proximity to an Ecologically Significant Marine Site in order to avoid adverse effects on the Ecologically Significant Marine Site.

Comment [37]: Topic 6

Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) defines a range of priorities so that indigenous biodiversity in the coastal environment is protected. Policy 8.3.1 of the MEP reflects the priority approach of the NZCPS to subdivision, use and development activities within the coastal environment.

[R, D]

Comment [38]: Topic 6

Policy 8.3.2 – ~~Where subdivision, use or development requires resource consent, Outside the coastal environment~~ the adverse effects on areas, habitats or ecosystems with indigenous biodiversity value shall be:

- (a) avoided where it is a significant site in the context of Policy 8.1.1; and
- (b) **managed to ensure that**~~avoided, remedied or mitigated where~~ indigenous biodiversity values **are retained in areas that** have not been assessed as being significant in terms of Policy 8.1.1.

This policy sets up a hierarchy for decision makers to use when assessing the effects of subdivision, use or development activities on areas, habitats or ecosystems with indigenous biodiversity value. For those sites identified as being significant in terms of Policy 8.1.1, it is important that adverse effects are avoided. This recognises that there are few significant sites remaining on private land, especially in southern Marlborough. Where sites have not been identified as significant through Policy 8.1.1, decision makers can also consider remediation or mitigation options to address adverse effects.

[R, C, D]

Policy 8.3.3 - Provide for the construction, maintenance, or upgrade of National Grid infrastructure, that adversely affects the values and attributes associated with the areas identified in Policies 8.3.1 and 8.3.2, provided that:

- (a) There are no practical alternative locations or routes: and**
- (b) The avoidance of effects required within Policies 8.3.1 and 8.3.2 is not possible: and**
- (c) The adverse effects that cannot be avoided are remedied or mitigated.**

Comment [39]: Topic 6

Operating, maintaining, upgrading and/or developing the National Grid have the potential to result in unavoidable adverse effects on indigenous biodiversity values. Reflecting the national significance of the National Grid for electricity transmission, this policy directs that, despite of Policies 8.3.1 and 8.3.2, it is important to provide for these critical activities to occur. However, the policy also places limits on the ability to adversely affect indigenous biodiversity values. The National Grid operator will have to demonstrate that the circumstances in both (a) and (b) apply. Where they can do so, the national Grid operator will be required to remedy or mitigate any adverse effects.

The policy assists to give effect to Policies 2, 5 and 8 of the NPSET.

[R, C, D]

Policy ~~8.3.5~~ 8.3.4 – 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 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 or at risk species or ~~their~~^{its} habitats and species that are rare within the region or biogeographic area;
- (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 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
- (t) the destruction of or significant reduction in educational, scientific, amenity, historical, cultural, landscape or natural character values.

Comment [40]: Topic 6

The policy identifies a range of adverse effects that may result from subdivision, use and development, and which may need to be avoided to protect indigenous biodiversity values. The effects can occur in terrestrial, freshwater or coastal environments or be specific to one environment. Therefore in determining whether these adverse effects may occur and potentially affect indigenous biodiversity values, a case-by-case assessment will be necessary. Depending on the environment within which the subdivision, use or development is to take place and the particular values associated with the site and degree of effect likely to result from the proposed activity, a determination can be made as to whether the effects should be avoided in terms of Policies 8.3.1 and 8.3.2 or can otherwise be remedied or mitigated.

[C]

[Policy 8.3.5 – Take into account that king shag could feed in the coastal marine area within 25km of the breeding sites recorded as Ecologically Significant Marine Sites 1.6, 2.11, 2.14, 2.21, 3.3 and 3.9.](#)

[King shag are endemic to the outer Marlborough Sounds. The breeding and roosting sites of king shag are recognised as Ecologically Significant Marine Sites within the Plan \(sites 1.6, 2.11, 2.14,](#)

Comment [41]: Topic 6

[2.21, 3.3 and 3.9 in Volume 4](#)). [The limited number of king shag and the restricted breeding sites make king shag vulnerable.](#)

[King shag leave the breeding and roosting sites to forage for food in the coastal marine area. The foraging can occur up to 25km from sites. It is therefore important to consider the potential for adverse effect on king shag feeding as part of the exercise of assessing the actual or potential adverse effects of activities in the coastal marine area. However, such an assessment is only necessary within 25km of sites 1.6, 2.11, 2.14, 2.21, 3.3 and 3.9. It will also be important to take into account that land topography can limit the ability of king shag to access some areas of the coastal marine area within such a distance.](#)

[\[P\]](#)

~~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.~~

~~This policy sets an environmental bottom line to protect biodiversity values in waterbodies (including in streams that are spring fed) where the taking of water is proposed. Regard will be had to the policy in establishing environmental flow and level limits and when considering resource consent applications where no such regime has been established. This policy recognises that all waterbodies are important and that protecting the natural functioning of these environments will at least maintain biodiversity values. In some cases, prohibited activity rules have been applied to protect the values of waterbodies. [\(Deleted\)](#)~~

[\[R, C, D\]](#)

~~Policy 8.3.88.3.6 – With the exception of areas with significant indigenous biodiversity value, w~~Where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to ~~mitigate~~[offset significant](#) residual adverse effects. Where a biodiversity offset is proposed, the following criteria will apply:

- (a) [Residual adverse effects](#): the offset will only compensate for [significant](#) residual adverse effects that cannot otherwise be avoided, remedied or mitigated;
- (b) [Limits to offsetting](#): [offsetting should not be applied to justify impacts on vulnerable or irreplaceable biodiversity.](#)
- ~~(b)~~ (c) [No net loss](#): the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;
- ~~(c)~~ (e) ~~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;~~ [\(Deleted\)](#)
- ~~(d)~~ (d) ~~there is a strong likelihood that the offsets will be achieved in perpetuity;~~ [\(Deleted\)](#)
- ~~(e)~~ (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~~ [\(Deleted\)](#)
- ~~(f)~~ (d) [Like for like](#) 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 [in the same area.](#)
- (e) [Proximity](#): [the proposal should be located close to the application site, where this will achieve the best ecological outcomes.](#)
- (f) [Timing](#): [the delay between the loss of biodiversity through development and the gain or maturation of ecological outcomes is minimized.](#)

Comment [42]: Topic 6

Comment [43]: Topic 6

Comment [44]: Topic 6

Comment [45]: Topic 6

(g) Any offsetting proposal will include biodiversity management plans prepared in accordance with good practice.

Comment [46]: Topic 6

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. Policy 8.3.8-6 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.

The goal of a biodiversity offset is to achieve no net loss and preferably a net gain of biodiversity with respect to species composition, habitat structure and ecosystem functions. It is therefore important that offsets are appropriate compensation. There is a preference for the re-establishment or protection of the same type of ecosystem or habitat to avoid the difficulty of assessing relative values of different ecosystems or habitats of different species. Trade-offs involving different species will not always adequately compensate for the loss of the originally threatened species. However, the policy does recognise that where significant indigenous biodiversity benefits can be achieved, the protection of other habitats may be appropriate.

There will be cases where the indigenous biodiversity at risk is so significant that it should not be significantly modified or destroyed under any circumstances (other than when necessary for avoiding risks to human condition and safety). There are also situations where residual effects cannot be fully compensated because the biodiversity is highly vulnerable or irreplaceable; for example, where the vegetation or habitat is so rare or reduced that there are few or no opportunities to deliver an offset. In such cases, offsetting cannot be considered as a means of environmental compensation for adverse effects.

There also needs to be certainty that the proposed offsets will occur. Offset measures such as indigenous planting will take a long time to establish and become useful in a biodiversity role. There should be an overall improvement in indigenous biodiversity as a result of the project and its biodiversity offsets.

~~[R, D]~~

Comment [47]: Topic 6

Policy 8.3.38.3.7 – Control indigenous vegetation clearance activities to retain ecosystems, habitats and areas with indigenous biodiversity value.

Although the Council has adopted an approach of voluntary partnerships with private landowners to identify and protect areas of significant indigenous biodiversity, it is important there is a “backstop” measure in place to control activities that involve the removal of indigenous vegetation. The difference in approach recognises that rules in themselves will not improve the overall condition of significant natural areas; only by working with landowners can that occur. However, control through both permitted activity rules (with conditions) and discretionary activity rules for vegetation clearance is also necessary to assist in minimising the loss of ecosystems, habitats and areas with indigenous biodiversity value. It is important to note that there may be some circumstances where the clearance of indigenous vegetation will be excluded from rules, such as that which occurs under plantation forestry or on existing roads. The policy will also contribute to achieving outcomes for the protection of outstanding natural features and landscapes and the maintenance of high amenity areas (see Chapter 7 - Landscape, Volume 1 of the MEP).

~~[C]~~

Comment [48]: Topic 6

Policy 8.3.78.3.8 – Within an identified vulnerable ecologically significant marine sites, fishing activities using techniques that disturb the seabed must be avoided.

Some ~~fishing~~ activities use techniques or practices that result in disturbance of the seabed. Depending where this occurs, there is the potential for adverse effects on marine biodiversity. The policy seeks to specifically avoid ~~the use of these techniques~~ activities that disturb the seabed to ensure areas identified as having significant biodiversity value in the coastal marine area and which are identified as being vulnerable to such disturbance are protected. This will help to give

Comment [49]: Topic 6

effect to Policy 11 of the NZCPS. [Ecologically Significant Marine Sites evaluated to be vulnerable to seabed disturbance are identified as Category A and Category B sites in Appendix 27.](#)

[R]

Policy 8.3.48.3.9 — Improve the management of drainage channel **network** maintenance activities to mitigate the adverse effects from these activities on the habitats of indigenous freshwater species.

The Council operates and maintains a historic network of drainage channels on the Wairau Plain. This network reduces groundwater levels and improves the productive potential of the rural land resource. Some of the drainage channels are modified rivers, while others are artificial watercourses. The drainage channels often provide habitat to indigenous freshwater fauna, including eel (tuna) and other freshwater fish and kōura. These species are a source of mahinga kai to Marlborough's tangata whenua iwi and contribute to Marlborough's overall biodiversity.

The maintenance of the drainage **channel** network involves the control and/or removal of aquatic plants, wetland plants and accumulated sediment from the bed of the channels that would otherwise reduce the efficiency of water flow and increase water levels. Such maintenance can adversely affect aquatic animals within the channel, either through direct removal or a reduction of habitat. While it is difficult to completely avoid the adverse effects of drainage channel maintenance on aquatic biodiversity, it is possible, using good environmental practice guidelines, to mitigate the nature and degree of effect from maintenance activities.

[R, C, D]

Policy 8.3.10 - Enable customary harvest in accordance with tikanga.

[Customary harvesting is essential in enabling Marlborough's tangata whenua iwi to exercise kaitiakitanga and to provide for their relationship with their culture, lands, water and other taonga. Cultural harvest may be for different reasons, including but not limited to, medicinal uses, ceremonial uses, weaving or for consumption. It is important that taonga and other species can be accessed by iwi throughout the District, including from sites and areas that retain significant indigenous biodiversity value. As described here, customary harvest is unlikely to involve indigenous vegetation clearance and the rules identified in Method 8.M.2 would not apply. Where particular resources are available on private land, access agreements or case by case permissions from the landowner are essential before entry onto the property is allowed.](#)

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[R, C]

8.M.1 Regional rules

Resource consent will be required to modify waterbodies and for any activity that would result in the draining or modification of a 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.

Permitted activity rules will enable some activities to be carried out in 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 have been least modified by humans, prohibited activity rules have been applied to ensure the values of the significant wetlands are maintained.

Where appropriate, regional rules will enable pest management activity for biodiversity outcomes.

~~Dredging, bottom trawling, deposition, reclamation and anchoring~~ ~~Fishing activities using techniques or methods that disturb the seabed~~ ~~in~~ within the areas identified as ~~an~~ vulnerable ecologically significant marine site will be prohibited. Resource consent is required for most uses

Comment [50]: Topic 6

Comment [51]: Clause 16

Comment [52]: Topic 2

Comment [53]: Topic 6

or activities within the coastal marine area and an assessment of the effects of the activity on indigenous biodiversity will be undertaken, including whether there are any significant biodiversity values.

[D]

8.M.2 District rules

Resource consent will be required for land disturbance or vegetation clearance activities where certain species or habitats with indigenous biodiversity value are to be modified. [This includes clearance of indigenous vegetation in areas that have 20 percent or less remaining indigenous cover, as identified in the Threatened Environments Overlay Maps.](#)

[RPS]

8.M.3 Marlborough's Significant Natural Areas Programme

The Council's Marlborough Significant Natural Areas programme involves the collection of information about natural ecosystems on private land, with the aim of working with landowners to help protect significant sites. An ecological survey is undertaken with property reports prepared that summarise the ecological values found and suggest management options to ensure their long term survival.

The Department of Conservation has also identified significant sites on private land through its Protected Natural Areas survey programme. There is no duplication in effort as the Council and Department programmes have surveyed different areas of Marlborough.

Although a good proportion of private land in Marlborough has been surveyed, some landowners have not allowed the Council onto their property, therefore the programme of identifying sites is incomplete and ongoing. If a landowner changes their mind or a property changes ownership and a new landowner wishes to have their property surveyed, then the Council will undertake the survey work.

[The Plan adopts a voluntary partnership approach with landowners enabling a 10 year transition to both expand the SNA programme to other areas and to assess its effectiveness for achieving protection of significant indigenous biodiversity.](#)

[RPS]

8.M.4 Identification of areas with significant biodiversity value

Identification of the values of various waterbodies within Marlborough is included in Appendix 5. The natural and human use values include ecological, habitat, recreational and natural character values.

The Council has ~~also identified in the resource management plan~~ significant wetlands and ecologically significant marine sites [on maps in Volume 4. In the case of ecologically significant marine sites, buffer areas are also identified for all Category A and B sites. The extent of the buffer area is determined by the vulnerability of the site to sea bed disturbance and is 50, 100 or 200m. The extent of the buffer area is identified in Appendix 27.](#)

[Whale migration routes and dolphin distribution in Marlborough's coastal marine area are depicted on maps in Volume 4.](#)

[RPS]

8.M.5 Monitoring

The Council has gathered a significant amount of information about indigenous biodiversity in Marlborough through the Significant Natural Areas programme. The Council has established a monitoring programme that will be ongoing to determine if support programmes are helping to improve the overall condition of indigenous biodiversity in Marlborough.

Comment [54]: Topic 6

Comment [55]: Topic 6

Comment [56]: Topic 6

Comment [57]: Topic 6

Comment [58]: Topic 6

Comment [59]: Topic 6

Comment [60]: Topic 6

The Council will establish baseline monitoring programmes that provide a benchmark for determining the ongoing condition of habitats, ecosystems and areas that have significant indigenous biodiversity values. Where appropriate, the Council will also require resource consent holders to monitor the effects of their activity on marine biodiversity.

The Council is aware that its knowledge on areas with biodiversity value is incomplete and is therefore committed to carrying out and supporting research, and undertaking state of the environment monitoring to gain a better understanding of Marlborough's biodiversity.

[\[R_C\]](#)

Comment [61]: Topic 6

8.M.6 Support

The Council will support, including financially, the protection and/or restoration of areas with biodiversity value in the following ways:

- through the established landowner assistance programme, which provides both practical and financial help with work such as pest and weed control and fencing;
- by the waiving of resource consent application fees for activities that would assist in the protection of significant areas;
- through the annual planning process, consider granting reductions in rating for properties where sites are protected through conservation covenants;
- from funding made available by central government for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna;
- by prioritising available funds for significant sites where sites are subject to protective covenants;
- through appropriate investigations to improve our understanding of the nature and state of indigenous biodiversity in Marlborough; and
- through supporting initiatives developed by community, [resource users](#), [Marlborough's tangata whenua iwi](#) and industry groups to promote protection and restoration of indigenous biodiversity.

Comment [62]: Topic 6

[\[R_C\]](#)

Comment [63]: Topic 6

8.M.7 Information

Increasing the knowledge and understanding of landowners and the public of the occurrence of significant areas of ecological value not only leads to greater appreciation of those values, but can motivate voluntary action to maintain and enhance indigenous biodiversity. The type of information already available or to be provided includes:

- information to individual landowners through the 'Marlborough Significant Natural Areas' programme and the Department of Conservation 'Protected Natural Areas' survey programme on sites of significant indigenous biodiversity on private land, on the issues affecting the sites and suggestions for future management of the sites;
- based on knowledge through the survey programmes, a summary overview of significant natural areas in south and north Marlborough;
- newsletters for the public about the achievements being made on private land to protect and/or enhance biodiversity in Marlborough;
- web-based information on Marlborough's indigenous biodiversity, the various programmes of support available and guidelines on various issues;
- on specific issues affecting indigenous biodiversity through groups such as the Sounds Advisory Group;
- through maintenance of a database that records studies of marine areas undertaken by a variety of science providers. (This database is available on the Council's website.) The studies undertaken include those for resource consent applications or

other scientific investigation, e.g. those undertaken on dusky dolphins in Admiralty Bay;

- *encouraging the implementation of regimes such as voluntary retirement of land from farming, Queen Elizabeth II National Trust and other covenants, the establishment of reserves and voluntary restoration to achieve the protection of areas of significance;*
- *state of the environment reporting on the extent and condition of Marlborough's biodiversity; and.*
- *fact sheets on effective methods to control undesirable plants and animals and opportunities for private land to be covenanted.*

[\[R, C\]](#)

Comment [64]: Topic 6

8.M.8 Guidelines

Guidelines have already been developed by the Council and other agencies for a range of aspects concerning biodiversity, including:

- *to help interested landowners identify and clarify both production and ecological values on private property and develop practical and specific management strategies to balance these;*
- *which species are suitable for planting in south Marlborough, including for different areas and ecosystems. The guide (produced in conjunction with the Department of Conservation) provides advice and information for small and larger scale plantings and restoration projects;*
- *approaching marine mammals from land, sea and air and on minimising acoustic disturbance to mammals from seismic survey operations (both produced by the Department of Conservation);*
- *the benefits of and how to eco-source plants for restoration projects; and*
- *for the restoration/creation of wetlands.*

The Council will prepare guidelines to assist developers on options available for enhancing indigenous biodiversity.

The Council will investigate and document best practice guidelines to assist when planning for and undertaking drainage channel maintenance activities. The practices will vary between drainage channels, depending on the circumstances. Marlborough's tangata whenua iwi and others with an interest in aquatic biodiversity will be provided the opportunity to assist in the development of the guidelines.

As the need arises, the Council will develop further guidelines in an endeavour to enhance overall biodiversity in Marlborough.

[\[R, C\]](#)

Comment [65]: Topic 6

8.M.9 **Regional Pest Management Plan for Marlborough**

~~The Regional Pest Management Plan for Marlborough (prepared under the Biosecurity Act 1993) classifies a range of plant and animal species as pests because they cause or have the potential to cause significant adverse effects on Marlborough's economy and/or environment. Individual pests are placed in one of three categories. The management regime, which includes rules for each pest, applies mostly to terrestrial environments but does include aquatic plant and animal pests. The plan also lists plant and animal species that pose potential threats to ecological values in Marlborough. These species do not have a specific regime for control because they do not pass the required cost benefit tests set out in the Biosecurity Act. However, control of these pests will likely be based on a 'site led' approach, targeted to sites with significant ecological value where the reduction of a range of pests would be effective in protecting those values.~~

The Council will consider the development of strategies to guide the management of invasive species threatening indigenous biodiversity in Marlborough. Such strategies can guide the use of a

combination of regulatory and non-regulatory mechanisms. They will also recognise the role of Council under other statutes such as the Biosecurity Act 1993 to manage new and emerging threats, and other initiatives to manage the immediate threats from established species. An underlying principle will be the recognition of the important role that landowners play in this regard.

Comment [66]: Topic 6

[R, D]

Comment [67]: Topic 6

8.M.10 Works

The Council will undertake planting of riparian margins and other land with indigenous species on land owned or administered by the Council where appropriate.

[R, C, D]

Comment [68]: Topic 6

8.M.11 Partnership/Liaison

The Council works closely with the Queen Elizabeth II National Trust, an independent organisation that assists landowners to formally protect their land through a covenant on the property title. The Council also works closely with the Department of Conservation in providing information for landowners, resource users, community groups and Marlborough's tangata whenua iwi and the public in general and in on-the-ground work to assist in enhancing biodiversity in Marlborough.

Comment [69]: Topic 6

Focussed projects to enhance indigenous biodiversity are supported and promoted by the Council. This can include projects such as landcare groups set up to restore areas such as the Grovetown Lagoon and Rarangi foreshore, working with nurseries to ensure locally-sourced native plants are available for restoration projects, establishing the Tui to Town project to entice native birds across the Wairau Plain from the Northbank forests and working with resident groups on local projects.

Through its role in biosecurity the Council also acts in a liaison capacity with the Ministry for Primary Industries (MPI) Biosecurity New Zealand in the management of a range of undesirable animals and plants. Equally important in the control and management of pest animals and plants is the partnership role between the Council and private landowners and between the Council and Department of Conservation/Land Information New Zealand with respect to Crown land.

The Council has a partnership role with the Minister of Conservation in managing Marlborough's coastal marine area. The Minister is responsible for approving regional coastal plans and also administers the NZCPS. For this reason, maintaining a strong partnership with the Department of Conservation through its area and local offices will be very important in looking after Marlborough's marine biodiversity.

The Council has entered a collaborative partnership with Top of the South councils (Tasman, Marlborough and Nelson), MPI Biosecurity New Zealand, marine farming industries and iwi to help build capability and put in place a framework to manage future marine biosecurity threats. The Department of Conservation will also be involved in the consideration of biosecurity threats where these may affect marine biodiversity.

Many residents, resident groups and other community based groups have an interest in how Marlborough's coastal marine areas are to be managed into the future. Maintaining a strong relationship with these individuals and groups will help to achieve the outcomes sought for maintaining marine biodiversity. This will extend to supporting community initiatives and advocating to government departments to set up protected marine areas and working with industry groups to promote sustainable use of marine resources.

There are a number of Crown agencies with statutory responsibilities that influence the management of the indigenous biodiversity of the Marlborough Sounds, including the fishery resources that exist in the coastal marine area. The Council will take steps to encourage discussions between these agencies to facilitate a discourse on the respective management roles of each agency and how they could be better integrated to achieve Objectives 8.1 and 8.2.

Comment [70]: Topic 11

[Marlborough’s tangata whenua iwi have a particularly strong interest as kaitiaki in the protection, maintenance and enhancement of indigenous biodiversity. The Council will seek to partner with iwi in its efforts to protect the remaining indigenous biodiversity in Marlborough’s terrestrial, freshwater and coastal environments.](#)

[R, D]

Comment [71]: Topic 6

8.M.12 Acquisition of land

The Council may consider acquiring sites with outstanding ecological values where land purchase is the only means available for protection of the values and that land is available for purchase. The Council will also encourage other agencies to do this.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the indigenous biodiversity provisions of the MEP. The anticipated environmental results are ten year targets, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the indigenous biodiversity provisions.

Anticipated environmental result	Monitoring effectiveness
<p>8.AER.1</p> <p>An increase in the number and extent of ecosystems, habitats and areas with indigenous biodiversity value that are formally protected or covenanted (where practicable).</p>	<p>There is an increase in the area of land covered in indigenous vegetation (including in riparian margins) in those parts of Marlborough defined as acutely or chronically threatened in the Threatened Environment Classification (National Priority One in “Statement of National Priorities for Protecting Rare and Threatened Biodiversity on Private Land).</p> <p>The number of sites with significant indigenous biodiversity value under formal protection by either a landowner agreement with the Council or a Queen Elizabeth II National Trust covenant or similar has increased.</p> <p>There is an increase in the number of marine protected areas.</p>

Anticipated environmental result	Monitoring effectiveness
<p>8.AER.2</p> <p>Maintenance and enhancement of the condition of ecosystems, habitats and areas with indigenous biodiversity value.</p>	<p>Monitoring of sites identified through the Significant Natural Areas programme shows an improvement in the values of those sites. there is increased protection of the indigenous biodiversity values.</p> <p>Baseline monitoring programmes established in 2010 for a representative sample of terrestrial, river and wetland sites and progressively for intertidal areas and in 2014/15 for ecologically significant marine sites shows no loss of <u>indigenous biodiversity</u> these values over the life of the MEP.</p> <p><u>Measured against baseline monitoring programmes established for ecologically significant marine sites in 2015/2016, there is no loss of indigenous biodiversity values over the life of the MEP.</u></p> <p>There is no increase in the extent or distribution of known aquatic pest species identified as declared pests in the Regional Pest Management Plan for Marlborough.</p> <p><u>The area of indigenous vegetation land cover is maintained over the life of the MEP, using the data derived from the New Zealand Land Cover Database.</u></p>
<p>8.AER.3</p> <p>There is no loss in wetland area.</p>	<p>Measured against a baseline monitoring programme established for wetlands in 20102016, there is no loss in the overall area of wetlands in Marlborough.</p>
<p>8.AER.4</p> <p>Widespread community involvement in looking after Marlborough’s indigenous biodiversity.</p>	<p>Continuation of community involvement in projects and initiatives such as ‘Tui to Town,’ Grovetown Lagoon restoration, landcare groups, planting of riparian areas, etc.</p> <p>The number of landowners protecting private land with indigenous biodiversity values (through formal protection or active management) increases.</p> <p>A voluntary partnership approach with landowners continues to be the primary means of protecting terrestrial areas of significant indigenous biodiversity.</p>

Comment [72]: Topic 6

Comment [73]: Topic 13

Comment [74]: Topic 6

Comment [75]: Topic 6

Comment [76]: Topic 6

Comment [77]: Topic 6

Anticipated environmental result	Monitoring effectiveness
<p>8.AER.5</p> <p>An increase in knowledge of Marlborough's indigenous biodiversity.</p>	<p>Use of scheduled criteria to identify ecosystems, habitats or areas present with significant indigenous biodiversity value through resource consent applications or where future survey work may be undertaken.</p> <p>The number of private properties over which ecological assessments to determine if there are ecosystems, habitats or areas present with significant indigenous biodiversity value, <u>continues to increase</u>, s (albeit at a low level) as the active SNA survey has been completed. Any increase in properties surveyed is most likely to arise through resource consent processes.</p> <p>Knowledge and understanding of indigenous biodiversity in Marlborough's coastal marine area is enhanced through maintenance of the marine database of information and from supporting research in areas where little is known about marine biodiversity.</p>

Comment [78]: Topic 6

13. Use of the Coastal Environment [and the Allocation of Coastal Space](#)

Comment [1]: Topic 13

This chapter does not contain provisions managing marine farming.

Introduction

Marlborough's coastal environment consists of two quite distinct geographic areas: the Marlborough Sounds and the south Marlborough coast. The Sounds are essentially large drowned river valleys lying between mountain ranges, extending from Cape Soucis in the west to Port Underwood in the east. In complete contrast, the south Marlborough coast is an open sea coast, extending from Robin Hood Bay (Port Underwood) in the north to Willawa Point in the south. Together these areas contain approximately 1,800 kilometres of coastline, around 11 percent of New Zealand's total coastline.

The New Zealand Coastal Policy Statement 2010 (NZCPS) recognises that the extent and characteristics of the coastal environment varies from region to region and locality to locality. The NZCPS also lists a range of factors that help inform what the coastal environment includes. In a Marlborough context, the extent of the coastal environment has been identified in Chapter 6 - Natural Character of the Marlborough Environment Plan (MEP) and includes the coastal marine area (an active coastal interface area where the sea is the dominant element and influence on landform, vegetation and perception) and a coastal significance area, which generally includes land up to the first coastal ridge. Given that a coastal influence is evident throughout the Marlborough Sounds, all of this area is considered to be coastal environment. The southern coast of Marlborough is more complex due to variation in landform; therefore the extent of coastal environment differs from location to location. The landward extent of the coastal environment is mapped in the MEP and the provisions of this chapter apply seaward of the mapped line.

In addition to the distinct geographical differences in Marlborough's coastal environment, there is also diversity in land use, from the highly modified areas of Picton and Havelock, the less modified pockets of holiday home development throughout the Marlborough Sounds, areas of productive rural land bordering the coast, the salt works at Lake Grassmere in south Marlborough and the almost pristine or unmodified tracts of indigenous vegetation in Tennyson Inlet in the Marlborough Sounds. The waters of Marlborough's coastal environment also reflect diversity in use and values, including recreation, as a means of transport and travel, commercial and recreational fishing, as a source of kaimoana and cultural significance for all (particularly Marlborough's tangata whenua iwi), tourism, marine farming, boating, swimming, diving, jetties, moorings, boatsheds and appreciation of landscape and wilderness values.

The structure for this chapter differs somewhat from other chapters as it includes management frameworks for specific activities. However, all subdivision, use and development activities within the coastal environment are firstly subject to the objectives and policies under Issue 13A. Subsequent to consideration of these objectives and policies in any resource consent application are the specific management frameworks applying to a range of activities.

[The Council's role also involves managing resources that are in the public domain, which includes the extensive areas of coastal marine area within Marlborough. The Council frequently allocates or authorises the use of these natural resources for private benefit.](#)

[Allocating rights to use public resources has become a fundamental part of the overall fabric of Marlborough's social and economic wellbeing. For example, within the coastal marine area there are many moorings, boatsheds and jetties throughout the Sounds, all of which contribute to the social wellbeing of residents and holidaymakers.](#)

[The importance of the community and visitors being able to continue to use and develop these coastal marine area within the constraints of the Resource Management Act 1991 \(RMA\) cannot be underestimated. Any significant reduction or change in approach to resource use could have significant implications for Marlborough's economic, cultural and social wellbeing.](#)

[Management frameworks for specific uses and activities in the coastal marine area are included within the first part of this Chapter. The remainder of the Chapter under the heading 'Allocation of Space within the Coastal Marine Area' contains provisions to deal with higher level concerns about how space in the coastal marine area is to be allocated, the degree to which various occupations generate private versus public benefits and the circumstances in which a user should pay to use the coastal marine area.](#)

Comment [2]: Topic 11

Subdivision, use and development activities in the coastal environment

There is an expectation held by many that the natural and physical resources of Marlborough's coastal environment are available for use and/or development to provide for the social, economic and cultural wellbeing of the community. (This issue has been addressed in Chapter 4 - Use of Natural and Physical Resources.) However, it is important that subdivision, use and development activities are appropriately located and carried out within prescribed limits to protect the values of Marlborough's coastal environment, as directed by the Resource Management Act 1991 (RMA) and the NZCPS. The role of this chapter is to establish a management framework for all activities in the coastal environment, having regard to the purpose and principles of the RMA and to the provisions of the NZCPS. The NZCPS has been important in forming the basis for the management framework as the Council must give effect to the provisions of the NZCPS in the MEP.

The issues in this chapter include use of both land and the coastal marine area. Interconnections between the two reflect the need for integrated management, which is effectively the role of a regional policy statement. In many cases, use or development extends across the high tide mark; for example in the operation of ports and marinas. In other situations, a use may be solely within the coastal marine area but will still have a connection with land; for example, via a mooring or jetty to allow access to an adjacent dwelling. Conversely, in addition to requiring a jetty or mooring for access, a dwelling on land may also have implications for water quality in terms of the discharge of domestic wastewater to land. Therefore, the importance of recognising and providing for the interconnections between activities on land and water cannot be understated.

Due to the interconnections described above, the management framework in this chapter is also supported by policy in other chapters, including landscape, biodiversity, natural character, public access and resource quality. Collectively, these policies help to define:

- where subdivision, use or development may be appropriate;
- the form that any subdivision, use or development should take;
- whether limits should be applied; and
- where activities should be avoided.

Issue 13A – Trying to identify appropriate subdivision, use and development activities in Marlborough's coastal environment while protecting the values of the environment.

The preamble to the NZCPS recognises a range of challenges in promoting the sustainable management of the coastal environment, including:

- *“the natural and recreational attributes of the coast and its attraction as a place to live and visit combine with an increasingly affluent and mobile society to place growing pressure on coastal space and other resources;*
and
- *there is continuing and growing demand for coastal space and resources for commercial activities...”*

At times it can be difficult to determine ‘appropriate activities’ in the face of these challenges (and others identified in the NZCPS) as users have competing demands and place different values on the resources of the coastal environment. This can also be compounded by the dynamic (or changing) nature of that environment.

While the NZCPS gives clear direction through its policies about the adverse effects that are to be avoided, this must be determined in the context of the particular qualities and characteristics of Marlborough’s coastal environment and the uses and activities that already occur there. Therefore, the management framework established through Objectives 13.1 and 13.2 (and their subsequent policies and methods) describes the qualities and characteristics that are important in determining whether a particular subdivision, use or development activity is appropriate. These matters must be considered in all applications for resource consent and are important in terms of giving effect to the NZCPS and to the principles of the RMA.

[RPS]

Objective 13.1 – Areas of the coastal environment where the adverse effects from particular activities and/or forms of subdivision, use or development are to be avoided are clearly identified.

The Council is directly responsible in determining what is inappropriate subdivision, use and development in the coastal environment in terms of the preservation of natural character (Section 6(a)), as well as in the protection of outstanding natural features and landscapes (Section 6(b)) and historic heritage (Section 6(f)). This is further reinforced through the provisions of the NZCPS, particularly Policy 7: Strategic Planning. If clear direction is provided through the MEP of the significant values and locations in Marlborough’s coastal environment, resource users will have a better appreciation of what may be appropriate subdivision, use or development in particular locations.

[RPS]

Policy 13.1.1 – Protect against inappropriate~~Avoid adverse effects from~~ subdivision, use and development activities on the characteristics and values of areas identified as ~~having~~by avoiding:

- adverse effects on areas of outstanding natural character;
- adverse effects on areas of outstanding natural features and/or outstanding natural landscapes;
- adverse effects on indigenous biodiversity values set out in Policy 11(a) of the New Zealand Coastal Policy Statement 2010;
- ~~(e)~~ significant adverse effects on indigenous biodiversity values set out in Policy 11(b) of the New Zealand Coastal Policy Statement 2010; and~~marine biodiversity value and/or are a significant wetland; or~~
- ~~(d) — significant historic heritage value.~~
- sites and places of significance to Marlborough’s tangata whenua iwi.

Policy 13.1.1 identifies four outstanding or significant matters upon which the adverse effects of activities are to be avoided. These matters are given particular direction through the principles of the RMA (Sections 6(a), (b), (c), (e) and (f)); ~~and~~ through direction provided by Policies 11, 13, ~~and 15 and 17~~ of the NZCPS; and in Chapters 3, 6, 7, 8 and 10 of Volume 1. However, it is

Comment [3]: Topic 11

Comment [4]: Topic 11

important to acknowledge that implementing the policy does not mean that all activities are prohibited from occurring in the areas with the identified values; it simply makes clear that any adverse effects of activities must be avoided in those areas, rather than being mitigated or remedied.

[RPS, R, C, D]

Policy 13.1.2 – Areas identified in Policy 13.1.1 as having outstanding or significant values will be mapped to provide certainty for resource users, Marlborough’s tangata whenua iwi, the wider community and decision makers.

Mapping areas identified in Policy 13.1.1 as having outstanding or significant values will provide decision makers and the community with a greater level of certainty regarding where the adverse effects of subdivision, use and development activities are to be avoided. Mapping also assists applicants in considering either different locations for their activity or ways in which adverse effects of their activity can be avoided. In addition to mapping the significant areas, Appendices 1 and 2 describe the specific values for landscape and natural character (respectively) that contribute to making the mapped areas significant.

While the Council has undertaken various assessments and studies to inform which areas have been mapped in Policy 13.1.1, not all areas within the coastal environment have been assessed. This is because for certain values, such as significant marine biodiversity, the only information available is on known sites recorded through processes such as resource consent applications. Given the resources required for more extensive assessment, it is not possible for all areas of the coastal marine area to be surveyed. As more information becomes available new areas can be added through a notified plan change under the First Schedule process of the RMA.

[RPS]

Objective 13.2 – Subdivision, use or development activities take place in appropriate locations and forms and within appropriate limits.

As important as it is to identify areas where adverse effects of activities are to be avoided, it is also important that regard is given to identifying appropriate areas, limits and forms in which subdivision, use and development activities can take place. This must be done within a context of recognising and providing for particular values in terms of the principles of the RMA, as well as within the enabling direction provided through Policy 6 of the NZCPS.

[RPS, R, C, D]

Policy 13.2.1 – The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough’s coastal environment are those that recognise and provide for, and otherwise avoid, remedy or mitigate adverse effects on the following values:

- (a) the characteristics and qualities that contribute to natural character, natural features and landscape of an area;
- (b) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāahi tapu and other taonga;
- (c) the extensive area of open space within the coastal marine area available for the public to use and enjoy, including for recreational activities;
- (d) the importance of public access to and along the coastal marine area, including opportunities for enhancing public access;
- (e) the dynamic, complex and interdependent nature of coastal ecosystems;
- (f) the high level of water quality generally experienced in Marlborough’s coastal waters; and
- (g) those attributes that collectively contribute to individual and community expectations about coastal amenity values.

Comment [5]: Topic 11

While the values identified in the policy may not have the same level of significance as those set out in Policy 13.1.1, they are nonetheless important considerations in determining whether an activity is appropriate at a particular location or of an appropriate form or scale. Some of these matters have direction through the principles of the RMA; for example, those related to public access and amenity values. Others have come about in response to a community expression of what is important to recognise and provide for in the coastal environment. An example of this is subclause (f) in relation to the generally high levels of water quality found in Marlborough's coastal waters. Collectively, these values also give effect to a number of policies within the NZCPS.

These values are to be considered in any application for resource consent or plan change, in addition to the management framework that may apply to specific activities as set out in the remainder of this chapter.

[RPS, R, C, D]

Policy 13.2.2 – In addition to the values in Policy 13.2.1, the following matters shall be considered by decision makers in determining whether subdivision, use and development activities in Marlborough's coastal environment are appropriate at the location proposed and of an appropriate scale, form and design:

- (a) the contribution the proposed subdivision, use or development activity makes to the social and economic wellbeing of people and communities;
- (b) the efficient use of the natural and physical resources of the coastal environment;
- (c) whether the efficient operation of established activities that depend on the use of the coastal marine area is adversely affected by the proposed subdivision, use or development activity;
- (d) whether there will be an increase in the risk of social, environmental or economic harm from coastal hazards as a consequence of the subdivision, use or development activity;
- (e) whether there will be a contribution to the restoration of the values of the coastal environment at the site, where these may have been adversely affected in the past;
- (f) whether the activity results, either individually or cumulatively, in sprawling or sporadic patterns of subdivision, use or development that would compromise the values and matters of Policies 13.2.1 and 13.2.2;
- (g) whether the proposed subdivision, use or development activity contributes to the network of regionally significant infrastructure identified in Policy 4.2.1;
- (h) whether the subdivision, use or development activity creates a demand for services or infrastructure that may result in a financial cost to the wider community and/or whether the safety and efficiency of the road network is affected; and
- (i) functionally, whether some uses and developments can only be located on land adjacent to the coast or in the coastal marine area.

This policy describes the matters important in determining the appropriateness of subdivision, use and development activities in the coastal environment. Though the matters listed are not considered 'values' (as set out in Policies 13.1.1 and 13.2.1), some have direction through NZCPS policies, particularly Policies 4, 6, 7, 8, 9 and 25. These matters are to be considered in any application for resource consent or plan change, in addition to the management framework that may apply to specific activities as set out in the remainder of this chapter.

[RPS, C]

Policy 13.2.3 – To enable periodic reassessment of whether activities and developments are affecting the values of the coastal marine area, to encourage efficient use of a finite resource and in consideration of the dynamic nature of the coastal environment:

- (a) lapse periods for coastal permits will be no more than five years; and
- (b) the duration of coastal permits granted for activities in the coastal marine area for which limitations on durations are imposed under the Resource Management Act 1991 will generally be limited to a period not exceeding 20 years.

The RMA allows consents within the coastal marine area to be granted for a maximum of 35 years. A 20 year period has historically been used for most coastal occupations in Marlborough, as the Council has considered this duration appropriate.

Shorter durations are considered appropriate when:

- the coastal marine area is public open space that is used or valued for a range of different reasons;
- there are growing pressures and increasing demand for coastal space;
- there are changing and challenging issues facing use of coastal resources;
- the coastal environment is of a dynamic nature, constantly changing; and
- matters of national importance in the RMA need to be recognised and provided for on an ongoing basis.

Limiting coastal permits to a 20 year duration enables the impacts of resource use on the values of the coastal environment to be reassessed. At times a shorter duration may be appropriate, where the adverse effects of a proposed activity are not well understood or are uncertain. It may not be appropriate to manage the adverse effects through consent conditions, so where this is the case a shorter duration consent may be necessary. For similar reasons, it is appropriate that the lapse period for resource consents to be implemented in the coastal environment will be no more than five years.

[Longer durations than those specified in this policy may be appropriate for regionally significant infrastructure. However, sea level rise will be a challenge to constructing and maintaining infrastructure in some parts of the coastal environment in the future. In this context, longer durations are only appropriate where the developers of the infrastructure have taken into account the H+ scenario in the design of the infrastructure. See Climate Change provisions for further details.](#)

[RPS, R, C, D]

Policy 13.2.4 – Attributes that may be considered when assessing any effects on coastal amenity value in a particular location include natural character, biodiversity, public access, visual quality, high water quality, recreational opportunities, structures and activities, open space, tranquillity and peacefulness.

Section 7(c) of the RMA requires that in managing the use, development and protection of natural and physical resources, particular regard shall be had to the maintenance and enhancement of amenity values. The RMA defines amenity values as “*those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*” It is therefore important to identify what attributes contribute to coastal amenity values. Not all of the attributes identified will be relevant in all locations; amenity values will be different for different locations within Marlborough’s coastal environment. This is the reason why ‘may’ is used within the policy.

Comment [6]: Topic 11

[RPS, R, C, D]

Policy 13.2.5 – Amenity values of the coastal environment can be maintained and enhanced by:

- (a) recognising the contribution that open space and natural character make to amenity values and providing appropriate protection to areas of open space;
- (b) maintaining and enhancing coastal and freshwater quality ~~where necessary~~;
- (c) maintaining or enhancing areas with indigenous biodiversity value;
- (d) maintaining or enhancing sites or areas of particular value for outdoor recreation;
- (e) making use of suitable development setbacks to avoid a sense of encroachment or domination of built form, particularly in areas of public open space and along the coastal edge;
- (f) ~~avoiding~~ **managing** forms and location of development that effectively privatise the coastal edge and discourage or prevent access to and use of the coast;
- (g) recognising that some areas derive their particular character and amenity value from a predominance of structures, modifications or activities, and providing for their appropriate management;
- (h) establishing standards for activities within the coastal environment;
- (i) clustering together of structures and activities;
- (j) **managing** ~~avoiding~~ the establishment of activities resulting in high traffic generation;
- (k) ensuring the operation and speed of boats does not detract from people's enjoyment of the coastal marine area or cause navigational safety issues;
- (l) requiring the removal of derelict or redundant structures within the coastal marine area; or
- (m) encouraging appropriate design of new structures and other development in form, colour and positioning that complement, rather than detract from, the visual quality of the location.

Comment [7]: Topic 11s

Comment [8]: Topic11

Comment [9]: Topic 11

The quality and characteristics of the environment within which people live, work and play is a fundamental part of our quality of life. In this context, the amenity of the coastal environment contributes to how people and communities provide for their social, economic and cultural wellbeing. In order for community wellbeing to be sustained, it is important to maintain the attributes that contribute to amenity values in any particular area. Policy 13.2.5 will help to protect people and communities' sense of place, appreciation and enjoyment of the coastal environment. Consideration of these values will be important in assessments of resource consents, as well as in the establishment of permitted activity rules and standards.

[RPS, R, C, D]

Policy 13.2.6 – In determining the extent to which coastal amenity values will be affected by any particular subdivision, use and/or development, the following shall be considered:

- (a) individual and communities values about the area subject to application;
- (b) the amenity related attributes of the area; and
- (c) in regard to the changing nature of the coastal environment, the extent to which amenity values would be so affected by the proposed subdivision, use or development that those values could no longer be maintained or enhanced.

To determine whether coastal amenity values will be adversely affected by any proposed subdivision, use or development, it is important that regard is had to the views of individuals and communities about the area concerned. These can then be considered alongside an evaluation of

the amenity related attributes of the area. An assessment then needs to be made about the extent to which those values and attributes will be affected by the proposed subdivision, use or development. In this assessment it is important that the dynamic nature of the coastal environment is considered, as community views change over time.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C, D]

13.M.1 Zoning

The use of specific coastal based zones to provide a management framework for Marlborough's coastal environment include a Coastal Living Zone, Coastal Marine Zone (coastal marine area), Port Zone, Port Landing Area Zone, Marina Zone, Lake Grassmere Zone and a Coastal Environment Zone (rural land areas). Additionally, there will be Open Space zones for recreational and conservation areas and a Floodway Zone alongside rivers in some locations. For land not otherwise zoned as Coastal Living within the coastal environment of the south Marlborough coast, a Rural Environment Zone will apply.

[RPS, R, C, D]

13.M.2 Mapping of significant values

A range of values have been mapped in the MEP to assist in identifying areas with significance for landscape, natural character, marine biodiversity value (including coastal wetlands) and historic heritage within Marlborough's coastal environment. Policies provide management direction on how effects on the mapped values are to be assessed.

[RPS, R, C, D]

13.M.3 Information

Appendix 2 describes the values of areas that have been mapped with high, very high or outstanding natural character. Appendix 1 describes the values of areas that have been mapped with landscape significance. Identifying the values that make the mapped areas significant will help resource users determine whether these values will be adversely affected by the proposed activity.

While the Council has undertaken various assessments and studies to inform the areas that have been mapped in Policy 13.1.1, not all areas within the coastal environment have been assessed. This is because for certain values, such as significant marine biodiversity, the information is incomplete. Where information becomes available this can be reflected through plan changes under the First Schedule process of the RMA.

[R, C, D]

13.M.4 Regional and district rules

A range of regional and district rules enable the use of the various coastal management zones as permitted activities, especially where there are minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards. Rules will also require coastal permits for activities in the Coastal Marine, Port and Port Landing Area and Marina Zones, where these activities need a greater level of control. These rules are described further under the subsequent sections of this chapter. Additionally, other chapters of the MEP also have regional rules for some activities that may affect the coastal environment; for example, discharges to air, land and water. Descriptions of these regional rules are set out in other chapters.

[C]

13.M.5 ~~Affected party status~~ Referral of Applications

Any resource consent application for a coastal permit may be referred to ~~T~~the Harbourmaster and Maritime New Zealand (in accordance with S89A of the RMA) ~~will be treated as affected parties in respect of any resource consent application for a coastal permit~~, to enable these parties an opportunity to an assessment of any potential impacts of the application on the safe navigation of boats that are considered relevant to the application, and recommend any conditions that they consider should be included within a coastal permit for navigation related purposes.

Comment [10]: Topic 11

[C]

13.M.6 Other legislation

As a harbour authority, the Council also has responsibilities for navigation and public safety within the harbour limits. The Council's Harbourmaster carries out these functions under Local Government Act bylaws, delegations under the Maritime Transport Act and associated maritime rules (or any successor to these). Bylaws also impose additional constraints on speed, e.g. the five knot harbour speed limit.

Recreational activities

Marlborough's coastal environment is valued not only for its natural qualities but also for a wide range of recreational activities including swimming, fishing, diving, boating, kayaking, picnicking and walking. Marlborough's coastal environment, especially the Marlborough Sounds, is a centre of recreational activity for both local residents and visitors. This includes the use of many holiday homes located within the Marlborough Sounds from which recreational activity occurs. Consequently, the coastal environment (which includes the coastal marine area) plays an essential role in the social wellbeing of New Zealand in general and the Marlborough community in particular. This in turn has economic benefits for Marlborough, as many of these recreational activities rely on local businesses for the provision of services and goods.

Issue 13B – Providing for social wellbeing by ensuring people and communities can carry out recreational activities.

Recreation is one of the most extensive uses undertaken within Marlborough's coastal environment, especially within the Marlborough Sounds, given the recreational value of sheltered and inshore coastal waters. Recreational activities range from active to passive pursuits. Much of the value placed on the coastal marine area is derived from the fact that it is the largest area of public open space in Marlborough and the public have a long held expectation that they have a right to use and enjoy this area for a variety of purposes. They place significant amenity value on the coastal environment and its use for recreation. This environment therefore needs to be safeguarded for future generations.

Comment [11]: Topic 11

Due to the range of recreational activities undertaken and the large number of users, the natural and physical resources of the coastal environment are at times placed under pressure. The cumulative effects of recreational use can include littering, sewage disposal from boats, damage to coastal vegetation and benthic (organisms that live in or on the bottom sediments) habitat and conflicts between users, all of which detract from public enjoyment of this area. There is also potential for conflict to arise between recreational and other users of the coastal environment; there may therefore be a need to manage activities in particular areas to avoid these conflicts.

[RPS, R, C, D]

Objective 13.3 – Recreation continues to make a significant contribution to people’s health and wellbeing and to Marlborough’s tourism industry, whilst avoiding adverse effects on the environment.

Given the extent of Marlborough’s coastline and the fact that the coast is readily accessible for many people, outdoor recreation both on land and in the sea is one of the most important activities that take place within this environment. The diversity of recreational opportunities available is a major reason for its popularity with local residents and domestic and international tourists. Over time these recreational activities have become a significant contributor to Marlborough’s tourism industry. Additionally and significantly, recreation contributes to the health and wellbeing of local communities.

[R, C, D]

Policy 13.3.1 – A permissive approach to recreational activities [in public areas](#) will be adopted, except where these:

- (a) require associated structures and occupy the coastal marine area;
- (b) cause adverse environmental effects, including those resulting from discharges of contaminants, [unreasonable or excessive noise](#) and damage to significant indigenous vegetation and significant habitats of indigenous fauna;
- (c) do not maintain or enhance public access to and along the coastal marine area;
- (d) endanger public health and safety;
- (e) compromise authorised uses and developments of the coastal marine area; or
- (f) adversely affect the amenity values of the area.

Comment [12]: Topic 11

Recreation is arguably the most significant way in which the general public gain direct benefit from the coastal environment. Therefore, such activity should be permitted unless it requires associated structures, occupies the coastal marine area in terms of Section 12 of the RMA, or causes adverse effects such as those identified in (b) to (f). [In this regard, Policy 13.13.3 identifies that control is to be exercised with respect to the use of motorised vehicles on the foreshore in specific circumstances.](#)

Comment [13]: Topic 11

[C]

Policy 13.3.2 – Maintain and enhance opportunities for recreational use of the coastal marine area.

Recreational use of the coast is likely to increase and become more diverse in the future. Linked with national direction to recognise and provide for public access to and along the coastal marine area as a matter of national importance, the Council considers there is a need to maintain and enhance opportunities for recreational use of the coastal environment.

[C, D]

Policy 13.3.3 – Ensure that the use of recreational vessels and vehicles does not create a public nuisance, compromise the health and safety of other users or result in adverse effects on the coastal environment.

While recreational activity is generally to be encouraged, the use of recreational vessels and vehicles can, by virtue of their speed, noise or associated discharges, become a public nuisance and inappropriate use may pose a risk to both public health and safety and the environment. For recreational vehicles onshore, it may be necessary to prevent their use in some locations, particularly to minimise risks to public health and safety, physical damage to the foreshore area, damage to intertidal areas, direct damage to indigenous flora and/or harm or disturbance of wildlife.

[RPS, C]

Policy 13.3.4 – Ensure recreational use has priority over commercial activities that require occupation of the coastal marine area in Queen Charlotte Sound, including Tory Channel. (This policy does not apply to areas zoned Port or Marina.)

The policy recognises that for Queen Charlotte Sound and Tory Channel, recreational use is significant and is to have a priority over commercial interests that require occupation of the coastal marine area. Recreational use is particularly important in these areas, with a large number of holiday homes being a base for recreation and with good access points in Picton and Waikawa (including through launching ramps and marinas). Historically, activities such as marine farming have been prevented from occurring in these areas because of the extent of recreational activities. The exclusion of Port and Marina Zones in Queen Charlotte Sound acknowledges the establishment of these zones for port and marina activities within which recreational activities may not be appropriate.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[R, C, D]

13.M.7 Regional and district rules

A range of regional and district rules enable recreational activities as permitted activities, especially where there are minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards. In some cases, a prohibited activity rule may apply to protect recreational use. The rules are described further under the subsequent sections of this chapter.

[C, D]

13.M.8 Other legislation

As a harbour authority, the Council also has responsibilities for navigation and public safety within the harbour limits. The Council's Harbourmaster carries out these functions under Local Government Act bylaws, delegations under the Maritime Transport Act and associated maritime rules (or any successor to these). Bylaws also impose additional constraints on speed, e.g. the five knot harbour speed limit.

Fishing

The waters of the Marlborough Sounds are important for fisheries for a number of reasons, including:

- an ongoing source of traditional food for Marlborough's tangata whenua iwi;
- providing a livelihood for commercial fishers;
- being a significant factor in many recreational and tourism activities; and
- contributing to a range of species present in the Sounds and therefore the health of marine ecosystems.

(For the purposes of the MEP, 'fishing' does not include marine farming.)

Although commercial fishing is not as significant as it once was, collectively fisheries are still important to Marlborough's overall community wellbeing.

There are significant restrictions on the ability of the Council to control outcomes for fisheries management, as the Ministry for Primary Industries holds the primary role in managing, conserving and enhancing fisheries under the provisions of the Fisheries Act 1996. However,

although managing fisheries is not a direct function of the Council, it is responsible for protecting habitats of indigenous fauna and maintaining indigenous biological diversity under the RMA. The Council can therefore indirectly help to maintain and enhance wild fisheries in the Marlborough Sounds by managing any adverse effects on marine habitats caused by activities over which it does have direct control. Policies within Chapter 15 - Resource Quality (Water, Air, Soil) and Chapter 8 - Indigenous Biodiversity are particularly relevant in this regard.

~~Issue 13C – The depletion of wild fisheries in the Marlborough Sounds. (Deleted)~~

Comment [14]: Topic 11

~~Maintenance of traditional access to fisheries is of particular importance to Marlborough's tangata whenua iwi. There is particular concern that traditional fisheries are being depleted. Under fisheries legislation, taiapure, rāhui and mataitai are three mechanisms by which tangata whenua can seek greater control of the management of local customary fisheries. Though the Council has no statutory role in either the establishment or management of these mechanisms, it may choose to support an application after consultation with interested parties.~~

~~Although the number of commercial fishers has decreased over the years, fishers with quota for various species still operate from Picton, Havelock and other ports. While numbers can fluctuate in response to economic circumstances, recreational fishing and diving are important recreational pursuits for Marlborough residents and visitors to the Marlborough Sounds. For a number of years there has been ongoing community concern over the state of fish and shellfish stocks in the Marlborough Sounds and the sustainability of the recreational fisheries that they support.~~

~~[RPS, C]~~

~~Objective 13.4 – The sustainable management of fisheries in the Marlborough Sounds. (Deleted)~~

~~Despite not having a direct statutory role in managing fisheries (except to the extent outlined above), the Council believes it has an advocacy role in ensuring there is sustainable fishery in the Marlborough Sounds. This is because fishing activities, whether recreational, commercial or traditional in nature, contribute to the economic, social, cultural and general community wellbeing of Marlborough's residents and visitors. It is therefore appropriate that the MEP includes an objective to ensure the management of fisheries resources is sustainable.~~

~~[RPS, C]~~

~~Policy 13.4.1 – Support and advocate for intensive management of recreational and commercial fishing within the enclosed waters of the Marlborough Sounds.~~

~~Currently, the Marlborough Sounds are part of the Challenger Fisheries Management Area, which extends north from the Clarence River, through Cook Strait and the Marlborough Sounds, west to Farewell Spit and down the west coast of the South Island. This area contains both open coastal water, near shore areas and the enclosed waters of the Sounds. Although there are restrictions that apply to different parts of this extensive area (including within the Marlborough Sounds), the Council believes that an intensive management regime needs to be applied to the Marlborough Sounds specifically, rather than as part of a much larger management area. This recognises the continued increased pressure on fisheries, especially from recreational fishing. (Deleted)~~

~~[RPS, C]~~

~~Policy 13.4.2 – Support community groups working towards a sustainable fishery for the Marlborough Sounds. (Deleted)~~

~~Often local community groups provide the initial impetus for responding to issues and it is important to support these groups where possible.~~

Methods of implementation

~~The methods listed below are to be implemented by the Council unless otherwise specified.~~

~~[RPS, C]~~

13.M.9 Advocacy/Support

~~Advocate to the Minister of Fisheries that both commercial and recreational fishing be further regulated within the enclosed waters of the Marlborough Sounds to enhance natural fisheries.~~

~~Support initiatives of community groups working towards sustainable fisheries by providing advice and financial support where resources permit. [\(Deleted\)](#)~~

Comment [15]: Topic 11

Residential activity

Like many others locations around the country, Marlborough's coastal areas are an attractive place for people to live. The Marlborough Sounds especially have long been a desirable location in which to live and holiday, with approximately 5,000 houses and holiday homes established. These dwellings and their associated jetties, boatsheds and moorings are obviously already part of the landscape in the locations in which they occur, especially the inner parts of Queen Charlotte/[Tōtaranui](#), Pelorus/[Te Hoiere](#) and Kenepuru Sounds. The density of residential use varies, ranging from baches in isolated bays (used on an intermittent basis) to ribbon development along the coastline. The density of residential activity decreases with distance from the access points of Picton and Havelock, so large parts of the outer Sounds are empty of structures.

The south Marlborough coast is much less developed for residential living, although the Rarangi settlement has provided a coastal living experience for people for many years, as has an area of larger lifestyle blocks closer to the Wairau Diversion. Generally however, the southern coast experiences a lower level of pressure for living in coastal areas than does the Marlborough Sounds.

Issue 13D – There is pressure to use, develop and subdivide land for residential purposes within the coastal environment.

Historically, the demand for residential properties in Marlborough's coastal areas has been satisfied through:

- the development of new residential dwellings on vacant lots (within permitted activity provisions for residential or rural zones);
- the extension, alteration or reconstruction of existing residential dwellings; and
- the creation of new residential allotments from rurally zoned land.

In any one of these situations there is potential for residential activity to detract from the qualities and values of the coastal environment. This is particularly so in a Marlborough Sounds context, where the MEP has identified the Sounds as being 'the jewel in Marlborough's crown' (Issue 4C, Chapter 4 - Use of Natural and Physical Resources). At any particular location these qualities and values, along with physical factors, place constraints on whether residential activity is appropriate within the coastal environment.

The construction of houses and holiday homes in areas where structures are absent from the landscape is likely to stand out and potentially detract from the "natural" appearance of that landscape. Even in areas where there are existing houses and holiday homes, buildings in prominent locations, large buildings and buildings with bright and bold colours, can detract from the landscape.

New residential buildings obviously allow more people to be accommodated, either permanently or temporarily, in a particular location. Potentially, the more people who live within and use an area, the less likely it is that the special qualities currently valued by existing residents will continue to be enjoyed. The degree of impact will be perceived differently from person to person, depending on our own values and experiences.

Other factors affecting the appropriateness of residential activity in the coastal environment include the ability for onsite disposal of domestic wastewater, impacts arising from natural hazards, difficulties in accessing remote areas and the impacts of residential activity on water quality, water quantity and indigenous biodiversity. Some of these factors may also have flow-on effects for other users of the coastal environment and the manner in which these constraints are dealt with will determine how the demand for residential activity will be managed in Marlborough's coastal environment.

The subdivision of land determines where new residential buildings will be located and the density of residential development. Managing the subdivision of land is therefore as important in retaining the character of the coastal environment as managing subsequent residential development.

[RPS, D]

Objective 13.5 – Residential activity takes place within appropriate locations and limits within the coastal environment.

As demand for people to live or holiday in Marlborough's coastal environment increases, it is important that these activities occur within appropriate locations and limits, to ensure that the qualities and values of the coastal environment are maintained and/or enhanced. This objective reflects that aim and is supportive of Objective 6 of the NZCPS, an enabling objective for people and communities to provide for their wellbeing and health and safety through subdivision, use and development. The objective requires (among other things) that in protecting values of the coastal environment, this does not preclude use and development in appropriate places and forms, and within appropriate limits.

[D]

Policy 13.5.1 – Identify areas where residential activity can take place.

Areas determined as appropriate for residential activity are zoned as Coastal Living Zones. The Coastal Living Zone recognises the need and demand that exists for residential activity in Marlborough's coastal environment and applies to areas where development already occurs but which maintain a high level of amenity associated with the coast. These areas, zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan, have been identified as having an ability to absorb further low density, mainly rural residential development, without detriment to overall coastal character. Additionally, areas at Rarangi formerly zoned as Township Residential and Rural Residential have also been zoned as Coastal Living.

[D]

Policy 13.5.2 – Residential activity and subdivision for residential purposes should take place within land that has been zoned Coastal Living, in order to:

- (a) protect recreational and coastal amenity values;**
- (b) avoid sprawling or sporadic patterns of residential development; and**
- (c) protect landscape, natural character and indigenous biodiversity values.**

It is important that limitations are placed on where residential activity can take place within Marlborough's coastal environment. If unrestricted development were allowed, the very values that make the coastal environment special would be threatened, particularly within the Marlborough Sounds. The policy therefore is important in identifying the appropriate locations for residential activity, are those provided through the resource of the Coastal Living Zone in conjunction with the enabling provision of Policy 13.5.5. This approach helps to give effect to the policies of the NZCPS, as well as achieving the overriding objective for the Marlborough Sounds

in Chapter 4 - Use of Natural and Physical Resources of the MEP, in which the '*visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds*' is maintained and enhanced.

The policy directs that residential activity and subdivision for residential purposes '*should*' occur within the Coastal Living Zone, though this is not absolute. This is because there may be occasions where through restoration works, enhancement of values or offsetting adverse effects, positive environmental outcomes can be achieved. Regard must be had to the other policies of the MEP (especially those regarding natural character, landscape, public access and biodiversity) to determine whether this is a relevant matter for consideration.

[D]

Policy 13.5.3 – Recognise there is an existing stock of land within the coastal environment that could be developed for residential activity to meet the needs of the community.

There are many areas within the Coastal Living Zone and the Coastal Environment Zone that could be developed for residential activity. Areas zoned as Coastal Living include areas zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan and areas of Township Residential and Rural Residential in the Rarangi area of the former Wairau/Awatere Resource Management Plan. There is capacity within these zoned areas for further residential activity to occur. Additionally, there are allotments within the Coastal Environment Zone that do not currently have a dwelling on them but where residential activity could take place, subject to meeting standards.

[D]

Policy 13.5.4 – Avoid expansion of residential activity in Rarangi beyond those areas already zoned for this purpose, due to uncertainty over tsunami risk, the fragile local ecology and insufficient infrastructure to support expansion.

In considering areas for urban expansion, the Council has assessed the potential for Rarangi to accommodate further growth. The outcome of the assessment was that there is uncertainty around the level of hazard posed by tsunamis, uncertainty over the ability to secure a water supply that meets drinking water standards, and that the Rarangi wetland system is a fragile ecological system vulnerable to further development. For these reasons the Council has decided not to provide for any expansion of the current zoning for residential activity in this area.

[D]

Policy 13.5.5 – Except in the case of land developed for papakāinga, residential activity on land zoned Coastal Environment will be provided for [to limited extent](#) by enabling:

- (a) one dwelling per ~~Computer Register~~[Record of Title](#);
- (b) ~~seasonal worker~~ accommodation; and
- (c) homestays.

For property within the coastal environment but outside of the Coastal Living Zone, it is appropriate that the MEP provides for residential activity. In some cases, ongoing primary production activities will occur and therefore it is appropriate that provision is made for any residential activity associated with this. This includes seasonal worker accommodation. There may also be smaller allotments where primary production activities do not occur but where historically there has been a right, subject to standards, for a landowner to erect a dwelling. The MEP continues with this approach, as it provides in part a resource able to be developed for residential activity, without the need for further subdivision or rezoning of land. Provision is also made for homestays. The exception recognises the need for Marlborough's tangata whenua iwi to be able to develop Māori land for papakāinga to enhance the quality of life for whānau and iwi in a manner that is consistent with their cultural values and customs.

Comment [16]: Topic 12

[RPS, D]

Policy 13.5.6 – Maintain the character and amenity values of land zoned Coastal Living by the setting of standards that reflect the following:

- (a) strong connection to the foreshore and coastal water;
 - (b) peaceful environments with relatively quiet background noise levels;
 - (c) predominance of residential activity by enabling one dwelling per ~~Computer Register~~ Record of Title;
 - (d) privacy between individual residential properties, often surrounded by indigenous and regenerating indigenous vegetation;
 - (e) ample sunlight to buildings;
 - (f) minimal advertising signs;
 - (g) views to the surrounding environment, including to the sea;
 - (h) low building height; and
 - (i) ~~limited~~ appropriate infrastructure and services and low volumes of road traffic.
- (j) the need for appropriate landscaping of new roads, reserves and esplanade areas to be created by subdivision.

Comment [17]: Topic 21

Comment [18]: Topic 12

Comment [19]: Topic 10

This policy sets out the characteristics that reflect land zoned as Coastal Living and for which standards have been considered necessary to be established through the permitted activity rules.

[D]

Policy 13.5.7 – Where resource consent is required, ensure that residential development and/or subdivision within the Coastal Living Zone is undertaken in a manner that:

- (a) is consistent with the matters set out in Policy 13.5.6;
- (b) is appropriate to the character of the locality in which the property is to be subdivided;
- (c) provides for the maintenance of the attributes contributing to coastal amenity values of the locality, as expressed in Policies 13.2.4 and 13.2.5;
- (d) maintains and/or enhances the recreational values of the area for the wider community;
- (e) is certain the site is able to assimilate the disposal of domestic wastewater; and
- (f) ensures the effects of any natural hazards are able to be avoided, remedied or mitigated.

Where resource consent is required for subdivision or development within the Coastal Living Zone, the matters in this policy will help to determine whether the subdivision or development is appropriate. In particular, matters concerning the character of the locality and coastal amenity values are important in terms of having regard to Sections 7(c) and 7(f) of the RMA. Other matters concerning the on-site discharge of domestic wastewater are equally important and regard is to be had to the policies of Chapter 16 - Waste to assist in giving effect to this policy.

[D]

Policy 13.5.8 – Non-residential activities within the Coastal Living Zone will be allowed, where they do not detract from the existing character of the residential environment within which they are to be located.

As the Coastal Living Zone has been established to accommodate residential activity, recognising the desire of many New Zealanders to live or holiday beside the sea, it is important that these areas are predominantly used for this purpose. Some non-residential activities, especially those carried out within an existing dwelling, will have limited impact on the characteristics of the Zone

and are therefore provided for as a permitted activity. However, other non-residential uses will be assessed through the resource consent process to determine their impact on the characteristics of the residential environment in which they are to be located.

[D]

Policy 13.5.9 – ~~Where there is no road access to a site to be developed or subdivided for residential purposes or where the predominant means of access will be by water, the need for and location of coastal structures and associated tracking (if relevant) to enable/enhance access shall be considered at the time of subdivision or, in the case of development, if there is a resource consent requirement to enable the development. When considering residential subdivision or development applications, (where the predominant means of access will be by water) the need for, and location of coastal structures and associated tracking to enable/enhance access shall be assessed at the time of subdivision or development.~~

Comment [20]: Topic 12

This policy is particularly relevant to the Marlborough Sounds, where the road network is limited as a result of the nature of the topography and the difficulties in establishing roads in the steep terrain. For this reason, many property owners (both commercial and private) rely upon boats to gain access to their properties. This has resulted in a demand for coastal structures such as jetties, moorings and boatsheds. The appropriateness of these structures must be assessed and this should occur at the same time as the subdivision or development is assessed by the Council. This will enable the effects of the entire proposal to be considered at once, including any related need for tracking between the coastal structure and the dwelling.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[D]

13.M.10 Zoning

The Coastal Living Zone is a specific zone established for residential activity within the coastal environment for both the Marlborough Sounds and along the south Marlborough coast.

[D]

13.M.11 District rules

A range of district rules will guide development within both the Coastal Living and Coastal Environment Zones. These rules will provide for residential activity and non-residential uses as a permitted activity subject to meeting standards for bulk and location of structures, disposal of domestic wastewater, stability of the land, reflectivity of buildings, etc. Rules will specify minimum allotment standards and enable the development of papakāinga, subject to standards.

[D]

13.M.12 Information

[SNZ PAS 4509:2008 is a non-mandatory standard that sets out the requirements for firefighting water supply and access, including in rural areas. In rural areas, the effectiveness of a water supply for firefighting is affected by, amongst other matters, the time and distance from a fire station, ready access to a sufficient quantity of water, and the seasonal sustainability of the water supply. Because structures remote from a fire station are significantly more at risk from fire outbreak, Fire and Emergency New Zealand recommend that sprinklers are installed in all structures \(and specifically houses\) sited more than a 10-minute response time from a fire station. More information on SNZ PAS 4509:2008 is available from the Fire and Emergency New Zealand website. Fire and Emergency New Zealand can also be contacted directly for advice regarding managing fire risk and the storage of water for firefighting.](#)

Comment [21]: Topic 11 and Topic 12

Boat moorings and anchorings

The enclosed waterways of the Marlborough Sounds offer many recreational boating opportunities to both residents of Marlborough and visitors. Commercial use of boats and other craft is a significant feature of the District's tourism, marine farming and fishing industries. While many of the smaller recreational craft are stored on dry land and have no need for water-based storage, many boats do need some form of mooring, berthage or other method of storage.

Moorings generally provide a convenient and readily available form of boat storage. Consequently, there are high-density moorings in areas such as Waikawa Bay, Ngakuta Bay and Okiwa Bay. Individual moorings have also been established around the Sounds, providing a place for occasional recreational users and adjoining landowners to moor their boats. In some cases, a mooring is established for the use of boating club members or boat charter companies. These moorings are referred to as collective moorings.

Anchoring on a temporary basis is common in many places around the Sounds. This occurs for recreational purposes, where boats may overnight or, in some instances and particularly in recognised locations, provide for temporary shelter in bad weather. It is important that developments or activities in the coastal marine area do not affect the ability of the boating community to anchor in locations that are recognised anchorages.

Issue 13E – How and where to provide for mooring and/or berthage facilities in Marlborough's coastal environment.

Deciding how and where to provide facilities or areas where boats can be safely moored or anchored is an issue, given the wide range of economic, cultural and social values of Marlborough's coastal environment as well as significant natural character, landscape and biodiversity values.

Historically, many property owners within the Sounds relied on swing moorings to moor boats. This continues to be the case today, although many property owners now also seek other structures such as boatsheds and jetties to provide enhanced forms of access. In some areas, especially close to nodes of settlement, issues arise surrounding competing demand for coastal space for moorings, especially swing moorings. The location of such moorings must take into account navigational routes for boats, as well as sufficient separation from one another to ensure the safety of boats on other moorings.

For some people, especially those who do not own property in the Marlborough Sounds, the short term anchoring of boats is common. Some bays in the Sounds are recognised on navigational charts and in nautical publications as places for boats to anchor in certain wind conditions. However, the long term or permanent anchorage of boats can potentially give rise to adverse effects on the surrounding environment and other users of the coastal environment. These effects may include a reduction in water quality, loss or deterioration of benthic habitat, disturbance to marine species at important feeding sites, reduced amenity values, impacts on natural character or a reduction in public access or recreational opportunities. While it is important that recognised anchorages are available for use, it is also important that limitations are placed on longer term anchoring. Areas for large ship anchoring are identified on navigational charts and nautical publications.

[C]

Objective 13.6 – A range of options is available to accommodate mooring/berthage.

It is important that the MEP provides a range of options to accommodate the different needs and demands of a range of boat owners. Not every option will be appropriate in every location within Marlborough's coastal environment and the following objectives and policies describe the circumstances where each of the options may be considered appropriate.

[C]

Policy 13.6.1 – Provide for the mooring or berthage of boats by:

- (a) enabling anchoring of boats;
- (b) establishing Moorings Management Areas where there is high demand for space in the coastal marine area;
- (c) ensuring moorings outside of Moorings Management Areas are sited in appropriate locations; and
- (d) zoning specific areas for activities related to the operation of marinas, ports and port landing areas in Picton, Havelock, Waikawa, Elaine Bay and Oyster Bay.

The four options provided for in this policy reflect both historic and recent approaches to mooring or berthage of boats in Marlborough's coastal environment. Options a) to c) are applicable to the Coastal Marine Zone, while option d) is specific to Port, Port Landing Area and Marina Zones. (The remaining policies under Issue 13E are therefore not relevant considerations in the Port, Port Landing Area and Marina Zones.)

Boat anchorages

[C]

Objective 13.7 – The coastal marine area is able to be used for anchoring boats [in appropriate locations](#).

Boat anchoring has long been considered an appropriate use within the coastal marine area, particularly for recreational use but also for commercial boats. The objective seeks to enable use of the coastal marine area for this purpose. [There are locations where anchoring has the potential to adversely affect the marine environment and anchoring over these sites would not be appropriate.](#)

[There are locations where anchoring has the potential to adversely affect the marine environment and anchoring over these sites would not be appropriate.](#)

[C]

Policy 13.7.1 – Enable use of the coastal marine area for temporary anchoring by boats, [excluding Category A Ecologically Significant Marine Sites listed in Appendix 27](#).

Boats of all sizes are reliant on being able to anchor for recreational purposes, during storms or in the event of damage or gear failure. An enabling approach to providing for this on a temporary basis has been provided, subject to meeting standards.

[Category A Ecologically Significant Marine Sites have been identified as significant sites that support marine communities dominated by fragile species that are intolerable to most forms of benthic physical seabed disturbance, including anchoring. For this reason any anchoring within these areas should be restricted.](#)

[C]

Policy 13.7.2 – Restrict the long-term or permanent anchorage of boats.

The long-term or permanent anchorage of boats in one location can potentially give rise to adverse effects on the surrounding environment and other users of the coastal environment. These effects could include reduction in water quality, amenity values, public access, recreational opportunities or potential benthic habitat destruction. Therefore, it is appropriate that controls are imposed upon the ability of boats to anchor for long periods of time. This will help to achieve the policies of the NZCPS, especially Policy 6(2)(c), as well as a range of other policies in both the NZCPS and MEP relating to natural character, water quality, public open space and indigenous biodiversity. [This policy does not apply to the anchoring of marine farm barges and structures.](#)

Comment [22]: Topic 11

Moorings Management Areas

[C]

Objective 13.8 – Efficient use of the coastal marine area where there is competing demand to occupy coastal space for swing moorings.

Where there is ongoing demand for coastal space for moorings as well as competing demand for other uses or activities in the same space, a comprehensive management regime must be in place to ensure that efficient use of the coastal marine area is achieved. This will help to minimise overlap between swing circles and therefore reduce the risk of damage to boats.

[C]

Policy 13.8.1 – Where there is competing demand in the coastal marine area to accommodate swing moorings, Moorings Management Areas may be established to manage the placement and use of swing moorings.

Moorings Management Areas are a relatively new concept, having been developed initially to manage conflicting demands with large numbers of swing moorings and other activities within Waikawa Bay. If a Moorings Management Area is established, it shall only be so through the plan change process of the First Schedule after having regard to the matters in Policy 13.8.2. These areas will be identified on the MEP maps.

[C]

Policy 13.8.2 – To determine the appropriateness of an area of coastal space to become a Moorings Management Area in the Marlborough Environment Plan, the following matters will be considered:

- (a) current and anticipated demand for swing moorings in the area;
- (b) the cumulative effect (including on coastal amenity values and benthic habitats) of swing moorings and the capacity of the area to accommodate existing and additional moorings;
- (c) whether there are issues with the layout of existing swing moorings, including overlapping of swing circles;
- (d) the intensity, character and scale of other activities in the area, including:
 - (i) the extent to which the use of or access to other coastal structures located in the area are or will be affected by additional swing moorings;
 - (ii) residential development existing in the area and the potential for future development, having regard to the zoning of land;
 - (iii) recreational activities occurring in the coastal marine area; and
- (e) impacts on navigation due to continuing with an uncontrolled approach to siting of swing moorings.

This policy describes the matters to be considered in assessing new locations to be managed as Moorings Management Areas. At the time the MEP was notified on 9 June 2016, the only Moorings Management Areas that had been identified were located in Waikawa Bay. These were established in response to the ongoing demand for moorings in the bay and the different uses competing for water space. It is likely that other areas of the Marlborough Sounds may in future see a high demand for coastal space for swing moorings. If demand reaches a point which results in inefficient use of coastal space, it may be appropriate to introduce Moorings Management Areas in other locations.

[C]

Policy 13.8.3 – Moorings located in a Moorings Management Area (as identified on the Marlborough Environment Plan maps) will be encouraged by:

- (a) enabling them as a permitted activity, where a Moorings Management Bylaw is in place; or
- (b) where no Moorings Management Bylaw is in place, providing for moorings within a Moorings Management Area as a restricted discretionary activity. The matters the Marlborough District Council will restrict its discretion to in determining such an application will be:
 - (i) location within a Moorings Management Area;
 - (ii) the type and specification of mooring sought, including the swing arc; and
 - (iii) the availability of space within the Moorings Management Area.

Once a Moorings Management Area has been established to more efficiently manage coastal space, moorings located within these areas can be controlled through a bylaw promulgated under the Local Government Act 2002 or through the resource consent process. This policy states that where a bylaw is in place, then moorings within the Moorings Management Area are a permitted activity. The bylaw will set up a licensing system for moorings in the identified areas. Where no bylaw is in place, a restricted discretionary activity consent will be required and the matters that the Council will limit its discretion to are identified in Policy 3.8.3(b).

Moorings outside Moorings Management Areas

[C]

Objective 13.9 – Outside of the Moorings Management Areas, other moorings are sited in appropriate locations.

Moorings Management Areas are only to be established where there is competing demand for coastal space. However, in many areas of Marlborough's coastal marine area there is space for competing demands to easily coexist. It is therefore recognised that it is not appropriate or possible for all moorings to be located within a Moorings Management Area and provision must be made within the MEP for moorings to be considered outside of these areas. It is important however that moorings are appropriately located, as they can individually or cumulatively have adverse effects.

[C]

Policy 13.9.1 –The following matters are to be assessed in determining the appropriateness of the location for a mooring:

- (a) whether a Moorings Management Area with available space exists in the vicinity of the proposed mooring site;
- (b) what the proposed mooring is to be used for;
- (c) the potential for the mooring and any moored boat to adversely affect:
 - (i) the navigation and safety of other boats, including any other moored boat;
 - (ii) existing submarine cables, other utilities or infrastructure;
 - (iii) recreational use of the coastal marine area, including the short-term anchorage of other recreational boats;
 - (iv) amenity values of adjoining residents or land with high recreational value;
 - (v) the open space character of the coastal marine area;

- (vi) the natural character, landscape or ecological values of the site, including on adjoining land and offshore islands;
- (vii) the cultural and customary values of the site, including access for customary purposes, and Māori land; ~~and~~
- (viii) the operation of any existing activity or any activity that has been granted resource consent; and
- (ix) recognised anchorages of refuge.
- (d) what practicable land-based storage options and/or alternative access points are available for the boat; and
- (e) whether there will be a cumulative impact on the values of the coastal environment from a mooring in the proposed location.

Comment [23]: Topic 11

This policy identifies the matters to be considered through the resource consent process in determining the appropriateness of a particular site for a mooring and its intended purpose, for example to provide access to an applicant's land, for moorings for commercial activities, for customary or collective use. The purpose of the mooring is an important consideration in determining the appropriateness of the proposal, as particular conditions may be relevant for one purpose but not another. The broad nature of the other matters identified reflects the wide range of activities and values of Marlborough's coastal environment.

[C]

Policy 13.9.2 – Subject to the matters in Policy 13.9.1, moorings will be limited by:

- (a) regarding as appropriate the installation of one mooring per Computer Register or Computer Unit Title Register to enhance access to private property;
- (b) regarding as inappropriate a mooring where the applicant does not own land in the vicinity of the proposed mooring location, except in the case of collective moorings; and
- (c) linking resource consent to a particular property/commercial activity, where consent is granted for a mooring to provide access to an applicant's property or for a boat associated with a commercial activity undertaken in the vicinity of the mooring site. Consent must then be transferred to the new owner(s) on the sale of the property/commercial activity.

Moorings enhance use of private property in the Marlborough Sounds and can be important for commercial activities. However, because they are relatively simple structures and easy to install, landowners have often sought to have multiple moorings. This can create conflict with other users of coastal space and adversely affect a range of values of the coastal environment. ~~Avoiding the proliferation of moorings by –~~ Limiting numbers to one mooring per property will generally help to avoid adverse effects and leave enough coastal space for other landowners to locate moorings. Limited flexibility exists to consider special circumstances, particularly for those permanently residing in the Marlborough Sounds without road access. For those who do not own property but wish to access the Marlborough Sounds, a boat mooring will be regarded as inappropriate as other alternatives are available, including moorings within Mooring Management Areas, boating club (collective) moorings, temporary anchorage or marina berths. Additionally, the numbers of boat moorings can be reduced by requiring consents to be linked to a property or commercial business and requiring these consents to be transferred to a new property or business owner upon sale. The policy has been made subject to the matters in Policy 13.9.1 as there may be circumstances under which the need for a mooring falls outside the limitations specified in 13.9.1.

Comment [24]: Topic 11

[C]

Policy 13.9.3 – Swing moorings should be sited to avoid the risk of collision with a boat on an adjacent swing mooring.

Multiple swing moorings at a number of locations around the Marlborough Sounds have created issues due to moored boats colliding with one another. To avoid this situation occurring in future, the policy directs that swing moorings are to be sited so that there is no likelihood of collision with another moored boat.

[C]

Policy 13.9.4 – The use of a mooring shall be limited to the size [and displacement](#) of boat for which consent was granted.

The size [and displacement \(weight\)](#) of a boat will dictate the size of anchor, swing circle and other specifications required for a swing mooring. The swing circle is an important factor in ensuring the safety of other moored boats. It is therefore important to ensure that a mooring is not used for any boat larger than that considered through the resource consent process. If a swing mooring is intended to be used for a boat larger than originally provided for, this needs to be reassessed through the resource consent process.

Comment [25]: Topic 11

[C]

Policy 13.9.5 – Moorings shall be maintained and marked in a way that protects navigational safety, including by providing and maintaining adequate buoyage and anchoring systems.

As moorings are located within the public domain and in areas where there can be commercial, recreational or residential navigation, it is important that mooring structures are marked and maintained in good condition to remain visible and intact, ensuring public safety is protected. This will require compliance with relevant consent conditions.

[C]

Policy 13.9.6 – A mooring shall be required to be removed from the coastal marine area in the following circumstances:

- (a) where there is no longer a need for a mooring to moor a boat;
- (b) where the existence of a commercial activity has been the justification for approving a coastal permit for a mooring and that commercial activity no longer exists or operates;
- (c) where a collective mooring is no longer to be used as a collective mooring;
- (d) when a coastal permit for the mooring expires and no new coastal permit has been sought; or
- (e) where consent is refused for an existing mooring for which a new consent has been sought.

There may be circumstances where a mooring is no longer required. It is then appropriate for the mooring to be removed from the coastal marine area. This will help to achieve Policy 6(2)(e) of the NZCPS by promoting the efficient use of the coastal marine area. This policy will be achieved through conditions imposed upon resource consents granted. This policy will also help to ensure that the purpose for which consent was granted is continued.

[C]

Policy 13.9.7 – In determining an application for a new consent for a lawfully established existing mooring outside of a Moorings Management Area, the matters in Policies 13.9.1(b) and (c), 13.9.2 and 13.9.4 will be considered. The extent to which the existing mooring is consistent/inconsistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.

The policies to be considered in an application for a new coastal permit for an existing mooring include matters that may be expected to change over time. This includes in particular, natural character, recreation, amenity values and public access.

[C]

Policy 13.9.8 – Avoid moorings outside of the Moorings Management Areas in Waikawa Bay and the Waka Mooring Management Area, except where the moorings are to provide access to immediately adjoining properties, in which case the matters in Policy 13.9.1 are to be assessed in determining the suitability of the mooring in Waikawa Bay.

Waikawa Bay is a focal point for recreational boating activity but is also important for commercial and cultural activities. Given the competing demands to occupy and use coastal space in Waikawa Bay, Moorings Management Areas have been established to identify appropriate locations for moorings within the bay. New moorings outside the defined Moorings Management Area in Waikawa Bay are to be avoided, unless for the specific purpose of mooring boats associated with adjacent land. The MEP identifies specific locations for Moorings Management and Waka Management Areas within Waikawa Bay, which is the coastal marine area south of a line between The Snout and Karaka Point.

[C]

Policy 13.9.9 – In determining an application for a new mooring, (other than applications for re-consenting of existing moorings), consideration should be given to the appropriateness of the mooring type and design proposed in order to:

- (a) reduce the ecological effects of seabed disturbance caused by the mooring in terms of Policy 8.3.1; while**
- (b) ensuring that the mooring type and design protects the health and safety of people and vessels.**

There is evidence to demonstrate that conventional block and chain moorings can cause damage to the sea bed as a result of heavy ground chain scoring that can occur within the 360 degree arc around the mooring block. The placement of moorings can therefore have adverse effects on seabed habitats surrounding the mooring, in particular within areas of ecological, conservation, or traditional value that are sensitive to disturbance. Policy 8.3.1 requires adverse effects to be either avoided where the site is a significant site in terms of Policy 8.1.1 or avoided, remedied or mitigated where indigenous biodiversity values have not been assessed as significant in terms of Policy 8.1.1. Policy 8.1.1 provides the criteria for assessment of significant indigenous biodiversity values.

This policy requires that consideration is given to other mooring types and design that would not disturb the seabed surrounding the mooring, whilst also ensuring the mooring type and design is suitable for the location, particularly in exposed settings, and will protect that the health and safety of people and vessels.

Comment [26]: Topic 11

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

13.M.42 13 Moorings Management Areas

A specific regime is proposed for the management of moorings in the Marlborough Sounds where there is significant competition for coastal space. Moorings Management Areas may be established to avoid conflict with competing uses and users and to ensure efficient use is achieved.

[C]

13.M.43 14 Bylaw

Management of Moorings Management Areas will occur either through a bylaw promulgated under the Local Government Act or, if no bylaw is in place, through the resource consent process. The bylaw will establish a licensing system for the allocation and management of swing moorings within a Moorings Management Area, or swing moorings for waka within a Waka Mooring Management Area.

[C]

13.M.44 15 Regional rules

Short term anchorage of ships/boats will be enabled by a permitted activity rule.

Moorings within a Moorings Management Area will be provided for as a restricted discretionary activity, subject to standards and terms, unless a bylaw is in place that provides the management framework. If a bylaw is in place, moorings within the Moorings Management Area will be a permitted activity.

Where a mooring located outside of a Moorings Management Area is sought, a discretionary activity resource consent will be required.

[C]

13.M.45 16 Information

Publications such as 'The Pilot' and 'The Cruising Guide' provide information on anchorages, as do navigational charts and directions from the Harbourmaster.

[C]

13.M.46 17 Monitoring and investigation

The Council will annually monitor the number and location of moorings for which resource consent has been granted. By 9 June 2021, and having regard to the monitoring information, the Council will determine whether investigations into establishing a carrying capacity for moorings in the Marlborough Sounds is necessary.

Coastal structures, reclamations and disturbance to the foreshore and seabed

Marlborough's coastal marine area is characterised by a number of activities that involve the erection of structures and/or disturbance of the foreshore or seabed. Due to their extensive and sheltered nature, the Marlborough Sounds are obviously a major focus for recreational and commercial activities and it is here that the issues surrounding how to provide for activities and allocate coastal space are most apparent. The Sounds contain a large number of permanent physical structures and occupations; for example, nearly 1,600 jetties, slipways, boatsheds and other structures (retaining walls, pipelines, sub-aqueous cables, boat ramps) are located throughout the Sounds. Some reclamations have occurred to enable port or marina operations to take place, while in certain remote locations reclamations assist in forestry harvesting activities by providing barge sites.

Other activities occurring in the coastal marine area that involve some disturbance of the foreshore and seabed include (but are not limited to) dredging navigational channels, the cleaning of blocked pipes (e.g. stormwater outfalls), beach tidying and grooming, the deposition of material on the seabed and foreshore burial of dead marine mammals.

Coastal structures, reclamations or disturbance activities provide private benefit to the person undertaking them but in some cases there is also wider community benefit. It is important therefore that the uses and forms of development appropriate for Marlborough's coastal marine area are identified and that adverse effects are addressed, while at the same time maintaining the social, economic and cultural wellbeing of the community.

Issue 13F – There continues to be significant pressure for the development and/or redevelopment of a variety of coastal structures, including providing for boat access to properties within the Marlborough Sounds.

As a result of difficult topography and the subsequent financial and physical difficulties in establishing roads in steep terrain, the Marlborough Sounds roading network is limited. Many property owners therefore rely upon boats to gain access to their properties. This has necessitated:

- the construction of jetties to enable the safe and efficient set down and loading of passengers and associated cargo; and
- the construction of boat sheds (and slipways/ramps) for the storage of boats and boating related equipment that cannot be easily stored elsewhere on the property.

Even in cases where road access is available, property owners still expect to be able to enhance their access to the Sounds through having jetties and boatsheds. It is important to recognise the significance of these coastal structures in providing property owners and visitors access to existing residential properties. However, this must be weighed against the potential for coastal structures to visually intrude into the landscape/seascape, as well as create impacts on other values such as ecology, natural character, recreation, navigation and amenity. Significantly, the size of jetties and boatsheds has lately increased, partly in response to the increasing size of boats.

Retaining walls and associated abutments (effectively a small reclamation) are often built in and around jetties and boatsheds. This may be to provide an anchoring point for a structure, to protect the structure from coastal processes or to enhance access to the foreshore. Retaining walls can be built from a range of materials and if not sympathetically designed, can appear visually intrusive within the natural environment and physically or perceptually hinder public access to and along the foreshore. Landscaping and development of reclaimed areas can also give the impression that the area is part of the boatshed or jetty and that the area is not available for public use. In some cases however, coastal protection works are sought as a means of protecting land from erosion caused by coastal processes or boat wash. Other structures, such as pipelines, cables, decking around boatsheds, slipways or boat launching ramps are also evident in many locations around the Marlborough Sounds.

While there are currently few structures located along the south Marlborough coastline, the following provisions are also relevant to this area of the coastal environment.

[RPS, C]

Objective 13.10 – [Excluding structures within the Port, Port Landing and Marina Zones.](#) Structures in the coastal environment including jetties, boatsheds, decking, slipways, launching ramps, retaining walls, coastal protection structures, pipelines, cables and/or other buildings or structures are appropriately located and within appropriate forms and limits to protect the values of the coastal environment.

In addressing Issue 13F, this objective does not seek to preclude structures in the coastal environment; rather, the objective seeks simply to direct where these structures can be appropriately located, within appropriate forms and limits. This helps to give effect to Objective 6 of the NZCPS. The subsequent policies of this objective and those of Objectives 13.1 and 13.2 help to inform appropriate locations, forms and limits for coastal structures. (Regard to other chapters such as landscape, natural character, public access and indigenous biodiversity will help inform values for the coastal environment. Chapter 4 - Use of Natural and Physical Resources may be relevant in terms of regionally significant infrastructure.) The following policies include guidance for the consideration of all coastal structures and additional policies for jetties, boatsheds, slipways and coastal protection structures. Objectives [13.6](#), [13.8](#) and [13.9](#) and ~~its~~ subsequent policies do not apply to the Port Zone, Port Landing Area Zone, Marina Zone or to moorings.

Comment [27]: Topic 11

All coastal structures

[C]

Policy 13.10.1 – Enable structures to be located within the coastal marine area where these are necessary for the purposes of assisting with navigation of ships/vessels, [or for the operation of the National Grid Cook Strait submarine cables](#) or are temporary in nature for scientific monitoring or research purposes.

Comment [28]: Topic 11, 20

For safety reasons it is important that navigational aids can be strategically located in Marlborough's coastal marine area. Monitoring equipment for scientific purposes or research is often temporary in nature and does not usually involve significant alteration or occupation of the coastal marine area. [The installation of cables in the coastal marine area is necessary as part of the operation of the National Grid. The cables provide for the transmission of electricity between the South Island and North Island and are vital for security of electricity supply.](#) An enabling approach to these types of structures is provided for through the rules, subject to standards.

Comment [29]: Topic 11

[C]

Policy 13.10.2 – Other than as provided for in Policy 13.10.1, proposals to locate structures within the coastal marine area will be required to be assessed through the resource consent process.

In most cases any structure that occupies the coastal marine area in terms of Section 12 of the RMA will require to be assessed through a discretionary activity resource consent. This is to ensure in deciding whether the proposed structure is appropriate, regard is had to the values of the coastal environment and the impact on other uses or activities.

[RPS, C]

Policy 13.10.3 – Efficient use of the coastal marine area can be achieved by using the minimum area necessary for structures.

Policy 6 of the NZCPS requires the efficient use of occupied space within the coastal marine area and prescribes some circumstances through which this can occur. In addition, the Marine and Coastal Area (Takutai Moana) Act 2011 sets out rights for use of the common marine and coastal area. In having regard to these rights, the Council considers efficient use of the coastal marine area should be in part predicated on also using the least amount of space necessary for structures.

[C]

Policy 13.10.4 – The erection and use of decking structures:

- (a) by themselves or in conjunction with jetties are regarded as inappropriate and shall be avoided; and
- (b) where proposed in association with a boatshed, shall only be for access between the foreshore and the boatshed. Decking will be limited to two metres wide along only one side of the boatshed and up to two metres wide across the front of the boatshed. Any other decking will be regarded as inappropriate.

Policy 13.10.4 is specific to the placement of decking structures, which are often constructed as part of boatsheds and jetties to provide enhanced facilities for landowners. Extensive areas of decking around, or in conjunction with jetties and boatsheds, creates a significant privatisation of the coastal marine area. This is inappropriate, given the direction in the NZCPS that the coastal marine area is public space for community use and enjoyment (Objective 4). Some decking may be regarded as appropriate in association with a boatshed where it provides access across the front and down only one side of the structure.

[C]

Policy 13.10.5 – When assessing applications to locate structures within and immediately adjacent to the coastal marine area, the following matters will be considered in determining whether the structure is appropriate:

- (a) the proposed reason for the structure and the benefits likely to arise from its use;
- (b) whether the structure would be the first located in the stretch of coastline either side of the proposed site;
- (c) whether the structure is to be sited in a prominent or conspicuous location;
- (d) where land-based alternatives to the proposed structure are available, why the coastal marine area location is preferred;
- (e) whether the structure is for public, multiple or individual use;
- (f) the functional need requiring the structure to be located within the coastal marine area;
- (g) what effects the structure will have on:
 - (i) navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring;
 - (ii) customary access; and
 - (iii) the terrestrial environment;
- (h) whether coastal processes will be adversely affected by the structure; and
- (i) the operation of any existing activity or any activity that has been granted resource consent; [and](#)
- [\(j\) the proposed reasons for the design of the structure to enable the structure to be used safely by users and boats.](#)

Comment [30]: Topic 11

This policy applies to any resource consent application for coastal structures in the coastal environment. It gives effect to a number of policies within the NZCPS and matters of national importance in Section 6 of the RMA. In determining whether or not a structure is appropriate at any particular location, consideration must be had to policy elsewhere in this and other chapters of the MEP. Not all of the matters listed will be relevant in every case.

[C]

Policy 13.10.6 – Structures should be in an appropriate location and of an appropriate scale, design, cladding and colour to avoid or mitigate adverse effects on the landscape and amenity values of the coastal environment.

When designing or building structures, it is important for resources users to consider how adverse effects on landscape and amenity values can be avoided or mitigated. This is important, given the imperatives in Sections 6 and 7 of the RMA for landscape, quality of the environment and amenity values. The policy also assists in addressing Issue 4C, concerning a detraction from the character and intrinsic values of the Marlborough Sounds.

[C]

Policy 13.10.7 – Structures shall be designed and located allowing for relevant dynamic coastal processes, including sea level rise.

This policy helps to give effect to the provisions of the NZCPS regarding coastal hazards. It is important that structures are designed by appropriately qualified experts to ensure these matters are taken into account.

[C]

Policy 13.10.8 – Where consent is granted for a structure, the coastal permit will generally tie the structure to the property for which the use was intended. On sale of the property, or in the case of structure(s) granted resource consent for commercial purposes where the structure is related to the business being sold, the transfer of coastal permits for structures to the new owners of the property/business will be required.

In the initial granting of a coastal permit application, the detail included with the application would have stated whether an applicant owned land adjacent to the site. Policy 13.10.5 also considered the need for the structure. It is important that the consent is tied to a property for which the use was intended. It therefore follows that when the property is sold, or in the case of a permit for which consent was granted to a business, when the business is sold, the coastal permit should be transferred to the new property/business owner. Where the structure has no association with a specific property, e.g. a public launching ramp, there is no need for the consent to be tied to a property.

[C]

Policy 13.10.9 – Coastal structures shall be maintained in a way that protects public safety, including for safe navigation.

As coastal structures are located within the public domain and in areas where there can be commercial, recreational or residential navigation, it is important that these structures are maintained in good condition to remain intact, ensuring public safety is protected. This will require compliance with relevant consent conditions.

[C]

Policy 13.10.10 – Coastal structures ~~shall~~ may be required to be removed from the coastal marine area in the following circumstances:

- (a) where there is no longer a need for the structure;
- (b) when a coastal permit for a structure expires and no new permit has been sought; or
- (c) where consent to authorise an existing structure is refused.

There may be circumstances where coastal structures are no longer required or are not granted new resource consents in terms of (b) or (c). Where this is the case it is appropriate for the structure to be removed from the coastal marine area. This will help to achieve Policy 6(2)(e) of the NZCPS by promoting the efficient use of the coastal marine area. This policy will be achieved through conditions imposed on resource consents granted.

[In some circumstances the removal of structures is not preferred because the removal may not be practicable if the potential adverse effects of removal may be significant.](#)

Additional policies for jetties

[C]

Policy 13.10.11 – Where an application is made to construct a new jetty or to alter or extend an existing jetty, the following matters will be considered:

- (a) the necessity for the jetty (or alteration or extension), including whether it will be used for individual or community use or a commercial activity on land;
- (b) the nature of the existing environment, including:
 - (i) the seabed profile at the proposed jetty site (to help determine the appropriate length of the jetty);
 - (ii) the topography between the proposed site and adjacent properties;
 - (iii) whether there are formed tracks from the proposed site to adjacent properties or whether there will be a need to construct access tracking;
 - (iv) whether there is an existing jetty in the vicinity of the proposed site that could provide access; and
- (c) the extent to which the application site needs to be dredged to provide adequate depth for berthing boats and if dredging may be required in the future.

In addition to the general matters applying to all coastal structures in Policies 13.10.1 – 13.10.10, these additional matters for assessing jetties will help to determine the extent of impact on the values of the coastal environment. Through considering the existing environment and the purpose of the jetty, decision makers will be better able to determine if the structure is appropriate and whether there may be alternatives available.

[C]

Policy 13.10.12 – Avoid the cumulative effects of jetties on the values of the coastal environment by:

- (a) giving priority to the sharing of jetties or the development of community jetties; and
- (b) considering whether there is practical road access to an application site, practical access to another jetty and/or access to existing public launching facilities in the vicinity.

This policy addresses the cumulative effects of jetties along the coastal marine area. Opportunities exist for landowners to share jetties, either in terms of a new jetty being proposed or an existing jetty that may be nearby. The practicality of using an existing jetty should be considered through the application process. In determining whether practical road access is available, it is acknowledged that there is no road access to many parts of the Marlborough Sounds. Additionally, even when road access is available it may be impractical to use if there are significant distances to travel.

[C]

Policy 13.10.13 – The primary use of jetties by boats shall be for embarkation and disembarkation purposes, not for providing berthage for vessels for extended periods of time.

The coastal marine area is available for all to use and the Marine and Coastal Area (Takutai Moana) Act 2011 provides guaranteed rights for this use. When considering this and other NZCPS and MEP policies in regard to the efficient use of occupied space in the coastal marine

area, it is important that berthing of boats for long periods of time does not prevent others from using a jetty.

[C]

Policy 13.10.14 – A jetty shall be used to facilitate access between a vessel and the land. A jetty shall not be used for storing boats, boating equipment, marine farming equipment or other gear.

The primary purpose of a jetty is to provide access between a boat and the land. A jetty should not be used for any other purpose. Where storage for boats, boating equipment or other gear is required, this should occur on private land or, if the circumstances are appropriate and have regard to the policies, in a boatshed.

[C]

Policy 13.10.15 – Reduce the visual impact of jetties on the coastal environment [where practicable having regard to public and boat safety](#) by:

- (a) limiting the width of jetties to two metres;
- (b) ~~where practicable, using~~ floating jetties, which tend to have a lower profile than fixed jetties and provide easier access to the shore;
- (c) limiting the size, colour and height of mooring piles associated with the jetty;
- (d) discouraging the use of jetties (or parts of jetties) that run parallel to the shore, as they can cause greater visual impact than jetties perpendicular to the shore;
- (e) avoiding the use of boatlifts alongside jetties for boat storage;
- (f) avoiding locating lights on jetties (other than those required to facilitate access). [Where lighting is required for safe access, ensure that the lights are designed to minimise light spill and be fully shielded to prevent any light spillage above the horizontal plane of the light source;](#)
- (g) encouraging new jetties, link spans and piles to be built from materials that are non-reflective or painted in non-reflective colours;
- (h) avoiding the use of highly-coloured fenders; and
- (i) avoiding signs on jetties other than those assisting emergency services.

As jetties can have an impact on ~~visual~~ amenity and landscape values, this policy sets out matters that can help to reduce these impacts. Decision makers should therefore have regard to these matters, including consideration of the scale of a jetty in relation to the proposed location.

[The safety of people boarding and disembarking boats, and the safety of those boats accessing the jetties, are important considerations when implementing this policy. This is because sea conditions can be extreme in the main channels of the Marlborough Sounds and in the outer Marlborough Sounds. The exposure to extreme weather at these locations may make it inappropriate to implement some of the matters listed in this policy.](#)

[C]

Policy 13.10.16 – Reduce impacts on public use and access to, within and along the coastal marine area, along the foreshore and on navigational safety, by;

- (a) considering whether the jetty can be sited at one end of a beach rather than in the middle, having regard to land ownership;
- (b) requiring the provision of public access around the landward end of the jetty; and
- (c) requiring the jetty to be made available for public use.

Comment [32]: Topic 11

Comment [33]: Topic 11

Comment [34]: Topic 11

Comment [35]: Topic 5

Comment [36]: Topic 11

The rocky nature of the Marlborough Sounds foreshore makes public access along the coast difficult at many locations. Structures such as jetties, which are built to connect to the land, can inhibit public access and the policy directs that this be considered. Conversely, jetties do have the ability to enhance public access to the foreshore, which is consistent with Section 6(d) of the RMA. This, along with other public access policy in the MEP, states that coastal permits will be conditioned to require jetties to be available for public use.

[C]

Policy 13.10.17 – Avoid the construction of jetties that effectively create a marina type berth, i.e. a structure that runs along both sides of a boat.

With the use of a jetty having been described in Policy 13.10.13 as for embarkation and disembarkation purposes between a boat and the land and not for providing berthage for boats, this policy seeks to avoid this occurring. A jetty of the type described here is also difficult to share with adjoining landowners and increases the area of coastal marine area being occupied.

[C]

Policy 13.10.18 – In determining a new consent application for a lawfully-established existing jetty, the matters in Policies 13.2.1, 13.10.8, 13.10.12(a), 13.10.13, 13.10.14, 13.10.15(c), (e), (f), (g), (h), (i) and 13.10.16(c) will be considered. The extent to which the existing jetty is consistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.

The policies to be considered in a new coastal permit application for an existing jetty are limited and include consideration of matters that may be expected to change over time, therefore warranting reconsideration. Natural character, recreation, amenity values and public access are particularly important considerations.

Additional policies for boatsheds and slipways

[C]

Policy 13.10.19 – The purpose of a boatshed shall be to house boats and boating equipment. Where a boatshed is to be located in the coastal marine area or on land immediately adjacent to the coastal marine area and its use differs from the purpose described above, the activity is inappropriate in the coastal environment and is to be avoided.

A boatshed cannot be used for anything other than storing a boat or boating equipment. Given the public nature of the coastal marine area and reserve land adjacent to the foreshore, it is important a boatshed is used solely for the purpose for which consent was sought. Where this ceases to occur, the building ~~should may~~ be required to be removed.

Comment [37]: Topic 11

[C]

Policy 13.10.20 – Where an application is made to construct a boatshed and/or slipway or to extend an existing structure, the following matters will be considered:

- (a) the nature of the boat and boating equipment to be stored in the boatshed, e.g. the size of the boat;
- (b) the materials to be used in construction (including cladding, doors and roofing) and the dimensions of the boatshed, including roof height and pitch, as well as the materials to be used in the construction of the slipway; and
- (c) opportunities for storing boats and boating equipment on private property and whether there are any launching facilities nearby.

In addition to the general matters applying to all coastal structures in Policies 13.10.1 – 13.10.10, these additional matters for assessing boatsheds and slipways will help to determine the extent of impact on the values of the coastal environment. Through considering the existing environment

and what the boatshed is to be used for, decision makers will be better able to determine if the structure is appropriate and whether there may be alternatives available.

[C]

Policy 13.10.21 – The installation of sanitary plumbing within or as part of the boatshed must be avoided.

As the purpose of a boatshed is to house boats and boating equipment, there is no need for sanitary plumbing of any kind. There is no functional need for these facilities to be located within or as part of a boatshed. Such facilities are more appropriately located within a dwelling.

[C]

Policy 13.10.22 – The visual impact of boatsheds on the values of the coastal environment will be reduced by:

- (a) ensuring boatsheds are limited to one storey in height, with no internal upper flooring;
- (b) requiring boatsheds to be built of materials that are non-reflective or are painted in non-reflective colours that blend with the surrounding shoreline or bush;
- (c) avoiding the use of concrete in the external appearance of the boatshed, except where its use is necessary in the footing or foundations of the structure;
- (d) avoiding large windows and glass doors (including glass sliding doors);
- (e) avoiding the use of boatlifts alongside jetties for boat storage;
- (f) avoiding locating lights on boatsheds (other than those required to facilitate access). [Where lighting is required for safe access, ensure that the lights are designed to minimise light spill and be fully shielded to prevent any light spillage above the horizontal plane of the light source;](#) and
- (g) avoiding signs on boatsheds other than those assisting emergency services.

As boatsheds can have an impact on [visual amenity](#) and landscape values, this policy sets out matters that can help to reduce these impacts. Unlike jetties, which are not a solid structure, because of its size, colour and construction material a boatshed has the potential to have an adverse effect on landscape, amenity and natural character values.

[C]

Policy 13.10.23 – In determining a new consent application for a lawfully-established existing boatshed and slipway, the matters in Policies 13.2.1, 13.10.8, 13.10.19, 13.10.20(a) and (b), [13.9.10.21](#) and [13.9.10.22](#) will be considered. The extent to which the existing boatshed and slipway are consistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.

The policies to be considered in a new coastal permit application for an existing boatshed are limited and the policies include consideration of matters that may be expected to change over time, therefore warranting reconsideration. Natural character, recreation, amenity values and public access are particularly important considerations. Any ability to further reduce visual impacts is also important to consider, as is confirming that the original purpose of the boatshed (to store boats and boating equipment) remains valid.

Comment [38]: Topic 11

Comment [39]: Topic 5

Comment [40]: Topic 11

Additional policies for coastal protection structures or works

[C]

Policy 13.10.24 – The establishment of coastal protection structures or works may be considered appropriate where:

- (a) alternative responses to the hazard (including abandonment or relocation of structures) are impractical, impose a high community cost or have greater adverse effects on the environment; and
- (b) the works are justified by a community need; or
- (c) regionally significant infrastructure is at risk.

This policy sets out those circumstances where coastal protection works may be appropriate. In general, the circumstances prescribed demonstrate that there need to be clear, positive effects on the environment from coastal protection works and that these outweigh any negative effects. The subsequent policies for coastal protection works are only applicable when the tests in Policy 13.10.24 have been satisfied.

[C]

Policy 13.10.25 – Where practicable, the use of non-structural methods for coastal protection work (including planting and beach nourishment) shall be preferred to structural methods.

Using non-structural coastal protection methods is preferred over structural methods where this is a practicable option. This policy helps to give effect to Policies 25-27 of the NZCPS. Structural methods artificially stabilise the coastline and may be appropriate where it can be demonstrated that such a solution is the best practicable method for remedying or mitigating the hazard.

[C]

Policy 13.10.26 – Any proposal for coastal protection structures or works shall demonstrate that:

- (a) the design, construction and placement of the coastal protection structure will not lead to any of the following effects (either in a temporary, permanent or cumulative manner):
 - (i) undermining of the foundations at the base of the structure;
 - (ii) erosion behind or around the ends of the structure;
 - (iii) settlement or loss of foundation material;
 - (iv) movement or dislodgement of individual structural components;
 - (v) the failure of the coastal protection structure should overtopping by water occur;
 - (vi) offshore or longshore loss of sediment from the immediate vicinity;
 - (vii) any increase in the coastal erosion posed to the coastline in question; and
- (b) any effects of the [coastal protection structure or work](#), including effects on water currents, wave action, sediment transport and deposition processes, do not adversely affect wāahi tapu sites, natural processes, ecological or amenity values of the coastal marine area beyond the site of the work.

Comment [41]: Topic 11

It is important that coastal protection works, which are structural in nature, are designed by experts in natural coastal processes. This ensures that the proposed works will not exacerbate the hazard but will achieve what they are designed for and not transfer adverse effects elsewhere.

[C]

Policy 13.10.27 – Discourage the use of concrete slab retaining walls, sheet piling, car tyres or similar for coastal protection measures and encourage instead the use of materials similar to those found naturally occurring in the area or that can be locally sourced.

Many people find the appearance of hard protection works unattractive and inconsistent with the natural character of the coast (and in turn, inconsistent with the provisions of the NZCPS). Retaining walls or similar can also cover or reclaim part of the beach and affect access to the beach. These types of protection structures can have direct and indirect adverse effects on natural character, landscape values, amenity values and public access. It is therefore preferable that materials similar to those naturally occurring in the area to be protected are used. Where this is not practicable, materials that can be sourced locally can also be used.

Issue 13G – Disturbance of the foreshore and seabed through reclamation, dredging, drainage, deposition or other activities can have adverse and irreversible effects on values of the coastal environment.

Section 12 of the RMA places restrictions on use of the foreshore and seabed within the coastal marine area. Essentially, no person may reclaim, drain, disturb (excavate, drill or tunnel), deposit substances or remove any natural material (sand, shingle, shell) in respect of the foreshore and seabed, unless it is provided for by either a rule in a plan or by a resource consent.

Various activities involving disturbances to the foreshore and seabed are undertaken within Marlborough's coastal environment. A number of these provide considerable benefits to the community. An example is the clearance, cutting and realignment of river mouths to lessen potential effects of flooding events. The ability for people or authorities to undertake this activity provides considerable benefits and it is likely that the need for this activity will continue in the future. Similarly, reclamations constructed as part of port and marina development bring both economic and social wellbeing to the community.

However, depending on the scale and location of the disturbance activity, considerable adverse effects can arise for a range of values. For example, the most significant adverse effect of a reclamation is the burial of the seabed. This threatens habitats associated with the seabed, the life-supporting capacity of a much larger surrounding area and potentially affects iwi values. Other potential effects associated with reclamation include interruption to the water movement patterns, shoaling effects, exclusion of water-based uses, visual impacts and construction effects.

Dredging activities, which are most often required around ports and marinas and particularly within and approaching the Havelock port area, can also have significant adverse environmental effects. The main effect of dredging is the physical destruction and/or removal of any benthic aquatic life within the dredged area. Dredging can also affect water movement patterns and alter the physical nature of sediments, thus potentially affecting habitats.

Other disturbance activities may appear more benign in their level of effect, such as beach enhancement or the use of motor vehicles along the foreshore. However, these activities may have adverse effects that are not apparent and therefore should also be subject to a management framework through the MEP.

The objectives and policies that follow establish an approach that enables the continuation of some disturbance activities, especially where these are essential for the ongoing and safe operation of existing infrastructure, while ensuring the effects of disturbance activities are appropriately addressed or otherwise avoided.

Reclamation and drainage

[RPS, C]

Objective 13.11 – Minimise the loss of Marlborough’s coastal marine area through reclamation or drainage.

Reclamations and/or drainage permanently alter the foreshore and seabed and alter the area available to the public in terms of the rights for use of the common marine and coastal area (as set out in the Common Marine and Coastal Area (Takutai Moana) Act 2011). It is therefore important that the loss of coastal marine area through reclamation is minimised.

[C]

Policy 13.11.1 – Proposals to reclaim or drain the coastal marine area will require assessment through the resource consent process.

Any proposal to reclaim or drain the coastal marine area in terms of Section 12 of the RMA will require assessment through a resource consent application. This is to ensure that regard is had to the values of the coastal environment and the impact on other uses or activities before a decision is made on whether the proposed work is appropriate.

[RPS, C]

Policy 13.11.2 – Reclamation or drainage in the coastal marine area shall be avoided, unless:

- (a) the activity to be carried out on the reclamation has to be adjacent to the coastal marine area; and
- (b) it can be shown there are no alternative land-based sites available (above Mean High Water Springs); or
- (c) the works are for the operational needs of ports within Port Zones or for the operational needs of marinas within Marina Zones, where they are consistent with other relevant policies of the Marlborough Environment Plan.

The matters in this policy give effect to Policy 10(1) of the NZCPS. Given the public nature of the coastal marine area, in any application for resource consent it will be important that the purpose for which the reclamation or drainage is proposed is clearly established. This policy will help to avoid reclamation that would privatise the foreshore and seabed. Port and marina facilities have been identified as regionally significant infrastructure, so (c) has been included in having regard to NZCPS Policy 10(1)(d).

[C]

Policy 13.11.3 – The need to dispose of dredged or other material should not dictate the need for or size of a reclamation.

The need to dispose of dredged or other material will not be sufficient grounds for reclamation. Similarly, the size of any reclamation proposed should be related to the intended activity to be carried out, not as justification for disposing of dredged material or other waste.

[C]

Policy 13.11.4 – Where an application is made for resource consent to reclaim or drain the coastal marine area, effects (including cumulative effects) on the following matters will be considered:

- (a) the proposed reason for the reclamation/drainage and the benefits likely to arise from its use;
- ~~(b) if land-based alternatives are available to the proposed reclamation/drainage, why the coastal marine area location is preferred;~~ ~~(Deleted)~~
- ~~(c)~~ (e) the functional need for the activity to be carried out on the reclamation;

Comment [42]: Topic 11

- (dc) the effects on:
- (i) navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring;
 - (ii) cultural values;
 - (iii) the terrestrial environment, including an assessment of any earthworks necessary;
- (ed) whether coastal processes will be adversely affected by the structure; and
- (fe) the operation of any existing activity or any activity that has been granted resource consent.

This policy provides direction to decision makers as to the matters to be considered on resource consent applications for reclamation or drainage in the coastal marine area. It gives effect to a number of the policies within the NZCPS as well as the matters of national importance in Section 6 of the RMA. In determining whether a reclamation or drainage is appropriate at any particular location, regard must be had to other policy in this chapter and others in the MEP.

[C]

Policy 13.11.5 – Reclamations shall be designed taking into account relevant dynamic coastal processes, including sea level rise.

This policy helps to give effect to the provisions of the NZCPS regarding coastal hazards. It is important that reclamations are designed by appropriately qualified experts to ensure these matters are taken into account.

[C]

Policy 13.11.6 – Material used to create and form any reclamation or impoundment should not include contaminants, which could significantly and adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area.

This policy effectively directs that materials to be used in a reclamation or impoundment should be inert, to avoid contaminants being leached into the coastal marine area. This helps to protect water quality, aquatic ecosystems and biodiversity values identified in the policy. This policy also gives effect to Policy 10(2)(c) of the NZCPS.

[C]

Policy 13.11.7 – Where practicable for the purpose of public access, an esplanade reserve or strip shall be required to be set aside on [proposed reclaimed](#) areas of the coastal marine area.

Comment [43]: Topic 11

Enhancement of public access along the coastal marine area is a matter of national importance in the RMA. Policy 10 of the NZCPS also requires that, where practicable, regard is had to providing for public access along a reclaimed area. There may be some circumstances where it will not be practicable to provide for public access along reclaimed areas and regard should be had to Objective 9.2 of Chapter 9 - Public Access and Open Space, which sets out these circumstances.

[C]

Policy 13.11.8 – The finished appearance of the reclaimed or drained area and its future use shall as far as practicable be compatible with the environment in which it is to be located.

For landscape reasons, including ~~visual~~ amenity [values](#), it is important that consideration is given to the finished appearance of a reclaimed area and its future use. For areas located away from established ports or marinas, a reclamation could be a significant visual intrusion within the coastal environment and mitigation of this impact is important. Indeed, if not compatible with the existing form of development, the appearance of a reclaimed area and subsequent development could still have an adverse visual impact even within modified areas of the coastal environment, such as Picton or Havelock. The policy also helps to give effect to Policy 10 of the NZCPS.

Comment [44]: Topic 5

[C]

Policy 13.11.9 – Where the use of reclaimed land is found to be redundant, the reclaimed land will be assessed for its suitability for de-reclamation, considering the following matters:

- (a) the lands suitability for de-reclamation;
- (b) whether the de-reclamation would restore the natural character and resources of the coastal marine area; and
- (c) whether the de-reclamation would provide for more public open space.

De-reclamation of redundant reclaimed land is encouraged through Policy 10(4) of the NZCPS. The NZCPS recognises that de-reclamation may only be appropriate and feasible in certain circumstances and requires assessment on a case-by case basis. The benefits of de-reclamation include the ability to create more public and useful open space or to rehabilitate degraded environments, and therefore it is appropriate that redundant reclaimed land is assessed for these purposes.

Comment [45]: Topic 11

Disposal and deposition

[RPS, C]

Objective 13.12a – Minimise the disposal or deposition of organic or inorganic material into the coastal marine area.

It is preferable that disposal or deposition of organic or inorganic material is minimised. This will help to avoid adverse effects on a range of values within the coastal marine area, including ecology, natural character, iwi, navigation and amenity values.

[RPS, C]

Objective 13.12b – Material dredged from the coastal marine area is appropriately disposed of.

Where dredged material is to be disposed of in the coastal marine area, it is important that the location and circumstances in which the deposition is to occur are appropriate. The MEP does not identify specific dumping sites for dredged material and therefore any proposals for disposal need to be considered through the resource consent process to determine whether the activity is appropriate.

[C]

Policy 13.12.1 – Proposals to dispose of dredged or other material in the coastal marine area must demonstrate that:

- (a) no reasonable and practicable alternatives are available on land, or there is an appropriate use for material within the coastal marine area (such as part of reclamation);
- (b) the disposal will be undertaken in a location and at times of the day or year that will avoid (in the first instance), then remedy or mitigate adverse effects on:
 - (i) the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna;
 - (ii) navigational safety;
 - (iii) other established activities located in the coastal marine area that are likely to be affected by the disposal;
 - (iv) water quality, including an increase in water turbidity or elevated levels of contaminants;

- (v) shoreline instability or coastal erosion on adjacent coastal land; and
- (c) in the case of dredged material, the site is located so as to avoid, as far as practicable, the spread or loss of sediment and other contaminants to the surrounding seabed and coastal waters through the action of coastal processes such as waves, tides and other currents.

Given that significant effects can arise through disposal of material within the coastal marine area, it is appropriate to consider why the alternative of land disposal is not reasonable or practicable. The policy also identifies particular values to be protected, environmental effects to be addressed and characteristics of the disposal site to be considered when assessing resource consent applications.

~~[C]~~

~~Policy 13.12.2 – The disposal of contaminants or material containing contaminants should be avoided.~~

~~Potentially adverse effects may arise from the marine disposal of contaminants or material containing contaminants. These effects may be significant, depending on the material being disposed of, the level of contamination and the location and method of disposal. The policy therefore directs that disposal of contaminants or material containing contaminants is to be avoided.~~ [\(Deleted\)](#)

Comment [46]: Topic 11

Disturbance of the foreshore or seabed not elsewhere provided for

[C]

Objective 13.13 – The effects of disturbance to the foreshore or seabed not provided for elsewhere are appropriately managed.

Previous objectives and policies under Issue 13E have provided direction on specific disturbance activities. There are other circumstances where disturbance activities may occur and a framework within which these activities are managed is necessary.

[C]

Policy 13.13.1 – Activities that result in little disturbance of the foreshore or seabed will be provided for as a permitted activity.

Some activities, particularly recreational activities, have minimal or no impact on the foreshore or seabed in terms of associated disturbance. These activities are considered to be appropriate and are provided for as a permitted activity, subject in some cases to standards.

[C]

Policy 13.13.2 – Enable disturbance of the foreshore and seabed in the following circumstances:

- (a) at London Quay Beach, Shelly Beach and Waikawa Beach for the excavation or removal of foreshore or seabed material for the purpose of removing marine debris or litter or for the renourishment or grooming of beaches;
- (b) for the excavation or removal of foreshore or seabed material for marine mammal rescue or burial; or
- (c) for oil spill response operations.

The policy provides for three specific instances where disturbance of the foreshore and seabed are appropriate. In the case of the beach areas in Picton and Waikawa, the disturbance activities enabled have positive social benefits in terms of enhancing recreational use within the identified areas. For (b), the policy enables disturbance to deal with infrequent occurrences of marine mammal deaths or strandings. Both instances are considered to have minor adverse effect and are enabled through permitted activity rules, subject to standards.

[C]

Policy 13.13.3 – Discourage Control the use of motorised vehicles on the foreshore where this will impact on ecological values or safety of other foreshore users, where the foreshore acts as protection from the sea or on cultural, heritage and amenity values.

There are some locations around Marlborough's coastline where the foreshore environment is such that motorised vehicles can be used. However, the use of motorised vehicles can have adverse impacts on other beach users, from both a safety and amenity perspective, as well as on ecological, cultural and heritage values. Where there is the potential for these values to be affected this policy ~~discourages~~ controls the use of motorised vehicles. The policy gives effect to Policy 20 of the NZCPS.

Comment [47]: Topic 11

[C]

Policy 13.13.4 – Where disturbance of the foreshore and seabed will occur as a result of structures being fixed to the seabed (for example, during the construction of jetties, boatsheds or retaining walls, or when placing moorings on the seabed), this shall be regarded as appropriate where the effects are short-term, reversible and/or minor.

There are some circumstances where minor disturbance of the foreshore and/or seabed will occur as a result of structures being erected. In many cases the effects will be short term, reversible and/or minor, so in these circumstances the disturbance is regarded as appropriate.

[C]

Policy 13.13.5 – Enable opening of the Wairau River and Wairau Diversion mouths where this will assist to reduce the effects of flooding, improve land drainage and enable navigation across the river mouths.

The Wairau River mouth bar is a natural feature that has a dominating effect on water levels in the Wairau estuary and lagoons, the lower Wairau (to upstream of Ferry bridge) and the lower Ōpaoa. If the bar is partially closed, the water therein may stay almost completely devoid of saline water, or conversely, stay with an extensive saline wedge. Either situation could adversely affect ecological values in the area. Opening of the Wairau River mouth will therefore improve water movement, mitigate flood risk and ensure that navigation across the river mouth can occur. It is appropriate to provide for the opening of the Wairau River and Wairau Diversion mouths to address these issues, subject to meeting standards.

[C]

Policy 13.13.6 – Enable the clearing, cutting or realignment of stream and river mouths, drainage channels and stormwater outfalls and pipes within the coastal marine area to protect public health and property during flood events.

The blockage of stream and river mouths, drainage channels and stormwater outfalls and pipes through deposition of sediment or debris can result in flooding of adjacent land or impoundment of water, which could pose potential health risks. It is necessary that appropriate provision is made for work to be undertaken to address these situations.

[C]

Policy 13.13.7 – Proposals for an activity involving disturbance of the foreshore or seabed not otherwise provided for shall demonstrate that:

- (a) there will only be short-term adverse effects on plants, animals or their habitat and the area will be naturally recolonised by a similar community type;
- (b) the disturbance will be undertaken in a way that:
 - (i) does not result in any significant increase in water turbidity or elevated levels of contaminants;
 - (ii) does not result in significant adverse changes to bathymetry, foreshore contours, sediment particle size or physical coastal processes;
 - (iii) does not have any off-site adverse effects; and

- (iv) **is unlikely to cause or exacerbate shoreline instability or coastal erosion on adjacent coastal land.**

There will be instances where an activity involving some form of disturbance to the foreshore or seabed has not been otherwise described or provided for in the previous policies. Where this is the case, this policy will assist in determining the outcome of any resource consent application, having regard to the values of the coastal environment. For a number of those values, it will be appropriate to have regard to other policies of this chapter and others of the MEP. Additionally, where a disturbance activity has been provided for in policies under Objective 13.13 but does not meet permitted activity standards, the matters in this policy must be considered by decision makers.

[C]

Policy 13.13.8 – Where the removal of sand, shingle, shell or other natural material from any foreshore or seabed is proposed, the matters in Policy 13.13.7 shall apply.

Historically, the extraction of sand, shingle, shell or other natural material has not occurred to any significant degree within Marlborough's coastal marine area. However, proposals may be made to undertake such activities and it is therefore appropriate to provide policy guidance here, as the effects of such activities would be similar to those for other disturbance activities.

[C]

Policy 13.13.9 – In addition to the matters in Policy 13.13.7, any proposal for dredging within the coastal marine area that is not for ship berthage or navigational channels in the Port Zone and/or Marina Zone or for river mouth/stormwater pipe clearance shall demonstrate:

- (a) **the necessity of the dredging; and**
- (b) **an appropriate disposal method, having regard to the matters in Policy 13.12.1 concerning disposal, if disposal is to occur in the coastal marine area.**

From time to time the Council has received resource consent applications for dredging or other disturbance related activities in the coastal marine area that are not related to the operation of existing ports and marinas. Although these applications are not significant in number, it is appropriate to provide a management framework by which applications can be assessed.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

13.M.1718 Regional rules

Regional rules provide for structures and disturbance activities as permitted activities (subject to meeting standards), where these will have no more than minor adverse effects on the environment. This includes for navigation, recreational activities, temporary scientific monitoring equipment and beach enhancement.

Discretionary activity consents will be required for most occupations, reclamations and many disturbance activities. Detailed assessment criteria are included within the policies to assist decision makers in determining whether consent should be granted.

[C]

13.M.1819 Bylaws

A bylaw promulgated under the Local Government Act may be used to control the use of vehicles on the foreshore.

Shipping activity

With Marlborough having 18 percent of New Zealand's coastline, it is not surprising that water transportation is an important part of Marlborough's overall transport network. The Council is the harbour authority for Marlborough and exercises the functions, duties and powers required under the Local Government Act 2002 and delegations under the Maritime Transport Act 1994. Some overlap may occur in terms of the functions of the Council as a harbour authority and in its responsibilities to follow the RMA.

The first boating users of the Marlborough Sounds were Māori, who used important waka navigation routes within the Sounds. Since those early times, the waters of the Sounds have become strategically important to New Zealand's overall national transportation network. The link between the North and South Islands is especially important, with large numbers of passengers and significant volumes of freight transported daily between Picton and Wellington. Other significant users of the Sounds' waterways include internationally trading ships, cruise ships, vessels transporting primary produce from around the Sounds, smaller commercial vessels and vessels for commercial or customary fishing and charter purposes. Hundreds of private vessels, yachts, kayaks and other recreational craft also use the Sounds regularly.

In contrast, Marlborough's open coast is used by coastal and export ships transiting from one port to another around New Zealand and to other countries. Commercial fishing and recreational craft activity also occurs along this coastline, though compared to the Marlborough Sounds, recreational use of this area is much more limited.

Issue 13H – Water transportation is a significant aspect of Marlborough's overall transportation network but has the potential to be affected by various uses and activities.

Given the extensive use of Marlborough's coastal marine area for water transportation, potential exists for a range of activities, including the placement of structures, to have an impact on the safe and efficient navigation of ships. Navigation issues arise from the combination of craft types operating, especially given the concentration of boats of different size, speed capability, visibility and manoeuvrability. These problems can be worsened by the inconsistent skill levels of boat operators and from the placement of structures.

It is important to ensure that activities in the coastal marine area, allowed either directly by the MEP or by resource consent, do not adversely affect navigational safety. The inappropriate siting of structures such as jetties or swing moorings may have an effect on the ability of ships travelling in that area to navigate safely. Controls need to be exercised over the exact location of structures and their maintenance, as well as various activities in relation to important water transportation routes. Lighting on land or on structures within the coastal marine area can also have an impact on the safe navigation of vessels and needs to be carefully controlled.

Water transportation in and through Marlborough must be provided for in a manner compatible with other activities taking place in the coastal environment. This may involve the prioritising of some forms of water transportation in certain areas and limiting them from other areas.

[RPS, C]

Objective 13.14 – The use of the coastal marine area as part of Marlborough's overall transportation network continues to contribute to the social, economic and cultural wellbeing of Marlborough and New Zealand.

The use of the coastal marine area in Marlborough has developed over time for a wide range of transport related activities. The varying types of surface water activities, from small recreational boats operating at a non-commercial level through to large export vessels, have all contributed

significantly to the social and economic wellbeing of Marlborough. This objective seeks to ensure that this continues.

[C]

Policy 13.14.1 – Enable water transportation activities where ~~these do not have an~~ adverse effects on the coastal environment [are avoided remedied or mitigated](#).

Due to the nature of Marlborough's coastal marine area (the extensive sheltered waterways of the Marlborough Sounds) and its central location within New Zealand, a number of water transportation activities have been in operation here for some time. It is important that provision is made to enable the activities identified in Objective 13.14 to continue where there is [little minor](#) adverse impact on the coastal environment.

Comment [48]: Topic 11

[C]

Policy 13.14.2 – The strategic importance of areas of the Marlborough Sounds as a transportation route for inter-island shipping will be recognised as a 'National Transportation Route'.

The use of areas within the Marlborough Sounds for shipping provides a particularly important transport link between the North and South Islands. Tory Channel/[Kura Te Au](#) and inner Queen Charlotte Sound/[Tōtaranui](#) comprise a transportation route of national significance for shipping activity. It is therefore important to recognise the strategic importance of this route and the need for it to be sustainably managed. This route has been identified by the Council in the MEP as a 'National Transportation Route' and rules apply to ships operating along this route.

[RPS, C]

Policy 13.14.3 – Ensure the following existing ports, marinas and community/commercial jetties/landing areas continue to provide links between land transport modes and water transport to the Marlborough Sounds and beyond:

- (a) ports of Picton and Havelock;
- (b) port landing areas at Oyster Bay ([Te Whanganui](#)/Port Underwood) and Elaine Bay (Tennyson Inlet);
- (c) Picton, Havelock and Waikawa marinas; and
- (d) jetties and landing areas in Torea Bay and Onahau Bay (Queen Charlotte Sound [Tōtaranui](#)), Elmslie Bay (French Pass), Kapowai Bay (d'Urville Island) and Portage, Te Mahia and Waitaria Bay (Kenepuru Sound).

The linkages between the different modes of transport provided by the existing ports, marinas and community/commercial jetties and port landing areas contribute significantly to the social, economic and cultural wellbeing of Marlborough. In Picton, Waikawa and Havelock, infrastructure is well-established and provides important links between road and rail forms of transport and the various forms of water transportation. In Chapter 4 - Use of Natural and Physical Resources, this infrastructure has been identified as regionally significant. The jetties and port landing areas identified in b) and d) are recognised by the Council as necessary and strategic links in Marlborough's transport network and are also very important to local communities.

[RPS, C]

Objective 13.15 – The efficient and safe use of the coastal marine area for water transportation.

Activities within the coastal marine area, including surface water activities and the placement of structures, have the potential to affect the efficiency and safe use of the coastal marine area for water transportation. Safety is mainly covered by other legislation (the Local Government Act 2002, the Building Act 1991 and the Maritime Transport Act 1994). However, the RMA is also concerned with safety and navigation issues, through part of its purpose in Section 5 in "*enabling people to provide for... their health and safety.*" Therefore an objective seeking efficiency and safety outcomes for water transportation is appropriate, particularly as the use of water transport

has been identified as contributing significantly to social, economic and cultural wellbeing in Marlborough.

[RPS, C]

Policy 13.15.1 – Activities and/or structures along the National Transportation Route shall be sited and/or undertaken in such a way that adverse effects on the safety and efficiency of ships transiting this route are avoided.

The significance of the National Transportation Route for the economic and social wellbeing of Marlborough and for New Zealand has been recognised in Policy 13.14.2. It is important therefore that the safety and efficiency of ships using this part of the coastal marine area is not adversely affected. This will be a major consideration in the assessment of activities and structures proposed to be located or carried out at any point along the route.

[C]

Policy 13.15.2 – Avoid, remedy or mitigate adverse effects on water transportation by:

- (a) maintaining safe, clear navigation routes around headlands, unimpeded by structures;
- (b) avoiding activities (excluding water transportation) and/or locating structures within ~~significant commercial shipping~~ recognised navigational routes ~~(including shipping routes from the Port of Picton, Havelock Harbour and from Waikawa Marina)~~ where the activity or structure would have an adverse effect on water transportation;
- (c) avoiding emissions of light that could affect the safe navigation of ships;
- (d) ensuring the safety of navigation and use of or access to mooring sites including Mooring Management Areas, boat sheds and ramps, jetties, wharves, ports, marinas, water ski access lanes and areas that provide shelter from adverse weather are not affected by activities or structures in the coastal marine area; ~~and~~
- (e) ensuring that areas that provide for anchorages of refuge are not adversely affected by activities or structures within the coastal marine area; and
- (f) requiring structures to be maintained or marked in a way that protects the safety of water transportation activities.

Comment [49]: Topic 11

Comment [50]: Topic 11

These criteria provide a framework to assist decision makers in assessing the effects on water transportation arising through resource consent applications for activities or structures in the coastal marine area.

[C]

Policy 13.15.3 – Ensure that all lighting associated with any land based activity will be shielded or directed away from navigation channels to avoid the spill of light or glare that is a hazard to navigation within the coastal marine area (unless the purpose of the light is to mark a navigation channel).

To avoid hazards for water transportation activities, the impact of lighting associated with land based activities beyond its target area needs to be considered. The timing and frequency of the adverse effects of lighting will vary depending on the number of hours of poor light or darkness and the time of year. Light spill can be avoided by several means including shielding, directing and using lighting of appropriate wattage and focal characteristics.

Issue 13I – Ships capable of travelling at speed or generating significant waves in Queen Charlotte Sound/[Tōtaranui](#) and Tory Channel/[Kura Te Au](#) have the potential to conflict with a range of other coastal users and values and to generate adverse environmental effects.

Comment [51]: Topic 11

The Council recognises that shipping activity contributes to the social, economic and cultural wellbeing of people and communities by providing an important link between the North and South Islands and a means of transport for goods in the Marlborough Sounds. However, ships capable of generating significant waves in enclosed waters can potentially conflict with a range of other coastal users and values and generate adverse environmental effects.

The amount of energy contained in waves generated by ships adds substantially to the natural energy levels in the environment. These increased energy levels are responsible for generating adverse effects on the environment, including changes to shoreline morphology, sub-tidal and inter-tidal zone habitats, impacts on public safety, public access and enjoyment of the coastal environment and the amenity values of the area. The speed at which some ships travel also has implications for the safety of those using the coastal marine area. This became apparent to the Marlborough community (and nationally) in 1994, when fast ferries were first introduced onto the interisland route.

The Council monitors the effects of ship-generated waves and indications are that, since the introduction of fast ferry speed restrictions, there has been some improvement and recovery in the condition of the environment, particularly around the coastal margin of the Sounds. It is important that the potentially adverse effects of ship-generated waves from large and/or fast ships continue to be managed to avoid more significant effects in the future.

Shipping activity in areas such as Pelorus/[Te Hoiere](#) and Kenepuru Sounds is different to that of Queen Charlotte Sound/[Tōtaranui](#) and Tory Channel/[Kura Te Au](#). The majority of shipping within these areas is coastal or local in nature and includes transport of tourists, logs and livestock as well as fishing and marine farming fleets. These vessels are generally smaller than the interisland ferries. However, an increasing number of recreational and commercial vessels use Sounds waters and some of these vessels travel at speeds similar to fast ferries. At this stage there is little justification for the regulation of shipping activity in areas outside of Queen Charlotte Sound/[Tōtaranui](#) and Tory Channel/[Kura Te Au](#), but the potential for adverse effects from waves generated by these ships may need to be investigated and reassessed in the future.

[C]

Objective 13.16 – The environmental effects of ship-generated waves and ship speed are managed so that potential conflict with other coastal users and values is avoided.

Ships that can travel at high speed and/or generate significant waves have been shown to have adverse impacts within the enclosed waters of Queen Charlotte Sound/[Tōtaranui](#) and Tory Channel/[Kura Te Au](#). This objective seeks to avoid adverse impacts on cultural values, natural character, marine ecology, recreational use, navigational safety and amenity values whilst allowing the continued use of the Queen Charlotte Sound/[Tōtaranui](#) and Tory Channel/[Kura Te Au](#) for water transportation purposes.

[C]

Policy 13.16.1 – The effects of shipping activity in Queen Charlotte Sound/[Tōtaranui](#) and on the National Transportation Route will be:

- (a) based on ship-generated wave energy; and

- (b) managed in terms of the wave energy levels of those ships, based on the effects associated with the conventional ships operating prior to the introduction of the MV Aratere in 1999.

The Environment Court has determined that the amount of energy appropriate for the National Transportation Route is to be founded on the environmental effects associated with conventional ships operating prior to the introduction of the M.V. Aratere in 1999. The energy limits included in the MEP are therefore based on the need to ensure that damage or change at the shore is minimised, cultural values of Marlborough's tangata whenua iwi and the amenity values enjoyed by residents and visitors are provided for, and the natural character of the Sounds environment is protected.

[C]

Policy 13.16.2 – Recognise and provide continued access to and use of traditional coastal resources in Tory Channel/[Kura Te Au](#) and Queen Charlotte Sound/[Tōtaranui](#) for Marlborough's tangata whenua iwi and in particular, recognise the value of Tory Channel/[Kura Te Au](#) for Te Atiawa, in terms of the mauri, mana and manaakitanga that this area brings to iwi.

The tikanga Māori (customary values and practices) of Te Atiawa have been adversely affected by the operation of ships, particularly fast ferries, with a decline in kaimoana and associated mana. The need for Marlborough's tangata whenua iwi to practice kaitiakitanga and ensure that Queen Charlotte Sound/[Tōtaranui](#) and Tory Channel/[Kura Te Au](#) are available for future generations is very important.

[C]

Policy 13.16.3 – When considering applications for resource consent for ships expected to propagate waves with energy levels in excess of limits specified in the Marlborough Environment Plan, have particular regard to the potential for adverse effects on:

- (a) places and cultural values of importance to Marlborough's tangata whenua iwi;
- (b) the ability of people to effectively use any lawfully established structure for that structure's intended purpose and any adverse effects on the structure itself;
- (c) people's use and enjoyment of the foreshore and coastal marine area for recreational activities;
- (d) the life-supporting capacity of coastal ecosystems;
- (e) beaches and the shoreline;
- (f) amenity values enjoyed by residents; and
- (g) the natural character of the coastal environment of the Marlborough Sounds.

These criteria are to be used to assist decision makers in assessing the adverse effects arising from ships that may propagate waves exceeding the energy levels prescribed in the MEP.

[C]

Policy 13.16.4 – Undertake monitoring to assist in developing appropriate approaches to managing the effects of shipping activity in Queen Charlotte Sound/[Tōtaranui](#) and Tory Channel/[Kura Te Au](#).

The Council will monitor the effect of ship-generated waves as part of its responsibilities for state of the environment monitoring. A monitoring framework and programme have been established by the Council in collaboration with the Department of Conservation following the introduction of fast ferries in 1994. This framework will form the basis for ongoing monitoring and will be amended if appropriate in the future. The results of the monitoring may be used to assist in the review the overall framework for managing the effects of shipping activity or where there is a need to review the conditions of resource consents.

[C]

Policy 13.16.5 – An adaptive management approach will be used to deal with ship-generated wave issues. Regulation will be an important component of the management framework for dealing with the effects of ship generated waves.

The provision of accurate and up to date information on the environmental effects of waves generated by ships is the foundation of an adaptive management regime that continually assesses the overall framework established to manage the issue. Information must continue to be collected, analysed and assessed with regard to the effectiveness and efficiency of the regulatory framework. This process is fundamental to an adaptive management regime, which recognises the uncertainty of understanding the effects of change in the coastal environment.

[C]

Policy 13.16.6 – The Council will work with the community, Marlborough’s tangata whenua iwi and the shipping industry to continually assess the appropriateness of the overall framework for shipping activities in light of environmental and technological changes or the occurrence of unforeseen effects from shipping activity.

An adaptive management method responsive to new information and better understanding must be based on a collaborative approach. This is made possible through the monitoring and shared analyses of existing and future shipping activities, state of the environment monitoring and future technological advances in ship design. This policy is intended to be implemented in part through the establishment of an advisory group representative of the key stakeholders in the management of issues concerning ship-generated waves.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

13.M.1920 Area identification

MEP maps identify Tory Channel and part of Queen Charlotte Sound as a National Transportation Route. The route extends from Tory Channel (between East and West Head) into inner Queen Charlotte Sound (between West Head, Ruakaka Bay and a point southwest of Kaitapeha Bay) to the Port of Picton (excluding Grove Arm). Queen Charlotte Sound (excluding the National Transportation Route) has also been defined as part of an established shipping route.

[C]

13.M.2021 Regional rules

Regional rules apply to the use of ships operating in the National Transportation Route and in Queen Charlotte Sound, subject to controls on speed and ship-generated wave energy. Where any structure or activity is proposed to be located along the National Transportation Route, the effects of that use/activity on the safe and efficient operation of ships using the route will be considered. The rules do not restrict the use of surface water by ships or smaller boats elsewhere in the Marlborough Sounds or in Marlborough’s open coastal waters.

Prohibited activity rules will prevent the rafting of logs through the Coastal Marine Zone as a means of moving them from one location to another.

[C]

13.M.2422 Other legislation

As a harbour authority, the Council also has responsibilities for navigation and public safety within the harbour limits. The Council’s Harbourmaster carries out these functions under Local Government Act bylaws, delegations under the Maritime Transport Act and associated maritime

rules (or any successor to these). Bylaws also impose additional constraints on speed, e.g. the five knot harbour speed limit.

[C]

13.M.2223 Monitoring

The Council intends to continue and enhance as necessary current monitoring of the effects of shipping activity. The type and extent of monitoring will be reviewed as the types of ships and level of shipping activity change over time. The monitoring framework may include:

- near shore benthic and shoreline biological monitoring;
- shoreline monitoring of beach profiles;
- ongoing monitoring of land slip activity along the National Transportation Route; and
- periodic assessment of the community's views of the effects of ship-generated wave activity in the Sounds.

Ship-generated waves may also be measured and monitored from time to time.

Monitoring the effects of the impacts of waves generated by individual ships may also be a requirement imposed as conditions of resource consent.

In addition, the Council will support the initiatives of Marlborough's tangata whenua iwi to monitor cultural and ecological effects from the wake of ship-generated waves, for example the effects on access to wāahi tapu and other sites of significance, the passing of tikanga Māori to future generations and the effects on the gathering of kaimoana.

The results of monitoring may be used to assist in the review of the overall framework for managing the effects of shipping activity or where there is a need to review the conditions of resource consents.

[C]

13.M.2324 Advisory group for considering effects of shipping activities

An advisory group may be established by the Council to assist in determining an ongoing approach to managing the effects of shipping activities. Members will be appointed by the Council and will include representatives from community groups, the shipping industry, Marlborough's tangata whenua iwi and the Council.

Ports and marinas

Marlborough's existing ports and marinas are located within the sheltered waterways of the Marlborough Sounds and are important for the social and economic wellbeing of the District. Facilities at each port and marina span the water and land interface and contain reclaimed areas of the coastal marine area, some of which are significant.

Three substantial marinas have been established at Picton, Waikawa and Havelock. These provide important landing, storage and loading facilities for residents of the Sounds and important access points to the Sounds for many non-resident boat owners. The marinas provide for a variety of boat-related and commercial activities and support facilities. Marinas also contribute to the amenity and attraction of the Marlborough Sounds and the towns within which they are located.

The deep water port of Picton, which includes Shakespeare Bay, plays a critical national role in the transportation of people and goods between the North and South Islands. The passage of vehicles and people through the port is closely related to the economic activity of the town's commercial and accommodation activities. Picton is an export/import port that acts as a base for commercial fishing vessels, marine farming and fishing activities and provides facilities that

enable people to access the Marlborough Sounds. Recently it has also become a popular port of call for cruise ships.

Being located in an estuarine environment, the port and marina at Havelock limits the draft of vessels able to access the port/marina basin. Havelock has become the primary service port for Marlborough's marine farming industry and is the primary access point for tourism, forestry and other commercial activities in the area. It is also an access point for residents and other landowners in Pelorus Sound.

Two other locations within the Marlborough Sounds - Elaine Bay in Tennyson Inlet and Oyster Bay in Port Underwood - provide facilities for the commercial loading/unloading of marine farming and fishing produce, but on a limited scale. From these locations produce is transported elsewhere (in Marlborough and beyond) for processing.

In addition, a Port Zone has been included at Clifford Bay. This Zone is undeveloped but was applied in the former Wairau/Awatore Resource Management Plan for the construction and operation of a interisland ferry terminal in the vicinity of Marfells Beach. Central government announced in November 2014 that it was not proceeding with the development of the interisland ferry terminal at this location. The current landowner has indicated a desire to develop port facilities at the location but in the absence of details any proposals for development of port facilities will be assessed against all the provisions of the MEP.

Issue 13J – It is important that Marlborough's ~~existing~~ ports, port landing areas and marinas continue to contribute to community economic and social wellbeing.

The ~~existing~~ port infrastructure at Picton and Havelock (and latterly at Oyster Bay and Elaine Bay) has been built up over many years. Today these facilities are owned and operated by Port Marlborough New Zealand Limited, a company established in the late 1980s as a consequence of local body reform to succeed the Marlborough Harbour Board. Port Marlborough also owns and operates the marinas at Picton, Havelock and Waikawa.

The ports and marinas at Havelock, Waikawa and Picton (~~as they exist or as they have been approved at the time the MEP becomes operative~~) have been identified as regionally significant infrastructure in Chapter 4 - Use of Natural and Physical Resources. This reflects the function of the strategic integration of infrastructure with land use given to the Council in Section 30 of the RMA.

Comment [52]: Topic 11

Port infrastructure has been especially identified as being regionally significant due its contribution to Marlborough's social and economic wellbeing, health and safety. In particular, Picton has national significance. It is important therefore that this strategic infrastructure is able to operate efficiently, effectively and safely on an on-going basis for community wellbeing. In some cases, this may generate a need to manage activities occurring in the vicinity, but not connected with the operation of the port.

An important aspect of implementing a resource management framework for Marlborough's ports, marinas and port landing areas is to ensure that management occurs in an integrated way across the land/water interface. In this context it is also important that these facilities have clearly defined purposes to ensure efficient use is made of them.

[RPS, C]

Objective 13.17 – Enable the efficient operation of Marlborough's ports and marinas.

Given the contribution that the operation of ports and marinas make to Marlborough's economic and social wellbeing, it is important that these facilities operate efficiently. This objective helps give effect to Policy 9 of the NZCPS, which recognises that a sustainable national transport

system requires an efficient national network of safe ports to service national and international shipping with efficient connections with other transport modes. It also gives effect to Policy 6 of the NZCPS relating to activities in the coastal environment and the coastal marine area. The objective helps to achieve Section 7(b) of the RMA, where the Council is required to have regard to the efficient use and development of natural and physical resources. The objective also supports other policy within Chapter 4 of the MEP, which recognises that the ports and marinas of Picton, Havelock and Waikawa are regionally significant infrastructure.

[C]

Policy 13.17.1 – Specific areas are identified for activities related to the operation of ports, port landing areas and marinas through a Port Zone, Port Landing Area Zone and Marina Zone, respectively.

The use of zones enables activities to occur in specific and established areas of both the coastal marine area and land regarded as appropriate for the operation of ports/port landing areas/marinas. The zoned areas are based in part on facilities that have existed for some time with largely known effects. Some additional areas have been zoned in recognition of a need for expanded facilities; for example, the port in Shakespeare Bay (which is part of the Port of Picton). ~~Additionally, an area alongside the existing marina in Waikawa Bay remains undeveloped at notification of the MEP (9 June 2016), but has been zoned to provide opportunities in the future for additional berthage capacity.~~

Comment [53]: Topic 11

The varying nature of ports in Marlborough is reflected in the differences in zoning approach and subsequent rules. For example, marina facilities in Havelock are co-located with port facilities, while smaller port landing areas have different rules than those for Picton or Havelock. This policy also helps to achieve the NZCPS, especially Policy 4, regarding the integrated management of natural and physical resources in the coastal environment.

[RPS, D]

Policy 13.17.2 – Promote the efficient use of land available within ports and marinas.

It is important that land associated with Marlborough's ports and marinas is used to support these purposes, as physical constraints and environmental considerations in these areas may impact on further expansion. This helps give effect to Policy 10 of the NZCPS. While other activities may have similar effects to those connected with port or marina purposes, they could interfere with the efficient management of port or marina facilities and could potentially be inconsistent with the NZCPS. For ports, the policy gives effect to Policy 9 of the NZCPS.

[R, C, D]

Policy 13.17.3 – Recognise and provide for the following operational requirements of Port Zones in Picton and Havelock:

- (a) shipping activities;
- (b) loading and unloading of ships, cargo handling, storage of cargo and some processing of cargo;
- (c) transportation activities and passenger terminals;
- (d) port engineering, ship building, repair and maintenance;
- ~~(e) port activities;~~
- ~~(ef) marine fuel facilities;~~
- ~~(fg) building and structures (including on wharves), wharves, reclamation, mooring structures and slipways;~~
- ~~(gh) maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage and manoeuvring of commercial vessels;~~
- ~~(hi) maintenance, repair, removal and replacement of buildings and structures;~~
- ~~(i) quarantine and border control activities;~~

Comment [54]: Topic 11

- (j)** placement and maintenance of navigation aids;
- (k)** port administration including security, servicing and maintenance activities; and
- (m)** signage.

This policy identifies the operational requirements for the ports in Picton and Havelock and emphasises the purpose of a port. A wide range of activities in the Port Zones will be permitted by district and regional rules, subject to meeting standards. However, for some activities within the coastal marine area, including those that require reclamation, the erection of structures and in some instances the disturbance of the seabed, consent will be required. Some land based activities will also require consent, including certain forms of cargo processing, particularly where this has the ability to create adverse environmental effects and/or where there are servicing requirements.

[R, C, D]

Policy 13.17.4 – Recognise and provide for the following operational requirements of Marina Zones in Picton, Havelock and Waikawa:

- (a)** shipping activities;
- (b)** loading and unloading of people and goods;
- (c)** transportation activities;
- (d)** marine fuel facilities;
- (e)** commercial activities related to the operation of a marina;
- (f)** ship repair and maintenance;
- (g)** building and structures (including on jetties), jetties, reclamation, mooring structures (excluding swing moorings) and slipways;
- (h)** maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage and manoeuvring of **commercial vessels**;
- (i)** maintenance, repair and replacement of marina infrastructure;
- (j)** placement and maintenance of navigation aids;
- (k)** marina administration including security, servicing and maintenance activities; and
- (l)** signage; ~~and~~.
- (m) clubrooms for use by marine recreation groups.**

Comment [55]: Topic 11

Comment [56]: Topic 11

This policy identifies the purpose of a marina and describes the operational requirements for these facilities in Picton, Havelock and Waikawa. As a result of their placement in the urban environment, marinas serve additional purposes to simple boat mooring and there is often demand for a variety of activities to be located in close proximity to a marina. These activities may include boat brokering, charter boat hire, chandlery, sail making, parking, boat building, boat maintenance, club facilities and restaurants. For this reason, district and regional rules will permit a wide range of activities in the Marina Zone. The types of activities permitted are consistent with high levels of public access, which is common in marinas. However, for some activities within the coastal marine area, including those that require reclamation, the erection of structures and (in some instances) disturbance of the seabed, consent will be required.

[R, C, D]

Policy 13.17.5 – Recognise and provide for the following operational requirements of Port Landing Area Zones at Elaine Bay and Oyster Bay:

- (a)** shipping activities;

- (b) cargo handling, storage of cargo and loading and unloading of ships;
- (c) building and structures, wharves, mooring structures (excluding swing moorings) and launching ramps;
- (d) marine fuel facilities;
- (e) maintenance, repair, removal and replacement of buildings and structures;
- (f) placement and maintenance of navigation aids; **and**
- (g) signage;-
- (h) ship repair and maintenance; and
- (i) transportation activities.

Comment [57]: Topic 11

The policy identifies the operational requirements for port landing areas at Elaine Bay and Oyster Bay. It emphasises the purpose of these port landing areas and, because they are located in areas where there is little other development, the activities provided for are much more constrained than activities in the Port Zone. Some activities in the Port Landing Area Zone will be permitted by district and regional rules. However, for some activities within the coastal marine area, especially those that require reclamation, the erection of structures or disturbance of the seabed, consent will be required.

[R, C, D]

Policy 13.17.6 – Activities not recognised as having an operational requirement (as identified in Policies 13.17.3 to 13.17.5) that are to be located in the Port, Port Landing Area or Marina Zones must be assessed through a resource consent to ensure that the efficiency and safety of the port/port landing area/marina is not compromised.

In relation to the coastal environment, NZCPS Policy 6(e) states the need to ‘consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area.’ In the case of ports, this is further reinforced by Policy 9 of the NZCPS where it is stated that a national transport system requires an efficient network of ports. It is important therefore that activities located within the zoned boundaries do have an operational requirement to be located there. This is particularly important in the case of the ports and marinas in Picton, Havelock and Waikawa, which have been identified as regionally significant infrastructure. To effectively ensure the integrity of zones, the policy directs that those activities not directly related to the operational requirements specified in the previous policies (13.17.3 to 13.17.5) are to be assessed through the consent process.

[C]

Policy 13.17.7 – Where a new consent is sought for a swing mooring specifically identified in Standard 15.5.4.1, decision makers must have regard to:

- (a) the proposed location of the swing mooring within that part of the Marina Zone in Waikawa Bay identified in Appendix 10 and the availability of space within that area;
- (b) the type and specification of the swing mooring, including the swing arc;
- (c) whether space is available within existing Moorings Management Areas in Waikawa Bay that could accommodate the swing moorings in Standard 15.5.4.1;
- (d) whether a new consent would unduly hinder the development of a marina in that part of the Marina Zone in Waikawa Bay identified in Appendix 10; and
- (e) the need for conditions to limit the duration of a consent to enable marina development to proceed.

At the time of notification of the MEP (9 June 2016), an area alongside the existing marina in Waikawa Bay remains undeveloped but has been zoned to provide opportunities for additional berthage capacity. (This area is identified in Appendix 10 of Volume 3 of the MEP.) However,

expansion of the existing Waikawa Marina into this zoned area is potentially constrained by the existence of a number of swing moorings at the same location. The swing moorings are identified in Standard 15.5.4.1. Policy has been included to allow these swing moorings to remain within the Marina Zone, but where a new consent is sought for these moorings regard is to be had to a) whether the development of a marina in this area would be hindered and b) whether consents may need to be limited in duration to enable a marina to be constructed.

[C]

Policy 13.17.8 – Use, development and occupation within the coastal marine area adjacent to but not directly connected with operation of the ports, port landing areas and marinas should not adversely affect day-to-day operations of those ports, port landing areas or marinas.

In the coastal marine area part of the Port, Port Landing Area and Marina Zones, there is the potential for individuals or organisations other than the port/marina operator to want to carry out certain use or development. Currently, Port Marlborough New Zealand Limited has occupation rights through Section 384A of the RMA for certain areas of the coastal marine area associated with its operations. It is important that for uses or developments not related to the operational requirements set out in Policies 13.17.3 to 13.17.5 consent is required, allowing the Council to consider the effects of the proposed use on the operation of the port, port landing area or marina.

[R, C, D]

Policy 13.17.9 – Where an activity not related to operational requirements is proposed in the Havelock Port Zone, then decision makers must take into account the following matters:

- (a) the extent to which the activity impacts on the matters in Policy 13.17.6; and
- (b) the availability of suitable land elsewhere in Havelock.

This policy recognises the potential difficulties in finding land available in Havelock for industrial or commercial purposes. In determining whether it is appropriate for an activity not related to the operational requirements provided for within the Havelock Port Zone to be allowed, the consideration of whether there is available land elsewhere in Havelock is relevant. Equally important however, is the extent to which the proposed activity would impact on the matters identified in Policy 13.17.6 (the efficient and safe operation of the port) and Policy 10 of the NZCPS.

[C, D]

Policy 13.17.10 – Restrictions on public access to and within port areas may be appropriate to maintain public health, safety and security.

The operational area of a port is often popular for a range of recreational activities such as fishing, walking and viewing port activities. However, these activities are not always compatible with a working port. Health and safety hazards, international security legislation and local security needs may require restricted access, particularly for an export port such as Picton. As reclamation and port developments have the effect of limiting public access to public resources (i.e. the coastal marine area), limitations on public access should only be exercised where necessary.

[C, D]

Policy 13.17.11 – Restricting public access to, within and through marinas should be avoided unless public health, safety or security is an issue.

Marinas are often popular with people for walking and viewing day to day activities. In some circumstances, such as at Picton and Waikawa marinas, they also provide access to the foreshore beyond the marina. Provision for public access has in the past been a requirement of consent to establish or extend marinas. For this reason it is important that restrictions on public access to these areas are avoided, unless real and apparent concerns for public health and safety or for the security of boats exist.

Issue 13K – There is potential for adverse effects to arise from the operation and maintenance of existing ports at Picton and Havelock, port landing areas at Elaine Bay and Oyster Bay and existing marinas at Picton, Waikawa and Havelock.

Ports and marinas spanning the land/water interface are one of the most concentrated forms of development within the coastal environment. The nature of activities occurring within ports, port landing areas and marinas means there is the potential for adverse effects to occur. Unless appropriate management mechanisms are in place, these potential adverse effects can be significant. Noise and traffic movement may be of concern to nearby residents when boats/trucks enter and leave facilities at all hours of the day and night. Lighting may also be of concern as ports and marinas are commonly lit at night for security reasons. Other activities may involve discharges to air or water and depending on the exact nature of these activities, they may also be an issue for nearby residents or the wider environment. While Marlborough currently experiences very little conflict between residential areas and ports (compared to most of New Zealand's larger port cities), any adverse amenity effects need to be minimised as much as possible.

Permitted activity standards are the appropriate mechanism by which the effects of activities within ports and marinas can be managed. Occasionally infrastructure within the ports or marinas may need to be replaced, expanded or altered to meet changing commercial demands or needs. Any expansion or significant alteration to facilities has the potential to cause significant environmental effects and these must be carefully assessed, particularly within the coastal marine area.

[R, C, D]

Objective 13.18 – Operation and maintenance of the Port, Port Landing Area and Marina Zones occurs in a way that minimises adverse effects on adjoining zones, water quality, air quality and values of the coastal environment.

By its very nature the operation of a port, port landing area or marina creates the potential for adverse effects to occur on the surrounding land and coastal marine area. This objective seeks to ensure that the operation and maintenance of ports, port landing areas and marinas in their respective zones occurs in a way that protects the values and uses of the sensitive coastal environment within which these facilities function.

[R, C, D]

Policy 13.18.1 – Ensure the intensity, character and scale of development and operation of Port, Port Landing Area and Marina Zones is appropriate in relation to the values of the coastal environment in these locations.

Functionally, ports and marinas must be located in the coastal marine area and therefore constitute an appropriate activity in the context of Policy 6(2)(c) of the NZCPS. In Marlborough, the places identified as being appropriate for these activities are zoned in the MEP. However, the coastal environment in which these zones are located is sensitive to change, even where there has been modification of that environment. This policy therefore seeks to ensure that the intensity, character and scale of development and operation of each of the Port, Port Landing and Marina Zones recognises the particular values of the coastal environment at each of the identified areas. For example, the relatively unmodified coastal environment at Elaine Bay and Oyster Bay means that the range of activities provided for is more limited than those permitted at the ports of Picton and Havelock. However, it is still important to ensure that the development and ongoing operation in Havelock and Picton ports is sensitive to the values of the coastal environment and most importantly to the connection and relationship these areas have with their respective towns.

[R, C, D]

Policy 13.18.2 – Ensure that activities occurring within Port, Port Landing Area and Marina Zones ~~do not adversely affect~~ reduce or mitigate any adverse effects on water, air or soil quality within or beyond the zone boundary, by:

Comment [58]: Topic 11

- (a) the setting of standards for permitted activities;
- (b) prohibiting the discharge of effluent from boats berthed within ports, port landing areas or marinas;
- (c) requiring the provision of facilities for:
 - (i) the collection and disposal of rubbish, sewage effluent and other wastes from boats;
 - (ii) boat maintenance activities (including sanding and blasting effects); and
 - (iii) the avoidance of contamination of water by the application and removal of anti-fouling paints.

This policy seeks to ensure that port and marina operations do not have an adverse effect on water, air or soil resources within and beyond zone boundaries. In some cases, adverse effects will be mitigated through the setting of standards for permitted activities for discharges. In other cases, consent will be required to allow a discharge to occur and this will need to be considered with regard to the resource quality policies contained in Chapter 15 - Resource Quality (Water, Air, Soil).

[C, D]

Policy 13.18.3 – Ensure the potential for reverse sensitivity effects arising from any noise-sensitive activities located in zones adjoining Port, Port Landing Area and Marina Zones is minimised by:

- (a) avoiding encroachment of residential activities towards and around ports/port landing areas; and
- (b) avoiding residential activities with the exception of living accommodation for Port and Marina staff within the port and marina zones.

One of the most significant amenity effects arising from the operation of ports, port landing areas and marinas is the generation of noise. Ports, especially in Picton and Havelock and marinas in Picton, Waikawa and Havelock operate in close proximity to residential areas and subsequently there is potential for noise to be an issue for nearby residents. To enable the ports, port landing areas and marinas to operate efficiently while also protecting amenity values for nearby residents, it will be necessary to avoid residential activities encroaching on these zones. Standards will therefore be imposed for residential activities through the use of noise contours, which reflect the present level of effect experienced by adjacent properties.

[R, C, D]

Policy 13.18.4 – The environmental effects from activities within Port, Port Landing Area and Marina Zones are avoided, remedied or mitigated through the setting of standards so that:

- (a) vehicle parking, access and loading do not adversely affect the operation of the port/marina, road system or safe pedestrian movement;
- (b) signage enables public identification of port and marina operations but does not dominate the landscape;
- (c) structures and buildings in the various Port and Marina Zones do not dominate the landscape, particularly when having regard to visual effects as viewed from the adjoining zones in Picton and Havelock;
- (d) the location or height of buildings does not shade sites in adjacent zones;

- (e) noise levels allow the zones to function effectively, but also minimise noise nuisance for surrounding residents; and
- (f) light spill does not occur in adjoining Urban Residential, Open Space and Business Zones.
- (g) appropriate landscaping of new roads, reserves and esplanade areas is created by subdivision.

Comment [59]: Topic 10

This policy seeks to manage the effects of port operations through the setting of standards for permitted activities. This will enable a wide range of activities to occur within Port Zones and Marina Zones in a manner that avoids, remedies or mitigates adverse effects of port and/or marina operations on the immediate and wider environment, including on adjoining zones.

[C]

Policy 13.18.5 – Dredging for the maintenance of berths and identified navigation channels shall be recognised as an appropriate activity in Port and Marina Zones subject to standards to mitigate adverse effects, including those on navigational safety, water quality and aspects of the dredging operation, such as limits on the volume able to be dredged.

Although an enabling approach has been taken to dredging in and around port and marinas, limitations will be placed on the amount of material able to be dredged to ensure that navigational safety is maintained and impacts on water quality are no more than minor.

[C]

Policy 13.18.6 – Where dredging is proposed in Port and Marina Zones but exceeds specified volume limits or is associated with the construction of a new berth, the following matters will be considered:

- (a) the need for dredging, including the volume;
- (b) the length of time over which the dredging activity will occur;
- (c) how adverse effects of sediment disturbance and the release of contaminants into the surrounding environment will be mitigated; and
- (d) where the dredged material is to be disposed of or deposited. (Policies under Objectives 13.12a and 13.12b will also need to be considered if disposal/deposition is to occur within the coastal marine area.)

Where the volume of material to be dredged exceeds that enabled through rules or where it is necessary in conjunction with the construction of a new berth, a resource consent will be required and the matters identified in this policy are to be considered through the decision making process. Additionally, the location of where the dredged spoil is to be disposed of must be identified in the application as resource consent requirements will exist. If disposal is to occur within the coastal marine area, policies under Objectives 13.12a and 13.12b also need to be considered.

[C]

Policy 13.18.7 – Where a resource consent is required to extend or alter port or marina infrastructure and this is to occur within that part of the Port or Marina Zone located in the coastal marine area, the following matters shall be considered:

- (a) the intended use of the extended or altered infrastructure (having regard to Policies 13.17.3 and 13.17.4) and the benefits likely to arise from this use;
- (b) the design of structures/reclamation, including size and construction materials;
- (c) where reclamation is involved (Policies 13.11.2, 13.11.4, 13.11.6 – 13.11.9);
- (d) whether there will be a loss of public access or use of the area and/or public access to and along the coastal marine area will be impeded;
- (e) the effects of glare, lighting and noise;

- (f) the effects on natural coastal processes;
- (g) the effects during construction on:
 - (i) other users of the area, navigation and public safety; and
 - (ii) water and air quality.

Operations at ports are constantly changing along with the nature of shipping activity and the needs of cargo and passengers. Flexibility is therefore required in the way a port or marina operates in response to changing customer needs. In the coastal marine area part of the Port Zone and Marina Zone, it will be important to consider the impacts of any expansion or alteration through the resource consent process, including the impacts on other users during construction. Other users may include people living adjacent to the proposed site, recreational users and those with cultural interests in the area. The matters for consideration in this policy and for which it may be appropriate to impose conditions on consent to remedy or mitigate effects, are limited in extent in recognition of the generally highly modified character of the existing port and marina facilities in Havelock, Waikawa and Picton. The policy also includes reference to a number of identified policies from Issue 13G.

[C, D]

Policy 13.18.8 – Promote visual and physical connections between Port and Marina Zones and their respective town centres, neighbouring urban areas and foreshore areas through landscape design and enhancement measures compatible with the visual character of the surrounding urban and coastal environment.

The ports at Picton and Havelock have a close association with their respective town centres and this relationship needs to be carefully managed. The connections considered important are physical and visual, in terms of providing good linkages between the towns and the ports as well as making the ports an attractive place to visit or view. In Havelock this is important because the port functions as a recreational boating marina as well as an operational port. This combination of uses brings many visitors to the Havelock Port. In Picton the linkages between the ferry terminal, foreshore and town centre are also particularly important, given the significant number of tourists who travel through the ferry terminal every year. For those marinas that have close associations with their respective urban and coastal surroundings, connections are also visually and physically important. The linkages between ports and marinas and their respective surroundings also help to enhance public access to the coastal marine area, as required by Section 6(d) of the RMA.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C, D]

13.M.2425 Zoning

Zones are established to provide for the operation of ports adjacent to the towns of Picton and Havelock as well as those smaller facilities located in more remote areas of Marlborough. The use of two zones reflects the different scale and type of activity/use that occurs at each facility. A Port Zone is applied to land and water areas in Picton (including Shakespeare Bay) and at Havelock, while a Port Landing Area Zone is applied to land and water areas in Elaine Bay (Tennyson Inlet) and Oyster Bay (Port Underwood).

A Marina Zone is applied to land and water areas in Picton and Waikawa, while a Marina Zone has been applied to part of the land area at Havelock consistent with the activities in that particular area.

[R, C, D]

13.M.2526 Regional and district rules

Rules provide for a range of activities within the identified zones. In many cases activities are provided for as permitted subject to standards. This reflects the operational requirements of the particular zone. The standards include bulk and location standards, standards to avoid amenity conflicts with adjoining zones and in some cases, most notably in Shakespeare Bay, a setback from boundaries to protect visual and biodiversity values. Most activities within the coastal marine area will require a resource consent, as will activities that are not related to the operational requirements of the zone.

[D]

13.M.2627 Liaison

The Council will liaise with port and marina operators [and Marlborough's tangata whenua iwi](#) in enhancing the landscape quality and integration of foreshore areas and town centres.

Comment [60]: Topic 11

[C, D]

13.M.2728 Guidelines for urban design

The Council is developing guidelines for urban design (including for the colour of buildings) which will be applicable in the port and marina areas.

Lake Grassmere Salt Works

Lake Grassmere is located in southern Marlborough, approximately six kilometres south of the Awatere River and immediately north of Cape Campbell. The lake has been extensively modified for the production of solar salt. Construction of the salt works at Lake Grassmere began in 1943 in response to shortages of rubber available during World War 2. (Salt was needed to make caustic soda, which was required in the process of recycling old rubber.) The first harvest of salt occurred in 1949.

Lake Grassmere was considered an ideal site for making salt for a number of reasons. Low rainfall, high sunshine hours and strong drying winds during the summer months (generally from the north-westerly direction) provided ideal environmental conditions. The lake's location was also important, situated in a large area of flat terrain with impervious soils, close to the coast and providing unimpeded access to sea water and ready access to transport facilities. Today, approximately 50 percent of New Zealand's annual salt consumption and specialist high grade salt is produced and exported from Lake Grassmere.

Sea water is pumped into the lake through an intake structure and a series of concentrating ponds where its concentration increases. Salt is finally deposited on the bottom of the crystallising ponds in summer and harvesting usually begins by early March. Between 60 and 70 thousand tonnes of salt are harvested each year. A variety of storage and processing facilities on the edge of the lake have been established in connection with the harvest of solar produced salt from the crystallising ponds. From the stockpiled mounds, salt is processed into a cleaned, bagged product or refined and processed to specific end products.

Issue 13L – The production of solar salt at Lake Grassmere is important to Marlborough but there is potential for adverse effects on the environment to arise through production and harvesting processes.

It is important to recognise that although there are economic benefits to Marlborough and New Zealand from the salt works, its operations need to be carefully managed to ensure adverse effects do not arise.

The production of solar salt at Lake Grassmere contributes to the Marlborough economy through the provision of employment at the salt works and during harvest when contract equipment is needed, (for example, trucks to transport salt). The salt works operation also contributes to the national economy through the export of high grade specialist salt (refined at Mt Maunganui from salt harvested at Lake Grassmere).

While the salt works operations have continued for over 60 years, there is the potential that the salt production process will have adverse effects on the surrounding environment. Despite the modifications made to the lake in the development of salt works activities, the lake and its environs still hold a number of important values:

- Lake Grassmere is highly valued for its bird life. It has national importance as a stopover for domestic and overseas migrating birds, including species such as the rarely-seen New Zealand dotterel;
- areas of remnant estuarine habitat, including saltmarsh; and
- the area around the southern and south-eastern side of the lake has considerable historical significance for some of Marlborough's tangata whenua iwi.

It is important that these values continue to be unaffected by salt works activities.

Lake Grassmere was chosen for the solar production of salt partly because of the hot, drying winds in summer that aid in the crystallisation process. However, these same winds can also carry dust, which may be salt laden. If salt-laden dust falls on properties surrounding the lake, farmland could potentially be contaminated. Salt-laden foam generated by waves on the lake can also potentially be a problem for adjoining properties if winds are strong enough to carry foam. Salt-laden water can also be pushed by strong winds up Cattle Creek, which runs through a diversion channel around the south end of the crystallising ponds before exiting into Lake Grassmere under the rail bridge. This could affect the ability of Cattle Creek to be used for stock drinking water.

The Lake Grassmere area has low annual rainfall ideal for salt production, but management of freshwater becomes important during storm events or periods of prolonged rain. Rainwater lying on top of the crystallising ponds is decanted off as it can dissolve the salt crust as it forms. The decanted seawater is salt-laden and is used to help control dust in the areas surrounding the crystallising ponds or can be recycled through the concentration ponds.

[RPS, R, C, D]

Objective 13.19 – Enable the production of solar salt at Lake Grassmere in a sustainable manner.

The production of solar salt at Lake Grassmere is unique in New Zealand and some of the methods used are unique in the world. It is therefore important that provision is made in the MEP to enable the activity to continue. As the salt works operation stands, it is lawfully established, having existing use rights under the RMA for a good part of its operations. Notwithstanding these rights, it is important that activity continues in a sustainable manner.

[RPS, R, C, D]

Policy 13.19.1 – Recognise the national and District significance of the salt works operation.

The Council recognises the importance of the salt works operation at Lake Grassmere in terms of its national and District significance. The Council has therefore identified the area used by the salt works operation with a specific zone that reflects the activities that occur there. The zone extends to provision within the coastal marine area to accommodate the intake of seawater.

[R, C, D]

Policy 13.19.2 – Enable the continuation of the salt works operation, provided that appropriate measures are in place to avoid the potential for cross-boundary effects and that any other adverse effects on the environment are avoided, remedied or mitigated.

The solar production of salt has the potential to cause environmental effects, particularly for the surrounding rural land. These effects include dust, noise, soil contamination and wind-borne salt foam. However, because the salt works operation is already established, a degree of permissiveness has been provided by the rules for established activities with minor adverse effects. Resource consents are required for other activities where there may need to be a higher level of scrutiny to ensure adverse effects can be avoided, remedied or mitigated.

[R, C, D]

Policy 13.19.3 – Encourage the establishment of a landcare group comprising residents, iwi, Department of Conservation and the salt works company to manage the boundary area of the Lake Grassmere Salt Works Zone.

The Council considers that the establishment of a landcare group or similar would be of benefit to those with interests in the area, particularly in terms of the continued management of the effects of the salt works operation at the boundary of the zone.

[C, D]

Policy 13.19.4 – Activities in the coastal marine area will be required to meet standards that will maintain the quality of coastal water at Class NS within a one kilometre radius of the coastal water intake existing at 30 May 2002.

It is important to recognise that the salt works operation relies on the ability to pump high quality sea water into the lake to begin the salt production process. This policy, although not applicable within the Lake Grassmere Salt Works Zone itself, sets a standard for water quality that activities occurring outside the Zone need to ensure is maintained.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C, D]

13.M.2829 Zoning

The Lake Grassmere Salt Works Zone is identified on MEP planning maps and includes the lake itself, an administration and processing area and a Pipeline Extension Corridor in the coastal marine area.

[D]

13.M.2930 District rules

District rules permit the solar production of salt and associated by-products and the full range of processes required, subject to standards and conditions. Conditions are included to protect surrounding rural land uses from excessive noise, soil contamination, dust and wind borne salt foam.

[R, C]

13.M.3031 Regional rules

Regional rules permit a range of discharges required as part of the production process, subject to standards and conditions. Conditions are included for discharges to air, to the coastal marine area for diluted brine, and for excavation of a temporary stormwater outlet.

Rules require resource consents for certain discharges to air, excavation of land and activities in the coastal marine area. Resource consents are also required for activities associated with management of salt water intrusion into Cattle Creek and to manage stormwater entering Lake Grassmere.

[D]

13.M.3432 Landcare group

The Council will encourage the establishment of a landcare group with membership from residents, iwi, the Department of Conservation and the salt works company.

Allocation of Space within the Coastal Marine Area

Issue 5J13M – People want to be able to use and develop the coastal marine area for private benefit.

The Council's role in managing the resources of the coastal marine area follows from the way in which people's use of the coastal marine area is restricted under the RMA. The RMA prohibits the use or occupation of the coastal marine area unless allowed to by resource consent or rules within a regional coastal plan. (The same situation does not apply to land uses above the mean high water springs mark, where people are allowed to use land unless a district plan rule states they cannot.)

The community has different expectations about the extent of rights able to be enjoyed in using public resources. For some, there is a belief that there is a right to be able to have a jetty and a boatshed fronting a family property in the Marlborough Sounds and multiple moorings for boats. Others believe that there are no such rights. Many such structures have limited benefit for the wider public, yet occupy public space. Conversely, some structures, such as public jetties and launching ramps, do provide enhanced public use of and access to the coast and consequently are of general public benefit.

The occupation of coastal marine area may effectively prevent other activities from occurring. The extent to which the public are excluded from parts of the coastal marine area varies according to the nature of an authorised activity, whether by resource consent or by a rule in a regional coastal plan. At times there can also be conflict and competition for water space, where uses and activities are not necessarily compatible in the same area.

Regardless of the type of activity or use proposed in the coastal marine area, in addition to consideration of other effects it is important that the impact on the public interest is considered, as the coastal marine area is a public resource.

[RPS_C]

Objective 5.4013.M – Equitable and sustainable allocation of public space within Marlborough's coastal marine area.

The control of the occupation of space in the coastal marine area is a specific function of the Council. The Council allocates or allows the right to use public resources for private benefit. This is within the Council's role of promoting the sustainable management of the natural and physical resources of the coastal marine area. The objective is therefore to ensure that the process of allocation of space within the coastal marine area is undertaken in a fair and impartial manner. The policies that follow outline how equitable allocation will be achieved. The objective is also intended to ensure that these resources and their associated qualities remain available for the use, enjoyment and benefit of future generations in a way that minimises adverse effects on the environment, manages conflicts between users and ensures efficient and beneficial use.

In managing the allocation of space within the coastal marine area the Council must recognise and provide for the cultural and spiritual values of the coastal marine area to Marlborough's

Comment [61]: Topic 11

tangata whenua iwi. In particular, the importance of Te Moana for tikanga and the exercise of kaitiakitanga, and as a source of kaimoana. The provisions of Chapter 3 – Marlborough’s tangata whenua iwi must be applied when considering allocation within the coastal marine area.

[RPS, C]

Policy 5-40-413.19.4 – Recognition that there are no inherent rights to be able to use, develop or occupy the coastal marine area.

Both the RMA and the New Zealand Coastal Policy Statement 2010 (NZCPS) anticipate that appropriate ‘use’ can be made of the coastal marine area and that this may involve occupation of coastal space for private benefit. Additionally, the Marine and Coastal Area (Takutai Moana) Act 2011 enables public access and recreation in, on, over and across the public foreshore and seabed, as well as general rights of navigation. However, it is important to recognise that the rights to be able to use coastal marine area are not guaranteed in terms of Section 12 of the RMA; rather, use must be enabled by way of a rule in a plan or by resource consent.

[RPS, C]

Policy 5-40-213.19.5 – The ‘first in, first served’ method is the default mechanism to be used in the allocation of resources in the coastal marine area. Where competing demand for coastal space becomes apparent, the Marlborough District Council may consider the option of introducing an alternative regime.

The default process for processing resource consent applications under the RMA is ‘first in, first served.’ The Council processes resource consent applications in the order they are received, provided they are accompanied by an adequate assessment of environmental effects. Using this approach the Council has to date effectively managed the demand for space in the coastal marine area. However, if competing demand for space becomes an issue, the Council may consider the introduction of other allocation methods. There may also be certain circumstances under which a specific allocation mechanism is introduced to address a specific issue. If an alternative allocation method is introduced this would result in changes to the plan that would be subject to the plan change process under the RMA.

[RPS, C]

Policy 5-40-313.19.6 – Where a right to occupy the coastal marine area is sought, the area of exclusive occupation should be minimised to that reasonably necessary to undertake the activity, having regard to the public interest.

Exclusive occupation restricts access to the resource consent holder, who has the right to occupy and therefore alienate public space from public use. However, not all activities require exclusive occupation, meaning that other users may carry out activities in the same space where there is no occupation needed, e.g. recreational boating. Given the public’s expectation of being able to use the coastal marine area, the Council considers that exclusive occupation should only be allowed where it is considered reasonably necessary to undertake the activity.

[C]

Policy 5-40-413.19.7 – Coastal occupancy charges will be imposed on the consent holders of coastal permits and the occupiers of permitted activity moorings in a Moorings Management Area where there is greater private than public benefit arising from occupation of the coastal marine area.

The RMA enables the Council to apply a coastal occupancy charge to persons who occupy space within the coastal marine area, after having regard to the extent to which public benefits from the coastal marine area are lost or gained and the extent to which private benefit is obtained from the occupation of the coastal marine area. The Council has considered the private and public benefits associated with coastal occupations and the occupiers of permitted activity moorings in a Mooring Management Area and has determined that where the private benefit is greater than the public benefit, charging for occupation of coastal space is justified. The assessment of benefits (private/public) is directed to those arising or lost as a consequence of the structure occupying coastal space, not the associated activity that may be facilitated by the structure being present.

Comment [62]: Topic 11

Comment [63]: Topic 11

[C]

Policy 5-10-513.19.8 – The Marlborough District Council will exempt the following from any requirement to pay coastal occupancy charges:

- (a) public wharves, jetties, boat ramps and facilities owned by the Marlborough District Council and the Department of Conservation;
- (b) monitoring equipment;
- (c) activities listed as permitted, except for moorings in a Mooring Management Area;
- (d) retaining walls;
- (e) port related commercial undertakings authorised via resource consents under Section 384A of the Resource Management Act 1991 until such time as those resource consents expire;
- (f) coastal protection structures and stormwater outfalls for the purpose of enabling the provision and operation of regionally significant infrastructure; and
- (g) protected customary rights groups or customary marine title groups exercising a right under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.

Comment [64]: Topic 11

These exemptions exist because the facilities owned by the Council, the Department of Conservation and other providers of regionally significant infrastructure provide a significant level of public benefit as they are used by and available to many people. Retaining walls generally do not occupy significant areas of the coastal marine area to the exclusion of other users, while monitoring equipment is generally very small and often temporary. There are few permitted activities that involve occupation and those that are permitted tend to have a more significant element of public benefit, e.g. navigation aids or public and safety information signs. Although moorings in a Mooring Management Area identified through rules are provided for as a permitted activity in the Coastal Marine Zone (where a relevant bylaw is in place), these moorings are for private benefit and therefore will attract a coastal occupation charge.

Certain occupation rights are granted to port companies under Section 384A of the RMA. These occupation rights originate from the purchase of the assets comprised in the port-related commercial undertakings by the Port Companies from the former Harbour Boards. In Marlborough the resource consents granted under this section of the RMA relate to port-related commercial undertakings being carried out in the areas of Picton (excluding the area of port in Shakespeare Bay), Waikawa, Havelock, Elaine and Oyster Bays. Due to the purchase of these assets by the Port Companies, the port-related commercial undertakings that have been granted coastal permits under section 384A of the RMA are exempted from attracting coastal occupancy charges until after 30 September 2026 (being the expiry date of these coastal permits).

[C]

Policy 5-10-613.19.9 – Where there is an application by a resource consent holder to request a waiver (in whole or in part) of a coastal occupation charge, the following circumstances will be considered:

- (a) the extent to which the occupation is non-exclusive;
- (b) whether the opportunity to derive public benefit from the occupation is at least the same or greater than if the occupation did not exist;
- (c) whether the occupation is temporary and of a non-recurring nature;
- (d) whether the applicant is a charitable organisation, trust or community or residents association, and if so:

 - (i) the nature of the activities of that organisation; and
 - (ii) the responsibilities of that organisation.

Section 64A(3)(b) of the RMA requires the circumstances when the Council will consider waiving, either in whole or part, coastal occupation charges to be set out in the MEP. These circumstances, set out in a) to d) above, effectively require consideration of the difference between private benefit from an occupation and the public benefit that can accrue from an occupation. For a), where there is exclusive occupation this carries a high degree of private benefit, whereas where the occupation is only temporary there may only be a short-term private benefit. Where trusts, clubs, associations, etc are involved, it is important to understand the nature of the activities and responsibilities of that organisation, including how its purpose relates to the occupation for which a waiver is being sought and the wider public benefits that will accrue from this.

[C]

Policy 5.10-713.19.10 – The manner in which the level of coastal occupancy charges will be determined is as follows:

- (a) the expenditure related to the Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be determined on an annual basis through the Annual Plan process;
- (b) the annual costs required to fulfil Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be allocated between the beneficiaries from the sustainable management of the coastal marine area on the following basis:
 - (i) ratepayers: 25 per cent
 - (ii) coastal occupiers: 75 per cent
- (c) the charges that will be issued to eligible coastal occupiers to meet the annual costs required to fulfil Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be based on:
 - (i) the types of occupations;
 - (ii) the characteristics of the types of occupations;
 - (iii) the number of occupations in each group;
 - (iv) the relative benefit allocations, including expenditure on environmental science and monitoring, policy development, compliance and education.
- (d) coastal occupancy charges will only be imposed upon coastal occupations that are not exempt from the charging regime on the basis of the circumstances set out in Policy 13.9.8.
- (e) the Council will maintain records of all coastal occupiers who have sought and obtained a waiver from the base charge for their type of coastal occupation. This waiver will be reflected in the final charge that is issued to those coastal occupiers.

In deciding how to set charges, the Council will use as its starting point the actual expenditure considered necessary to promote the sustainable management of the coastal marine area. The budgeted expenditure for this is described year to year in the Council's Annual Plan for the Environmental Science and Monitoring Group, Environmental Policy Group and Environmental Compliance and Education Group.

In determining who should meet the cost of sustainably managing the coastal marine area, an allocation of costs needs to occur between beneficiaries. The Council has considered that a contribution towards the costs should be made by ratepayers (25%) as well as those benefitting from the occupation of public space (75%). The Council will give consideration to exemptions and waivers that have been granted and the number and size of the various occupations. From this assessment, a schedule of charges will be derived and set out in the Council's Annual Plan.

[C]

Policy 5.40.813.19.11 - Any coastal occupancy charges collected will be used on the following to promote the sustainable management of the coastal marine area:

- (a) implementation of a Coastal Monitoring Strategy;
- (b) State of the Environment monitoring;
- (c) research in relation to the state and workings of the natural, physical, cultural and social aspects of the coastal marine area;
- (d) education and awareness;
- (e) habitat and natural character restoration and enhancement;
- (f) managing marine biosecurity threats;
- (g) maintaining and enhancing public access; and
- (h) formal planning in the Resource Management Act 1991 planning context and strategic planning and overview in relation to the coastal environment.

Comment [65]: Topic 11

The RMA requires that in implementing a coastal occupancy charging regime, any money collected must be used to promote the sustainable management of the coastal marine area. Revenue from the coastal occupancy charging regime is not the only source of funding that is available to promote the sustainable management of the coastal marine area, which may also come from general rates. Other agencies may also spend money on the sustainable management of the coastal marine area. Amongst the broader considerations, the Council will be informed by community input, including from Marlborough's tangata whenua iwi, through its Annual Plan submission processes when making its decisions on how money collected from the charging regime will be spent. The policy describes those matters on which the revenue collected from imposing charges is to be used, as required by the RMA. Greater detail on these matters can be found in a number of the subsequent chapters of the MEP, including Chapter 6 - Natural Character, Chapter 7 - Landscape, Chapter 8 - Indigenous Biodiversity, Chapter 9 - Public Access and Open Space, Chapter 10 - Heritage Resources, Chapter 13 - Use of the Coastal Environment and Chapter 15 - Resource Quality (Water, Air, Soil).

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

5-M.1013.M.33 Regional Rules Imposing Coastal Occupancy Charges

Coastal occupancy charges will be imposed on the consent holders of all eligible coastal occupations and the occupiers of permitted activity moorings in a Moorings Management Area, taking into account any exemptions or waivers from the charges that have been obtained by the consent holder.

Comment [66]: Topic 11

[C]

5-M.1113.M.34 Annual Plan

The level of charge to be applied to any activity for which a coastal permit is granted to occupy the coastal marine area is set out in the Council's Annual Plan.

Comment [67]: Topic 11

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results for provisions for the coastal environment. The anticipated environmental results are ten year targets, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the provisions. Anticipated environmental results from several other chapters will also assist in achieving the anticipated environmental results set out here; for example, chapters on public access, biodiversity, landscape and natural character.

Anticipated environmental result	Monitoring effectiveness
<p>13.AER.1</p> <p>The values associated with areas of significance identified on the MEP maps are protected.</p>	<p>Periodic reassessment of mapped areas of significance for natural character, landscape, biodiversity, heritage and Marlborough’s tangata whenua iwi.</p> <p>Survey of stakeholder and interested parties perspectives of values of significance in Marlborough’s coastal environment.</p> <p>All resource consent decisions show that consideration has been given to the mapped values.</p> <p>Monitoring of resource consent conditions imposed to protect areas of significance.</p>
<p>13.AER.2</p> <p>Subdivision, use and development of the coastal environment, including on land and water, is located in appropriate places and within appropriate limits.</p>	<p>No resource consents are granted for areas identified as inappropriate for development within the coastal environment.</p> <p>New building and development in the coastal environment is consistent with the character of the area, including retaining a lower density of development in the coastal environment.</p> <p>Consistent treatment of resource consent applications for activities in the coastal environment.</p> <p>No coastal permits are granted for activities without a functional or operational need for a coastal location.</p> <p>Monitoring of resource consent conditions imposed to address the effects of activities on a particular location.</p> <p>Reassess the zonings applied to land and water to ensure that appropriate areas are identified for use and development in the coastal environment.</p>
<p>13.AER.3</p> <p>Aside from residential activity associated with rural activities, residential activity in Marlborough’s coastal environment takes place within Coastal Living Zones.</p>	<p>A decrease in subdivision for residential activity outside of Coastal Living Zones.</p> <p>Survey land use within Coastal Living Zones to determine availability of land for residential activity.</p>

Comment [68]: Topic 12

Anticipated environmental result	Monitoring effectiveness
<p>13.AER.4</p> <p>Continued availability of rural land for primary productive purposes existing at 9 June 2016.</p>	<p>Survey patterns of land use against a baseline, including actual use and changes in use.</p>
<p>13.AER.5</p> <p>The amenity values of the coastal environment are maintained and enhanced.</p>	<p>Enforce the application of standards established to protect amenity values.</p> <p>Survey the public about their perspectives of the attributes contributing to amenity values in Marlborough's coastal environment and how activities and uses may be affecting these values.</p> <p>Monitor complaints and/or incidents received from landowners and the public about activities and uses in the coastal environment.</p>
<p>13.AER.6</p> <p>Equitable, efficient and sustainable allocation of water space in the coastal marine area.</p>	<p>Monitor the number and nature of complaints made by the public about conflicts with the allocation of water space.</p> <p>Assess the need to introduce Mooring Management Areas in locations other than Waikawa Bay to address a demand for swing moorings, including competing demand for other uses or activities in the same space.</p> <p>Review coastal permits for swing moorings to assess the need for multiple moorings servicing a property.</p>
<p>13.AER.7</p> <p>The public is aware of information relating to the location of safe anchorages, provisions for safe navigation around Marlborough's coastal waters and the location of access points and water ski lanes.</p>	<p>Information is available on the Council's website and reviewed annually regarding:</p> <ul style="list-style-type: none"> (a) navigational notices and directions from the harbourmaster; (b) navigational safety in general through the 'Marlborough Sounds Safe Boating' brochure published annually; (c) appropriate locations for activities such as water skiing and swimming.

Anticipated environmental result	Monitoring effectiveness
<p>13.AER.8</p> <p>Ships/boats are able to safely and efficiently navigate Marlborough's coastal marine area.</p>	<p>Monitor the number and nature of collisions, accidents or incidents within the coastal marine area.</p> <p>Monitor the number and nature of complaints made by the public about operation of ships/boats.</p> <p>Monitoring of resource consent conditions imposed to address navigational safety.</p>
<p>13.AER.9</p> <p>Waves generated from ships do not create adverse effects on the environment.</p>	<p>Ship operators comply with speed limits specified in MEP rules or by resource consent conditions through monitoring of ships' Data Recording Device.</p> <p>Monitor the number and nature of complaints made by the public about ship-generated waves.</p> <p>A five yearly assessment is carried out to determine the need to undertake monitoring specified in Policy 13.16.4 and the monitoring method (13.M.4923) set out for water transportation.</p> <p>Monitor erosion of coastal areas caused by ships.</p> <p>No adverse change to the shoreline or benthic communities as a result of waves from the shipping activity.</p>
<p>13.AER.10</p> <p>A proliferation of coastal structures is avoided.</p>	<p>Monitor the number and extent of coastal structures authorised and conditions imposed to require sharing of structures where practicable.</p>
<p>13.AER.11</p> <p>No boatshed is used for any purpose other than the storage of boats or boating equipment.</p>	<p>All new resource consents for boatsheds are conditioned to prohibit the use of the boatshed for living accommodation or the installation of sanitary fittings in boatsheds.</p> <p>A reduction in instances of boatsheds being used for living accommodation through compliance monitoring.</p>
<p>13.AER.12</p> <p>Clearly defined areas and operational requirements for port and marina activities, including areas for expansion.</p>	<p>Activities occurring in port and marina areas are enabled where related to the operation of those facilities and few resource consents are required.</p>

Comment [69]: Topic 11

Anticipated environmental result	Monitoring effectiveness
<p>13.AER.13</p> <p>Ports and marinas are able to operate effectively and efficiently.</p>	<p>Few resource consents are required for port and marina related activities.</p> <p>Monitor complaints received from port and marina operators about the impact of non-port and marina related activities occurring within the coastal marina area part of the Port, Port Landing Area and Marina Zones.</p>
<p>13.AER.14</p> <p>Adverse effects of use and development in the Port, Port Landing Area and Marina Zones are controlled to acceptable levels of environmental quality.</p>	<p>Monitor complaints from the public about effects arising from operation of port and marina activities.</p> <p>Compliance with conditions for those activities requiring consent.</p>
<p>13.AER.15</p> <p>There is a high level of integration and connection between ports and marinas and their respective towns.</p>	<p>Surveys on the:</p> <ul style="list-style-type: none"> (a) ease with which the public can move between the Port of Picton and the town; (b) ability for the public to access marinas; and (c) appearance of marinas as an attractive place to visit.
<p>13.AER.16</p> <p>Integrated management of fisheries and natural and physical resources.</p>	<p>Increased awareness and understanding of the respective roles of Council and other parties in coastal and fisheries management.</p> <p>Ongoing communication with the Minister of Primary Industries in respect of the sustainable management of natural and physical resources as it relates to fishing activities.</p>
<p>13.AER.17</p> <p>The continued sustainable and efficient functioning of the Lake Grassmere Salt Works.</p>	<p>Monitor complaints from the public about effects arising from the operation of the salt works.</p>

2. General Rules

Water Take, Use, Damming or Diversion

The following rules apply to the take, use, damming or diversion of freshwater. Any take, use, damming or diversion of coastal water is provided for in the Zone rules.

2.1. Environmental Flows and Levels

[R]

2.1.1. Environmental flows and levels, as specified in Appendix 6, control the quantity, level, and flow of water.

2.1.1.1. The environmental flows and levels, as specified in Appendix 6, do not apply to the Permitted Activities in 2.2.

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~~ controlled by Rule 2.45.1, as it relates to not meeting the applicable Standards of a Permitted Activity in 2.2.

Comment [1]: Topic 4

2.2. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.3:

[R]

2.2.1. Take and use of water for an individual's reasonable domestic needs up to 5m³ per day per dwelling.

[R]

2.2.2. Take and use of water for domestic needs for a papakāinga unit up to 5m³ per day.

[R]

2.2.3. Take and use of water for needs for marae activities, except papakāinga units, up to 1825m³ per year.

[R]

2.2.4. Take and use of water for the reasonable drinking water needs of ~~an individual's~~ person's animals.

Comment [3]: Topic 4

[R]

2.2.5. Take and use of water for incidental use associated with farming or intensive farming up to 5m³ per day per ~~Computer Register~~ Record of Title.

Comment [4]: Topic 4

[R]

2.2.6. Take and use of water for dairy shed wash ~~water~~ down or ancillary milk cooling up to 15m³ per day per dairy shed.

Comment [5]: Topic 4

~~[R]~~

~~2.2.7. Take and use of water from the Wairau Aquifer Freshwater Management Unit up to 15m³ per day for any purpose until 9 June 2017. (Deleted)~~

Comment [6]: Topic 4

[R]

2.2.7. Take and use water for the purposes of dust suppression on gravel roads up to 20m³ per water body per day.

Comment [7]: Topic 4

[R]

2.2.8. Take and use of water for fire-fighting purposes and firefighting training by Fire and Emergency New Zealand and the New Zealand Defence Force.

Comment [8]: Topic 4

[R]

2.2.9. Take of water for the purposes of calibrating a water meter.

[R]

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.

[R]

2.2.11. Take and use of water for road, rail or river control construction, maintenance, repair or upgrade works up to 50m³ per day per construction site.

Comment [9]: Topic 4

[R]

2.2.12. Take of water for dewatering of a trench by a network utility or for regionally significant infrastructure.

Comment [10]: Topic 4

[R]

2.2.13. Take and use of water from Significant Wetland W599 for skifield facilities and snowmaking at Rainbow Skifield.

[R]

2.2.14. Take and use of water for a recreational hut up to 1m³ per day per hut.

[R]

2.2.15. Take, use and discharge of surface water for non-consumptive use.

[R]

2.2.16. Take and discharge of water to land for the purposes of purging water supply infrastructure or in emergency circumstances.

[R]

2.2.17. Damming water and the subsequent use of that water.

[R]

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.

[R]

2.2.19. 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.

[R]

2.2.20. Diversion of up to 200l/s of water from the Wairau River into Gibson's Creek for the purposes of instream protection.

[R]

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.

[R]

2.2.22. Diversion of water from the Ōpaoa Loop into Roses Overflow for the purposes of river control.

[R]

2.2.23. Diversion of water from Significant Wetland W598 to Significant Wetland W599 for wetland augmentation at Rainbow Skifield.

[R]

2.2.24. Diversion of water in the Floodway Zone.

[R]

2.2.25 Temporary damming and diversion of water associated with the operation and maintenance of artificial roadside drainage channels.

Comment [11]: Topic 4

[R]

2.2.26 The take, use and discharge to land of surface water for the use of water treatment units.

Comment [12]: Topic 4

[R]

2.2.27 The take and use of water for weed or pest control.

Comment [13]: Topic 4

[R]

2.2.28 Use of water from the Barnes Dam on a tributary of the Waitohi Stream by the Marlborough District Council for municipal supply purposes.

Comment [14]: Topic 4

2.3. Standards that apply to specific permitted activities

2.3.1. Take and use of water for an individual's reasonable domestic needs up to 5m³ per day per dwelling.

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 the point of take at any time.

Comment [15]: Topic 4

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.

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.

2.3.1.4. There must not be a municipal water supply available to the property boundary.

2.3.1.5. The take must not be otherwise provided for by a resource consent.

2.3.2. Take and use of water for domestic needs for a papakāinga unit up to 5m³ 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 the point of take](#) 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.

Comment [16]: Topic 4

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% of river flow at any time.
- 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.
- 2.3.3.5. There must not be a municipal water supply available to the property boundary.
- 2.3.3.6. The take must not be otherwise provided for by a resource consent.

2.3.4. Take and use of water for the reasonable drinking water needs of ~~an individual's~~ [person's](#) animals.

- 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 the point of take](#) at any time.
- 2.3.4.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.
- 2.3.4.3. The take must not be otherwise provided for by a resource consent.

Comment [17]: Topic 4

Comment [18]: Topic 4

2.3.5. Take and use of water for incidental use associated with farming [or intensive farming](#) up to 5m³ 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 the point of take](#) 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.

Comment [19]: Topic 4

Comment [20]: Topic 4

2.3.6. Take and use of water for dairy shed wash down or ancillary milk cooling up to 15m³ per day per dairy shed.

Comment [21]: Topic 4

2.3.6.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at the point of take at any time.

Comment [22]: Topic 4

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.

~~**2.3.7. Take and use of water from the Wairau Aquifer Freshwater Management Unit up to 15m³ 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. (Deleted)~~

2.3.7. Take and use water for the purposes of dust suppression on gravel roads up to 20m³ per water body per day.

2.3.7.1. The take must not occur on more than 90 days within any 12 month period.

2.3.7.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.

2.3.7.3. Dust suppression on gravel roads must be undertaken by, or on behalf of the Marlborough District Council or the road controlling authority.

Comment [23]: Topic 4

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 of the take must not exceed a rate 10% greater than that authorised by the associated water permit.

2.3.8.4. The period in which water can be taken for this purpose must not exceed 120 minutes.

2.3.8.5. Water must not be taken during any restriction that applies to the associated water permit.

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.

Comment [KP24]: Minor Amendment CI20A (RMA) M0107 1/2/19

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 of the take must not exceed 100l/s.

2.3.9.2. The total take must not occur for greater than ~~420~~ 168 hours within any 30 day period.

Comment [25]: Topic 4

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.

2.3.10. Take and use of water for road, rail or river control construction, maintenance, repair or upgrade works up to 50m³ per day per construction site.

Comment [26]: Topic 4

2.3.10.1. 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.

2.3.10.2. The take must not occur on more than 90 days within any 12 month period.

- 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.
- 2.3.10.4. Road, rail or river control construction works must be undertaken by, or on behalf of, the Marlborough District Council, the rail network operator or the road controlling authority.
- 2.3.11. Take of water for dewatering of a trench by a network utility or for regionally significant infrastructure.**
- 2.3.11.1. The take must not be within a Groundwater Protection Area.
- 2.3.11.2. The take must relate to a temporary trench excavated for the purposes of the installation or maintenance of infrastructure or geotechnical testing.
- 2.3.12. Take and use of water from Significant Wetland W599 for skifield facilities and snowmaking at Rainbow Skifield.**
- 2.3.12.1. The take must only be during the ski season.
- 2.3.12.2. The take must not cause the water level of the wetland to decrease by greater than one metre, as measured relative to a fixed reference point.
- 2.3.12.3. The instantaneous rate of the take must not exceed 20+100/s.
- 2.3.12.4. Each take must be recorded, including the wetland water level before and after water is taken, the volume of water taken and the duration of the take. The records of all takes during each ski season must be provided to the Council by 1 December of the same year, or at other times when requested.
- 2.3.13. Take and use of water for a recreational hut up to 1m³ 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 ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at the point of take 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.
- 2.3.14. Take, use and discharge of surface water for non-consumptive use.**
- 2.3.14.1. The instantaneous take rate must not exceed 5% of river flow at the point of take at any time.
- 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.
- 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.
- 2.3.14.4. The water taken must be discharged back into the same surface waterbody within 250m of the point of take.
- 2.3.15. Take and discharge of water to land for the purposes 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.

Comment [27]: Topic 4

Comment [28]: Topic 4

Comment [29]: Topic 4

Comment [30]: Topic 4

Comment [31]: Topic 4

Comment [32]: Topic 4

Comment [33]: Topic 4

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 5,000m³ 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.

2.3.16.3 The damming of water, and operation of their associated reticulation lines shall not occur within the National Grid Yard.

Comment [34]: Topic 20

2.3.17. Diversion of water associated with the operation of the Drainage Channel Network existing on 9 June 2016, and permitted activities in the Floodway Zone.

- 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.

Comment [35]: Topic 4

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.

- 2.3.18.1. The diversion and discharge must not be in, or within 8m of, a Significant Wetland.
- 2.3.18.2. The diversion and discharge must be managed by the Marlborough District Council.

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.

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.

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.

2.3.22. Diversion of water from Significant Wetland W598 to Significant Wetland W599 for wetland augmentation at Rainbow Skifield.

- 2.3.22.1. The diversion must only be during the ski season.
- 2.3.22.2. The diversion must not cause the water level in Significant Wetland W598 to decrease by greater than one metre, as measured relative to a fixed reference point.
- 2.3.22.3. The instantaneous rate of the diversion must not exceed ~~100~~20l/s.
- 2.3.22.4. Each diversion must be recorded, including the water level in Significant Wetland W598 before and after water is diverted, the volume of water diverted and the duration of the diversion. The records of all diversions during each ski season must be provided to the Council by 1 December of the same year, or at other times when requested.

Comment [36]: Topic 4

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 Rivers Gravel Extraction Strategy.
- 2.3.23.2. The works must only be carried out working in an upstream direction.
- 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.
- 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.
- 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.
- 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.
- 2.3.23.7. Any discharge of sediment into water associated with the activity must not, after reasonable mixing, cause a conspicuous 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.

Comment [37]: Topic 13

2.3.24. Temporary damming and diversion of water associated with the operation and maintenance of artificial roadside drainage channels.

- 2.3.24.1 The temporary damming or diversion must be managed by the Road Controlling Authority.
- 2.3.24.2. The temporary damming or diversion must not be in, or within 8m of, a Significant Wetland.
- 2.3.24.3 The temporary damming or diversion must only be for the purposes of the maintenance works required at the location of the works.
- 2.3.24.4 The temporary damming or diversion must not cause flooding or erosion of private land.

2.3.25. The take, use and discharge to land of surface water for the use of water treatment units.

- 2.3.25.1 The instantaneous take rate must not exceed 5% of the river flow at the point of take at any time.
- 2.3.25.2 The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.
- 2.3.25.3 The take, use and discharge must be conducted by the New Zealand Defence Force.
- 2.3.25.4 The take must not occur for more than five consecutive days.

Comment [38]: Topic 4

2.3.26. Take and use of water for weed or pest control.

- 2.3.26.1 Water must only be used in Open Space 1, 2, 3 and 4 Zones.
- 2.3.26.2 The take shall not exceed 5l/s and 5m³/day.

[2.3.26.3](#) Where the take is from a river, the instantaneous take rate must not exceed 5% of the river flow at the point of take at any time.

Comment [39]: Topic 4

2.4. Controlled Activities

Application must be made for a Controlled Activity for the following:

[R]

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 requirements.

2.4.1.6. Rationing requirements.

2.5. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R]

2.5.1. Any activity provided for as a Permitted Activity or Controlled Activity that does not meet the applicable standards.

[R]

2.5.2. Any take of water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.

[R]

2.5.3. Any use of water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

2.5.4. Any damming of water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.

[R]

2.5.5. Any diversion of water not provided for as a Permitted Activity or limited as a Prohibited Activity.

2.6. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R]

2.6.1. Take of water that would cause the water quantity 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.

[R]

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.

[R]

2.6.3. Take of water for frost fighting purposes between 1 January and 30 April in each calendar year.

[R]

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) 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;
- (c) Chaytor Significant 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 Elterwater (not including its tributaries);
- (ij) Lake McRae;
- (jk) Te Hoiere/Pelorus River upstream of confluence with the Scott Creek;
- (kl) Pipitea Significant Wetland - W55;
- (lm) Possum Swamp Stream Significant Wetland - W116;
- (mn) Rainbow River;
- (o) Rarangi Wetland Complex – Significant Wetlands W128, W129, W130, W131 and W139;
- (np) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere and Island Lake;
- (eq) Upper Wairau Significant Wetland - W580;
- (pr) Wairau Lagoons Significant Wetland - W1076;
- (qs) Wairau River upstream of the Hamilton River confluence.

Comment [40]: Topic 4

Comment [41]: Topic 4

Comment [42]: Topic 4

This rule does not apply to a take, use, damming or diversion of water lawfully 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, 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.

Comment [43]: Topic 4

[\[R\]](#)

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) [Waiiau-toa](#)/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.

Activity In, On, Over or Under the Bed of a Lake or River

Activities in, on, over or under the beds of lakes and rivers do not cover the taking, use, damming or diversion of water controlled under Section 14 of the RMA.

[Rules 2.7 – 2.11 do not apply to the Floodway Zone.](#)

[The associated disturbance deposition, and discharges ancillary to the permitted activities In Rule 2.7 are permitted subject to compliance with Rules 2.8 and 2.9.](#)

2.7. Permitted Activities

Unless expressly limited elsewhere by a rule ~~a~~ in the Marlborough Environment Plan (the Plan), the following activities, [including the associated discharge of sediment](#), shall be permitted without resource consent where they comply with the applicable standards in 2.8 and 2.9:

[R]

- 2.7.1. **Alteration, repair or maintenance of an existing structure, [including any associated temporary damming of water or release of detritus](#), in, on or over the bed of a lake or river.**

Note:

[Rule 2.7.1 does not apply to river crossings that are managed under the National Environmental Standards for Plantation Forestry 2017.](#)

[R]

- 2.7.2. **Protection works in, on or over the bed of a lake or river for existing structures.**

[R]

- 2.7.3. **Suction hose intake placement over the bed of a lake or river.**

[R]

- 2.7.4. **Construction of a dam on an ephemeral river.**

[R]

- 2.7.5. **Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river, ~~including any new river crossing managed by the National Environmental Standards for Plantation Forestry 2017.~~**

[R]

- 2.7.6. **Construction or placement of a temporary maimai or whitebait stand in, on or over the bed of a lake or river.**

[R]

- 2.7.7. **Culvert installation [and replacement in](#), on, under, or over the bed of a river.**

Note:

[Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, Rule 2.7.7 does not apply.](#)

Comment [44]: Topic 9

Comment [45]: Topic 1

Comment [46]: Topic 4

Comment [47]: Topic 9

Comment [RW48]: NES for Plantation Forestry 1/2/2019

Comment [RW49]: NES for Plantation Forestry 1/2/2019

Comment [50]: Topic 9

Comment [RW51]: NES for Plantation Forestry 1/2/2019

[R]

2.7.8. Maintenance, replacement and Minor upgrading in, on, or under the bed of a lake or river of the following utilities:

- (a) National grid transmission line and associated cables ~~existing at 9 June 2016;~~
- (b) telecommunication or radio communication facility ~~existing at 9 June 2016.~~

Comment [52]: Topic 9

[R]

2.7.9. Livestock entering onto, or passing across, the bed of a river.

[R, D]

2.7.10. Passive, informal or active recreation in, on, under, or over the bed of a lake or river.

[R]

2.7.11 Removal or demolition of structures from river beds.

[R]

2.7.12 Geotechnical bore drilling for the purposes of investigation of subsurface conditions.

[R]

2.7.13 Installation and maintenance of hydrological and climatological monitoring equipment in, on, over or under the bed of a river, lake or wetland.

Comment [53]: Topic 9

[R]

2.7.14 Telecommunication line or electricity line or cable in, on, under or over the bed of a lake or river.

Comment [54]: Topic 20

2.8. Standards that apply to all permitted activities

2.8.1. General.

- 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 surface water.
- 2.8.1.2. The activity must not cause flooding or erosion of private land.
- 2.8.1.3. The activity must be planned and conducted in a manner that does not compromise public safety.
- 2.8.1.4. Any discharge of sediment into water must not, after reasonable mixing, cause a conspicuous 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.
- 2.8.1.5. During the period of 1 September to 31 December in any year no activity must occur within 50m of an indigenous nesting bird in a lakebed or riverbed.
- 2.8.1.6. An activity within the wetted area of a riverbed must not be carried out in a tidal reach between 1 February and 30 April, ~~and 1 August and 30 November~~ in any year.
- 2.8.1.7 The works or structures do not prevent any existing fish passage.

Comment [55]: Topic 9

Comment [56]: Topic 13

Comment [57]: Topic 9

Comment [58]: Topic 9

Comment [59]: Topic 9

2.8.2. Removal and control of terrestrial vegetation.

- 2.8.2.1. Removal and control must be done by mechanical or other physical means.
- 2.8.2.2. All cut or felled vegetation that exceeds 100mm in diameter at any point must be removed from the bed of the lake or river ~~(except an ephemeral river or intermittently flowing river, when not flowing).~~
- 2.8.2.3. Machinery must not be operated in flowing water.
- 2.8.2.4. Removal of trees overhanging or partially in water must be by machinery operated on the lake or river bank or mounted on boats or barges.

Comment [60]: Topic 9

2.8.3. Dust.

- 2.8.3.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

2.9. Standards that apply to specific permitted activities**2.9.1. Alteration, repair or maintenance of an existing structure, including any associated temporary damming of water or release of detritus, in, on or over the bed of a lake or river.**

- 2.9.1.1. The structure must have been lawfully established.
- 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.
- 2.9.1.3. There must be no significant change to the external appearance of the structure to the extent that the basic character and integrity of the structure is affected. Painting a structure is not a significant change for the purposes of this Standard.
- 2.9.1.4. With the exception of culverts, No greater than 10% of the cross-sectional area of the lakebed ~~or riverbed~~ must be disturbed and no greater than 10% of the cross-sectional area in the active channel of a river at the time that the works are undertaken must be disturbed.

Comment [61]: Topic 4

Comment [62]: Topic 9

Comment [63]: Topic 9

- ~~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. (Deleted)~~

Comment [64]: Topic 9

Comment [65]: Topic 9

2.9.2. Protection works in, on or over the bed of a lake or river for existing structures.

- 2.9.2.1. The structure must have been lawfully established.
- 2.9.2.2. There must be no reduction in the capacity of the river at the structure.
- 2.9.2.3. Rock ~~may~~ is permitted in the protection of ~~be used for protecting~~ existing structures.
- 2.9.2.4. Rock from damaged or redundant structures is permitted to ~~may~~ be recovered from the lakebed or riverbed.
- 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.
- 2.9.2.6. Motor vehicle bodies, old machinery and scrap iron must not be used for bank protection works.

Comment [66]: Topic 9

- 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.

2.9.3. Suction hose intake placement over the bed of a lake or river.

- 2.9.3.1. The take and use of water must be authorised as a permitted activity or by a resource consent.
- 2.9.3.2. The intake must be screened to prevent fish from passing into the intake at all times.
- 2.9.3.3. A grid reference and details of the intake must be supplied to the Council within 10 working days of placement.

2.9.4. Construction of a dam on an ephemeral river.

- 2.9.4.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.
- 2.9.4.2. The dam must not intersect groundwater.
- 2.9.4.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 2.9.4.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 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.

2.9.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.

Note:

Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, the standards in 2.8 and Standards 2.9.5.1 and 2.9.5.2 do not apply.

- 2.9.5.1. The structure must not be within 8m of a perennially flowing or intermittently flowing river.
- 2.9.5.2. The structure must not intersect the groundwater.
- 2.9.5.3. The structure must not be located in, or within 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.

2.9.6. Construction or placement of a temporary maimai or whitebait stand in, on or over the bed of a lake or river.

- 2.9.6.1. No more than 1m³ 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 9m².
- 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 one week before, and removed no later than one week after, the official duck shooting season of the year of use;

Comment [RW67]: NES for Plantation Forestry 1/2/2019

- (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.

2.9.7. Culvert installation and replacement in, on, under, or over the bed of a river.

- 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.
- 2.9.7.2. The invert of the culvert must be placed below the level of the riverbed by a distance equating to the diameter of the pipe divided by 5 (i.e., 20% of the culvert pipe) and at the same slope as the existing bed of the river.
- 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.
- 2.9.7.4. The total length of the culvert must not exceed ~~8m~~12m, except for a culvert passing beneath a State Highway where the total length of the culvert must not exceed ~~20m~~the length necessary to pass beneath the legal road in that location.
- 2.9.7.5. The culvert installation must be designed and implemented to ensure there is no erosion or scour downstream of the culvert.

Comment [68]: Topic 9

Comment [69]: Topic 9

Comment [70]: Topic 9

2.9.8. Maintenance, replacement and Mminor upgrading in, on, or under the bed of a lake or river of the following utilities:

~~(e)~~(a) National Grid transmission line and associated cables existing at 9 June 2016;

~~(d)~~(b) telecommunication or radio communication facility existing at 9 June 2016.

- 2.9.8.1. The utility must have been lawfully established.
- 2.9.8.2. The activity must not increase the plan or cross-sectional area of the utility by any more than 5% of the original utility. Except that this Standard does not apply to works that do not affect the hydraulic efficiency of the river, such as poles and lattice towers.
- 2.9.8.3. There must be no significant change to the external appearance of the utility. Painting a structure is not a significant change for the purposes of this Standard.
- 2.9.8.4. With the exception of culverts, No greater than 10% of the cross-sectional area of the bed of a lake ~~or river~~ must be disturbed and no greater than 10% of the cross-sectional area in the active channel of a river at the time that the works are undertaken must be disturbed.

Comment [71]: Topic 9

Comment [72]: Topic 9

Comment [73]: Topic 9

Comment [74]: Topic 9

2.9.9. Livestock entering onto, or passing across, the bed of a river.

- 2.9.9.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river.
- 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-natural~~ clarity of any flowing river due to sediment or sediment laden discharge originating from the activity site, measured as follows:
- (a) ~~hue must not be changed by more than 10 points on the Munsell scale; (deleted)~~
- (b) ~~the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site; (deleted)~~
- (c) ~~the change in reflectance must be < 50%; (deleted)~~

Comment [75]: Topic 13

- 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 [the water quality of the river exceeding the a change in concentration of](#) following:
- (a) ~~daily average 2mg/l~~ carbonaceous BOD₅ ~~due to dissolved organic compounds (i.e. those passing a GF/C filter);~~
 - ~~(b) dissolved reactive phosphorus;(deleted)~~
 - ~~(c) dissolved inorganic nitrogen;(deleted)~~
 - ~~(d)~~(b) [260 Escherichia coli \(E. coli\)/100ml.](#)

Comment [76]: Topic 13

2.9.10. Passive, informal or active recreation in, on, under, or over the bed of a lake or river.

- 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) 78 dBA;
 - (c) no moving craft must emit noise in excess of a Sound Exposure Level (SEL) of 90 dBA in any single driveby measured at any stationary point more than 25m from the line of travel of the craft;
 - (d) sound exposure levels must be measured in accordance with the provisions of NZS 6801:2008 Measurement of Sound.
- Note: Assessment of powered watercraft noise is not within the scope of NZS 6802:2008.
- 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.

2.9.11 Removal or demolition of structures from river beds.

- 2.9.11.1. The activity disturbs less than 10m³ of the bed.
- 2.9.11.2 It results in the complete removal of the structure from the bed, or the complete removal of that part of the structure requiring removal from the bed.
- 2.9.11.3 No explosives shall be used in the demolition of the structure.

2.9.12 Geotechnical bore drilling for the purposes of investigation of subsurface conditions.

- 2.9.12.1 The bore must be drilled by a Recognised Professional.
- 2.9.12.2 A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of the drilling of the bore.
- 2.9.12.3 On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

2.9.13 Installation and maintenance of hydrological and climatological monitoring equipment in, on, over or under the bed of a river, lake or wetland.

2.9.13.1 That the installation or maintenance must be undertaken by Marlborough District Council officers or persons acting on their behalf.

2.9.13.2 The equipment shall not obstruct river flows to the extent that water levels are changed.

Comment [77]: Topic 9

2.10. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

2.10.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[R, D]

2.10.2. Any activity in, on, under or over the bed of a lake or river not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

2.10.3. Livestock entering onto or passing across the bed of a lake.

Comment [78]: Topic 13

2.11. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R]

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) Waiau-toa/Clarence River;
- (e) Goulter River;
- (f) Grey River;
- (g) Hodder River;
- (h) Lake Alexander;
- (i) Lake Chalice;
- (j) Lake McRae;
- (k) Te Hoiere/Pelorus River above the Rai River confluence;
- (l) Rainbow River;
- (m) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere;
- (n) Waimea River above Box Stream;
- (o) Wairau River upstream of the Hamilton River confluence;

- (p) Winterborne River.

[R, D]

2.11.2. Construction or alteration of a bore excluding bores constructed for the purposes of geotechnical investigation or installation of piezometers by a utility or electricity generation asset owner, within the bed of the following lakes and rivers, including tributaries:

Comment [79]: Topic 9

- (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 confluence.

[R]

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.

[R]

2.11.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a lake or the bed of a river when there is water flowing in the river.

Comment [80]: Topic 13

[R]

2.11.5. From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a lake or the bed of a river when there is water flowing in the river.

Comment [81]: Topic 13

Drainage Channel Network Activity

These rules apply to river control and drainage works only 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 with the Marlborough District Council Rivers and Drainage Asset Management Plan.

2.12. Permitted Activities

Unless expressly limited elsewhere by a rule ~~a~~ in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.13 and 2.14:

[R, D]

2.12.1. Rock, concrete block or gabion structural bank protection works.

[R]

2.12.2. Driving and construction of a piled retard.

[R, D]

2.12.3. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.

[R, D]

2.12.4. Maintenance of a culvert or floodgate.

[R, D]

2.12.5. Land disturbance activity for the purposes of diverting water.

[R, D]

2.12.6. Planting vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion.

[R]

2.12.7. Removal and control of aquatic vegetation by cutting with an excavator mounted bucket with tined blades.

[R]

2.12.8. Removal and control of aquatic vegetation by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).

[R]

2.12.9. Removal and control of terrestrial vegetation by mechanical or other physical means.

[R, D]

2.12.10. Discharge of an agrichemical into or onto land for the control of terrestrial vegetation.

[R, D]

2.12.11. Discharge of an agrichemical to water for the control of aquatic vegetation.

Comment [82]: Topic 1

Comment [83]: Topic 9

2.13. Standards that apply to all permitted activities

2.13.1. General.

- 2.13.1.1. 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 [surface water](#).
- 2.13.1.2. The activity must not cause flooding or erosion of private land.
- 2.13.1.3. The activity must not be in, or within 8m of, a Significant Wetland.

Comment [84]: Topic 9

2.14. Standards that apply to specific permitted activities

~~Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the standards:~~

Comment [85]: Topic 1

2.14.1. Rock, [concrete block](#) or gabion structural bank protection works.

Comment [86]: Topic 9

- 2.14.1.1. Rock may be used for protecting drainage channel banks.
- 2.14.1.2. Rock from damaged or redundant structures may be recovered from a drainage channel.
- 2.14.1.3. Motor vehicle bodies, old machinery and scrap iron must not be used for bank protection works.
- 2.14.1.4. Placement of rock rip-rap in a tidal area must not take place between 1 August and 30 November in any year.

2.14.2. Driving and construction of a piled retard.

- 2.14.2.1. A piled retard may be used in conjunction with tree planting as bank edge protection.
- 2.14.2.2. A piled retard must only be used where there is adequate channel width and the retards are likely to aggrade with sediment to form a new drainage channel bank.
- 2.14.2.3. A piled retard may be used as a debris arrestor in front of a culvert provided that fish passage is not obstructed.

2.14.3. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.

- 2.14.3.1. Concrete lining must not be constructed when there is water flowing in the channel.

2.14.4. Maintenance of a culvert or floodgate.

- 2.14.4.1. A temporary coffer dam constructed for the purpose of maintenance must be removed at the completion of the maintenance.

2.14.5. Land disturbance activity for the purposes of diverting water.

Works undertaken for the purposes of creating a diversion, do not cover the diversion of water controlled under Section 14 of the RMA.

- 2.14.5.1. The diversion of water must be a Permitted Activity.
- 2.14.5.2. The works must only be carried out working in an upstream direction.

- 2.14.5.3. Redundant channels must be left open at the downstream end in a manner that ensures that fish stocks are not entrapped.
- 2.14.5.4. 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.
- 2.14.5.5. 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.
- 2.14.5.6. The diversion must be necessary for the maintenance and operation of the Drainage Channel Network.
- 2.14.5.7. Any discharge of sediment into water associated with the activity must not, after reasonable mixing, cause a conspicuous 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.

Comment [87]: Topic 13

2.14.6. Planting vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion.

- 2.14.6.1. When vegetation is planted for the purposes of aquatic habitat protection, and/or prevention of bank erosion, native plant species ~~must be preferentially planted~~ shall be utilised in the first instance except in those circumstances where non native species will achieve better edge and aquatic habitat protection and/or prevention of bank erosion.

Comment [88]: Topic 9

2.14.7. Removal and control of aquatic vegetation by cutting with an excavator mounted bucket with tined blades.

- 2.14.7.1. Cutting must not be carried out more than once in any 12 month period on any section of drainage channel.
- 2.14.7.2. The removal and control must not be carried out in a tidal reach between 1 February and 30 April, ~~and 1 August and 30 November~~ in any year.
- 2.14.7.3. The excavator must not enter flowing water.
- 2.14.7.4. For drainage channels with a width greater than 2m, ~~the~~ cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.
- 2.14.7.5. Removed material must be retained on adjacent channel banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the drainage channel.

Comment [89]: Topic 9

Comment [90]: Topic 9

2.14.8. Removal and control of aquatic vegetation by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).

- 2.14.8.1. Cutting by mechanical means must not be carried out more than once in any 12 month period on any section of drainage channel.
- 2.14.8.2. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.
- 2.14.8.3. The removal and control must not be carried out in a tidal reach between 1 February and 30 April, ~~and 1 August and 30 November~~ in any year.

Comment [91]: Topic 9

2.14.9. Removal and control of terrestrial vegetation by mechanical or other physical means.

- 2.14.9.1. The cut or felled vegetation must be removed from a drainage channel less than 3m in width.

- 2.14.9.2. Vegetation greater than 100mm in diameter must be removed from a drainage channel wider than 3m.
- 2.14.9.3. Machinery must not be operated in flowing water.
- 2.14.9.4. Removal of trees overhanging or partially in water must be by machinery operated on the drainage channel bank or mounted on boats or barges.
- 2.14.9.5. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision to removal or control vegetation.

2.14.10. Discharge of an agrichemical into or onto land for the control of terrestrial vegetation.

- 2.14.10.1. The discharge must be undertaken in accordance with the most recent product label.
- 2.14.10.2. 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 approval.
- 2.14.10.3. The agrichemical must not enter water.
- 2.14.10.4. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision on vegetation removal.

[2.14.10.5. 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.](#)

Comment [92]: Topic 9

2.15. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

2.15.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[D]

2.15.2. Any land use activity not provided for as a Permitted Activity.

[R]

2.15.3. Any discharge of contaminants to land not provided for as a Permitted Activity.

Discharge to Water

2.16. Permitted Activities

Unless expressly limited elsewhere by [a rule](#) in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.17:

[R]

2.16.1. Discharge of water to surface water.

[R]

2.16.2. Discharge of an aquatic agrichemical into a waterbody.

[R]

2.16.3. Discharge of stormwater to water.

Note 1:

Where the discharge of stormwater to water is managed by the National Environmental Standards for Plantation Forestry 2017, Rule 2.16.3 does not apply.

Note 2:

The rule above regulates stormwater discharges at the point of entry into the environment. Managing inputs into the Council's stormwater infrastructure is still a function of the Council, but under other legislation. For this reason, this Plan does not regulate individual stormwater inputs into the infrastructure. However, the Council can exercise its enforcement powers when contaminants (as opposed to stormwater) are discharged into the stormwater infrastructure and subsequently contaminate a water body.

[R]

2.16.4. Discharge of stormwater to coastal water from [roads and](#) the Port, Port Landing Area and Marina Zones.

[C]

2.16.5. Discharge of coastal water to coastal water in the Port, Port Landing Area and Marina and Coastal Marine Zones.

[R]

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.

[R]

2.16.7. Discharge of swimming or spa pool water to water.

[R]

2.16.8. Discharge of water to water for the purposes of purging water supply infrastructure or in emergency circumstances.

[R]

2.16.9. Discharge of tracer dye to water.

Comment [RW93]: NES for Plantation Forestry 1/2/2019

Comment [94]: Topic 13

Comment [95]: Topic 13

[R]

2.16.10. Discharge of water to water in Open Space 4 Zone for the purposes of snow making.

[R]

2.16.11. Discharge of an agrichemical to water for the control of aquatic vegetation in the Drainage Channel Network or the Floodway Zone.

2.17. Standards that apply to specific permitted activities

2.17.1. Discharge of water to surface water.

- 2.17.1.1. The discharge must not cause erosion at, or downstream of, the discharge point.
- 2.17.1.2. The discharge must not alter the natural course of the receiving water.
- 2.17.1.3. The discharge must not cause flooding on land other than land within the Floodway Zone.
- 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.
- 2.17.1.5. After reasonable mixing, the discharge must 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;~~~~(Deleted).~~
- (ba) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the discharge;
- (eb) the change in reflectance must be <50%.

2.17.1.6 The discharge must not be into a Significant Wetland.

2.17.2. 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~~The discharge must only be for the purpose of eradicating, modifying, or controlling aquatic plants.
- 2.17.2.2. The aquatic agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 2.17.2.3. The application must be undertaken in accordance with the most recent product label.
- 2.17.2.4. At least one week before commencing the application, ~~t~~he applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:
 - (a) every person taking water for domestic supply within 1km downstream of the proposed discharge;
 - (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;~~
 - (c) the Council.

Comment [96]: Topic 13

Comment [97]: Topic 13

Comment [98]: Topic 6

Comment [99]: Topic 13

2.17.3. Discharge of stormwater to water.

- 2.17.3.1. For stormwater sourced from land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 in Blenheim, the maximum discharge must not exceed 20l/s.
- 2.17.3.2. For stormwater sourced from land zoned Coastal Living, the maximum discharge must not exceed 25l/s.
- 2.17.3.3. For stormwater sourced from land zoned Rural Living, the maximum discharge must not exceed 50l/s.
- 2.17.3.4. The discharge must not have, after reasonable mixing, any of the following effects on water quality:
- the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - any conspicuous change in the colour or visual clarity;
 - any emission of objectionable odours to the extent that it causes an adverse effect;
 - the rendering of fresh water unsuitable for consumption by farm animals;
 - any significant adverse effects on aquatic life.
- 2.17.3.45. The discharge must not cause flooding on land other than land within the Floodway Zone.
- 2.17.3.26. The discharge must not cause erosion at, or downstream of, the discharge point.
- 2.17.3.37. The discharge must not alter the natural course of the receiving water.
- 2.17.3.48. The discharge point and any associated structure must be maintained so that it is clear of debris and structurally sound.
- 2.17.3.59. The discharge must not contain stormwater from an area where a hazardous substance is stored unless:
- the hazardous substance cannot enter the stormwater system; This does not apply to petroleum hydrocarbons where the total petroleum hydrocarbon concentration does not exceed 15mg/l;
 - there is an interceptor system in place to ensure that total petroleum hydrocarbons entering the stormwater system must not exceed 15mg/l; or
 - ~~(b)~~ there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated 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.

2.17.3.11 The discharge must not be into a Significant Wetland.**2.17.4. Discharge of stormwater to coastal water from roads and the Port, Port Landing Area and Marina Zones.**

- 2.17.4.1. After reasonable mixing and disregarding any natural variations, the receiving coastal water quality must meet the following criteria:

Comment [100]: Topic 13

Comment [101]: Topic 13

Comment [102]: Topic 13

- (a) The natural temperature of the receiving water must not be changed by more than 3°C;
- (b) The concentration of dissolved oxygen in the stormwater being discharged must not exceed 80% of the saturation concentration;
- (c) There must be no undesirable biological growth as a result of any discharge of a contaminant into the coastal water;
- (d) Aquatic organisms must not be rendered unsuitable for human consumption by the presence of contaminants;
- (e) Any pH change or increase in the deposition of matter on the foreshore or seabed on discharge of contaminant into the coastal water must not have any adverse effect on aquatic life.

2.17.5. Discharge of coastal water to coastal water in the Port, Port Landing Area and Marina and Coastal Marine Zones.

- 2.17.5.1. The natural temperature of the receiving water must not be changed by more than 3°C within 10m from the discharge point.
- 2.17.5.2. The concentration of dissolved oxygen in the water being discharge must exceed 80% of the saturation concentration or 6mg/l (whichever is the greater) within 10m from the discharge point.
- 2.17.5.3. Aquatic organisms must not be rendered unsuitable for human consumption by the discharge.
- 2.17.5.4. The discharge must not contain any marine risk organism.
- 2.17.5.5. There must be no emission of objectionable odour [to the extent that it causes an adverse effect.](#)
- 2.17.5.6. Any pH change or increase in the deposition of matter on the foreshore must not have any significant adverse effect on aquatic life.

2.17.6. 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.

- 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.

2.17.7. Discharge of swimming or spa pool water to water.

- 2.17.7.1. A public sewer is not located within 30m of the lot boundary or 60m of the pool discharge point.
- 2.17.7.2. Filter backwash water must not enter any stormwater system.
- 2.17.7.3. Fourteen days prior to discharging to land, swimming or spa pool water:
 - (a) must be uncovered;
 - (b) must not be treated with any chemicals.
- 2.17.7.4. The temperature of the discharge water must be ambient.
- 2.17.7.5. The discharge must not contain residual chlorine or bromine above detection levels.

[2.17.7.6 The discharge must not be into a Significant Wetland.](#)

Comment [103]: Topic 13

2.17.8. Discharge of water to water for the purposes of purging water supply infrastructure or in emergency circumstances.

2.17.8.1. The discharge must be conducted by the Marlborough District Council.

2.17.9. Discharge of tracer dye to water.

2.17.9.1. The discharge must be conducted by the Marlborough District Council [or by the operator of regionally significant infrastructure.](#)

Comment [104]: Topic 19

2.17.10. Discharge of water to water in Open Space 4 Zone for the purposes of snow making.

2.17.10.1. The discharge of water must only be from the snow making process.

2.17.10.2. The artificial snow discharged must only consist of water.

2.17.11. Discharge of an agrichemical to water for the control of aquatic vegetation in the Drainage Channel Network or the Floodway Zone.

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.

2.17.11.2. The agrichemical must be undertaken in accordance with the most recent product label.

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 approval.

2.17.11.4. The discharge must only be for the purpose of eradicating, modifying, or controlling aquatic plants.

2.17.11.5. The discharge must not be for the purposes of disposing of the agrichemical to water.

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:

- (a) Every person taking water for domestic supply within 1km downstream of the proposed discharge;
- (b) Every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge.

2.17.11.7. Where the discharge is undertaken in a publicly accessible location, appropriate notification signage must be erected and remain in place for at least 7 days after the discharge has occurred.

2.17.11.8. The discharge must not be applied aurally.

2.18. Controlled Activities

Application must be made for a Controlled Activity for the following:

[R]

- 2.18.1. The discharge of stormwater to water from a Council operated stormwater system that services land in Blenheim, Picton, Havelock or the Industrial 2 Zone in Riverlands as at 9 June 2016.**

Note:

The rule above regulates stormwater discharges at the point of entry into the environment. Managing inputs into the Council's stormwater infrastructure is still a function of the Council, but under other legislation. For this reason, this Plan does not regulate individual stormwater inputs into the infrastructure. However, the Council can exercise its enforcement powers when contaminants (as opposed to stormwater) are discharged into the stormwater infrastructure and subsequently contaminate a water body.

Comment [105]: Topic 13

Standards and terms:

- 2.18.1.1. The resource consent application required must be received by the Council by 9 June 2021.
- 2.18.1.2. In Blenheim, Picton and Havelock this rule applies when there is land zoned Business 1, Business 3, or Industrial 1 in the catchment served by the Council operated stormwater system.

Matters over which the Council has reserved control:

- 2.18.1.3. The duration of the consent.
- 2.18.1.4. Monitoring and reporting on the quality of stormwater discharges and the effect on the receiving environment.
- 2.18.1.5. The effect of the discharge on water quality, relative to the Water Quality Classification Standards in Appendix 5.
- 2.18.1.6. Timeframes for the development of a stormwater management strategy to reduce the level of contaminants present in the stormwater.

2.19. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R]

- 2.19.1. Any activity provided for as a Permitted Activity or Controlled Activity that does not meet the applicable standards.**

[R]

- 2.19.2. Any discharge to water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.**

2.20. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R]

- 2.20.1. Discharge of dairy farm effluent to water.**

[R]

- 2.20.2. Disposal of hazardous waste into water, except discharges from salt production processes in Lake Grassmere Salt Works Zone.**

[R]

2.20.3. Disposal of any solid waste material to water in Open Space 4 Zone.

[R]

2.20.4 Discharge of untreated human effluent to water within rivers, lakes or Significant Wetlands.

Comment [106]: Topic 13

~~Discharge to Air~~ Activities Within the Road and Rail Corridors

Comment [107]: Topic 13

These ~~activities~~ rules apply to roads and railway corridors identified on the zoning maps.

2.21. Permitted Activities

Unless expressly limited elsewhere by a rule, ~~a~~ in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.22:

Comment [108]: Topic 1

[R]

2.21.1. Application (involving a discharge) of an agrichemical into or onto land.

Comment [109]: Topic 14

[R]

2.21.2 Discharge of contaminants to air from the burning of fuel in a motor vehicle or train.

Comment [110]: Topic 14

Comment [111]: Topic 13

[R]

2.21.3 Discharge of contaminants into air from water blasting and dry abrasive blasting, including any associated discharge onto land.

Comment [112]: Topic 13

[R]

2.21.4 Discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

Comment [113]: Topic 13

[R]

2.21.5 Discharge of calcium magnesium acetate to land for the purpose of de-icing the road network, including in circumstances where the calcium magnesium acetate may enter water by way of indirect discharge.

Comment [114]: Topic 15

[R]

2.21.6 Discharge of dust.

Comment [115]: Topic 18

[R, D]

2.21.7. Excavation and filling within the legal road by Road Controlling Authority.

2.22. Standards that apply to specific permitted activities

[R]

2.22.1. Application (involving a discharge) of an agrichemical into or onto land.

Comment [116]: Topic 14

2.22.1.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.

2.22.1.2. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

- 2.22.1.3. 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
- 2.22.1.4. 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.

2.22.2 Discharge of contaminants into air from abrasive blasting and water blasting, including any associated discharge onto land.

- 2.22.2.1 Any sand or other material used for abrasive blasting must contain less than 5% free silica on a dry weight basis.
- 2.22.2.2. Any discharge of particulate matter must not be offensive or objectionable as detected at or beyond the legal boundary of the area of land on which the activity is occurring.
- 2.22.2.3 Any abrasive media not in use must be kept covered and protected from erosion.
- 2.22.2.4. All material that is discharged to land from the blasting must be collected and removed from the site to the extent practicable after blasting has been completed. The material must be disposed of to a facility that has authorisation to accept the contaminants in the material.
- 2.22.2.5. There must not be any deposition of contaminants from the activity into or within 10 metres of a waterbody or the coastal marine area.
- 2.22.2.6. The surface to be blasted must not contain lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, or other heavy metals including anti foul paint containing these substances.
- 2.22.2.7. For dry abrasive blasting all items must be blasted within an abrasive blasting enclosure and the discharge must be via a filtered extraction system that removes at least 95% of particulate matter from the discharge.

2.22.3 Discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

- 2.22.3.1 There shall be no objectionable or offensive odour to the extent that it causes an adverse effect at or beyond the boundary of the site.

Note: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the 'FIDOL' factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the 'site' comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

2.22.4 Discharge of calcium magnesium acetate to land for the purpose of de-icing the road network, including in circumstances where the calcium magnesium acetate may enter water by way of indirect discharge.

- 2.22.4.1 The application of calcium magnesium acetate shall be made by, or on behalf of, the Council or the road controlling authority.
- 2.22.4.2. There shall be no direct discharge of calcium magnesium acetate to any waterbody or to coastal water.
- 2.22.4.3. The calcium magnesium acetate shall be applied in accordance with the manufacturer's recommended application rates and standards.

Comment [117]: Topic 18

2.22.4.4 Written records shall be kept of all applications of calcium magnesium acetate, including date, time, position and amount applied.

2.22.5 Discharge of Dust

2.22.5.1 There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

Note:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

2.22.6 Excavation and filling within the legal road by Road Controlling Authority.

2.22.6.1. Excavation and filling must not, after reasonable mixing, result in any of the following effects in receiving waters:

- (a) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
- (b) any conspicuous change in colour or visual clarity, or
- (c) any emission of objectionable odour, or
- (d) the rendering of fresh water unsuitable for consumption by animals, or
- (e) any significant adverse effect on aquatic life.

2.23. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

2.23.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[D]

2.23.2 Any use of land not provided for as a Permitted Activity.

[R]

2.23.23. Any discharge of contaminants into or onto land, or to air, not provided for as a Permitted Activity.

Comment [118]: Topic 13

Comment [LW119]: Topic 13

Comment [LW120]: Topic 13

Comment [LW121]: Topic 14

Heritage Resources

2.24. Permitted Activities

Unless expressly limited elsewhere by a rule-~~a~~ in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.25:

[D]

2.24.1. Repair or maintenance of a Heritage Resource identified in Appendix 13.

[D]

2.24.2. Internal or external safety alteration of a Heritage Resource, necessary for the purpose of improving structural performance (including earthquake strengthening work), fire safety or physical access.

[D]

2.24.3. Maintenance (~~meaning protective care~~) of ~~an archaeological~~ a site of significance to Marlborough's tangata whenua iwi identified in Schedule 3 of Appendix 13, where that maintenance includes:

- (a) keeping the site in good condition by controlling noxious weeds, cutting grass and light stock grazing;
- (b) land disturbance by cultivation or fencing that does not extend beyond the area or depth previously disturbed;
- (c) maintenance and upgrading of a paved road, modified berm or path provided that the land disturbance does not extend beyond the area or depth previously disturbed.

2.24.4. Erection of one sign within the site of a Heritage Resource included in Appendix 13 that is not greater than 2m² and is not flashing or illuminated for the purposes of:

- (a) setting out information relating directly to the onsite activities or uses; or
- (b) interpretative material on the historic heritage values of the place.

2.25. Standards that apply to specific permitted activities

2.25.1. Repair or maintenance of a Heritage Resource.

- 2.25.1.1. The repair or maintenance must involve stabilisation or preservation of an existing Heritage Resource, or any part of an existing Heritage Resource.
- 2.25.1.2. The repair or maintenance must not involve an alteration, addition, relocation, partial demolition or whole demolition of the Heritage Resource.
- 2.25.1.3. The repair or maintenance must not change the character, scale or intensity of the Heritage Resource.
- 2.25.1.4. The repair or maintenance must not result in any increase in the area of land occupied by the Heritage Resource.
- 2.25.1.5. The repair or maintenance carried out on the Heritage Resource must generally match the original in terms of quality, materials or detailing.

Comment [122]: Topic 1

Comment [123]: Topic 8

Comment [124]: Topic 8

- 2.25.1.6. The repair or maintenance [of a Heritage Resource identified in Appendix 13](#) can include the patching, restoration or minor replacement of materials, elements, components, equipment or fixtures.
- 2.25.1.7. Any repair or maintenance which involves the renewal, restoration or new application of surface finishes, decorative elements, minor fittings and fixtures and floor coverings must not compromise, damage or impair the appreciation of the heritage values being repaired or maintained.
- 2.25.1.8. Paint must not be applied to any previously unpainted surface, nor render to previously unplastered surfaces.

2.25.2. Internal or external safety alteration of a Heritage Resource, necessary for the purpose of improving structural performance (including earthquake strengthening work), fire safety or physical access.

- 2.25.2.1. For the purposes of improving structural performance, a structural engineering assessment by a Chartered Professional Engineer who has knowledge of the structural characteristics and earthquake performance of the type of Heritage Resource being assessed, must be obtained and provided to the Council.
- 2.25.2.2. Alterations must not change the character, scale or intensity of the Heritage Resource.

2.26. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[D]

- 2.26.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[D]

- 2.26.2. Any land use activity ~~involving~~[that relates to](#) a Heritage Resource [identified in Appendix 13](#) not provided for as a Permitted [Activity or limited as a Prohibited Activity](#).

Comment [125]: Topic 8

2.27. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[D]

- 2.27.1. The whole or ~~partial~~[partial](#) demolition or removal of a Category ~~1-A~~[1-A](#) Heritage Resource [identified in Schedule 1 of Appendix 13, except for a dangerous building under the Building Act 2004.](#)

Comment [126]: Topic 8

[D]

- [2.27.2 The destruction of a site or place of significance to Marlborough's tangata whenua iwi identified in Schedule 3 of Appendix 13.](#)

Comment [127]: Topic 8

Notable Trees

2.28. Permitted Activities

Unless expressly limited elsewhere by a rule ~~a~~ in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.29:

[D]

2.28.1. Minor trimming or pruning of a Notable Tree.

[D]

2.28.2. The use of the land immediately surrounding a Notable Tree, and activity within the Tree Protection Zone for that tree.

[D]

2.28.3. Emergency works to a Notable Tree.

[D]

2.28.4. Fixing a sign to a Notable Tree identifying the species and its classification.

[D]

2.28.5. [Trimming, pruning and other works to ensure that a Notable Tree complies with the Electricity \(Hazard from Trees\) Regulations 2003.](#)

Comment [128]: Topic 1

Comment [129]: Topic 8

2.29. Standards that apply to specific permitted activities

2.29.1. Minor trimming or pruning of a Notable Tree.

2.29.1.1. The trimming or pruning must only be:

- (a) crown clearing, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown;
- (b) canopy lifting, being the balanced removal of lower branches from a tree;
- (c) minor clearing of light branches (less than 50mm in diameter) from proximity to existing power and telecommunication lines;
- (d) done in accordance with accepted arboricultural practices.

Comment [130]: Topic 8

2.29.2. The use of the land immediately surrounding a Notable Tree, and activity within the Tree Protection Zone for that tree.

2.29.2.1. Above ground level there must be no installation of any overhead utility service within 10m of the base of the tree or within the Tree Protection Zone, whichever is the greater.

2.29.2.2. The construction, addition or replacement of any structure must be set back at least 10m from the base of the tree or not within the Tree Protection Zone, whichever is the greater.

Comment [131]: Topic 21

- 2.29.2.3. There must be no new impervious surfacing, sealing or paving, within 10m from the base of the tree or within the Tree Protection Zone, whichever is the greater.
- 2.29.2.4. There must be no storage or deposition of any chemical or substance, including preparation of cement products, within 10m of the base of the tree or within the Tree Protection Zone.
- 2.29.2.5. Below ground level there must be no laying or installation of an underground utility service within 10m of the base of the tree or within the Tree Protection Zone, whichever is the greater.
- 2.29.2.6. There must be no excavation within 10m of the base of the tree or within the Tree Protection Zone, whichever is the greater.
- 2.29.2.7. Mulching of a tree within its Tree Protection Zone must not exceed a depth of 100mm.

2.29.3. Emergency works to a Notable Tree.

- 2.29.3.1. Where there is an existing or imminent threat to life, property, a utility or a service, or to the safe operation of a road, by a Notable Tree or any part thereof, immediate action can be taken to eliminate or abate the hazard by any safe means.
- 2.29.3.2. Only work which is necessary to remove the imminent threat must be undertaken.
- 2.29.3.3. Within 5 working days of the emergency works being taken, the Council must be notified in writing of the action taken and be provided with evidence of the urgency (including photographs).

Comment [132]: Topic 8

2.30. Restricted Discretionary Activities

Application must be made for a Restricted Discretionary Activity for the following:

[D]

2.30.1. Trimming, pruning or felling of a Notable Tree associated with the operation, maintenance, upgrade or development of the National Grid that is not provided for as a permitted activity.

Matters over which the Council has restricted its discretion:

2.30.1.1. Where a Notable Tree is trimmed or pruned, the impact on the health, integrity and values that make the tree significant.

2.30.1.2. Impact on landscape, ecological, cultural, heritage and amenity values.

2.30.1.3. Whether any replanting is proposed.

2.30.1.4 The benefit of the work to the safety and efficiency of the National Grid.

Comment [133]: Topic 8

2.301. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[D]

2.301.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[D]

2.301.2. Any land use activity involving a Notable Tree not provided for as a Permitted Activity.

Transportation

The following rules apply to all zones, roads and rail corridors, unless the transportation aspect of a permitted activity is specifically provided for in the zone rules.

2.32.4. Permitted Activities

Unless expressly limited elsewhere by a rule ~~a~~ in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.323.

[D]

2.324.1. Parking associated with permitted activities in all zones except the Business 1 Zone.

[D]

2.324.2. Onsite manoeuvring associated with permitted activities in all zones.

[D]

2.324.3. Loading facility associated with permitted activities in all zones.

[D]

2.324.4. Vehicle crossing associated with permitted activities in all zones.

2.332. Standards that apply to specific permitted activities

2.332.1. Parking associated with permitted activities in all zones except the Business 1 Zone.

2.332.1.1. Onsite parking and queuing space must be provided for each activity permitted in any zone undertaken on the site. The parking and queuing spaces must be sufficient to accommodate the number of vehicles expected to be generated in the usual course of operation of the activity. If an activity is referred to in Table 2.1, compliance with the Minimum Requirements in that Table for that activity will be treated as complying with this Standard.

Comment [134]: Topic 1

Table 2.1: Parking and Queuing Space Requirements

Activity	Minimum Requirements – Number of Spaces
Commercial activity.	<p>Unless otherwise specified below, 1 per 100m² gross area of land being used for the commercial activity, plus 1 per 2 employees.</p> <p>For licensed premises, 1 per 4 persons the facility is designed to accommodate, plus 1 per 2 employees.</p> <p>For retail premises with a gross floor area of up to 1000m², 1 per 25m² of gross floor area, plus 1 per 2 employees.</p> <p>For retail premises with a gross floor area of greater than 1000m², 1 per 25m² of gross floor area for the first 1000m², plus 1 per 30m² of gross floor area for the remaining area, plus 1 per 2 employees.</p> <p>For hospitals, retirement units and care homes, 1 per 5 people the facility is licensed or otherwise designed to accommodate, plus 1 per 2 employees (calculated from the largest shift).</p>
Commercial boat related tourist activity.	1 per 2 employees.
Community facility, including a grandstand or clubroom (excluding hospitals, health, welfare and education facilities or medical facilities).	1 per 4 people the facility is designed to accommodate, plus 1 per 2 employees.
Community housing and support.	1 per 10 persons the facility is designed to accommodate, plus 1 per employee.
Dwelling	2 per dwelling.
Educational facility.	<p>Early Childhood Educational or day-care facility – 1 per 10 children the facility is designed to accommodate, plus 1 per FTE employee, plus 1 drop-off space per 5 children the facility is designed to accommodate.</p> <p>Primary – 1 per 4 classrooms, plus 1 per FTE employee.</p> <p>Secondary – 1 per every 15 students aged 16 years or over, plus 1 per FTE employee.</p> <p>Tertiary & other – 1 for every 2 FTE students, plus 1 per FTE employee.</p>
Veterinary Clinic.	2 per practitioner, plus 1 per 2 other employees.
Home occupation.	In addition to that required for the dwelling, 1 for customers, and 1 per non-resident employee/contractor involved in the home occupation.

Comment [135]: Topic 15

Activity	Minimum Requirements – Number of Spaces
Industrial Activity or Warehousing.	1 per 100m ² gross floor area, plus 1 for every 100m ² of outdoor storage, plus 2 per 3 employees employed on the site (based on the maximum number of employees at any one time), plus 2 for visitors.
Marae Activity.	1 per 450m ² of land area.
Marina Activities	<p>Retail activities – One for every 25m² of gross floor area of premises and one per two employees.</p> <p>Ship brokering and Boat hire/Chartering – One for every two employees the operation is designed to cater for.</p> <p>Marina – One for every two berths. 10% of which should be assigned to trailer parking.</p>
Port Activities	<p>Car and Ship hire/Chartering – One space for every two staff members the operation is designed to cater for.</p> <p>Marina – as specified for Marina Activities above.</p>
Professional, commercial or administrative office.	1 per practitioner, plus 1 per 2 other employees.
Vehicle oriented activity.	<p>2 per 3 employees likely to be employed on the site (based on the maximum number of employees at any one time), plus 2 for visitors, plus 1 per 50m² gross floor area of retail shop, plus 1 per 25m² of workshop area, plus 1 queuing space for an air hose or vacuum, plus 3 queuing spaces for a carwash.</p> <p>For drive through facilities - in addition to the above, 5 queuing spaces per booth of facility (excluding service stations and truck stops).</p>
Visitor accommodation or homestay.	<p>For backpackers – 1 per 3 persons the building is designed to accommodate, plus 1 per 2 employees.</p> <p>For homestays – 2 1 for each quest bedroom of the homestay in addition to that required for the dwelling.</p> <p>For hotels – 1 per 2 hotel rooms, plus 1 per 2 non-resident employees.</p> <p>For motels and camping grounds – 1 per site or unit, plus 1 per 2 non-resident employees.</p>

Comment [136]: Topic 15

Comment [137]: Topic 21

Comment [138]: Topic 15

- 2.332.1.2. Where two or more similar activities occurring on the site the activity with the higher parking rate must apply.
- 2.332.1.3. Where there are two or more different activities occurring on the site the total space requirement for the site must be the sum of the space requirements for each activity.

- 2.332.1.4. The calculation of required spaces must use the gross floor area of the building or premise in which the activity will occur; excluding the gross floor area of any vehicle access, loading, turning, or parking area already provided on the site.
- 2.332.1.5. When the assessment of the required parking standards results in a fractional space, any fraction under one half will be disregarded, and any fraction of one half or more will be counted as one parking space.
- 2.332.1.6. Any property served entirely by boat or air access is exempt from parking requirements.
- 2.332.1.7. A land use activity must not exceed a maximum of 75 parking spaces.
- 2.332.1.8. The required parking spaces must be available for residents, staff or visitors at all times during the hours of operation of the activity to which they relate.
- 2.332.1.9. Where individual activities occur at mutually exclusive times of the day or night on the same site, each parking space may be considered as qualifying as part of the required parking provision for each activity provided there is no overlapping demand for parking spaces.
- 2.332.1.10. When a building is increased in floor area, or undergoes a partial change in use, parking requirements for the existing part of the building (if any), or that part remaining in the existing activity, will remain unaltered. Parking requirements for the increased floor area or that area with a new or altered use must be calculated in accordance with Table 2.1. For the purpose of this standard, 'partial' means an addition or alteration of more than 20% of the gross floor area over a 5 year timeframe.

Accessible Parking Space

- 2.332.1.11. Where parking is required for a non-residential activity, the minimum number of Accessible Parking Spaces which must be provided must be in accordance with Table 2.2.

Table 2.2: Accessible Parking Space Requirements

Number of onsite parking spaces required per activity	Minimum number of parking spaces per site of dimensions to accommodate Accessible Parking Spaces
1 – 10	1
11 – 75	2

Design and Formation Standards for a Parking Space

- 2.332.1.12. A parking space must be formed to an all-weather standard and must be clearly identified by marking on the ground or other signal to avoid inefficient parking of vehicles within the allocated space. Staff parking spaces must be marked as being for use by staff.
- 2.332.1.13. The first 3m of the parking space (as measured from the road boundary) must be formed and sealed for the full width of the vehicle crossing.
- 2.332.1.14. The parking space must be of useable shape, with a gradient of not more than 1 in 20 in any direction, and together with their entrance and manoeuvring aisles, must be designed and formed to comply with the layout shown in Figure 2.1.

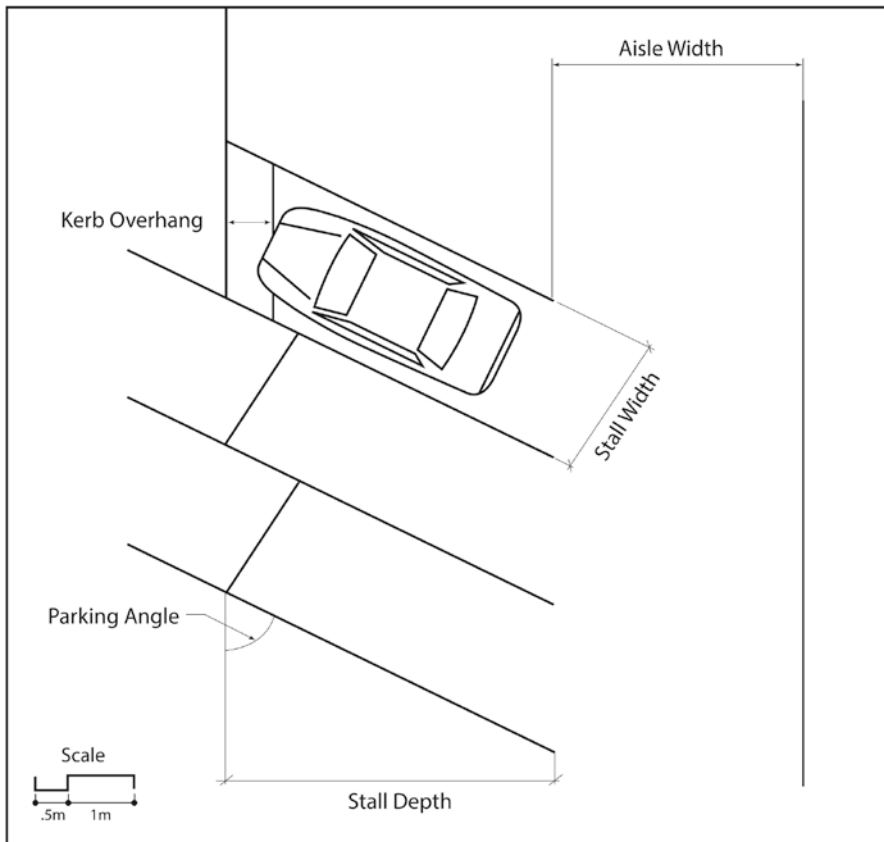


Figure 2.1: Parking Layouts

- 2.332.1.15. On any property fronting a national or arterial route (as identified in Appendix 17) where parking spaces are required to be provided, or where the required spaces are at a distance of greater than 30m from the road boundary, the parking spaces must be configured such that vehicles are able to enter and leave the site in a forward direction without reversing onto the road.
- 2.332.1.16. Parking spaces on rear sites must be configured such that vehicles using the spaces are able to enter and leave the site in a forward direction without reversing onto the road.
- 2.332.1.17. Where parking spaces are expected to be used at night, overhead lighting sufficient to illuminate the parking area must be installed and they must comply with any zone standards with respect to light spill.
- 2.332.1.18. Where multiple parking spaces are required, there must be sufficient queuing space to prevent conflict between vehicles entering and leaving the property.
- 2.332.1.19. Parking spaces and loading facilities may be served in whole or in part by a common manoeuvre area which must remain unobstructed.
- 2.332.1.20. A parking space, other than for a dwelling, must be designed to accommodate a 90 percentile design car (refer to Figure 2.2) and must be laid out in accordance with the minimum dimensions specified with Table 2.3.

- 2.332.1.21. Stall depth may be reduced by 600mm where there is sufficient kerb overhang in front of the parking space, provided it is not required for another parking space, pedestrian path or similar purpose.
- 2.332.1.22. Spaces adjacent to walls or columns must be 300mm wider than specified in Table 2.3.

Table 2.3: Minimum Parking Space Dimensions

Type of User	Parking Angle	Stall Width	Aisle Width	Stall Depth ⁽⁵⁾	Kerb Overhang
Class 1 ⁽¹⁾	90°	2.5m	6.2m	5.0m	1.0m
Class 2 ⁽²⁾	90°	2.6m	7.0m	5.0m	1.0m
Accessible parking	90°	3.6m	6.2m	5.0m	1.0m
All	0° (parallel)	2.1m	3.3m ⁽³⁾ 6.5m ⁽⁴⁾	6.1m	0 0
All	30°	2.5m	3.5m	4.4m	0.6m
All	45°	2.6m	4.2m	5.2m	0.8m
All	60°	2.6m	5.1m	5.7m	1.0m

Notes for Table 2.3:

- (1) Class 1: medium to long term parking including areas such as employee or commuter parking, long term town centre parking, a sporting facility, entertainment centre or hotel/motel.
- (2) Class 2: short term, high turnover parking at a retail/commercial activity and where goods can be expected to be loaded into vehicles.
- (3) One way aisle only.
- (4) Two way aisle.

Queuing Length Associated with Vehicle Parking

- 2.332.1.23. Where parking is provided within a property, a minimum queuing length must be provided for vehicles entering the property in accordance with the Table 2.4.

Table 2.4: Queuing Length

Number of parking spaces	Minimum queuing length
Less than 20	5.5m
21-50	10.5m
51-75	15.5m

- 2.332.1.24. The queuing length must be measured from the road boundary at the parking entrance to the nearest vehicle control point or the point where entering vehicles could conflict with vehicles already on site.
- 2.332.1.25. Where more than one vehicle crossing is provided to a site, the required queuing length must be assessed for each access point individually, with

each parking space allocated to the nearest entry vehicle crossing for the purpose of the assessment.

- 2.332.1.26. In the case of a drive-on or drive-through facility, sufficient queuing space must be provided on the property such that there is no spill-over of waiting vehicles onto a public street.

Landscaping Requirements for Parking Spaces

- 2.332.1.27. A group of five or more parking spaces on a property within or adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must be screened from view from an adjoining residential property by a fence or vegetation, or other means of screening.
- 2.332.1.28. A wheel stop or other suitable barrier must be positioned in front of a boundary fence within a parking area adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.

2.332.2. Onsite manoeuvring associated with permitted activities in all zones.

- 2.332.2.1. The manoeuvring area from the road boundary to any parking space must be designed to accommodate a 90 percentile car or truck (refer Figure 2.2 and 2.3).
- 2.332.2.2. Onsite manoeuvring for a 90 percentile car or truck must be provided to ensure that no vehicle is required to reverse either onto, or off a property where:
- (a) an activity has vehicle access and/or a vehicle crossing to an arterial road (as identified in Appendix 17);
 - (b) an activity provides 4 or more parking spaces having vehicle access and/or a vehicle crossing onto a principal or collector road (as identified in Appendix 17);
 - (c) an activity requires 10 or more parking spaces;
 - (d) three or more dwellings share a common access.
- 2.332.2.3. Apply tracking curves as follows in (a), (b) and (c), and illustrated in Figures 2.2 and 2.3:
- (a) where vehicles normally manoeuvre at speeds of less than 10km per hour a minimum clearance of 300mm must be maintained between the vehicle tracking area curve and any fixed object;
 - (b) where vehicles normally manoeuvre at speeds greater than 10km per hour a minimum clearance of 600mm must be maintained between the vehicle tracking curve and any fixed object;
 - (c) for public and customer car parking, the 90 percentile tracking curves apply as shown in Figure 2.2.

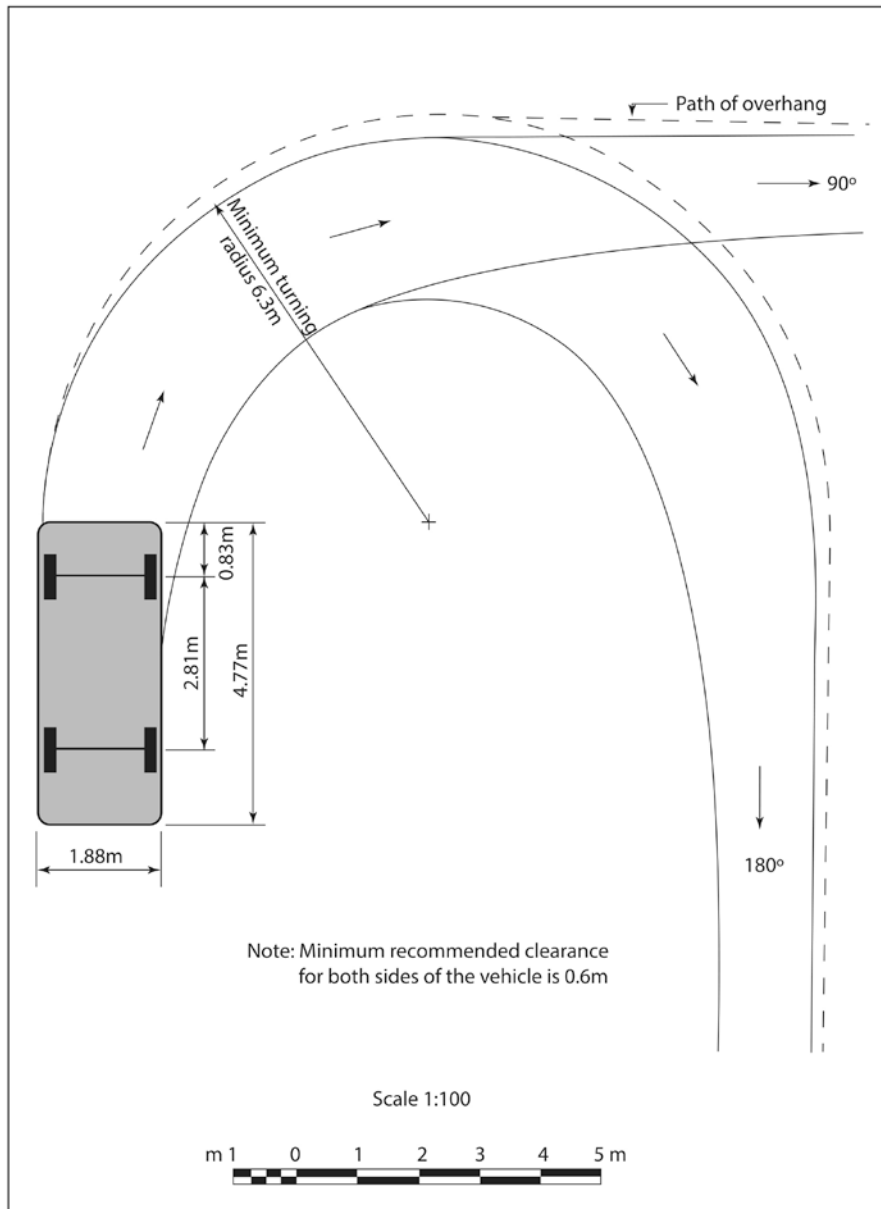


Figure 2.2: Vehicle Tracking Curve: 90 Percentile Car

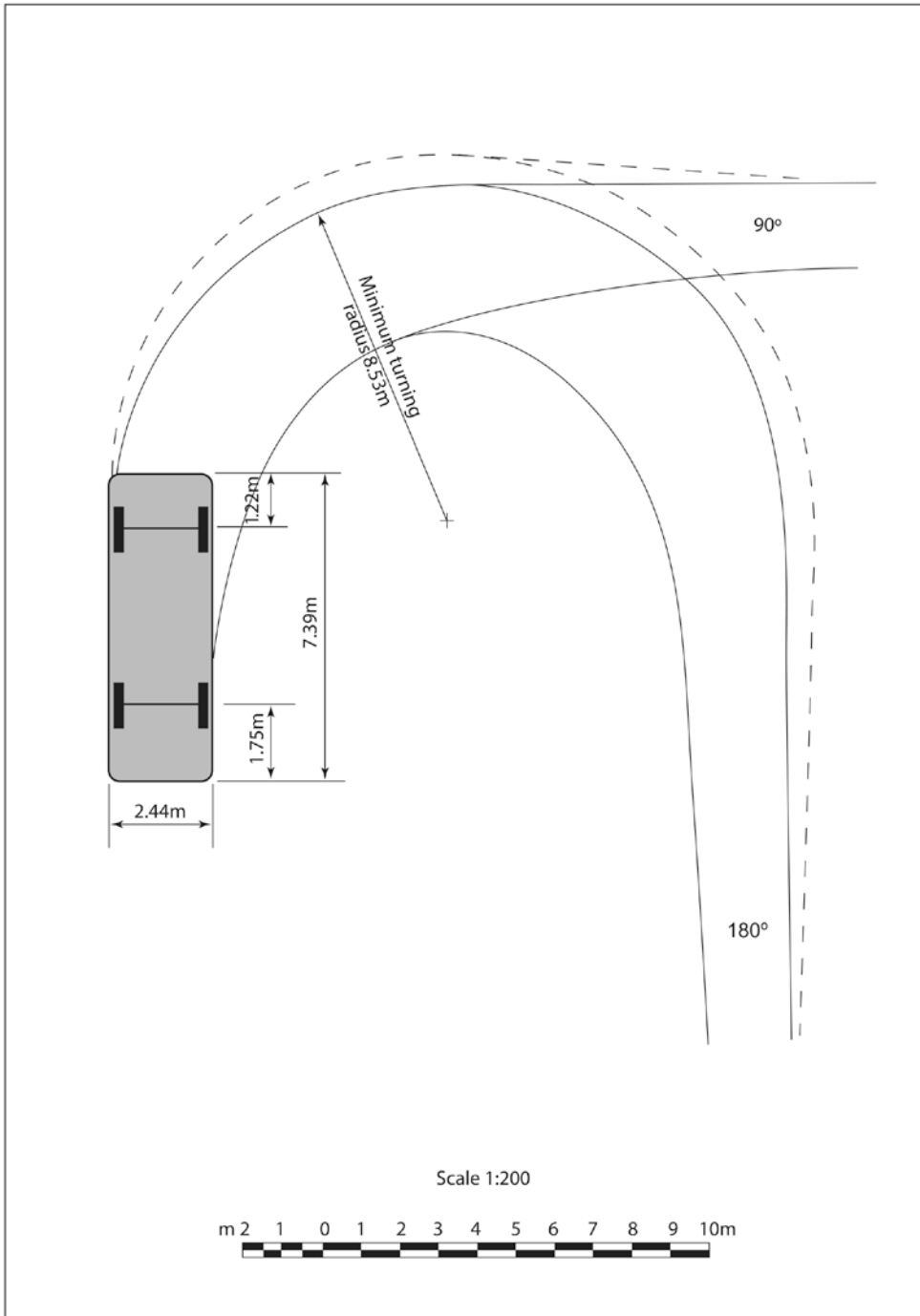


Figure 2.3: Vehicle Tracking Curve: 90 Percentile Truck

2.332.3. Loading facility associated with permitted activities in all zones.

2.332.3.1. An activity which involves the delivery or collection of goods using heavy vehicles must provide a loading facility able to accommodate expected demand

for loading deliveries, and in accordance with the dimensions set out in Table 2.5.

- 2.332.3.2. If an activity is not represented in Table 2.5, the facility dimensions in the table for the activity closest in nature to the new activity must be used, or where there are two or more similar activities the activity with the larger facility dimensions must apply.

Table 2.5: Loading Facilities

Activity	Minimum Size
Transport depot or similar.	9m length 3.5m wide 3.8m high
Retail premise, office, warehouse, bulk store, industry, service industry or similar.	8m length 3.5m wide 3.8m high
Offices and other non-goods handling activity, where the gross floor area is not greater than 1500m ² , and where on-street space is available for occasional servicing by larger vehicles.	6m length 3m wide 2.6m high
Notwithstanding anything to the contrary in the foregoing Standards, where articulated vehicles are used or are intended to be used in connection with any site.	20m length 3.5m wide

Design and Formation Standards for a Loading Facility

- 2.332.3.3. The manoeuvring area from the road boundary to the loading facility must be designed to accommodate a 90 percentile two axle truck (refer Figure 2.3).
- 2.332.3.4. The loading facility must be located on the same property as the activity to which it relates, and must be formed and finished to an all-weather, dust-free surface.
- 2.332.3.5. The first 3m of the loading facility (as measured from the road boundary) must be formed and sealed for the full width of the vehicle crossing.
- 2.332.3.6. A loading facility accessing directly onto a national or primary arterial route (as identified in Appendix 17) must be sealed for a minimum of 20m as measured from the road boundary.
- 2.332.3.7. A loading facility must have useable access to the activity or building to which it relates, and must adjoin an adequate area for goods handling and be convenient to any service area or service lift.
- 2.332.3.8. A loading facility must be available for loading purposes at all times.
- 2.332.3.9. A loading facility must be provided in a location that does not impede through traffic, a manoeuvring area, or a pedestrian or cycle access, and must have unobstructed vehicular access to a road or service lane.

- 2.332.3.10. A loading facility must be designed and located to avoid vehicle parking queuing, or standing on the carriageway of a ~~national route~~ state highway (as identified in Appendix 17).
- 2.332.3.11. A loading facility must be designed to ensure that vehicles are not required to reverse either onto or off the site, except a loading facility with access to a collector or local road (as identified in Appendix 17) or services lane where a loading dock may be provided.
- 2.332.3.12. A loading facility on a rear site must be configured such that a vehicle using the facility is able to enter and leave the site in a forward direction without reversing onto the road.
- 2.332.3.13. A loading facility and parking spaces may be served in whole or in part by a common manoeuvre area which must remain unobstructed.
- 2.332.3.14. Loading and manoeuvring must, as dictated by the circumstances, accommodate the minimum appropriate tracking curve shown in Figures 2.2 - 2.5.

Comment [139]: Topic 15

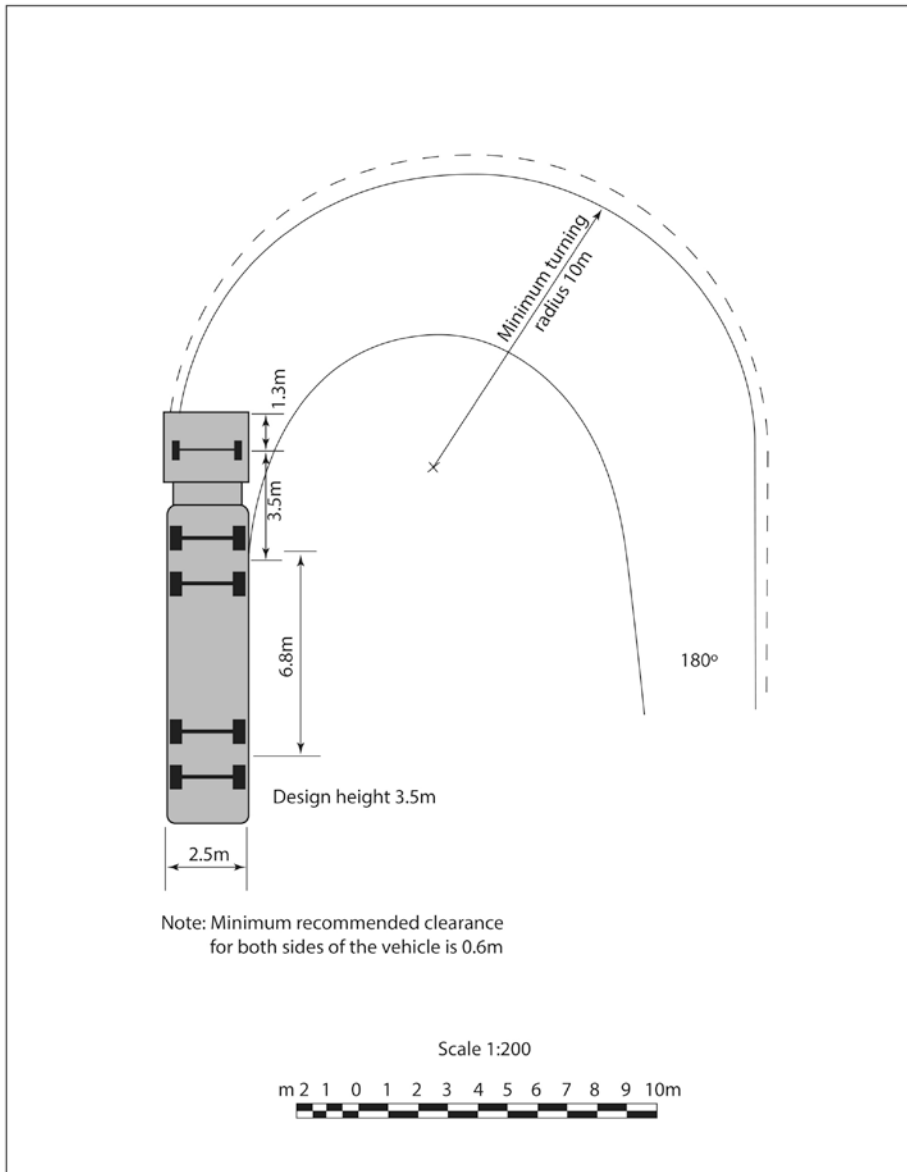


Figure 2.4: Vehicle Tracking Curve: Articulated Truck

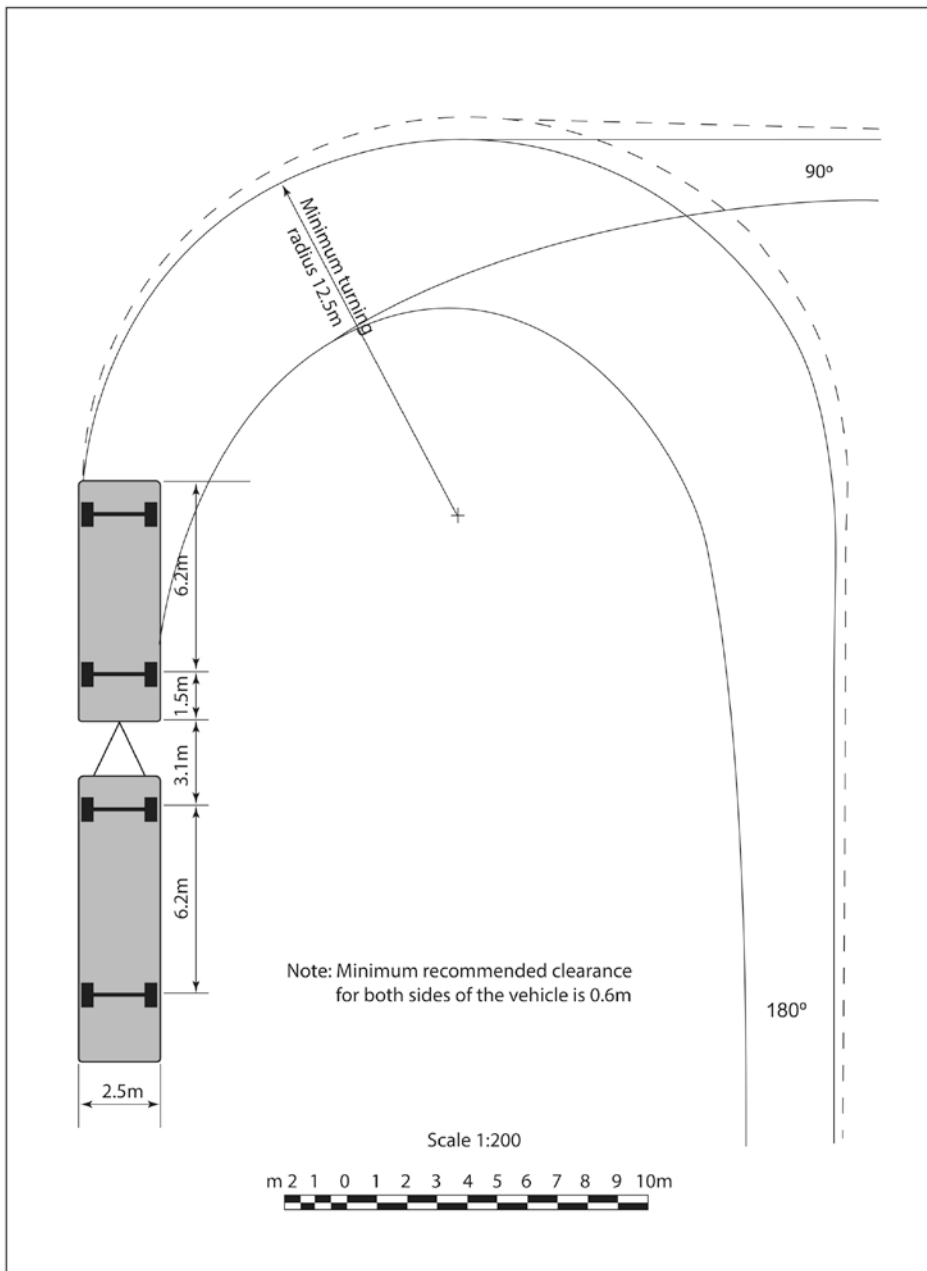


Figure 2.5: Vehicle Tracking Curve: Truck and Trailer

2.3233.4. Vehicle crossing associated with permitted activities in all zones.

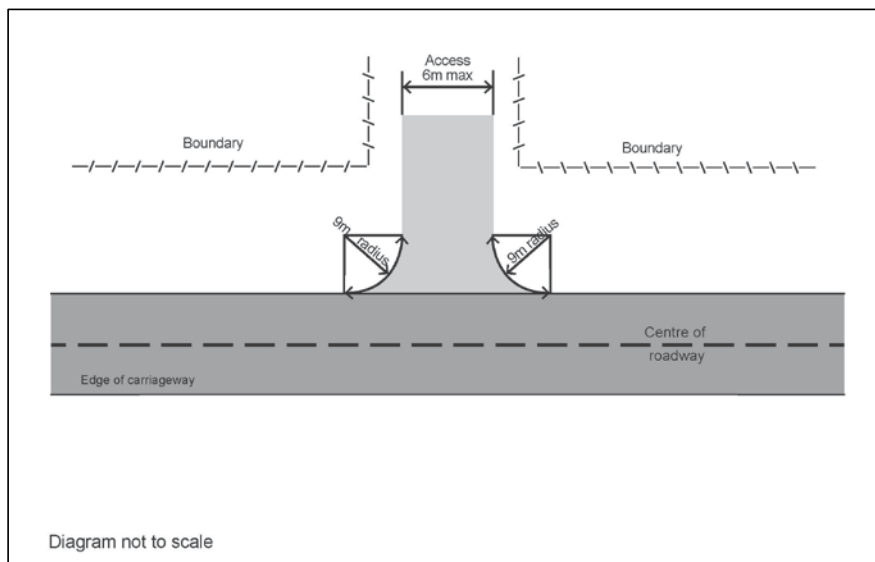
2.332.4.1. Vehicle access to a property from a road or service lane must be by way of a vehicle crossing constructed, from the roadway to the road or service lane boundary of the property at the owners or developers expense.

2.332.4.2. The design for a new or altered vehicle crossing, an existing vehicle crossing where there is a change of land use activity, or a crossing where a new land use activity is to be established, must be in accordance with Table 2.6 and Figure 2.6. This Standard does not apply if an ~~an~~ ~~Corridor~~ Access ~~Plan~~ ~~Request~~ has been approved by the ~~Roading~~ ~~Controlling~~ Authority.

Comment [140]: Topic 15

Table 2.6: Vehicle Crossing Width

Activity	Minimum	Maximum
Residential (car traffic)	3.5 m	6-9 m
Non-residential (heavier traffic)	4 m	9 m



Comment [142]: Figure 2.6 replaced with new figure Topic 15

Comment [141]: Topic 15

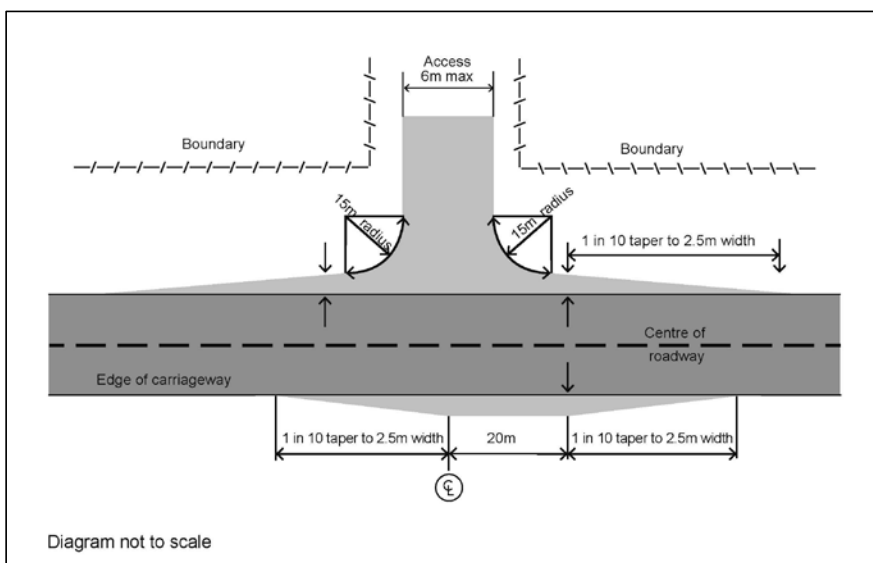
Figure 2.6: Vehicle Crossing for Residential Use for One ~~Rural~~ ~~User~~ in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone.

- 2.332.4.3. Where vehicle access is required to properties with other than residential activity, the access must be by means of channel and crossing constructed to a commercial standard, and in accordance with Table 2.6.
- 2.332.4.4. A vehicle crossing to a dwelling must be formed in accordance with Table 2.6, and 2.7 and Figures 2.6 and 2.7.

Table 2.7: Vehicle Crossing Width

No. Units Served	Min. Width	Min. Formation Width	Qualification
1	3.5m NA	NA 3.5m	
2-4	3.5m	3.5m	Sealed
5-6	6m 5m	5m 6m	Sealed. Width allows passing.

Comment [143]: Topic 15



Comment [144]: Amended Figure 2.7 to be consistent with figure 2.6 Topic 15

Comment [145]: Topic 15

Figure 2.7: Vehicle Crossing for Residential Use for ~~23-6 Rural~~ Users in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone

- 2.332.4.5. The width of a vehicle crossing must be measured as the actual length of channel covered or the length of the fully dropped kerb.
- 2.332.4.6. A vehicle crossing used by a heavy vehicle must be designed and constructed so that a heavy vehicle does not have to cross the road centre line when making a left turn.
- 2.332.4.7. The minimum height clearance for the vehicle crossing must be 4.5m.
- 2.332.4.8. Where the frontage to a site is to an unformed legal road, the vehicle crossing to the site is where the unformed legal road intersects with a formed legal road. The design requirements are to be met at the intersection of the unformed legal road and the formed legal road.
- 2.332.4.9. A new vehicle crossing must be located a minimum of 30m from a railway level crossing, measured from the closest rail track to the edge of seal of the proposed vehicle crossing.
- 2.332.4.10. A standard vehicle crossing must be provided to a property capable of containing no more than four dwellings. A heavy duty vehicle crossing must be provided for all other properties.

- 2.332.4.11. A rural vehicle crossing must be constructed to an all-weather standard, to the same standard as the adjoining road. In urban areas any vehicle crossing must be constructed in permanent materials, consistent with the standard in the immediate locality.

Distances of a Vehicle Crossing From an Intersection

- 2.332.4.12. No part of a vehicle crossing must be located closer, on either side of the road to the intersection of any roads, than the minimum distance specified in Table 2.8.

Table 2.8: Intersecting Road Type

Frontage Road (as identified in Appendix 17)	Urban (all roads other than Rural)				Rural (roads where speed limit is 100k/hr)			
	Primary Arterial	Secondary Arterial	Collector	Local & Service	Primary Arterial	Secondary Arterial	Collector	Local & Service
Primary Arterial & National	70m	55m	40m	35m	275m	275m	180m	180m
Secondary Arterial	55m	55m	40m	35m	180m	180m	90m	90m
Collector	40m	40m	40m	20m	90m	90m	60m	60m
Local & Service Roads	25m	25m	25m	20m	90m	90m	60m	60m

- 2.332.4.13. The distance must be measured from the point at which the legal boundary lines of the two road frontages intersect.

Distance Between Vehicle Crossings

- 2.332.4.14. On a national or arterial road (as identified in Appendix 17) where the speed limit is 100km/hr, the minimum distance between successive vehicle crossings (regardless of the side of the road on which they are located) must not be less than 200m. Provided that two vehicle crossings may adjoin one another with a maximum separation of 4m.
- 2.332.4.15. On a collector route or a local road (as identified in Appendix 17) where the legal speed limit is 100km/hr, the minimum distance between successive vehicle crossings (regardless of the side of the road on which they are located) must not be less than 60m. Provided that two vehicle crossings may adjoin one another with a maximum separation of 4m.
- 2.332.4.16. On a road where the speed limit is less than 100km/hr, the minimum spacing between successive vehicle crossings (either single or combined) on the same side of the road, must not be less than 15m, with the exception of vehicle crossings which serve dwellings in which case it must not be less than 7.5m.

- 2.332.4.17. The separation distance must be measured from the centre of one vehicle crossing to the centre of the succeeding vehicle crossing, parallel to the centreline of the road.

Maximum Number of Vehicle Crossings

- 2.332.4.18. The maximum number of vehicle crossings to a property per road frontage must be in accordance with Table 2.9.

Table 2.9: Maximum Number of Vehicle Crossings

Road Hierarchy (as identified in Appendix 17)	Legal Speed Limit for Road (km/hr)	Frontage Length			
		0-20m	21-60m	61-100m	101+m
Local & Collector	Any	1	2	2	3
National & Arterial	<100	2 1	1	2	2
National & Arterial	100	1	1	1	2

Comment [146]: Topic 15

Sight Distance from a Vehicle Crossing

2.332.4.19. Unobstructed sight distances must be provided from a new or altered vehicle crossing, existing vehicle crossing where there is a change of land use activity, or a crossing for a new land use activity. Sight distance from the vehicle crossings must be in accordance with Table 2.10 and Figure 2.8.

Table 2.10: Minimum Sight Distances from a Vehicle Crossing

Legal Speed Limit for Road (km/hr)	Minimum Sight Distance	
	Residential	Non Residential Use
0-50	45m	80m
51-60	65m	105m
61-70	85m	140m
71-80	115m	175m
81-100	160m	210m

2.332.4.20. Where the frontage to a property is to an unformed legal road, the vehicle crossing to the property is where the unformed legal road intersects with the formed legal road. The design requirements, including minimum sight distances from the vehicle crossing must be met at the intersection of the unformed legal road and the formed legal road.

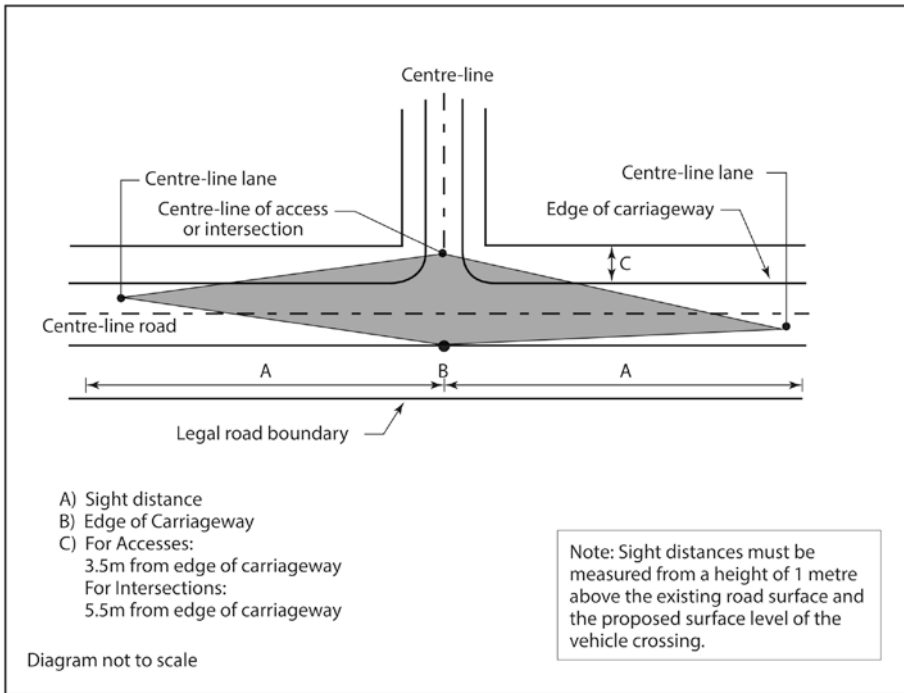


Figure 2.8: Sight Distance Measurements

Railway level crossings – minimum sight distances.

2.332.4.21. The sight distances shown in Figure 2.9 in relation to a railway level crossing must be kept clear of all obstructions including buildings, fences and vegetation.

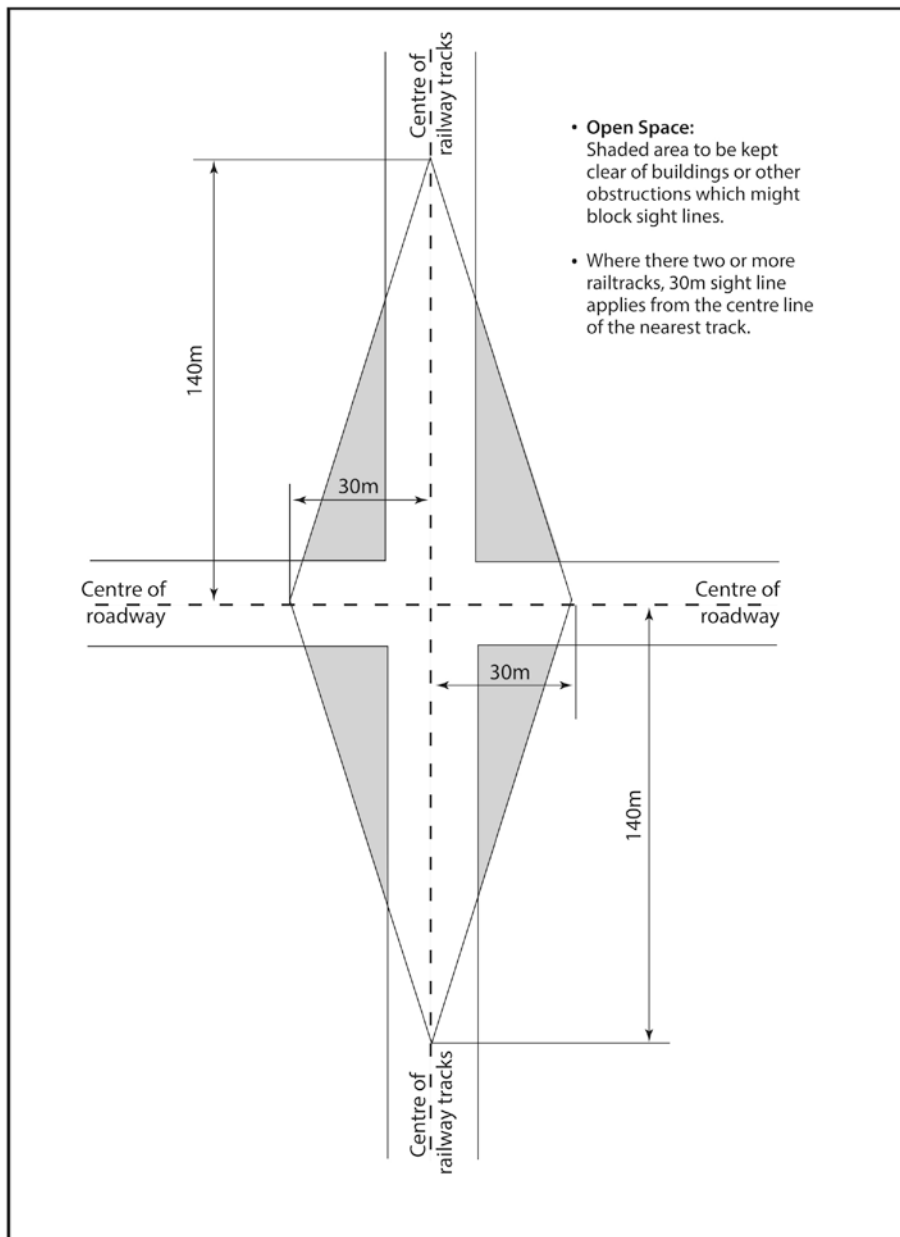


Figure 2.9: Railway Crossing Sightlines

2.332.4.22. Where a new vehicle crossing is to be formed to a national route (as identified in Appendix 17) and the access crosses a railway and there is less than 25m separation between the national route and the railway the sight distance must be measured from a point:

- (a) at a height of 1.15m above the proposed surface level of the access;
- (b) on the access;
- (c) 5m back from the side of the railway furthest from the national route.

Vehicle Oriented Activity

- 2.332.4.23. A canopy must be set back 2m from the road boundary.
- 2.332.4.24. A vehicle crossing into a vehicle oriented activity must comply with the following minimum separation distances from intersections measured from the start of corner construction:
- (a) if a national route (as identified in Appendix 17) is one of the roads of the intersection the separation distance must be 15m;
 - (b) otherwise the separation distance must be 10m.
- 2.332.4.25. A vehicle crossing into a vehicle oriented activity must comply with the following minimum separation distances from other vehicle crossings:
- (a) between vehicle crossings for residential activities the separation distance must be 7m;
 - (b) between vehicle crossings for other activities the separation distance must be 15m.
- 2.332.4.26. The width of a vehicle crossing into a vehicle oriented activity must comply with the following:
- (a) where there are no tanker movements associated with the activity, the one way width must be a minimum of 4.5m and maximum of 6m;
 - (b) two way, and one way (with tanker movements) width must be a minimum of 6m and maximum of 9m.
- 2.332.4.27. The layout of the property must be such that a vehicle can enter and leave the property in a forward direction without any need for additional onsite manoeuvring or manoeuvring on the frontage road.
- 2.332.4.28. For a vehicle crossing from a national or arterial route (as identified in Appendix 17) to be used by heavy vehicles, the first 20m of the vehicle crossing must be generally at the same level as the frontage road itself.
- 2.332.4.29. An area, not closer than 9m to the road boundary, must be provided for onsite queuing between the property boundary and:
- (a) fuel dispensers;
 - (b) ticket vending machines;
 - (c) remote ordering facilities and devices;
 - (d) entrance control mechanisms;
 - (e) point where conflict with vehicles already on site may occur.
- 2.332.4.30. Site size must be sufficient to ensure that no vehicles being serviced; entering a carpark, awaiting service; or servicing the establishment require to be parked on the road or in such a location that impedes entry, exit and visibility to or from the entranceway.
- 2.332.4.31. Parking and vehicle manoeuvring must be designed and constructed in accordance with the requirements of the activity and must not impact on the adjacent road network.
- 2.332.4.32. The road boundary of the property must be bordered by a nib wall (or other device) to control traffic flows and to clearly define entrance and exit points.
- 2.332.4.33. The design of the vehicle crossing and the minimum sight distance from the vehicle crossings must be provided in accordance with Rule 2.31.4.

- 2.332.4.34. Provision on the property must be made for service vehicles and for goods loading and unloading. The area set aside for these activities must not encroach onto an area set aside for vehicle access, maneuvering or a storage facility or pedestrian movement. The area set aside must be sufficiently dimensioned for the largest expected vehicle, and maneuvering space and the number of those vehicles expected to be at the property at any one time.
- 2.332.4.35. The design and site layout of a vehicle oriented activity must make provision for the safe movement of pedestrians about the property, at the vehicle crossings, and for their safe movement across roads in the vicinity of the property without an adverse effect on the operation of the frontage road.
- 2.332.4.36. A one way entrance or exit must be signposted as such.
- 2.332.4.37. For a service station, pumps must be located a minimum of 4.5m from the road boundary and a minimum of 12m from the midpoint of any vehicle crossing at the road boundary. Vehicles must be clear of the footpath and vehicle crossings when stopped for refueling.
- 2.332.4.38. For service stations, a minimum path width of 4.5m must be provided for vehicles through the forecourt.
- 2.332.4.39. The minimum path and loading bay widths for tankers must be 4.5m with a minimum inside turning radius of 7.5m.
- 2.332.4.40. For a service station, a tanker discharging must not obstruct the footpath or any part of the property intended for use by vehicles being served at refueling positions or waiting for service.
- 2.332.4.41. A vehicle oriented activity containing a total gross floor area of more than 500m², must:
- not have any part of a vehicle crossing on to an arterial road (as identified in Appendix 17) located closer than 60m to the departure side of any intersection;
 - not have any part of a vehicle crossing on to an arterial road (as identified in Appendix 17) located closer than 30m to the approach side of any intersection;
 - distance must be measured from the point at which the legal boundary lines of the two road frontages intersect, and must comply with the minimum distance of a vehicle crossing from an intersection as set out in Table 2.8;
 - unobstructed sight distances must be available from all vehicle crossings and intersections in accordance with the minimum sight distances specified in Table 2.8, and Figure 2.8.

2.343. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[D]

2.343.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

~~[D]~~

~~**2.332. Any land use activity relating to transportation not provided for as a Permitted Activity. (Deleted)**~~

Comment [147]: Topic 15

Signage Signs

2.354. Permitted Activities

Unless expressly limited elsewhere by a rule ~~a~~ in the MEP, the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.365 and 2.367:

[D]

2.354.1. Sign for a home occupation.

[D]

2.354.2. Illumination of a sign.

[D]

2.354.3. Land development sign.

[D]

2.354.4. Real estate sign (professional or private).

[D]

2.354.5. Sign attached to a tree identifying the species and classification of a Notable Tree in terms of Schedule 3 in Appendix 13.

[D]

2.354.6. Sign displayed on a construction site denoting the owner and, professional and construction firms associated with an active building project.

[D]

2.354.7. Sign displayed on a utility, utility site, or public park or reserve.

[D]

2.354.8. Sign on any land zoned Business 1, Business 2, Industrial 1 Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.

[D]

2.354.9. Sign on any land zoned ~~Urban Residential 1 (show home), Urban Residential 2 (including Greenfields) (show home), Urban Residential 3 (show home), Rural Environment, Coastal Environment, Rural Living or Coastal Living.~~

[D]

2.354.10. Sign required for, or established by statute, rule, ~~or~~ regulation or bylaw.

[D]

2.354.11. Temporary sign for a community (including electoral), special, educational or recreational event.

[D]

2.354.12. Traffic or safety sign, or a sign denoting the name of a road installed by the roading authority ~~or the number of a premise.~~

Comment [148]: Topic 15

Comment [149]: Topic 1

Comment [150]: Topic 15

Comment [151]: Topic 15

Comment [152]: Topic 15

Comment [153]: Topic 15

[D]

[2.35.13. Sign denoting the number of a premise.](#)

[D]

[2.35.14. Signs for show homes.](#)

[D]

[2.35.15 Supermarket signage.](#)

[D]

[2.35.16 Pouwhenua.](#)

Comment [154]: Topic 15

Comment [155]: Topic 2

2.365. Standards that apply to all permitted activities

2.365.1. General.

2.365.1.1. [The following standards do not apply to signs permitted by Rules 2.34.10 and 2.34.12.](#)

Comment [156]: Topic 15

2.365.1.2. The signage must relate to or be associated with a service, product or event available or occurring on the site on which the sign is located [except for signs subject to Rule 2.34.11.](#)

Comment [157]: Topic 15

2.365.1.23. Only one sign is permitted per [property site](#) unless otherwise provided for in the Standards in 2.367.

Comment [158]: Topic 15

2.365.1.34. A sign must not be erected on, or adjacent to, a [legal road reserve](#), where the sign ~~may~~:

- (a) [may](#) obstruct the line of sight of any corner, bend, intersection or vehicle access;
- (b) [may](#) obstruct, obscure or impair the view of any [official road traffic](#) sign or signal;
- (c) [may](#) physically obstruct or impede traffic or pedestrians;
- (d) [may](#) resemble or be likely to be confused with any [traffic official road](#) sign or signal;
- (e) [uses](#) reflective materials (other than [an official road sign or traffic safety and hazard](#) sign) that may interfere with a road user's vision;
- (f) ~~be~~ [is](#) within 120m of any State Highway intersection or bridge, ~~within that has a 400km/hr~~ speed limit [or 70 km/hr or greater](#);

[\(g\) is infrangible.](#)

Comment [159]: Topic 15

2.365.1.45. The sign message must be clear and concise. Lettering sizes on signage must be such that it does not cause any safety issue for motorists.

2.365.1.56. A sign must be erected to present an unrestricted view to the motorist for the applicable minimum distance shown in Table 2.11.

Table 2.11: Minimum Visibility Distance to Signs

Regulatory Speed Limit (kph)	Visibility Distance (m)
0-50	80
51-70	130
71-80	175

81-100	250
--------	-----

- 2.365.1.67. A sign must comply with the height ~~and, where applicable, recession plane~~ and, except for signs adjacent to road boundaries, must comply with recession plane requirements for the zone in which it is located.
- 2.365.1.78. A sign is not required to comply with rules relating to setbacks from road boundaries in each of the respective zones.
- 2.365.1.89. A sign attached to a building must not exceed the highest point of the roof.
- 2.365.1.910. A sign must be constructed, fixed and placed in a manner so it does not pose a danger to property or people.
- 2.365.1.4011. A removable panel within the permitted area of a sign may be provided indicating whether a premise is open or closed.
- 2.365.1.4412. The minimum distance between signs on successive properties, as read from the one direction and measured parallel to the centre-line of the road, must be as shown in Table 2.12:

Comment [160]: Topic 15

Table 2.12: Minimum Distance Between Signs

Regulatory Speed Limit (kph)	Visibility <u>Minimum Distance Between Signs</u> (m)
0-70	60
70 80	70
81-100	80

Comment [161]: Topic 15

- 2.36.1.13 A sign (except for signs erected by Transpower NZ Ltd) exceeding 2.5m in height:
 - (a) must not be located within the National Grid Yard; and
 - (b) must not restrict or prevent access to the National Grid.

Comment [162]: Topic 15

2.376. Standards that apply to specific permitted activities

2.376.1. Sign for a home occupation.

- 2.36.1.1. The maximum area of the sign per dwelling must not exceed 0.25m² and may consist of either a sign attached to a building or fence, or a freestanding sign.
- 2.36.1.2. A sign attached to a boundary wall or fence must be parallel to the plane of the wall or fence and not project at an angle.
- 2.36.1.3. A sign must not be placed on a roof.
- 2.36.1.4. A free standing sign must not exceed 2m in height.

2.376.2. Illumination of a sign.

- 2.36.2.1. Variable, Flashing or rotating or revolving lights or animated parts must not be used on any sign.
- 2.376.2.2. A sign visible from a State Highway in a 100km/hr area must not be illuminated unless the premises the sign relates to is open for business.

Comment [163]: Topic 15

- 2.376.2.3. A temporary sign must not be illuminated, either from within the sign itself or externally through a floodlight or similar method of illumination.
- 2.376.2.4. The illumination must not result in greater than 10 Lux spill (horizontal and vertical) of light onto any adjoining property within the zone, measured 2m inside the boundary of any adjoining property, in all zones other than the Port Zone. For the Port Zone, illumination must not result in greater than 10 Lux spill (horizontal and vertical) of light onto any property outside of the zone, measured 2m from the zone boundary.
- 2.376.2.5. The illumination must not result in greater than 2.5 Lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 or Business 1 or 2.

Comment [164]: Topic 15

2.376.3. Land development sign.

- 2.376.3.1. A maximum of 6m² of signage can be attached to the site frontage for the duration of the development phase. The maximum can be comprised of a single sign or a combination of smaller signs.
- 2.376.3.2. Land development signs must be removed within one week of unconditional agreements for sale and purchase being made by the vendor with respect to all allotments or units in the development.

2.376.4. Real estate sign (professional or private).

- 2.376.4.1. To cater for a multiagency listing, a maximum of three real estate signs are permitted per site at any one time.
- 2.376.4.2. The maximum area per real estate sign must not exceed 1m².
- 2.376.4.3. The sign must be located within the boundary of the site; or if in the road reserve, they must not be further than 150mm from, and must be parallel to, the boundary of the site being advertised.
- 2.376.4.4. The real estate sign must be displayed only while the property or building is for sale or lease, but must be removed within one week of the property being sold, leased or withdrawn from the market.

Comment [165]: Topic 15

2.376.5. Sign displayed on a construction site denoting the owner and, professional and construction firms associated with an active building project.

- 2.376.5.1. A maximum of 6m² of signage can be attached to the site frontage for the duration of the construction phase. The maximum can be comprised of a single sign or a combination of smaller signs.
- 2.376.5.2. Safety and hazard signs are exempt from Standards ~~2.365.1.2-3~~ and ~~2.3637.5.1~~.

2.376.6. Sign displayed on a utility site, or public park or reserve.

- 2.376.6.1. The sign must be limited to that necessary for giving direction, identifying the site or facility, identifying a utility operator, displaying public information or assisting public safety.
- 2.376.6.2. For a utility, a sign must not exceed 1.2m² in area.
- 2.376.6.3. A sign for the purpose of identifying a reserve, conservation area, recreational track or public land, shall not exceed 3m² in area and 3m in height.

2.376-7. Sign on any land zoned Business 1, Business 2, Industrial 1 Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.

- 2.376.7.1. The maximum total area of a sign on any site (not including any that are painted or fixed directly onto a building that do not alter the existing profile of the building) must not exceed 6m² on any land zoned Business 1, Industrial 1, Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.
- 2.376.7.2. The maximum total area of a sign on any site (not including any that are painted or fixed directly onto a building that do not alter the existing profile of the building) must not exceed 3m² on any land zoned Business 2.
- 2.376.7.3. Where a pavement sign (except a teardrop banner) is used it must:
- not exceed ~~750mm~~ 1100mm in height by 600mm width;
 - be located directly adjacent to the business or activity to which it relates;
 - maintain a 2.5m wide pedestrian access way;
 - not exceed one pavement sign per business.
- 2.376.7.4. Only one teardrop banner is permitted per business.
- 2.376.7.5. A sign attached to, but under, a street veranda must be:
- no closer than 2.5m to the footpath below;
 - set back at least 500mm from the kerb of the road;
 - be at least 3m away from any other under veranda sign.
- 2.376.7.6. A street veranda fascia sign must be contained within the area of the veranda fascia for the subject premise.
- 2.376.7.7. A sign above a veranda, but attached to the veranda, must not exceed 1.2m in height above the top of the veranda, and must be set back at least 500mm from the fascia line.
- 2.37.7.8 Notwithstanding Rules 2.36.7.1 and 2, the maximum area of signs at service station sites shall not exceed the following:
- One freestanding primary identification sign adjacent the road boundary with a maximum area of 14m²;
 - One promotional sign per street frontage with a maximum area of 2.5m²; and
 - Signage attached or mounted to buildings or structures, signage at the pump and signage indicating additional services available within the site to a cumulative total area of 10m².

2.376.8. Sign on any land zoned ~~Urban Residential 1 (show home), Urban Residential 2 (including Greenfields) (show home), Urban Residential 3 (show home), Rural Environment, Coastal Environment, Rural Living or Coastal Living.~~

- 2.376.8.1. A sign must be located immediately adjacent to the access to the property to which it relates.
- 2.376.8.2. A sign must be erected generally at right angles to the road frontage but be angled off the direction of the traffic by approximately 5 degrees to reduce headlight glare reflecting back into the motorist's vision.

Comment [166]: Topic 15

Comment [167]: Topic 15

2.376.9. Temporary sign for a community (including electoral), special, educational or recreational event.

- 2.376.9.1. A temporary sign must not be erected for more than a maximum of three months ~~prior to the date of the commencement of the activity advertised nor remain erected more than one week following completion of that activity, including the time during which the activity is taking place.~~
- 2.376.9.2. A temporary sign need not relate to an activity in the district or on the site on which it is located.
- 2.376.9.3. The maximum area of a temporary sign must not exceed 2m² in area.
- 2.376.9.4. A temporary sign on any land zoned Open Space 1, Open Space 2, Open Space 3 or Open Space 4 must not exceed 3m² in area, with a maximum height of 3m above ground level.
- 2.376.9.5. A banner sign must not exceed 4m² in area.
- 2.376.9.6. The name and phone number of the person or group responsible for the sign must be provided on the sign.
- 2.376.9.7. Only one temporary sign (except an electoral sign) per property at any time.
- 2.376.9.8. A safety and hazard sign is exempt from Standards 2.365.1.23, and ~~2.3637.9.1~~ to 2.376.9.7 (inclusive).

Comment [168]: Topic 15

Comment [169]: Topic 15

2.37.10. Signs for show homes

- 2.37.10.1. The maximum area of signage shall not exceed 2m² per show home.

2.37.11 Supermarket Signage

- 2.37.11.1. The maximum signage including free standing signs per supermarket shall not exceed 80m².
- 2.37.11.2. Supermarket free standing signs shall not exceed 9m in height, 3.5m in width and not have a sign face exceeding 30m².

Comment [170]: Topic 15

Comment [171]: Topic 2

2.37.12 Pouwhenua.

- 2.37.12.1. The pouwhenua must comply with the permitted activity standards for constructing or siting a building or structure with respect to height and proximity to property boundaries applicable for the zone within which the pouwhenua is to be erected.

2.387. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[D]

- 2.387.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.**

[D]

- 2.387.2. Any land use activity relating to the placement of signage not provided for as a Permitted Activity.**

Network Utilities

The district plan zone rules do not apply to network utilities, except where referenced in the following rules. Other General Rules contained in Chapter 2 regional plan zone rules and coastal plan zone rules may also apply in addition to any relevant zone rules for network utilities.

Comment [172]: Topic 20

2.398. Permitted Activities

Unless expressly limited elsewhere a by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.3940:

Comment [173]: Topic 1

[R, D]

Comment [174]: Topic 20

2.398.1. Network utility infrastructure listed as follows:

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication ~~apparatus or~~ facility;
- (d) a meteorological service apparatus or facility;
- (e) a navigational aid, lighthouses or beacon;
- (f) a reservoir, well or supply intake for the reticulation or provision of public water supply;
- (g) a speed camera installation and associated structures, facility, plant or equipment for traffic purposes;
- (h) a water or sewerage treatment facility, underground pipe network for the conveyance and drainage of water or sewage, and any ancillary equipment;
- (i) a telecommunication kiosk ~~telephone call box~~ or the erection and use of a postal box.

[R, D]
2.38.2. ~~(Deleted) Telecommunication line or cable over the bed of a lake or river.~~

Comment [175]: Topic 20

[D]

2.398.23. ~~Trenching for cable laying~~ Undergrounding of network utility lines.

Comment [176]: Topic 20

[D]

2.398.34. Maintenance and replacement of the following network utility infrastructure ~~existing at 9 June 2016:~~

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication ~~apparatus or~~ facility;
- (d) a meteorological service apparatus or facility.

Note:

Except that this rule does not apply to activities, or those aspects of activities, that are provided for under the National Environmental Standards for Electricity Transmission

[Activities or the National Environmental Standards for Telecommunication Facilities 2016.](#)

Comment [177]: Topic 20

[D]

2.398.45. Minor upgrading of the following network utility infrastructure ~~existing at 9 June 2016:~~

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication ~~apparatus or~~ facility;
- (d) a meteorological service apparatus or facility.

Note:

[Except that this rule does not apply to activities, or those aspects of activities, that are provided for under the National Environmental Standards for Electricity Transmission Activities or the National Environmental Standards for Telecommunication Facilities 2016.](#)

Comment [178]: Topic 20

[D]

2.398.56. Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of a network utility ~~existing at 9 June 2016.~~

Comment [179]: Topic 20

[D]

2.39.6. [Network utilities within the National Grid Yard.](#)

Comment [180]: Topic 20

2.4039. Standards that apply to specific permitted activities

2.4039.1. Network utility infrastructure listed as follows:

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication ~~apparatus or~~ facility;
- (d) a meteorological service apparatus or facility;
- (e) a navigational aid, lighthouse or beacon;
- (f) a reservoir, well or supply intake for the reticulation or provision of public water supply;
- (g) a speed camera installation and associated structures, facility, plant or equipment for traffic purposes;
- (h) water and sewerage treatment facilities, underground pipe networks for the conveyance and drainage of water or sewage, and any ancillary equipment;
- (i) ~~telephone call boxes~~ [telecommunication kiosk](#) ~~and or~~ the erection and use ~~of~~ postal boxes.

2.4039.1.1. The utility must not be in the Coastal Marine Zone.

2.4039.1.2. The utility must not be in the White Bluffs Outstanding Feature and Landscape.

2.4039.1.3. The maximum height of a building must not exceed 5m.

2.4039.1.4. The maximum gross floor area of a building must not exceed 65m².

- 2.4039.1.5. The maximum height of a facility or network utility structure, aerial or antenna for a telecommunication, radiocommunication or meteorological facility must not exceed 25m above ground level, except that where a telecommunication facility is used by two or more providers, this height may be exceeded by up to 5m.
- 2.4039.1.6. On land within the Wairau Dry Hills High Amenity Landscape the maximum height of a utility structure (including any associated aerial, antennae mounting or aerial antennae, mast tower, pole cable or line) must not exceed 15m above the associated building platform.
- 2.4039.1.7. The maximum height of any aerial antenna or support structure attached to the top of a building must not exceed the height of the building by more than 3m, except for the Rural Zone and the Industrial 1 and 2 zone, where the maximum exceedance must not be more than 5m.
- 2.4039.1.8. The maximum diameter of a dish antenna must not exceed 3m and the maximum width of a non-dish antenna must not exceed 0.7m.
- 2.4039.1.9. A new line, including a cable television line, must be located underground within any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 1, Business 2, Industrial 1, Industrial 2, Open Space 1 or Open Space 2.
- ~~2.39.1.10. (Deleted) A network utility structure for a line within the Rural Environment Zone or Coastal Environment Zone must be set back a minimum distance of 15m from any road intersection and must be measured parallel from the centreline of the carriageways, at the point where the roads intersect.~~
- 2.4039.1.104. A building larger than 15m² 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.
- 2.4039.1.112. On any land site zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, a building larger than 1m² in ground floor area or 2m in height must be set back from the property boundaries by a distance of not less than half the height of the structure.
- 2.4039.1.123. Excavation, filling, earthworks within the National Grid Yard, vegetation clearance (indigenous and non-indigenous) and ~~noise and discharge~~ rules for the relevant zone in which the network utility is located must be complied with (except where those activities are managed under the National Environmental Standards for Telecommunication Facilities 2016).
- 2.4039.1.134. A line or network utility structure (except the National Grid), or a telecommunication, radio communication or meteorological facility, or a building or depot must not be located:
- in, or within 8m of, a Significant Wetland;
 - within 8m of a river or the Drainage Channel Network;
 - ~~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. [Deleted]~~
- These setbacks do not apply to a line or network utility structure, or telecommunication, radio communication or meteorological facility that is located within formed legal road.
- 2.40.1.145. Any GPS unit associated with the network utility infrastructure must not exceed 300mm in height or 130mm in diameter.
- 2.40.1.156. Any lightning rod associated with the network utility infrastructure must not exceed:

Comment [181]: Topic 5

Comment [182]: Topic 20

Comment [183]: Topic 21

Comment [184]: Topic 10

Comment [185]: Topic 20

Comment [186]: Topic 20

Comment [187]: Topic 20

Comment [188]: Topic 6

- (a) In residential zones, 650mm in height or 60mm in diameter; or
 (b) In all other zones, 1500mm in height and 60mm in diameter.

Comment [189]: Topic 21

Note:

Standards 2.40.1.5, 2.40.1.7, 2.40.1.8, 2.40.1.11 and 2.40.1.13(b) and (c) do not apply to activities, or those aspects of activities, that are provided for under the National Environmental Standards for Telecommunication Facilities 2016.

Comment [190]: Topic 20

2.3940.2. ~~Trenching for cable laying~~ Undergrounding of network utility lines.

2.3940.2.1. Any earth ~~not placed back in the trench~~ moved in the process of undergrounding must be re-located in a stable location.

2.3940.2.2. ~~Trenching~~ Undergrounding must not occur in, or within 8m of, a Significant Wetland or Water Resource Unit with a Natural State water quality classification. ~~The 8m setback does not apply to undergrounding which is undertaken within formed legal road.~~

Comment [191]: Topic 20

2.3940.2.3. ~~Trenching~~ Undergrounding must not occur 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.

2.3940.2.4. ~~The Any~~ vegetation cover of a trench site affected by the undergrounding must be restored within 6 months of the end of the operation.

2.3940.2.5. Woody material greater than 100mm in diameter or soil debris must:

- (a) not be left within 8m of, or deposited in, a river (excluding an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;
- (b) not be left in a position where it can enter, or be carried into, a river (excluding an ephemeral river), lake, Significant Wetland or the coastal marine area;
- (c) be stored on stable ground;
- (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

2.3940.2.6. ~~Trenching~~ Undergrounding must not cause any conspicuous change in the colour or ~~visual natural~~ clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area. ~~measured as follows:~~

Comment [192]: Topic 20

- ~~(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 trenching site;~~
- ~~(c) the change in reflectance must be <50%. (Deleted)~~

2.4039.3. ~~Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of a network utility existing at 9 June 2016.~~

Comment [193]: Topic 20

2.4039.3.1. 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.

- 2.4039.3.2. Where clearance is ~~by hand or~~ mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 2.4039.3.3. 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.
- 2.40.3.4 Notwithstanding 2.39.3.3, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.
- 2.4039.3.45. Except for trees felled in accordance with 2.39.3.4, 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.
- 2.4039.3.56. 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.
- 2.4039.3.67. Woody material greater than 100mm in diameter or soil debris must:
- 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;
 - 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;
 - be stored on stable ground;
 - be managed to avoid accumulation to levels that could cause erosion or instability of the land.

Comment [194]: Topic 20

Comment [195]: Topic 12

Comment [196]: Topic 12

2.4140. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

- 2.4140.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[R, D]

- 2.4140.2. Any land use activity involving a network utility not provided for as a Permitted Activity.

Temporary Military Training Activity

Other General Rules contained in Chapter 2 may apply in addition to any relevant zone rules.

2.424. Permitted Activities

Unless expressly limited elsewhere by a rule ~~a~~ in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.423

[D]

2.424.1. Temporary military training activity.

2.432. Standards that apply to specific permitted activities

2.432.1. Temporary military training activity.

- 2.432.1.1. The activity must be limited to a period not exceeding 31 days.
- 2.432.1.2. Permanent structures must not be constructed.
- 2.432.1.3. Noise levels of a short duration generated as part of a temporary military training activity must not exceed the following:

Weapon Noise: The activity must comply with the following peak sound pressure level when measured at any point within the notional boundary of any building housing a noise sensitive activity:

- (a) 7.00 am to 7.00 pm: 95dBC
- (b) 7.00 pm to 7.00 am: 85dBC

~~(a) Noise levels measured from a line 20m from, and parallel to, the nominal boundary of any dwelling or the legal boundary where this is closer to the dwelling must not exceed the following limits: (Deleted)~~

Time	Limits (DBA)		
Any Day	L₁₀	L₉₅	L_{MAX}
6:30 am – 7:30 am	60	45	70
7:30 am – 6:00 pm	75	60	90
6:00 pm – 8:00 pm	70	55	85
8:00 pm – 6:30 am	55		

~~Impulse noise resulting from the use of explosives, explosives simulators small arms must not exceed 122dBC. Fixed (stationary) and mobile noise sources: The activity must comply with the noise limits set out in the table below when measured at any point within the notional boundary of any building housing a noise sensitive activity.~~

Time	Limits (DBA)	
<u>Monday to Sunday</u>	<u>Leq(15min)₁₀</u>	<u>LAFmax</u>

Comment [197]: Topic 1

Comment [198]: Topic 18

Comment [199]: Topic 18

7.00 am - 7:00 am	55dB	n.a.
7:00 pm – 10.00 pm	50dB	n.a
10.00 pm – 7.00 am	45dB	75dB

Note:

Fixed (stationary) and mobile noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air condition systems, or water or waste water pumping/treating systems, personnel light and heavy vehicles, self-propelled equipment and earthmoving equipment.

Helicopter landing areas: Noise from helicopters must comply with the requirements of NZS 6807:1994 Noise Management and Landing Use Planning for Helicopter Landing Areas.

2.43.1.6. Subject to the above, the noise shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance of the requirements of NZS6802:2008 Acoustics – Environmental Noise.

2.43.1.7. Within the National Grid Yard no explosives may be used.

Comment [200]: Topic 18

Comment [201]: Topic 18

2.443. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[D]

2.443.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[D]

2.443.2. Any land use activity involving a temporary military training activity not provided for as a Permitted Activity.

Emergency Generation

Other General Rules contained in Chapter 2 may apply in addition to any relevant zone rules.

2.45. Permitted Activities

Unless expressly limited elsewhere a by rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.46:

[R]

2.45.1. Discharge of contaminants to air from combustion of fuel within an internal combustion engine used to provide back-up power generation when an electricity connection is disrupted or unavailable.

Comment [202]: Topic 13

2.46. Standards that apply to specific permitted activities

2.46.1. Discharge of contaminants to air from combustion of fuel within an internal combustion engine used to provide back-up power generation when an electricity connection is disrupted or unavailable.

2.46.1.1 The maximum generating capacity of the combustion equipment is less than 1 MW; and

2.46.1.2 The discharge shall not cause noxious, dangerous, offensive or objectionable odour, particulate or smoke as detected at or beyond the legal boundary of the area of land on which the discharge is occurring.

Comment [203]: Topic 13

2.47 Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R]

2.47.1. The discharge of contaminants from combustion of fuel within an internal combustion engine used to provide back-up power generation when an electricity connection is disrupted or unavailable that does not meet the applicable permitted activity standards.

Comment [204]: Topic 13

3. Rural Environment Zone

3.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 3.2 and 3.3: ~~except that for commercial plantation forestry planting afforestation and commercial plantation forestry harvesting, the standards in 3.2 do not apply.~~

Comment [1]: Topic 22
 Comment [RW2]: NES – Plantation Forestry 1/2/2019

[D]

3.1.1. Farming.

[D]

3.1.2. Farm airstrip or farm helipad.

[D]

3.1.3. Relocated building.

[D]

3.1.4. Temporary building or structure, or unmodified shipping container.

[D]

3.1.5. Audible bird-scaring device.

[R, D]

3.1.6. ~~Commercial Plantation forestry afforestation planting, including where managed by the National Environmental Standards for Plantation Forestry 2017 and carbon sequestration forestry planting (non-permanent).~~

Comment [3]: Topic 22

Comment [RW4]: NES – Plantation Forestry 1/2/2019

[R, D]

3.1.7. Plantation forestry replanting.

Comment [5]: Topic 22

Comment [6]: Topic 22

Comment [7]: Topic 22

[R]

3.1.87. ~~Commercial Plantation forestry harvesting, including where managed by the National Environmental Standards for Plantation Forestry 2017.~~

Comment [RW8]: NES – Plantation Forestry 1/2/2019

[R, D]

3.1.98. Woodlot forestry planting.

[R]

3.1.109. Woodlot forestry harvesting.

[R, D]

3.1.110. Conservation planting and carbon sequestration forestry planting. ~~(permanent).~~

Comment [9]: Topic 22

[R, D]

3.1.124. Indigenous vegetation clearance, ~~including where managed by the National Environmental Standards for Plantation Forestry 2017.~~

Comment [RW10]: NES – Plantation Forestry 1/2/2019

[R, D]

3.1.132. Non-indigenous vegetation clearance, ~~including~~ excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

Comment [11]: Topic 19

Comment [RW12]: NES – Plantation Forestry 1/2/2019

[R, D]

3.1.143. Cultivation ~~including where managed by the National Environmental Standards for Plantation Forestry 2017.~~

Comment [RW13]: NES – Plantation Forestry 1/2/2019

[R, D]

3.1.154. Excavation ~~including where managed by the National Environmental Standards for Plantation Forestry 2017.~~

Comment [RW14]: NES – Plantation Forestry 1/2/2019

[D]

3.1.165. ~~Excavation or filling~~ Earthworks within the National Grid Yard.

Comment [15]: Topic 20

[R, D]

3.1.176. Filling of land with clean fill.

[R, D]

3.1.187. Bore construction or alteration (except geotechnical bores constructed for the investigation of sub-surface conditions).

[R, D]

3.1.198. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

[R, D]

3.1.209. Construction of an off-river dam.

[R, D]

3.1.201. Land disturbance to create and maintain a fire break.

[R]

3.1.224. Livestock entering onto, or passing across, the bed of a river.

[R]

3.1.232. Application (involving a discharge) of an agrichemical into or onto land.

Comment [16]: Topic 14

[R]

3.1.243. Storage and Application (involving a discharge) of fertiliser or lime into or onto land.

Comment [17]: Topic 14

[R]

3.1.254. Application (involving a discharge) of a vertebrate toxic agent by hand into or onto all land, or application (involving a discharge) of a vertebrate toxic agent by air onto private land.

Comment [18]: Topic 14

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

Comment [19]: Topic 14

[R]

3.1.265. Application (involving a discharge) of compost or solid agricultural waste into or onto land.

Comment [20]: Topic 14

[R]

3.1.276. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

[R]

3.1.287. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.

[R]

3.1.298. Discharge of dairy farm effluent into or onto land.

[R]

3.1.3029. Discharge of swimming or spa pool water into or onto land.

[R]

3.1.310. Discharge of human effluent into or onto land.

[R]

3.1.324. Disposal of farm rubbish into a pit.

[R]

3.1.332. Disposal of offal or a carcass into an offal pit.

[R]

3.1.343. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

[R]

3.1.354. Storage of compost not in a pit or stack.

[R]

3.1.365. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

3.1.376. Discharge of contaminants to air arising from burning in the open.

[R]

3.1.387. Discharge of contaminants to air from burning for the purposes of vegetation clearance.

[R]

3.1.398. Discharge of contaminants to air from seed cleaning.

[R]

3.1.4039. Discharge of contaminants to air from the burning of oil in a frost protection heater.

[R]

3.1.410. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

[R]

3.1.421. Discharge of contaminants to air outside the Blenheim Airshed from the burning of solid fuel in any indoor open fire.

[R]

3.1.432. Discharge of contaminants to air outside the Blenheim Airshed from the burning of solid fuel in any small scale solid fuel burning appliance.

[R]

3.1.443. Discharge of heat and water vapour from cooling towers.

[D]

3.1.454. Residential activity.

[D]

3.1.465. Home occupation.

[D]

3.1.476. Homestay.

[D]

3.1.487. Keeping of domestic livestock.

[D]

3.1.498. Worker accommodation.

[D]

3.1.5049. Marae activity on:

- (a) That part of Pt Te Hora Sec 32A4 located between State Highway 6 and Te Hore Pa Road;
- (b) Wairau Sec 23, Wairau 2 ML 6729 and Sec 1 ML 6729;
- (c) Sec 23, 40, 43 and 46 Blk III Taylor Pass SD and Sec 3 SO 6922.

[D]

3.1.510. Papakāinga.

[D]

3.1.524. Emergency service activities of the ~~New Zealand Fire Service~~ [Fire and Emergency New Zealand](#) on Lot 1 DP 5102 (Wairau Valley Fire Station).

Comment [21]: Topic 13

[D]

3.1.532. Community activity using an existing community facility.

[D]

3.1.543. Passive recreation.

[D]

3.1.554. Recreational event or special event.

[D]

3.1.565. Veterinary clinic.

[D]

3.1.576. Golf course.

[D]

3.1.587. Racing stable or trotting ground.

[D]

3.1.598. Cattery or kennel.

[D]

3.1.60. Maintenance and replacement of an existing renewable electricity generation activity.

Comment [22]: Topic 20

[R]

3.1.61. The discharge of contaminants into air from water blasting and dry abrasive blasting.

Comment [23]: Topic 13

[R]

3.1.62. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

Comment [24]: Topic 13

[R, D]

3.1.63. Specifically identified activities listed as permitted on sites contained in Schedule 6 of Appendix 16.

[D]

3.1.64. Buildings, structures and activities in the National Grid Yard.

Comment [25]: Topic 20

[R]

3.1.65. Discharge of dust.

Comment [26]: Topic 18

[R]

3.1.66. -Amateur Radio Configurations.

Comment [27]: Topic 20

3.2. Standards that apply to all permitted activities

3.2.1. Construction and siting of a building or structure except a temporary building or structure, an unmodified shipping container or an off-river dam (unless any Standards listed below are specified as Standards for those activities).

3.2.1.1. No more than one residential dwelling must be constructed or sited per ~~Computer Register~~[Record of Title](#).

3.2.1.2. The maximum height of a building or structure must not exceed 10m.

3.2.1.3. Within the Omaka Valley Area, the maximum height of a building or structure must not exceed 7.5m.

3.2.1.4. On a site smaller than 4000m², [the minimum setbacks from site boundaries must be:](#)

[\(a\) 6m for a building that is a dwelling;](#)

[\(b\) 3m for a building \(except a dwelling\) that has a gross floor area greater than 15m²;](#)

- ~~(c) 1.5m for a building (except a dwelling) has a gross floor area less than 15m². no part of any building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level.~~
- 3.2.1.5. No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.
- 3.2.1.6. A dwelling must not be sited closer than:
- (a) 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works; or
- (b) 150m from a building or an associated waste storage facility that is used for intensive farming.
- 3.2.1.7. A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing ~~commercial~~ plantation forestry or carbon sequestration forestry on any adjacent land under different ownership.
- ~~3.2.1.8. (Deleted) A building or structure must not be located within 90m of the designation boundary (or secured yard) of the National Grid Blenheim substation.~~
- 3.2.1.~~89~~. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area, excluding stock fences.
- 3.2.1.~~94~~. A building must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, the landward toe of any stopbank, or the sea.
- 3.2.1.~~104~~. Permanent buildings must not cover more than 15% of the net site area within a ~~Computer Register~~ Record of Title. For the purposes of this Standard, the net site area does not include a greenhouse utilising the soils of the site.
- 3.2.1.~~112~~. For a site larger than 4000m², the following minimum setbacks must be provided:
- Habitable buildings:
- (a) 8m for the front boundary;
- (b) ~~8m-25m~~ for the rear boundary;
- (c) 25m for a side boundary.
- All other buildings (excluding crop protection structures):
- (a) 8m for the front boundary;
- (b) 5m for the rear boundary;
- (c) 5m for the side boundary.
- Building means: a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels), but excludes any structure that is no more than 2.5m in height, and no more than 10m² in gross floor area, and excludes any earth bund or stockpiled materials.

Comment [28]: Topic 12

Comment [29]: Topic 12

Comment [30]: Topic 9

Comment [31]: Topic 20

Comment [32]: Topic 5

Comment [33]: Topic 12

Comment [34]: Topic 12

3.2.1.123. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:

- (a) except for a building or structure with a total area of 10m² or less, a building platform must be located at least 20m vertically below a Significant Ridgeline;
- (b) any exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.

3.2.1.134. On land within the Wairau Dry Hills High Amenity Landscape:

- (a) except for a building or structure with a total area of 10m² or less, a building platform must be located at least 20m vertically below any Significant Ridgeline;
- (b) any exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.

Comment [35]: Topic 5

Comment [36]: Topic 5

3.2.1.145. A building or structure that has the potential to divert water must not be erected within a Level 2 Flood Hazard Area provided that the following buildings or structure are exempt:

- (a) post and wire stock and boundary fences;
- (b) structures which are both less than 6m² in area and less than 2m in height;
- (c) masts, poles, radio and telephone aerials less than 6m above mean ground level;
- (d) viticultural support structures.

Comment [37]: Topic 9

3.2.1.156. A building or structure must not be erected within a Level 3 Flood Hazard Area provided that the following buildings or structure are exempt:

- (a) post and wire stock and boundary fences;
- (b) structures which are both less than 6m² in area and less than 2m in height;
- (c) masts, poles, radio and telephone aerials less than 6m above mean ground level.

Comment [38]: Topic 9

~~3.2.1.17. (Deleted) Under the National Grid Conductors (wires) within the National Grid Yard the following apply:~~

- ~~(a) a fence must not exceed 2.5m in height;~~
- ~~(b) a building or structure must be uninhabitable and used for farming or horticulture but must not be used as a dairy shed, intensive farming building or commercial greenhouse;~~
- ~~(c) a building alteration or addition must be contained within the original building height and footprint;~~
- ~~(d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.~~

~~3.2.1.18. (Deleted) Around National Grid Support Structures within the National Grid Yard the following apply:~~

~~(a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;~~

~~(b) a building or structure must not be closer than 12m to a National Grid Support Structure.~~

Comment [39]: Topic 20

3.2.1.16. A building or structure must not be located within 1.5m of the legal boundary with the rail corridor of the Main North Line except for a fence up to 2m in height.

Comment [40]: Topic 12

3.2.2. Airport protection.

3.2.2.1. A structure (such as a building, mast, pole, fence, overhead telegraph cable, overhead power cable, tree or other object must not penetrate a flight path, take off, climb/approach fan or transitional slide slope described in Section A of Appendix 14 and identified in Appendix 15.

3.2.2.2. All exterior lighting on properties adjoining Woodbourne Airport must be directed away from the airport so as to avoid any adverse glare effects.

3.2.2.3. A new road must not be constructed where a take-off, climb/approach fan or transitional slide slope described in Section A of Appendix 14 and identified in Appendix 15 would pass at a lower height than 4.67m vertically above the road.

3.2.3. Noise.

3.2.3.1. An activity must not cause noise that exceeds the following limits at ~~the Zone boundary or any point within the notional boundary of any dwelling in the Rural Zone (other than on the property on which the activity occurs)~~within the Zone:

7.00 am to 10.00 pm	65-dBA _{L_{Aeq}}	
10.00 pm to 7.00 am	65-dBA _{L_{Aeq}}	75dB L _{AFmax}

3.2.3.2. An activity undertaken within the Rural Environment Zone must be conducted to ensure that noise arising at ~~any point~~within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or at any point within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Rural Environment does not exceed the following noise limits:

7.00 am to 10.00 pm	50-dBA _{L_{Aeq}}	
10.00 pm to 7.00 am	40-dBA _{L_{Aeq}}	70dB L _{AFmax}

3.2.3.3. The following activities are excluded from having to comply with the noise limits:

- (a) sirens and call out sirens associated with the activities of ~~the New Zealand Fire Service~~emergency services;
- (b) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Environment Zone;
- ~~(c) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes. (Deleted)~~

Comment [41]: Topic 18

3.2.3.4. 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.

3.2.3.5. Wind turbine sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise and the noise at any point within the notional boundary of any residential Dwelling must not exceed 40 dB LA90(10min) or the background sound level LA90(10 min) plus 5dB, whichever is higher.
~~Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55 dBA LAeq(15 min) at all times.~~

Comment [42]: Topic 18

3.2.3.56. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

3.2.3.67. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

3.2.3.8. The noise from wind turbines shall be designed and operated to comply with the requirements of NZS 6808:2010 Acoustics - Wind Farm Noise.

Comment [43]: Topic 18

3.2.4. Noise sensitive activity in the context of frost fans.

3.2.4.1. Any new noise sensitive activity located within 300m of any frost fan not within the same ~~site~~ single land holding must be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1: ~~2004~~ 2013 Acoustics – Rating of Sound Insulation in Buildings and of building elements Part 1 – Airborne sound insulation:

Comment [44]: Topic 21

Dwellings located less than 300m and more than 200m from the nearest frost fan $DnT,w + Ctr_{50-3150} \geq 27$ -dB

Dwellings located less than 200m and more than 100m from the nearest frost fan $DnT,w + Ctr_{50-3150} \geq 32$ -dB

Dwellings located less than 100m from the nearest frost fan $DnT,w + Ctr_{50-3150} \geq 37$ -dB

3.2.4.2. For the purposes of Standard 3.2.4.1, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof.

3.2.4.3. Standards 3.2.4.1 and 3.2.4.2 also apply to any alteration of an existing dwelling, visitor accommodation or other habitable building located within 300m of the closest frost fan selected for the purpose of Standard 3.2.4.1, where a new bedroom forms part of the alteration. For the avoidance of doubt only the new bedroom has to be treated in accordance with Standards 3.2.4.1 and 3.2.4.2.

3.2.4.4. For the purposes of Standards 3.2.4.1, 3.2.4.2 and 3.2.4.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted ~~and "site" has the meaning of "single land holding"~~.

Comment [45]: Topic 21

3.2.5. Noise sensitive activity between the Outer Noise Control Boundary and the Inner Noise Control Boundary for Woodbourne Airport.

3.2.5.1. Any new noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation to habitable spaces installed to ensure a satisfactory internal noise environment. Such insulation must provide an indoor sound environment not exceeding Ldn 40dBA and must be certified by an acoustic engineer as adequate to achieve the design standard.

3.2.5.2. Any alterations or additions to an existing noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation to habitable spaces installed to ensure a satisfactory internal noise environment. Such insulation must provide an indoor sound environment not exceeding Ldn 40dBA and must be certified by an acoustic engineer as adequate to achieve the design standard.

3.2.6. Noise sensitive activity between the Outer Noise Control Boundary and the Inner Noise Control Boundary for Picton (Koromiko) Airport.

3.2.6.1. Any new noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation installed to establish an internal noise environment. Such insulation must provide an indoor sound environment not exceeding of 35dBA LAeq at night time with the windows closed and must be certified by an acoustic engineer as adequate to achieve the design standard.

3.2.6.2. Any alterations or additions to an existing noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation installed to establish an internal noise environment. Such insulation must provide an indoor sound environment not exceeding of 35dBA LAeq at night time with the windows closed and must be certified by an acoustic engineer as adequate to achieve the design standard.

3.2.7. Odour.

3.2.7.1. ~~There must be no~~ ~~The odour must not be~~ objectionable or offensive odour to the extent that it causes an adverse effect, ~~as detected~~ at or beyond the legal boundary of the site ~~area of land on which the permitted activity is occurring~~

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

Comment [46]: Topic 18

3.2.8. Smoke.

3.2.8.1. 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.

3.2.9. Dust.

3.2.9.1. ~~The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.~~ There must be no objectionable or offensive discharge of dust to the extent that it causes an

adverse effect (including on human health) at or beyond the legal boundary of the site.

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2: This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

Comment [47]: Topic 18

3.2.10. ~~Dust~~ Particulate from any process vent or stack.

3.2.10.1. The ~~dust~~ particulate must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

3.2.10.2. The concentration of particulate discharged ~~rate~~ from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to "Standards for specific permitted activities.

~~3.2.10.3. Dust particles must not exceed 0.05mm size in any direction. (Deleted)~~

Comment [48]: Topic 18

3.2.11. Use of external lighting

3.2.11.1. All outdoor lighting and exterior lighting excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.

Comment [49]: Topic 18

3.3. Standards that apply to specific permitted activities

3.3.1. Farming.

3.3.1.1. The farming must not include:

(a) a dairy farm established after 9 June 2016; or

(b) the expansion of an existing dairy farm where there is an increase in the area or intensity of the farming operation resulting in an additional area of dairy shed.

Comment [50]: Topic 12

3.3.2. Farm airstrip or farm helipad.

3.3.2.1. The airstrip or helipad must be integral to the use of the land on which the airstrip or helipad is located for farming.

3.3.3. Relocated building.

3.3.3.1. A relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

Comment [51]: Topic 12

~~3.3.3.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site. This includes providing connections to all infrastructure services and closing in and ventilation of the foundations. The owner of the land on which the relocated building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 6 month period. (Deleted)~~

Comment [52]: Topic 12

3.3.3.2 A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.

Comment [53]: Topic 12 – new 3.3.3.2 (previous 3.3.3.2 deleted)

3.3.3.3 The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.

3.3.3.4 All other reinstatement work required by the report referred to in 3.3.3.2 and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting 3.3.3.5, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

3.3.3.5 The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 12 month period

~~3.3.3.36~~. The siting of the relocated building must also comply with Standards 3.2.1.1 to 3.2.1.18-16 (inclusive).

Comment [54]: Topic 12

3.3.4. Temporary building or structure, or unmodified shipping container.

3.3.4.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

- (a) exceed 40m² in area;
- (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

3.3.4.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.

3.3.4.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 3.2.1.4 and 3.2.1.11~~2~~.

~~[D]~~

3.3.5. Audible bird-scaring device.

3.3.5.1. A Category A or Category B device must not be operated:

- (a) between sunset and sunrise~~8.00 pm and 7.00 am the following day~~ if the device is within 2km of a noise sensitive activity;
- (b) within 800m of any rest home, public or private hospital;

Comment [55]: Topic 12

~~(c) within 160m of the boundary or notional boundary of the nearest dwelling, visitor accommodation or other habitable building (except a dwelling, visitor accommodation or other habitable building on the same property as the audible bird-scaring device); (Deleted)~~

Comment [56]: Topic 18

- (d) such that sound is emitted at a level greater than 65-dB SEL_{LAE}, measured at or within the boundary (Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 Zones, and Coastal Living and Rural Living Zones) or notional boundary (Rural Environment or Coastal Environment Zones) of the nearest dwelling, visitor accommodation or other habitable building (except a

dwelling, visitor accommodation or other habitable building on the same property as the audible bird-scaring device).

(d) closer than 250m to any other audible bird-scaring device.

3.3.5.2. A Category A device must not be operated:

- (a) within 100m of a public road;
- (b) at any greater frequency than 4 events in any period of one hour. An event is defined as 3 discharges within a 30 second period;
- (c) at a greater density than one device per five hectares of land in any single land holding, except where the land is less than five hectares in area, one device shall be permitted.

3.3.5.3. A Category B device must not be operated for any continuous period exceeding two seconds, or at a frequency greater than 10 times in any hour for each 5ha block that the device is being operated over.

Comment [57]: Topic 12

3.3.5.4. The device must only be operated where a crop is at risk from bird damage.

3.3.5.5. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

3.3.6. ~~Commercial Plantation forestry planting~~ afforestation. ~~and carbon sequestration forestry planting (non-permanent).~~

Comment [58]: Topic 22

~~3.3.6.1. The following species must not be planted [Deleted]~~

Comment [RW59]: NES – Plantation Forestry 1/2/2019 (deletion of rule 3.3.6.1)

~~(a) Douglas fir (*Pseudotsuga menziesii*);~~

~~(a) Lodgepole pine (*Pinus contorta*);~~

~~(a) Muricata pine (*Pinus muricata*);~~

~~(a) European larch (*Larix decidua*);~~

~~(a) Scots pine (*Pinus sylvestris*);~~

~~(a) Mountain or dwarf pine (*Pinus mugo*);~~

~~(a) Corsican pine (*Pinus nigra*); [Deleted]~~

3.3.6.2.1. Planting must not be in, or within:

~~(a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living; [Deleted]~~

Comment [RW60]: NES – Plantation Forestry 1/2/2019 (deletion a –d)

~~(b) 100m of a habitable structure or accessory building located on any adjacent land under different ownership; [Deleted]~~

~~(c) 30m of a formed and sealed public road; [Deleted]~~

~~(d) 8m of a river (except an ephemeral river) or lake; [Deleted]~~

~~(e) 810m of a Significant Wetland or in the case of replanting 830m of a river within a Water Resource Unit with a Natural State classification;~~

Comment [RW61]: NES – Plantation Forestry 1/2/2019

~~(f) 200m of the coastal marine area; [Deleted]~~

Comment [62]: Topic 22

~~(g) an Afforestation Flow Sensitive Site;~~

~~(h) Steep Erosion Prone Land, unless replanting harvested commercial forest lawfully established; [Deleted]~~

Comment [RW63]: NES – Plantation Forestry 1/2/2019

- (ic) the Limestone Coastline Outstanding Natural Feature and Landscape;
- (jd) the Wairau Dry Hills High Amenity Landscape ~~excluding replanting.~~

3.3.6.32. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

Comment [64]: Topic 5
 Comment [RW65]: NES – Plantation Forestry 1/2/2019

3.3.7 Plantation forestry replanting.

Comment [66]: Topic 22

3.3.7.1. Replanting must not be in, or within:

- (a) 8m of a Significant Wetland;
- (b) an Afforestation Flow Sensitive Site.

3.3.7.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

3.3.78. Commercial Plantation forestry harvesting.

Comment [67]: Topic 22

~~3.3.7.1. Notification must be given to Council not more than 60 working days and not less than 20 working days before harvesting commences. Notification must include a Commercial Forestry Harvest Plan that addresses all of the matters set out in Appendix 22. [Deleted]~~

Comment [RW68]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.1)

~~3.3.7.2. Any material change to the Commercial Forestry Harvest Plan must be notified to Council at least 20 working days before the change is implemented. [Deleted]~~

Comment [RW69]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.2)

3.3.78.31. Harvesting must not be in, or within:

- ~~(a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation); [Deleted]~~
- (a) 8m of a Significant Wetland, ~~or 30m of a river within a Water Resource Unit with a Natural State classification;~~
- ~~(c) 200m of the coastal marine area.~~

Comment [RW70]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.3(a))

Comment [RW71]: NES – Plantation Forestry 1/2/2019

Comment [72]: Topic

3.3.78.42. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

~~3.3.7.5. [Deleted]~~

Comment [RW73]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.5)

~~3.3.7.6. [Deleted]~~

Comment [RW74]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.6)

~~3.3.7.7. [Deleted]~~

Comment [RW75]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.7)

~~3.3.7.8. [Deleted]~~

Comment [RW76]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.8)

~~3.3.7.5. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.~~

~~3.3.7.6. No excavation must occur on any land with a slope greater than 35°.~~

~~3.3.7.7. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.~~

~~3.3.7.8. Water control measures and sediment control measures must be constructed and maintained in:~~

- ~~(a) all areas disturbed by any excavation or filling undertaken on the land;~~

- ~~(a) all forestry roads, forestry tracks or skid sites on the land (including existing forestry roads, forestry tracks or skid sites);~~
- ~~(a) such that the areas, roads, tracks and sites are stable.~~
- ~~3.3.7.9. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area. (Deleted)~~
- ~~3.3.7.10. Notwithstanding 3.3.7.9, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices. (Deleted)~~
- ~~3.3.7.11. Except for trees felled in accordance with 3.3.7.10, no tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area. (Deleted)~~
- ~~3.3.7.12. Trees, slash and soil debris must: (Deleted)~~
 - ~~(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area; (Deleted)~~
 - ~~(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; (Deleted)~~
 - ~~(c) be stored on stable ground; (Deleted)~~
 - ~~(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land. (Deleted)~~
- ~~3.3.7.13. (Deleted)~~
- ~~3.3.7.13. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing) or lake except where:~~
 - ~~(a) access is essential to assisting in the directional felling of trees away from the river or lake;~~
 - ~~(b) crossing the bed of a river to enable access;~~
 - ~~(c) tree slash or soil debris must be removed from the river or lake so as to comply with other Standards for commercial forestry harvesting.~~

~~In all cases, the Council must be notified at least 2 working days prior to the use of the machinery.~~
- ~~3.3.78.344. Except within an existing forestry track or forestry road, wheeled or tracked machinery must not be operated in or within 8m of a Significant Wetland or the coastal marine area.~~
- ~~3.3.7.15. Trees must be fully suspended when being pulled across a river (except an ephemeral river or intermittently flowing river, when not flowing). (Deleted)~~
- ~~3.3.7.16. Stombutts must be lifted clear of the ground during extraction and transport to the skid site, where practicable. (Deleted)~~
- ~~3.3.8.4.7.17. Harvesting must not cause any conspicuous change in the colour or visual natural clarity of a flowing river after reasonable mixing or the water in a Significant Wetland, lake or the coastal marine area, as measured as follows:~~

Comment [77]: Topic 22

Comment [RW78]: NES – Plantation Forestry 1/2/2019

Comment [RW79]: NES – Plantation Forestry 1/2/2019

Comment [80]: Topic 22

Comment [81]: Topic 22

Comment [RW82]: NES – Plantation Forestry 1/2/2019

Comment [83]: Topic 22

Comment [RW84]: NES – Plantation Forestry 1/2/2019

Comment [RW85]: NES – Plantation Forestry 1/2/2019 (Deletion of 3.3.7.12(c))

Comment [RW86]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.12(d))

Comment [RW87]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.13)

Comment [88]: Topic 22

Comment [RW89]: NES – Plantation Forestry 1/2/2019

Comment [RW90]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.15)

Comment [RW91]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.16)

Comment [RW92]: NES – Plantation Forestry 1/2/2019

- ~~(a) hue must not be changed by more than 10 points on the Munsell scale. [\(Deleted\)](#)~~
- ~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site. [\(Deleted\)](#)~~
- ~~(c) the change in reflectance must be <50% [\(Deleted\)](#).~~

~~3.3.7.18. All significant forestry road failures, slope failures and skid failures must be reported to Council within 2 working days of the land owner or harvest operator (including any employee or contractor of the owner or harvest operator) becoming aware of the failures. [\(Deleted\)](#)~~

Comment [RW93]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.18)

~~3.3.7.19. Within 30 days after they are no longer required to be used for harvesting, all harvesting tracks must be recovered so that the contour of the land is restored as closely as practicable to that before the harvesting or associated land disturbance. [\(Deleted\)](#)~~

Comment [RW94]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.19)

~~3.3.7.20. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting. [\(Deleted\)](#)~~

Comment [RW95]: NES – Plantation Forestry 1/2/2019 (deletion of 3.3.7.20)

3.3.89. Woodlot forestry planting.

3.3.98.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

3.3.98.2. Planting must not be in, or within:

- (a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living;
- (b) 30m of a formed and sealed public road or 30m of the Main Trunk railway track;
- (c) 8m of a river (except an ephemeral river) or lake;
- (d) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (e) 200m of the coastal marine area;
- (f) Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.

Comment [96]: Topic 20

3.3.98.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

3.3.910. Woodlot forestry harvesting.

3.3.109.1. Harvesting must not be in, or within:

- (a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
 - (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
 - (c) 200m of the coastal marine area.
- 3.3.109.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 3.3.109.3. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.
- 3.3.109.4. No excavation must occur on any land with a slope greater than 35°.
- 3.3.109.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.
- 3.3.109.6. Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.
- 3.3.109.7. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.109.8. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 3.3.109.9. Trees, slash and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (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;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 3.3.109.10. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.109.11. Harvesting must not cause any conspicuous change in the colour or ~~visual~~ natural clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, ~~as measured as follows:~~
- ~~(a) hue must not be changed by more than 10 points on the Munsell scale. Deleted~~
 - ~~b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site. Deleted~~
 - ~~(c) the change in reflectance must be <50%. Deleted~~

Comment [97]: Topic 13

3.3.109.12. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

3.3.4011. Conservation planting and carbon sequestration forestry planting (permanent).

Comment [98]: Topic 22

3.3.110.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga Menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

3.3.110.2. ~~That the There must be no~~ planting of vegetation must not occur where that vegetation when fully grown, could shade which will mature to a height exceeding 6m within 30m of a formed and sealed road between 10.00 am and 2.00 pm on the shortest day of the year except where the topography already causes shading.

Comment [99]: Topic 6

3.3.110.3. There must be no carbon sequestration forestry planting within 100m of a habitable structure or accessory building other than a pump shed located on any adjacent land under different ownership.

Comment [100]: Topic 9

3.3.110.4. Only indigenous species may be planted~~There must be no planting~~ within the Wairau Dry Hills High Amenity Landscape except for plantings within the curtilage around a dwelling.

Comment [101]: Topic 5

3.3.110.5. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

3.3.4412. Indigenous vegetation clearance.

Note:

Permitted Activity standards 3.3.4412.2, 3.3.4412.3(a), 3.3.4412.5, and 3.3.4412.6 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Plantation Forestry 2017.

Comment [RW102]: NES – Plantation Forestry 1/2/2019

3.3.124.1. Indigenous vegetation clearance must comply with Standards 3.3.132.1 to 3.1.132.11 (inclusive).

3.3.124.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 3.3.124.3 to 3.3.124.6 (inclusive):

- (a) indigenous vegetation under ~~or within 50m of~~ commercial forest, woodlot forest or shelter belt;
- (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 ~~20-10~~ years in age;
- (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 ~~50-20~~ years in age;
- (d) where the clearance is associated with the maintenance of ~~an~~ existing roads, forestry roads, harvesting tracks, ~~or~~ farm tracks, fence lines, cycling tracks or walking tracks;

Comment [RW103]: NES – Plantation Forestry 1/2/2019

Comment [104]: Topic 6

(e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling;

(f) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity distribution activities;

(g) where the clearance is associated with the maintenance of existing fire breaks.

Comment [105]: Topic 6

3.3.12.4.3. Clearance of indigenous vegetation must not occur:

- (a) on a Threatened Environments – Indigenous Vegetation Site;
- (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.

3.3.12.4.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:

- (a) duneland vegetation;
- (b) coastal grassland;
- ~~(c) coastal flaxlands;~~ ~~(deleted)~~
- ~~(d)~~ coastal vegetation dominated by (making up >50% of the canopy cover) ~~wharariki/coastal flax~~ (*Phormium* ~~sp~~ *cookianum*);
- ~~(e)~~ coastal broadleaved shrubland;
- ~~(f)~~ coastal small-leaved shrubland;
- ~~(g)~~ coastal salt turf;
- ~~(h)~~ coastal speargrass herbfield.

Comment [106]: Topic 6

3.3.12.4.5. Clearance of indigenous forest must not exceed 1,000m² per ~~Computer Register~~ Record of Title in any 5 year period.

Comment [107]: Topic 21

3.3.12.4.6. Clearance of indigenous vegetation, per ~~Computer Register~~ Record of Title, must not exceed:

- (a) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 10,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 500m² of indigenous sub-alpine vegetation;
 - (ii) 100m² of tall tussock of the genus *Chinochloa*.

3.3.12.6. Clearance of indigenous forest within the coastal environment must not exceed 500m² per Record of Title in any 5 year period.

3.3.12.7. Clearance of indigenous vegetation within the coastal environment, per Record of Title, must not exceed:

- (a) 1,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 5,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 250m² of indigenous sub-alpine vegetation;

(ii) 50m² of tall tussock of the genus *Chinochloa*.

Comment [108]: Topic 6

3.3.12.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

Comment [109]: Topic 19

Note:

Standards 3.3.12.2, 3.3.12.3, 3.3.12.4, 3.3.12.8, 3.3.12.9 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan.

Comment [110]: Topic 19

Note:

~~Where non-indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 3.3.12.1, 3.3.12.8 and 3.3.12.9 do not apply, and Standards 3.3.12.2 and 3.3.12.3, 3.3.12.5 to 3.3.12.7, 3.3.12.10 and 3.3.12.11 only apply to the extent that they relate to Significant Wetlands and the coastal marine area.~~

Comment [111]: Topic 19

3.3.132.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.

Comment [RW112]: NES – Plantation Forestry 1/2/2019

3.3.132.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.

3.3.132.3. Vegetation clearance must not be in, or within 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification, ~~except:~~

(a) where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case vegetation clearance may occur up to the fenced boundary; or

(b) plants identified in Appendix 25 may be removed from a Significant Wetland but by non-mechanical means only.

Comment [113]: Topic 6

3.3.132.4. 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.

3.3.132.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.

3.3.13.6. Notwithstanding 3.3.12.5, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.

Comment [114]: Topic 12

3.3.132.67. Except for trees felled in accordance with 3.3.12.6, ~~No~~ tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.

Comment [115]: New standard (Not old 3.3.12.6)

3.3.132.78. Wheeled or tracked machinery must not be operated in or within 8m of:

(a) a river (except an ephemeral river or intermittently flowing river, when not flowing);

(b) a lake;

(c) a Significant Wetland ~~or the coastal marine area~~ except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case wheeled or tracked machinery may be operated up to the fenced boundary; or

Comment [116]: Topic 6

(d) the coastal marine area.

- 3.3.132.89. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 3.3.132.910. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 3.3.132.4011. Woody material greater than 100mm in diameter and soil debris must:
- not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - 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;
 - be stored on stable ground;
 - be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 3.3.132.4412. Vegetation clearance must not cause any conspicuous change in the colour or visual-natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, ~~measured as follows:~~
- ~~hue must not be changed by more than 10 points on the Munsell scale;~~ Deleted
 - ~~the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;~~ Deleted
 - ~~the change in reflectance must be <50%.~~ Deleted

Comment [117]: Topic 13

3.3.1314. Cultivation.

Note:

Where cultivation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 3.3.143.1, 3.3.14.2, 3.3.14.3, and 3.3.13.4.5 and 3.3.14.6 do not apply, and Standards 3.3.13.2, 3.3.13.3 and 3.3.13.6 only apply to the extent that they relate to Significant Wetlands and the coastal marine area.

- 3.3.143.1. On all slopes greater than 20° cultivation must be parallel to the contour of the land; except that up to 15% of the cultivated area may be cultivated at an angle to the contour.
- 3.3.143.2. On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 3.3.143.3. On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 3.3.143.4. Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.

Comment [RW118]: NES – Plantation Forestry 1/2/2019

Comment [119]: Topic 19

- 3.3.143.5. On completion of the cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.
- 3.3.143.6. Cultivation must not cause any conspicuous change in the colour or visual natural clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, ~~measured as follows:~~
- (a) ~~hue must not be changed by more than 10 points on the Munsell scale;~~ Deleted
 - (b) ~~the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;~~ Deleted
 - (c) ~~the change in reflectance must be <50%.~~ Deleted

Comment [120]: Topic 13

3.3.1415. Excavation.

Note:

Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 3.3.154.1, 3.3.154.2, 3.3.15.3(a), 3.3.154.4, 3.3.154.5, 3.3.154.10, and 3.3.154.11 and 3.3.15.12 do not apply, and Standards 3.3.154.3(a) and (b), and 3.3.154.9 and 3.3.14.12 only apply to the extent that they relate to Significant Wetlands smaller than 0.25ha in area and the coastal marine area.

- 3.3.154.1. Excavation in excess of 1000m³ must not occur on any land with a slope greater than 20° within any 24 month period. This standard excludes:
- (a) excavation undertaken for the maintenance of farm tracks; or
 - (b) digging of postholes for the construction of fences.
- 3.3.154.2. Excavation must not occur on any land with a slope greater than 35°.
- 3.3.154.3. Excavation must not be in, or within:
- (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
 - (c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.
- 3.3.154.4. The excavation must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils except for the maintenance of existing erosion control structures.
- 3.3.154.5. There must be no excavation in excess of 10m³ within a Groundwater Protection Area, unless the excavation is to establish a foundation for a building or a swimming pool permitted in this zone.
- 3.3.154.6. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 3.3.154.7. There must be no excavation in excess of 100m³ within any 12 month period ~~must not be~~ within a Level 2 or 3 Flood Hazard Area, or in the Level 4 ~~R~~ Flood Hazard Area in the vicinity of Conders Overflow.

Comment [RW121]: NES – Plantation Forestry 1/2/2019

Comment [122]: Topic 19

Comment [123]: Topic 19

Comment [124]: Topic 14

Comment [125]: Topic 13

Comment [126]: Topic 19

Comment [127]: Topic 9

3.3.154.8. There must be no excavation in excess of 500m³ per ~~Computer Register~~Record of Title located within the following Outstanding Natural Features and Landscapes within any 12 month period:

Comment [128]: Topic 21

- (a) Chalk Range;
- (b) Inland Kaikoura Range;
- (c) Molesworth Station and Upper Clarence;
- (d) Limestone Coastline.

This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.

Comment [129]: Topic 5

3.3.154.9. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.

3.3.154.10. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.

3.3.154.11. 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 any culvert used to drain excavation must not be less than 300mm.

3.3.154.12. Excavation must not cause any conspicuous change in the colour or ~~visual natural~~ clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, ~~measured as follows:~~

- ~~(a) hue must not be changed by more than 10 points on the Munsell scale; Deleted~~
- ~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site; Deleted~~
- ~~(c) the change in reflectance must be <50%; Deleted~~

Comment [130]: Topic 19

3.3.15.13. Excavation must not cause water to enter onto any adjacent land under different ownership.

Comment [131]: Topic 19

3.3.1516. ~~Excavation or filling~~Earthworks within the National Grid Yard.

3.3.165.1. ~~Excavation~~Earthworks within the National Grid Yard in the following circumstances ~~is~~are exempt from the remaining standards under this rule:

- (a) ~~Excavation~~Earthworks ~~that is~~ undertaken as part of agricultural, horticultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
- (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;
- ~~(c) (Deleted)Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.~~
- (c) Earthworks that are undertaken by a network utility operator.

- 3.3.165.2. The ~~excavation earthworks~~ must be no deeper than 300mm within 6m of the outer visible edge of a foundation of a National Grid transmission line support structure ~~Transmission Tower Support Structure~~.
- 3.3.165.3. The ~~excavation earthworks~~ must be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a National Grid transmission line support structure ~~Transmission Tower Support Structure~~.
- 3.3.165.4. The ~~excavation earthworks~~ must not compromise the stability of a National Grid transmission line Support Structure.
- 3.3.165.5. The ~~filling earthworks~~ must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

Comment [132]: Topic 20

3.3.1617. Filling of land with clean fill.

- ~~3.3.16.1. The filling must not use commercial clean fill. (Deleted)~~
- 3.3.176.12. Filling in excess of 1000m³ must not occur within any 24 month period.
- 3.3.176.23. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 3.3.176.34. There must be no fill in excess of 100m³ within any 12 month period ~~must not be~~ within a Level 2 or 3 Flood Hazard Area, or in the Level 4 ~~R~~ Flood Hazard Area in the vicinity of Condors Overflow.
- 3.3.176.45. A filled area must designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 3.3.176.56. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.
- 3.3.176.67. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.
- 3.3.176.78. Filling must not be in, or within:
- 8m of a river (except an ephemeral river when not flowing), or lake ~~or the coastal marine area~~;
 - 8m of, a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
 - 8m of the landward toe of a stopbank;
 - 20m of the coastal marine area.
- 3.3.176.89. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 3.3.176.940. There must be no filling in excess of 500m³ per ~~Computer Register~~ Record of Title located within the following Outstanding Natural Features and Landscapes within any 12 month period:
- Chalk Range;
 - Inland Kaikoura Range;
 - Molesworth Station and Upper Clarence;

Comment [133]: Topic 19

Comment [134]: Topic 19

Comment [135]: Topic 9

Comment [136]: Topic 19

Comment [137]: Topic 19

- (d) Limestone Coastline.

This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.

Comment [138]: Topic 5

- 3.3.17.10.4. Filling must not cause any conspicuous change in the colour or ~~visual natural~~ clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, ~~measured as follows:~~

- (a) ~~hue must not be changed by more than 10 points on the Munsell scale;~~ Deleted
- (b) ~~the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;~~ Deleted
- (c) ~~the change in reflectance must be <50%.~~ Deleted

Comment [139]: Topic 13

- 3.3.17.11.2. The filling must not occur on a slope greater than 7.5° if the filling is within a Soil Sensitive Area identified as loess soils.

Comment [140]: Topic 19

3.3.17.12. Filling must not cause water to enter onto any adjacent land under different ownership.

Comment [141]: Topic 19

3.3.17.18. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.

The construction or alteration of a bore does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

- 3.3.18.1. The bore must not be located:

- (a) within the bed of a river;
- (b) within 8m of the landward toe of a stopbank;
- (c) within 50m of the land application area of any on-site wastewater management system or an offal pit, unless the bore intercepts the confined layer of the Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (d) within 50m of the boundary of a property in which the discharge of dairy effluent to land occurs, unless the bore intercepts the confined layer of the Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (e) in, or within 8m of, a Significant Wetland.
- (f) within a Groundwater Protection Area.

- 3.3.18.2. The bore casing must contain only one screen, which must not exceed 10m in length.

- 3.3.18.3. The bore must be capped at all times.

- 3.3.18.4. The bore must be constructed by a Recognised Professional.

- 3.3.18.5. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of construction or alteration of the bore.

Additional Standards for bores to be used for domestic purposes:

- 3.3.18.6. Within the Brancott FMU, the Benmorven FMU or the Omaka Aquifer FMU, the bore must not be located within 50m of an existing domestic bore on an adjacent property in different ownership.

3.3.187.7. In all other areas, the bore must not be located within 10m of an existing domestic bore on an adjacent property in different ownership.

Additional Standards for bores to be used for irrigation purposes:

3.3.187.8. Within the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU, the bore must not be located within 200m of an existing bore on an adjacent property in different ownership.

3.3.187.9. Within the Brancott FMU, the Benmorven FMU or the Omaka Aquifer FMU, the bore must not be located within 300m of an existing bore on an adjacent property in different ownership.

3.3.187.10. In all other areas, the bore must not be located within 50m of an existing bore on an adjacent property in different ownership.

3.3.1819. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

3.3.198.1. The bore must be drilled by a Recognised Professional.

3.3.198.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of the drilling of the bore.

3.3.198.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

3.3.1920. Construction of an off-river dam.

The construction of a dam does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

3.3.2049.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.

3.3.2049.2. The dam must not intersect the groundwater.

3.3.2049.3. The dam must not be located in, or within 8m of, a Significant Wetland.

3.3.2049.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.

3.3.2049.5. The construction must comply with the Permitted Activity standards for Excavation, Filling, Indigenous Vegetation Clearance and Non-Indigenous Vegetation Clearance in the Rural Environment Zone.

3.3.2049.6. The dam walls must comply with the setbacks for buildings in Standards 3.2.1.4 and 3.2.1.12.

3.3.207. The dam must be less than 4m in height, measured from the base to crest.

Comment [142]: Topic 4

3.3.2021. Land disturbance to create and maintain a fire break.

3.3.219.1. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed in the creation of a fire break, such that the areas are stable and the measures remain effective after completion of the land disturbance.

3.3.2422. Live-stock entering onto, or passing across, the bed of a river.

3.3.224.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river.

3.3.242.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or

~~visual-natural~~ clarity of a flowing river, ~~measured as follows: due to sediment or sediment laden discharge originating from the activity site.~~

- ~~(a) hue must not be changed by more than 10 points on the Munsell scale;(deleted)~~
- ~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;(deleted)~~
- ~~(c) the change in reflectance must be <50%.(deleted)~~

Comment [143]: Topic 13

3.3.224.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in the water quality of the river exceeding the a change in concentration of following:

- ~~(a) daily average 2mg/l carbonaceous BOD₅—due to dissolved organic compounds (i.e. those passing a GF/C filter);~~
- ~~(b) dissolved reactive phosphorus;(deleted)~~
- ~~(c) dissolved inorganic nitrogen;(deleted)~~
- ~~(d)(b) 260 Escherichia coli (E. coli)/100ml.~~

Comment [144]: Topic 13

3.3.223. Application (involving a discharge) of an agrichemical into or onto land.

Comment [145]: Topic 14

~~3.3.22.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.(Deleted)~~

Comment [146]: Topic 14

3.3.223.12. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.

3.3.232.23. 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.

3.3.232.34. The application must be undertaken either:

- (a) in accordance with the most recent product label; or
- (b) if the agrichemical is approved for use under the Hazardous Substances and New Organisms Act 1996, the discharge shall be in accordance with all conditions of the approval. All spills of agrichemicals above the application rate must be notified to Council immediately.

Comment [147]: Topic 14

3.3.23.4 All spills of agrichemicals above the application rate must be notified to Council immediately.

3.3.232.5 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.

3.3.2324. Storage and Application (involving a discharge) of fertiliser or lime into or onto land.

Comment [148]: Topic 14

3.3.243.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.

3.3.243.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times, except when fertiliser is being applied.

Comment [149]: Topic 14

~~3.3.23.3. (Deleted) 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.~~

Comment [150]: Topic 14

3.3.24.3.4. 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).

3.3.24.3.4.5. The application must not occur when the soil moisture exceeds field capacity.

~~3.3.24.3.5.6. All reasonable care must be exercised with the application of fertiliser must not result in so as to ensure that the fertiliser or lime must not passing beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.~~

Comment [151]: Topic 14

3.3.24.6. All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.

Comment [152]: Topic 14

3.3.24.25. Application (involving a discharge) of a vertebrate toxic agent by hand into or onto all land, or application (involving a discharge) of a vertebrate toxic agent by air onto private land.

Comment [153]: Topic 14

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

Comment [154]: Topic 14

3.3.25.4.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996.

3.3.25.4.2. All reasonable care must be exercised in the discharge 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.

3.3.25.26. Application (involving a discharge) of compost or solid agricultural waste into or onto land.

Comment [155]: Topic 14

3.3.26.5.1. The application must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
- (c) 10m of a dwelling on any adjacent land in different ownership.

Comment [156]: Topic 14

3.3.26.5.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

3.3.26.3. The application must not occur within a Groundwater Protection Area.

Comment [157]: Topic 14

3.3.26.27. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

3.3.27.6.1. The discharge must not occur into or onto a Soil Sensitive Area.

3.3.27.6.2. The discharge must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or Drainage Channel Network~~ or mean high water springs;
- (c) 10m of the boundary of any adjacent land in different ownership.
- 3.3.276.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 3.3.276.4. The discharge must not occur when the soil moisture exceeds field capacity.
- 3.3.276.5. The discharge must not result in the ponding of effluent. ~~Ponding must not be detectable beyond 24 hours after the discharge.~~
- 3.3.276.6. The discharge must not result in anaerobic soil conditions.
- 3.3.276.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).
- 3.3.276.8. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.
- 3.3.276.9. Records of pH levels must be kept and available upon request by the Council.
- 3.3.27.10. The discharge must not occur within a Groundwater Protection Area.
- 3.3.2728. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.**
- 3.3.287.1. ~~Pest~~ Plants identified in Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard~~ are the only vegetation that may be sprayed.
- 3.3.287.2. The aquatic herbicide used must be one approved for aquatic use by the Environmental Protection Authority.
- 3.3.287.3. The application must be undertaken in accordance with the manufacturer's instructions.
- 3.3.287.4. The application rates must not exceed that stated on the most recent product label for the relevant application equipment or method and target species.
- 3.3.2829. Discharge of dairy farm effluent into or onto land.**
- 3.3.298.1. The discharge must not occur into or onto a Soil Sensitive Area.
- 3.3.298.2. The discharge must not occur within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or Drainage Channel Network~~ or mean high water springs;
- (c) 10m of the boundary of any adjacent land in different ownership.
- 3.3.298.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 3.3.298.4. The discharge must not occur when the soil moisture exceeds field capacity.

Comment [158]: Topic 14

Comment [159]: Topic 14

Comment [160]: Topic 14

Comment [161]: Topic 6

Comment [162]: Topic 14

3.3.298.5. ~~The discharge must not result in the ponding of effluent. Ponding must not be detectable beyond 24 hours after the discharge.~~

Comment [163]: Topic 14

3.3.298.6. The discharge must not result in anaerobic soil conditions.

3.3.298.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).

3.3.298.8. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer as being sufficient to allow for discharges to be deferred so that standards 3.3.298.4, 3.3.298.5 and 3.3.298.6 are not breached. The certification must be provided to the Council prior to effluent entering the storage system and the certified storage volume must be maintained at all times.

Comment [164]: Topic 14

3.3.298.9. For a new dairy farm established after 9 June 2016, the effluent collection and storage system must at all times be sealed to prevent leakage with an impermeable material and the integrity of the system and impermeable material to prevent leakage is certified at the time of construction and upon request by Council by a recognised professional who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer.

Comment [165]: Topic 14

3.3.298.10. For a new dairy farm established after 9 June 2016, the storage system must not be located within:

- (a) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
- (b) 20m of the boundary of any adjacent land in different ownership;
- (c) a Flood Hazard Area.

Comment [166]: Topic 14

3.3.298.11. 24 months after the plan becomes operative. ~~From 9 June 2019, Standards 3.3.298.8, 3.3.298.9 and 3.3.298.10 apply to a dairy farm existing at 9 June 2016 and a new dairy farm established after 9 June 2016.~~

Comment [167]: Topic 14

3.3.29.12. The discharge must not occur within a Groundwater Protection Area.

Comment [168]: Topic 14

~~3.3.2930.~~ **Discharge of swimming or spa pool water into or onto land.**

3.3.3029.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.

3.3.230.9.2. The discharge must not occur into or onto a Soil Sensitive Area identified as loess soils.

3.3.3029.3. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.

3.3.3029.4. Fourteen days prior to discharging to land, swimming or spa pool water:

- (a) must be uncovered;
- (b) must not be treated with any chemicals.

~~3.3.3031.~~ **Discharge of human effluent into or onto land.**

3.3.310.1. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.

- 3.3.310.2. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 3.3.310.3. There must be:
- (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 3.3.310.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 3.3.310.5. Effluent must be able to:
- (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 3.3.310.6. The discharge must not occur within a Groundwater Protection Area.
- 3.3.310.7. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 3.3.310.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.
- 3.3.310.9. For a new discharge of human effluent to land commencing after 9 June 2016, the discharge must not occur into or onto a Soil Sensitive Area.

3.3.3432. Disposal of farm rubbish into a pit.

- 3.3.324.1. Only biodegradable material (~~except including~~ offal or a carcass not from intensive farming) ~~must may~~ be disposed of to a farm rubbish pit.
- 3.3.324.2. Only farm rubbish sourced from the same property, or a property held in the same ownership, ~~must may~~ be disposed of to a farm rubbish pit.
- 3.3.324.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.
- 3.3.324.4. The farm rubbish pit must not be located within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
 - (c) 50m of any boundary of the property or a dwelling.
- 3.3.324.5. Surface run-off must not enter the pit.
- 3.3.324.6. When a pit is filled to within 0.5m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.
- 3.3.32.7 The farm rubbish pit must be located above the natural ground water level at all times.

Comment [169]: Topic 14

Comment [170]: Topic 14

Comment [171]: Topic 14

3.3.3233. Disposal of offal or a carcass into an offal pit.

- 3.3.332.1. ~~The Only~~ offal, or carcasses (except those from intensive farming) ~~must be from pastoral agriculture, except intensive farming, undertaken on~~ sourced

from the same property, or a property held in the same ownership may be disposed of to an offal pit.

Comment [172]: Topic 14

3.3.332.2. Only offal, ~~or~~ carcasses or biodegradable material may be disposed of to an offal pit.

~~3.3.332.3. The disposal must not occur into or onto a Soil Sensitive Area identified as loess soils. (Deleted)~~

Comment [173]: Topic 14

3.3.332.43. The offal pit must not be located within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
- (c) 50m of any boundary of the property or a dwelling.

Comment [174]: Topic 14

3.3.332.54. The offal pit must be located above the natural ground water level at all times.

3.3.332.65. When not in use, ~~the~~ offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface run-off ~~when not in use.~~

Comment [175]: Topic 14

3.3.336. The disposal must not occur within a Groundwater Protection Area.

3.3.334. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

3.3.343.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils unless the stack or stockpile is located on an impermeable material or surface.

Comment [176]: Topic 14

3.3.343.2. The pit must not be located on a Soil Sensitive Area identified as a free-draining soil or a loess soil.

3.3.343.3. The pit, stack or stockpile must not be located within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
- (c) 10m of any boundary of any adjacent land in different ownership.

Comment [177]: Topic 14

3.3.343.4. The pit or stack must be completely covered by an impermeable material when ~~not in use~~ the pit or stack is not being accessed to add or remove compost or silage.

Comment [178]: Topic 14

3.3.343.5. There must be no run-off of leachate from the pit, stack or stockpile or infiltration of leachate into groundwater.

3.3.343.6. Surface run-off must not enter the pit, stack or stockpile.

3.3.347. The pit, stack or stockpile must not occur within a Groundwater Protection Area.

Comment [179]: Topic 14

3.3.348. The total area of any compost or silage in a stack(s), or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.

Comment [180]: Topic 14

3.3.345. Storage of compost not in a pit or stack.

3.3.354.1. The storage of compost must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
- (c) 10m of any dwelling on any adjacent land in different ownership.
- 3.3.354.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.
- 3.3.354.3. If stored for longer than 3 months, the compost must not be located in a Soil Sensitive Area.
- 3.3.35.4. The storage of compost must not occur within a Groundwater Protection Area.
- 3.3.35.5. The total area of any compost or silage in a stack(s), or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.
- 3.3.3536. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:**
- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.
- 3.3.365.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 3.3.365.2. If the property is located within the Blenheim Airshed, the discharge, except any discharge under (c), must not occur during the months of May, June, July or August.
- 3.3.365.3. Any discharges for purposes of training people to put out fires must take place under the control of ~~the Fire and Emergency New Zealand, the New Zealand Defence Force NZ Fire Service~~ or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.
- 3.3.3637. Discharge of contaminants to air arising from burning in the open.**
- 3.3.376.1. Only material generated on the same property or a property under the same management or ownership must be burned.
- 3.3.376.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 3.3.3738. Discharge of contaminants to air from burning for the purposes of vegetation clearance.**
- 3.3.387.1. Burning must not be carried out on Land Use Capability Class 7e or Class 8 land, as shown as the 'LUC' category on the New Zealand Land Resource Inventory database, when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the ~~Forest and Rural Fires Act 1977~~ Fire and Emergency New Zealand Act 2017) for the burn are:
- (a) drought code - 200 or higher;
- (b) build up index - 40 or higher.
- 3.3.3839. Discharge of contaminants to air from seed cleaning.**
- 3.3.398.1. The seed cleaning operation must be contained within a building.

Comment [181]: Topic 14

Comment [182]: Topic 14

Comment [183]: Topic 13S

Comment [184]: Topic 13

Comment [185]: Topic 13

Comment [186]: Topic 13

3.3.398.2. Any new seed cleaning operation commenced after 9 June 2016 must not be located within 100m of any sensitive receptor .

3.3.3940. Discharge of contaminants to air from the burning of oil in a frost protection heater.

3.3.4039.1. The discharge must only take place for the purpose of preventing frost damage to crops.

3.3.4039.2. The burning of oil must only take place in fuel burning equipment that operates with a stack or chimney, is purpose built, maintained and has double burning.

3.3.40.3 No waste oil is burnt, excluding re-refined oil.

Comment [187]: Topic 13

3.3.4041. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

~~3.3.40.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2. (Deleted)~~

Comment [188]: Topic 13

3.3.410.21. The burner must only burn fuels approved for use in the burner.

3.3.4142. Discharge of contaminants to air outside the Blenheim Airshed from the burning of solid fuel in any small scale solid fuel burning appliance.

~~3.3.41.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1. (Deleted)~~

~~3.3.41.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2. (Deleted)~~

Comment [189]: Topic 13

3.3.424.31. The appliance must only burn fuels approved for use in the appliance.

3.3.424.42. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

3.3.4243. Discharge of heat and water vapour from cooling towers.

3.3.432.1. No more than 5MW of heat per hour must be discharged.

3.3.4344. Home occupation.

3.3.443.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.

3.3.443.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:

8.00 am – 6.00 pm	Monday to Friday
9.00 am – 12.00 pm	Saturday

3.3.443.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.

3.3.443.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

3.3.4445. Homestay.

3.3.454.1. The homestay operation must be fully contained within a dwelling that is a Permitted Activity in the Plan.

3.3.454.2. The homestay must be operated by a person residing in the dwelling on the property.

3.3.454.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.

3.3.454.4. The homestay must not accommodate more than 5 guests at any time.

3.3.4546. Worker accommodation.

3.3.465.1. The worker accommodation must ~~not~~ be located within a Worker Accommodation ~~Exclusion~~ Area as identified in Appendix 24.

Comment [190]: Topic 12

3.3.4647. Marae activity on:

(a) That part of Pt Te Hora Sec 32A4 located between State Highway 6 and Te Hore Pa Road;

(b) Wairau Sec 23, Wairau 2 ML 6729 and Sec 1 ML 6729;

(c) Sec 23, 40, 43 and 46 Blk III Taylor Pass SD and Sec 3 SO 6922.

3.3.476.1. A maximum of five papakāinga units are permitted on the marae.

3.3.476.2. A minimum land area of 80m² must be provided for each papakāinga unit.

3.3.476.3. Any setbacks required under Standards 3.2.1.4 to 3.2.1.10 (inclusive) or Standards 3.2.1.12 to 3.2.1.14 (inclusive) are to the external boundary of the ~~property~~ site and do not apply between buildings on the site.

Comment [191]: Topic 10

3.3.4748. Papakāinga.

3.3.487.1. A maximum of five papakāinga units are permitted on a ~~Computer Register~~ Record of Title.

3.3.487.2. A minimum land area of 80m² must be provided for each papakāinga unit.

3.3.487.3. Any setbacks required under Standards 3.2.1.4 to 3.2.1.10 (inclusive) or Standards 3.2.1.12 to 3.2.1.14 (inclusive) are to the external boundary of the ~~property~~ site and do not apply between units on the site.

Comment [192]: Topic 10

3.3.4849. Recreational event or special event.

3.3.498.1. The event must not exceed seven consecutive days duration.

3.3.498.2. Where a site immediately adjoins or is located across a road from 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.

3.3.498.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.

3.3.498.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

3.3.50 The discharge of contaminants into air from water blasting and dry abrasive blasting.

Comment [193]: Topic 13

3.3.50.1. There must be no discharge of water spray, dust or other contaminant beyond the boundary of the property.

3.3.50.2. Where the discharge occurs from public land there must be no discharge of water spray, dust or other contaminant beyond 50m from the discharge point or beyond the boundary of the public land, whichever is the lesser.

3.3.50.3. There must not be any deposition of contaminants from the activity into or within 10 metres of a waterbody or the coastal marine area.

- 3.3.50.4. The surface to be blasted must not contain lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, and other heavy metals including anti foul paint containing these substances.
- 3.3.50.5. Where abrasive blasting is undertaken inside an enclosed booth, the discharge must be via a filtered extraction system that removes at least 95% of particulate matter from the discharge.
- 3.3.50.6. Dry abrasive blasting outside an enclosed booth shall only be undertaken when it is impractical to remove or dismantle or transport a fixed object or structure to be cleaned in a booth.
- 3.3.50.7. For dry abrasive blasting the free silica content of a representative sample of the blast material must be less than 5% by weight.

Comment [194]: Topic 13S

3.3.51 The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

- 3.3.51.1 There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

Comment [195]: Topic 13

3.3.52. Buildings, structures and activities in the National Grid Yard

- 3.3.52.1. Sensitive activities and buildings for the handling or storage of hazardous substances with explosive or flammable intrinsic properties must not be located within the National Grid Yard.
- 3.3.52.2. Buildings and structures must not be located within the National Grid Yard unless they are:
- (a) a fence not exceeding 2.5m in height; or
 - (b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
 - (c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure;
- 3.3.52.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:
- (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or
 - (b) artificial crop protection structures or crop support structures not more than 2.5m in height and located at least 8m from a National Grid pi-pole structure (but not a tower) and are:
 - (i) removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and
 - (ii) all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or
 - (c) located within 12 metres of a National Grid transmission line support structure that meets the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice (NZECP34:2001).

3.3.52.4. All buildings and structures must have a minimum vertical clearance of 10m below the lowest point of a conductor under all transmission line and building operating conditions.

Comment [196]: Topic 20

3.3.53 Amateur Radio Configurations

3.3.53.1 Except as specified below, the Recession Plane and Height Controls do not apply to any antenna or support structure.

3.3.53.2 Any part of an antenna or support structure must not overhang property boundaries.

3.3.53.3 Any of the elements making up an antenna must not exceed 80mm in diameter.

3.3.53.4 The maximum height of any support structure (including antenna) shall not exceed the height limit otherwise applicable to structures, except that:

(a) one free standing support structure (including antenna) per site may exceed the maximum height for a structure, up to a maximum of 20m; and

(b) any support structure (including antenna) attached to a building may exceed the height of the building by no more than 7m.

3.3.53.5 The maximum number of antennas on a site shall not exceed 12.

3.3.53.6 For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.

3.3.53.7 Any dish antenna must:

(a) Be less than 5m in diameter

(b) Be pivoted less than 4m above the ground

(c) Meet the relevant building setback

(d) At any point in its possible rotation, not exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.

Comment [197]: Topic 20

3.4. Controlled Activities

Application must be made for a Controlled Activity for the following:

[D]

3.4.1. Erection and use of a frost fan.

Standards and terms:

3.4.1.1. Noise from a frost fan shall not exceed 55-dB LAeq (15min):

(a) at a distance of 300m from the device;

(b) at any point within the notional boundary of any existing dwelling, visitor accommodation or other habitable building (other than on the property on which the frost fan is situated);

whichever is the least distance.

- 3.4.1.2. Subject to Standard 3.4.1.3, sound levels must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS 6802: 2008 Acoustics – Environmental Noise.
- 3.4.1.3. Noise from a frost fan which has special audible characteristics such as tonality or impulsiveness, must have a 5-dB penalty added to the measured level before compliance with Standard 3.4.1.1 is assessed except that where the Reference Method in the Standard is used to determine the penalty, the value of the penalty shall be a value in the range 0.1-dB to 6.0-dB as determined by that method.
- 3.4.1.4. The frost fan must only be operated for protection of crops from frost from bud burst to harvest, with the exception that frost fans may also be operated in the following circumstances:
- (a) for the purposes of maintenance and testing, limited to operation between 8.00 am to 5.00 pm on any day;
 - (b) for compliance monitoring at any time when the monitoring is undertaken by the Council or, where the monitoring is undertaken by a third party, when the Council has been notified.
- 3.4.1.5. When protecting crops from potential frost damage, a frost fan must only be operated in wind speeds not greater than 8km/hr (averaged over periods not greater than 5 minutes) and when the local air temperature is less than 1°C. For the purposes of this Standard, temperature must be measured within the property to be protected, for vineyards at the lowest fruiting wire and for other crops at the lowest point of the bud height (above ground level) of the plants being protected.
- 3.4.1.6. The frost fan must not be located within 500m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 or within 300m of a Rural Living or Coastal Living Zone.
- 3.4.1.7. An application to erect a frost fan must include the following information:
- (a) details of the proposed frost fan(s), including make and model, manufacturers' specifications, blade type and configuration, drive motor details, and design speed of the tips of the blades;
 - (b) a plan showing the location of the proposed frost fan(s) (with accurate NZTM coordinates) and area it is designed to cover;
 - (c) a plan showing the location of the nearest dwelling, visitor accommodation or habitable building, or the nearest land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2, Rural Living or Coastal Living, and the distance to it;
 - (d) detail of all means to ensure the performance of the frost fan and noise levels remain as predicted, including measures to govern the blade tip speed and the cut-off mechanism for winds exceeding 8km per hour;
 - (e) a report prepared by an appropriately qualified and experienced acoustic consultant addressing the following:
 - (i) a full and detailed description of the proposed frost fan;
 - (ii) prediction of the noise contours of the proposed frost fan based on operational parameters specifically identified in the report for the

particular location where the frost fan is proposed to operate, except where that frost fan has been certified by a body approved by the Council and the proposed fan is to be located and operated in accordance with that certification. Matters over which the Council has reserved control:

- 3.4.1.8. Operational requirements of the frost fan.
- 3.4.1.9. Orientation, rotational constraints, speed of the frost fan power source or frost fan blade set and engine muffling.
- 3.4.1.10. Operation of the frost fan for maintenance purposes.
- 3.4.1.11. Recording information about the use of the frost fan, including temperature and windspeed at the area being protected.
- 3.4.1.12. Monitoring and reporting.
- 3.4.1.13. The provision of contact details for the property owner/manager.
- 3.4.1.14. The review of conditions.

[D]

3.4.2. Sale of farm produce from a rural selling place.

Standards and terms:

- 3.4.2.1. The place must not be served by vehicular access from a State Highway.
- 3.4.2.2. No vegetative produce that has been processed beyond cutting, cleaning, chilling, freezing, grading and packaging may be sold, except that unprocessed extracted juices may be sold.
- 3.4.2.3. The farm produce offered or displayed for sale must be:
 - (a) grown on a farming unit owned or leased by the seller of the produce; and
 - (b) contained within a structure within an area of less than 10m².
- 3.4.2.4. At least 1 parking space per 5m² of gross floor area of the selling place must be provided.
- 3.4.2.5. The parking area must be laid out in a manner such that vehicles do not reverse off the property.

Matters over which the Council has reserved control:

- 3.4.2.6. The design and appearance of the selling place.
- 3.4.2.7. The location of the selling place.

3.4.2.8 The safety of the access.

Comment [198]: Topic 12

Comment [199]: Topic 12

[R]

3.4.3. Harvesting of plantation forestry that was established prior to 9 June 2016, in, or within 8m of a Significant Wetland

Matters over which the Council has reserved control:

- 3.4.3.1 The measures proposed to be taken to minimise damage to the wetland during harvesting.
- 3.4.3.2 The measures proposed to be taken to minimise the risk of slash or debris entering the wetland.

Comment [200]: Topic 22

[D]

3.4.4. Buildings, structures or sensitive activities within 90m of the designation boundary of the National Grid Blenheim substation.*Standards and terms:*

3.4.4.1. Any building, structure or sensitive activity must be located more than 15m from the designation boundary of the National Grid Blenheim substation.

Matters over which the Council has reserved its control:

3.4.4.2. The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines and the substation.

3.4.4.3. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

3.4.4.4. Measures proposed to avoid potential adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and development of the substation.

Comment [201]: Topic 20

3.5. Restricted Discretionary Activities

Application must be made for a Restricted Discretionary Activity for the following:

-[R]

3.5.1. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of ~~Commercial Forestry Harvesting and Woodlot Forestry Harvesting activities, but excluding excavation as part of Commercial Plantation Forestry Harvesting.~~

Matters over which the Council has restricted its discretion:

3.5.1.1. The effects on water quality, aquatic ecosystems and soil conservation from the excavation.

Comment [202]: Topic 22

Comment [RW203]: NES – Plantation Forestry 1/2/2019

Comment [204]: Topic 19

3.6. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

3.6.1. Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.

[D]

3.6.2. Winery, distillery or brewery.

[D]

3.6.3. Intensive farming.

[D]

3.6.4. Visitor accommodation.

[D]

3.6.5. Community facility.

[R, D]

3.6.6. Quarrying and ~~mineral extraction~~ mining.

Comment [205]: Topic 12

Note:

Where forestry quarrying is managed under the National Environmental Standards for Plantation Forestry 2017, Rule 3.6.6 does not apply.

Comment [RW206]: NES – Plantation Forestry 1/2/2019

[D]

3.6.7. Rural industry.

[R]

3.6.8. Dairy farm established after 9 June 2016.

[R, D]

3.6.9. Commercial clean fill operation.

[D]

3.6.10. Commercial activity.

[D]

3.6.11. Any use of land not provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity or limited as a Prohibited Activity.

[R]

3.6.12. Any discharge of contaminants into or onto land, or to air, not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

3.6.13 Livestock entering into or passing across a Significant Wetland.

Comment [207]: Topic 13

[R]

3.6.14 Woodlot forestry planting outside the coastal environment, on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.

Comment [208]: Topic 12

3.7. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R, D]

3.7.1. ~~(a) Commercial Plantation forestry planting/afforestation and, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting within the coastal environment or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial plantation or, carbon sequestration (non-permanent) or woodlot or woodlot forestry.~~

Comment [KP209]: NES – Plantation Forestry 1/2/2019

Comment [210]: Topic 22

Comment [211]: Topic 22

Comment [212]: Topic 12

~~(b) Woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry. (Deleted)~~

Comment [RW213]: NES – Plantation Forestry 1/2/2019

Comment [214]: Topic 12

[D]

~~3.7.2. Planting Lodgepole pine (*Pinus contorta*).~~

Note:

~~Where the planting of Lodgepole pine (*Pinus contorta*) is managed under the National Environmental Standards for Plantation Forestry 2017, Rule 3.7.2 does not apply. (Deleted)~~

[R, D]

Comment [RW215]: NES – Plantation Forestry 1/2/2019

3.7.23. Carbon sequestration forestry ~~(permanent)~~ harvesting on steep erosion prone land.

Comment [216]: Topic 22

[R]

3.7.34. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a lake, into a Significant Wetland or onto the bed of a river when there is water flowing in the river.

Comment [217]: Topic 22

[R]

3.7.45. From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a lake, a Significant Wetland or the bed of a river when there is water flowing in the river.

Comment [218]: Topic 13

[R]

3.7.56. Disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

3.7.67. Discharge of human effluent through a soak pit established after 9 June 2016.

[R]

3.7.78. Drainage of Goulter Significant Wetland – W35.

[R]

3.7.98. Drainage of Possum Swamp Stream Significant Wetland – W116.

[R]

3.7.910. Drainage of Upper Wairau Significant Wetland – W580.

[R]

3.7.104. Drainage of Wairau Lagoons Significant Wetland – W1076.

[D]

3.7.112. Noise sensitive activities, not existing at 9 June 2016, underneath the approach and take-off flight fans within the Runway Protection Area of Main Runway 07-25 inside the Outer Noise Control Boundary for the Woodbourne Airport Zone.

[D]

3.7.123. Noise sensitive activities, not existing at 9 June 2016, underneath the first 500m of the approach and take-off flight fans for the Omaka Airport and Picton (Koromiko) Airport Zones.

[R]

3.7.134. Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance 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, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (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 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 any type of plastics;
- (k) waste oil (excluding re-refined 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.

[R]

3.7.14. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent:

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10-mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;

(l) sludge from industrial processes;

(m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Comment [219]: Topic 13

7. Coastal Living Zone

7.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 7.2 and 7.3:

[D]

7.1.1. Residential activity.

[D]

7.1.2. Home occupation.

[D]

7.1.3. Homestay.

[D]

7.1.4. Papakāinga.

[D]

7.1.5. Relocated building.

[D]

7.1.6. Temporary building or structure, or unmodified shipping container.

[D]

7.1.7. Grazing of livestock.

[R, D]

7.1.8. Planting of vegetation.

[R, D]

7.1.9. Indigenous vegetation clearance, ~~including where managed by the National Environmental Standards for Plantation Forestry 2017.~~

Comment [RW1]: NES – Plantation Forestry 1/2/2019

[R, D]

7.1.10. Non-indigenous vegetation clearance ~~including~~ excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

Comment [2]: Topic 19

Comment [RW3]: NES – Plantation Forestry 1/2/2019

[R, D]

7.1.11. Excavation or filling, ~~including where managed by the National Environmental Standards for Plantation Forestry 2017.~~

Comment [RW4]: NES – Plantation Forestry 1/2/2019

[D]

7.1.12. ~~Excavation or filling~~ Earthworks within ~~athe~~ National Grid Yard.

Comment [5]: Topic 20

[R]

7.1.13. Application (involving a discharge) of an agrichemical into or onto land.

Comment [6]: Topic 14

[R]

7.1.14. Discharge of swimming or spa pool water into or onto land.

[R]

7.1.15. Discharge human effluent into or onto land through any onsite wastewater management system.

[R]

7.1.16. Discharge of contaminants to air arising from burning in the open.

[R]

7.1.17. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance, except an enclosed pellet burner.

[R]

7.1.18. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

[R]

7.1.19. Discharge of contaminants to air from the burning of solid fuel in any indoor open fire.

[D]

7.1.20. Park or reserve.

[D]

7.1.21. Community activity using an existing community facility.

[R]

7.1.22 Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

(a) training people to put out fires;

(b) creating special smoke and fire effects for the purposes of producing films;

(c) fireworks display or other temporary event involving the use of fireworks.

Comment [7]: Topic 13

[R]

7.1.23 The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

Comment [8]: Topic 13

[D]

7.1.24 Buildings, structures and activities in the National Grid Yard.

Comment [9]: Topic 20

[R]

7.1.25 Discharge of dust.

Comment [10]: Topic 18

[R]

7.1.26 Amateur Radio Configurations

Comment [11]: Topic 20

7.2. Standards that apply to all permitted activities

7.2.1. Construction and siting of a building or structure except a temporary building or structure, or unmodified shipping container (unless any Standards listed below are specified as Standards for those activities).

7.2.1.1. No more than one residential dwelling must be construction or sited per ~~Computer Register~~ Record of Title.

Comment [12]: Topic 21

- 7.2.1.2. A building or structure in which human effluent will be generated must connect to and dispose of its effluent into a Council operated sewerage system designed for that purpose, if there is a Council operated sewerage system within 30m of the property boundary or 60m of the closest building.
- 7.2.1.3. The maximum height of a building or structure must not exceed 7.5m, except that where pole foundations are used, the maximum height must not exceed 10m.
- 7.2.1.4. Permanent buildings must not cover more than 15% of net site area.
- 7.2.1.5. A building must not be constructed or sited within 28m of the Coastal Marine Zone.
- 7.2.1.6. On a site smaller than 4,000m², no part of any building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property site boundary. The exception to this Standard is where a site boundary abuts the street or road, in that case no part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the lot where it abuts the street or road.
- 7.2.1.7. Notwithstanding Standard 7.2.1.5, on a site larger than 4,000m², a building must not be constructed or sited from within 8m of any site boundary.
- 7.2.1.8. A building or structure must not be constructed or sited in, or within 8m of, a river, Significant Wetland or the landward toe of any stopbank.
- 7.2.1.9. On land within the Marlborough Sounds Coastal High Amenity Landscape or any Marlborough Sounds Outstanding Natural Feature and Landscape, any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- ~~7.2.1.10. (Deleted) Under the National Grid Conductors (wires) within the National Grid Yard the following apply:~~
- ~~(a) an accessory building for a sensitive activity must not have a height greater than 2.5m and an area greater than 10m²;~~
- ~~(b) a building alteration or addition must be contained within the original building height and footprint;~~
- ~~(c) a fence must not exceed 2.5m in height;~~
- ~~(d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.~~
- ~~7.2.1.11. (Deleted) Around National Grid support structures within the National Grid Yard the following apply:~~
- ~~(a) a fence must not exceed 2.5m in height and must not be closer than 5m from any National Grid support structure;~~
- ~~(b) a building or structure must not be closer than 12m to a National Grid support structure.~~
- 7.2.1.10. A building or structure must not be located within 1.5m of the legal boundary with the rail corridor of the Main North Line except for a fence up to 2m in height.

Comment [13]: Topic 10

Comment [14]: Topic 10

Comment [15]: Topic 5

Comment [16]: Topic 20

Comment [17]: Topic 12

7.2.2. Noise.

7.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property ~~at the Zone boundary or~~ within the zone:

7.00 am to 10.00 pm	50-dBA L_{Aeq}	
10.00 pm to 7.00 am	40-dBA L_{Aeq}	70dB L_{AFmax}

7.2.2.2. Noise must be measured in accordance with NZS 6801:2008 – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 – Environmental Noise.

7.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

7.2.3. Use of external lighting.

7.2.3.1. Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical). All external lighting shall be fully shielded to prevent any light spillage above the horizontal plane of the light source.

Comment [18]: Topic 11

7.2.3.2 All outdoor lighting and exterior lighting excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.

Comment [19]: Topic 18

7.2.4. Odour.

7.2.4.1. There must be no ~~The odour must not be~~ objectionable or offensive odour to the extent that it causes an adverse effect ~~as detected~~ at or beyond the legal boundary of the site ~~area of land on which the permitted activity is occurring~~

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

Comment [20]: Topic 18

7.2.5. Smoke.

7.2.5.1. 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.

7.2.6. Dust.

7.2.6.1. ~~The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.~~ There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site"

comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

Comment [21]: Topic 18

7.2.7. Dust-Particulate from any process vent or stack.

7.2.7.1. The ~~dust-particulate~~ must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

7.2.7.2. The concentration of particulate discharged ~~rate~~ from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to "Standards for specific permitted activities.

~~7.2.7.3. Dust particles must not exceed 0.05mm size in any direction. (Deleted)~~

Comment [22]: Topic 18

7.3. Standards that apply to specific permitted activities

7.3.1. Home occupation.

7.3.1.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.

7.3.1.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:

8.00 am to 6.00 pm Monday to Friday

9.00 am to 12.00 pm Saturday

7.3.1.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.

7.3.1.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

7.3.2. Homestay.

7.3.2.1. The homestay must be operated within a dwelling that is a Permitted Activity in the Plan.

7.3.2.2. The homestay must be operated by a person residing in the dwelling on the property.

7.3.2.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.

7.3.2.4. The homestay must not accommodate more than 5 guests at any time.

7.3.3. Papakāinga.

7.3.3.1. A maximum of five papakāinga units are permitted on any ~~Computer Register~~ Record of Title.

7.3.3.2. A minimum land area of 80m² must be provided for each papakāinga unit.

Comment [23]: Topic 21

- 7.3.3.3. Any setbacks required under Standards 7.2.1.5 to 7.2.1.8 (inclusive) are to the external boundary of the ~~property~~ site and do not apply between units on the site.

Comment [24]: Topic 10

7.3.4. Relocated building.

- 7.3.4.1. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

~~7.3.4.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site and is to include connections to all infrastructure services and closing in and ventilation of the foundations. The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 6 month period. (Deleted)~~

7.3.4.2 A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.

Comment [25]: Topic 12 – new 7.3.4.2
(previous 7.3.4.2 deleted)

7.3.4.3 The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.

7.3.4.4 All other reinstatement work required by the report referred to in 7.3.3.2 and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting 7.3.3.5, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

7.3.4.5 The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 12 month period.

- 7.3.4.~~36~~. The siting of the relocated building must also comply with Standards 7.2.1.1 to 7.2.1.~~44-10~~ (inclusive).

Comment [26]: Topic 6

7.3.5. Temporary building or structure, or unmodified shipping container.

- 7.3.5.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

- (a) exceed 40m² in area;
- (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

7.3.5.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 7.3.5.1 (such as the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.

7.3.5.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 7.3.5.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 7.2.1.6 and 7.2.1.7.

7.3.6. Planting of vegetation.

- 7.3.6.1. Only indigenous species may be planted in, or within 8m of, a Significant Wetland.

7.3.7. Indigenous vegetation clearance.

Note:

Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards, 7.3.7.2, 7.3.7.3(a), 7.3.7.5 and 7.3.7.6 do not apply.

7.3.7.1. Indigenous vegetation clearance must comply with Standards 7.3.8.1 to 7.3.8.11 (inclusive).

7.3.7.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 7.3.7.3 to 7.3.7.6 (inclusive):

- (a) indigenous vegetation under ~~or within 50m of commercial forest or a shelter belt~~;
- (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 ~~20-10~~ years in age;
- (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 ~~50-20~~ years in age;
- (d) where the clearance is associated with the maintenance of ~~an~~ existing roads, forestry roads, harvesting tracks ~~or~~ farm tracks, fence lines, cycling tracks or walking tracks;
- (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and that clearance is within the curtilage of a dwelling;
- (f) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity distribution activities;
- (g) where the clearance is associated with the maintenance of existing fire breaks.

7.3.7.3. Clearance of indigenous vegetation must not occur:

- (a) on a Threatened Environments – Indigenous Vegetation Site;
- (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.

7.3.7.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:

- (a) duneland vegetation;
- (b) coastal grassland;
- ~~(e) coastal flaxlands;(deleted)~~
- ~~(d)~~ coastal vegetation dominated by (making up >50% of the canopy cover) ~~wharariki/coastal flax (Phormium ~~sp~~ coekianum);~~
- ~~(e)~~ coastal broadleaved shrubland;
- ~~(f)~~ coastal small-leaved shrubland;
- ~~(g)~~ coastal salt turf;
- ~~(h)~~ coastal speargrass herbfield.

Comment [RW27]: NES – Plantation Forestry 1/2/2019

Comment [RW28]: NES – Plantation Forestry 1/2/2019

Comment [29]: Topic 6

Comment [30]: Topic 6

7.3.7.5. Clearance of indigenous forest must not exceed 1,000m² per ~~Computer Register~~ Record of Title in any 5 year period.

Comment [31]: Topic 21

7.3.7.6. Clearance of indigenous vegetation, per ~~Computer Register~~ Record of Title, must not exceed:

- (a) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 10,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 500m² of indigenous sub-alpine vegetation;
 - (ii) 100m² of tall tussock of the genus Chinochloa.

Comment [32]: Topic 6

7.3.7.7. Clearance of indigenous forest within the coastal environment must not exceed 500m² per Record of Title in any 5 year period.

7.3.7.8. Clearance of indigenous vegetation within the coastal environment, per Record of Title, must not exceed:

- (a) 1,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 5,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 250m² of indigenous sub-alpine vegetation;
 - (ii) 50m² of tall tussock of the genus Chinochloa.

Comment [33]: Topic 6

7.3.8. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

Comment [34]: Topic 19

Note:

Standards 7.3.8.2, 7.3.8.4, 7.3.8.8, 7.3.8.9 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan.

Comment [35]: Topic 19

Note:

~~Where non-indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 7.3.8.1, 7.3.8.8, 7.3.8.9 do not apply, and Standards 7.3.8.2, 7.3.8.5, 7.3.8.6, 7.3.8.7, 7.3.8.10 and 7.3.8.11 only apply to the extent that they relate to Significant Wetlands and the coastal marine area.~~

Comment [36]: Topic 19

7.3.8.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.

Comment [RW37]: NES – Plantation Forestry 1/2/2019

7.3.8.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.

7.3.8.3. Within, or within 8 metres of, a Significant Wetland, ~~Pest~~ Plants identified in Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard~~ are the only vegetation that may be removed. Any vegetation removed under this standard must only be done by non-mechanical means.

Comment [38]: Topic 6

7.3.8.4. 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.

7.3.8.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.

~~7.3.8.6. Notwithstanding 7.3.8.5, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices~~

Comment [39]: Topic 12

~~7.3.8.67. Except for trees felled in accordance with 7.3.8.6, No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.~~

Comment [40]: Topic 12

7.3.8.78. Wheeled or tracked machinery must not be operated in, or within 8m of:
(a) a river (except an ephemeral river or intermittently flowing river, when not flowing);

(b) a lake;

(c) a Significant Wetland ~~or the coastal marine area~~ except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case wheeled or tracked machinery may be operated up to the fenced boundary

Comment [41]: Topic 6

(d) the coastal marine area.

7.3.8.89. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.

7.3.8.910. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.

7.3.8.4011. Woody material greater than 100mm in diameter or soil debris must:

(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;

(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;

(c) be stored on stable ground;

(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

7.3.8.4412. Vegetation clearance must not cause any conspicuous change in the colour or ~~visual~~ natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, ~~measured as follows:~~

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~ Deleted

~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;~~ Deleted

~~(c) the change in reflectance must be <50%.~~ Deleted

Comment [42]: Topic 13

7.3.9. Excavation or filling.**Note:**

Where excavation and filling are managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 7.3.9.2 to 7.3.9.6 and 7.3.9.8 to 7.3.9.14-15 do not apply and ~~Standard 7.3.9.1 applies and~~ Standard 7.3.9.7 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha in area.

- 7.3.9.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 7.3.9.2. Excavation or filling must not be within a Level 2 or 3 Flood Hazard Area.
- 7.3.9.3. The maximum volume for excavation must not exceed 50m³ per ~~Computer Register~~ Record of Title within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.
- 7.3.9.4. The maximum volume for filling must not exceed 50m³ per ~~Computer Register~~ Record of Title within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.
- 7.3.9.5. Excavation must not occur on any land with a slope greater than ~~40~~ 25°.
- 7.3.9.6. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 7.3.9.7. Excavation and filling must not occur in, or within 8m of, a river, Significant Wetland, drainage channel or Drainage Channel Network and filling must not occur within 20m of the coastal marine area.
- 7.3.9.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 7.3.9.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 7.3.9.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill area must not be less than 300mm.
- 7.3.9.11. Excavation or filling must not occur on a slope greater than 7.5° ~~degrees~~ if the activity is within a Soil Sensitive Area identified as loess soils.
- 7.3.9.12. For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.
- 7.3.9.13. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 7.3.9.14. The fill must not contain any:
- hazardous substances;
 - combustible or organic materials;
 - any other contaminant subject to chemical or biological breakdown;
 - liquids or sludge.

7.3.9.15. Excavation or filling must not cause water to enter onto any adjacent land under different ownership.

Comment [RW43]: NES – Plantation Forestry 1/2/2019

Comment [44]: Topic 19

Comment [45]: Topic 21

Comment [46]: Topic 21

Comment [47]: Topic 19

Comment [48]: Topic 19

Comment [49]: Topic 19

7.3.10. ~~Excavation or filling~~ Earthworks within the National Grid Yard.

- 7.3.10.1. ~~Excavation~~ Earthworks within the National Grid Yard in the following circumstances ~~is~~ are exempt from the remaining standards under this rule:
- (a) ~~excavation~~ Earthworks that ~~is~~ undertaken as part of agricultural, horticultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
 - (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;
 - ~~(c) excavation of a hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.~~
 - (c) Earthworks that are undertaken by a network utility operator.
- 7.3.10.2. The ~~excavation~~ earthworks must be no deeper than 300mm within 6m of the outer visible edge of a foundation of a National Grid transmission line support structure ~~transmission tower support structure~~.
- 7.3.10.3. The ~~excavation~~ earthworks must be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a National Grid transmission line support structure ~~transmission tower support structure~~.
- 7.3.10.4. The ~~excavation~~ earthworks must not compromise the stability of a National Grid transmission line support structure.
- 7.3.10.5. The ~~filling~~ earthworks must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

Comment [50]: Topic 20

Comment [51]: Topic 20

7.3.11. Application (involving a discharge) of an agrichemical into or onto land.

Comment [52]: Topic 14

- 7.3.11.1. ~~(Deleted) The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.~~
- 7.3.11.2.1. The application must be undertaken either:
- (a) in accordance with the most recent product label; or
 - (b) if the agrichemical is approved for use under the Hazardous Substances and New Organisms Act 1996, the discharge shall be in accordance with all conditions of the approval. ~~All spills of agrichemicals above the application rate must be notified to Council immediately.~~
- 7.3.11.2.2. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 7.3.11.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 7.3.11.4. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network.
- 7.3.11.5. All sprays must be applied with hand held equipment.

Comment [53]: Topic 14

Comment [54]: Topic 14

7.3.12. Discharge of swimming or spa pool water into or onto land.

- 7.3.12.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.

7.3.12.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.

7.3.12.3. Fourteen days prior to discharging to land, swimming or spa pool water:

- (a) must be uncovered;
- (b) must not be treated with any chemicals.

7.3.13. Discharge human effluent into or onto land through any onsite wastewater management system.

7.3.13.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.

7.3.13.2. The human effluent must be treated through an on-site wastewater management system, which must be maintained in an efficient operating condition at all times.

7.3.13.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).

7.3.13.4. There must be:

- (a) no ponding of effluent;
- (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.

7.3.13.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.

7.3.13.6. Effluent must be able to:

- (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
- (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.

7.3.13.7. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.

7.3.13.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

7.3.14. Discharge of contaminants to air arising from burning in the open.

7.3.14.1. Only material generated on the same property or a property under the same ownership can be burned.

7.3.14.2. The total volume of material being burned must not exceed 2m³.

7.3.15. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance, except an enclosed pellet burner.

~~7.3.15.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1. (Deleted)~~

7.3.15.~~2~~¹. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

7.3.15.~~3~~². The appliance must only burn fuels approved for use in the appliance.

Comment [55]: Topic

7.3.15.43. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

7.3.16. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

~~7.3.16.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2. (Deleted)~~

Comment [56]: Topic 13

7.3.16.21. The burner must only burn fuels approved for use in the burner.

7.3.17. Park or reserve.

~~7.3.17.1. The park or reserve must be owned, managed or administered by the Marlborough District Council. (Deleted)~~

Comment [57]: Topic 12

7.3.17.21. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

7.3.18. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

(a) training people to put out fires;

(b) creating special smoke and fire effects for the purposes of producing films;

(c) fireworks display or other temporary event involving the use of fireworks.

7.3.18.1 The Council must be notified at least 5 working days prior to the burning activity commencing.

7.3.18.2 Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

Comment [58]: Topic 13

7.3.19. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

7.3.19.1. There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

Comment [59]: Topic 13

7.3.20. Buildings, structures and activities in the National Grid Yard

7.3.20.1. Sensitive activities and buildings for the handling or storage of hazardous substances with explosive or flammable intrinsic properties must not be located within the National Grid Yard.

7.3.20.2. Buildings and structures must not be located within the National Grid Yard unless they are:

(a) a fence not exceeding 2.5m in height; or

(b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).

(c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure;

7.3.20.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:

- (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or
- (b) artificial crop protection structures or crop support structures not more than 2.5m in height and located at least 8m from a National Grid pi-pole structure (but not a tower) and are:
 - (i) removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and
 - (ii) all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or
- (c) located within 12 metres of a National Grid transmission line support structure that meets the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice (NZECP34:2001).

7.3.20.4. All buildings and structures must have a minimum vertical clearance of 10m below the lowest point of a conductor under all transmission line and building operating conditions.

7.3.21 Amateur Radio Configurations

- 7.3.21.1 Except as specified below, the Recession Plane and Height Controls do not apply to any antenna or support structure.
- 7.3.21.2 Any part of an antenna or support structure must not overhang property boundaries.
- 7.3.21.3 Any of the elements making up an antenna must not exceed 80mm in diameter.
- 7.3.21.4 The maximum height of any support structure (including antenna) shall not exceed the height limit otherwise applicable to structures, except that:
 - (a) one free standing support structure (including antenna) per site may exceed the maximum height for a structure, up to a maximum of 20m; and
 - (b) any support structure (including antenna) attached to a building may exceed the height of the building by no more than 7m.
- 7.3.21.5 The maximum number of antennas on a site shall not exceed 12.
- 7.3.21.6 For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.
- 7.3.21.7 Any dish antenna must:
 - (a) Be less than 5m in diameter
 - (b) Be pivoted less than 4m above the ground
 - (c) Meet the relevant building setback
 - (d) At any point in its possible rotation, not exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.

Comment [60]: Topic 20

7.4. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

7.4.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[D]

7.4.2. Commercial Activity.

[D]

7.4.3. Visitor accommodation.

[R]

7.4.4. Discharge human effluent into or onto land through an onsite wastewater management system.

[D]

7.4.5. Community facility.

[D]

7.4.6. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

7.4.7. Any discharge of contaminants into or onto land, or into air, not provided for as a Permitted Activity or limited as a Prohibited Activity.

7.5. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R, D]

7.5.1. ~~Commercial forestry planting~~ Plantation forestry afforestation, carbon sequestration forestry planting ~~(non-permanent)~~ or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration ~~(non-permanent)~~ or woodlot forestry.

Comment [61]: Topic 22

~~[R]~~

~~7.5.2. The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established. (Deleted)~~

Comment [62]: Topic 22

[D]

~~7.5.3. Planting Lodgepole pine (*Pinus contorta*). (Deleted)~~

Comment [63]: Topic 22

Note:

~~Where the planting of Lodgepole pine (*Pinus contorta*) is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 7.5.3 does not apply~~

Comment [RW64]: NES – Plantation Forestry 1/2/2019

[R]

7.5.42. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

[R]

7.5.53. The storage and reprocessing of hazardous waste, or disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

-[R]

7.5.64. Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance 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, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (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 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 any type of plastics;
- (k) waste oil (excluding re-refined 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.

Comment [65]: Clause 16 Minor Amendment

[R]

7.5.5. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent;

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;

- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;
- (l) sludge from industrial processes;
- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Comment [66]: Topic 13

17. Open Space 1 Zone

17.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 17.2 and 17.3:

[D]

17.1.1. Passive recreation.

[D]

17.1.2. Routes for pedestrians and cyclists.

[R, D]

17.1.3. Planting of vegetation.

[R, D]

17.1.4. Indigenous vegetation clearance.

[R, D]

17.1.5. Non-indigenous vegetation clearance.

[R, D]

17.1.6. Excavation.

[R, D]

17.1.7. Filling of land with clean fill.

[R]

17.1.8. Discharge of contaminants to air arising from burning in the open.

[R]

17.1.9. Application (involving a discharge) of an agrichemical into or onto land.

[R]

17.1.10. Storage and application (involving a discharge) of fertiliser or lime into or onto land.

[R]

17.1.11. Discharge of human effluent into or onto land.

[R, D]

17.1.12. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

[R]

17.1.12. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) creating special smoke and fire effects for the purposes of producing films;

- (b) fireworks display or other temporary event involving the use of fireworks.

[R]

- 17.1.13 The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.**

[R]

- 17.1.14 Discharge of dust.**

17.2. Standards that apply to all permitted activities

17.2.1. Construction and siting of a building or structure.

- 17.2.1.1. A building or structure (except a bridge) must be set back a minimum of 4.5m from road boundaries, or any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Environment or Coastal Environment.
- 17.2.1.2. A building or structure (except a bridge) must not be constructed or sited closer than 8m to a river, lake, drainage channel, Drainage Channel Network, landward toe of stopbank or the sea.
- 17.2.1.3. The height of a fence or, any part of a fence, on a boundary to any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 1.2m.
- 17.2.1.4. The maximum height of a building or structure must not exceed 7.5m.
- 17.2.1.5. A building or structure in which human effluent will be created must connect to, and dispose of its effluent into, a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.
- 17.2.1.6. A building or structure must not be sited within a Flood Hazard Area.
- 17.2.1.7. A building or structure must not be located within 1.5m of the legal boundary with the rail corridor of the Main North Line except for a fence up to 2m in height.

17.2.2. Noise.

- 17.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property:
- | | |
|---------------------|---------------------------------|
| 7.00 am to 10.00 pm | 50dB L_{Aeq} |
| 10.00 pm to 7.00 am | 40dB L_{Aeq} 70dB L_{AFmax} |
- 17.2.2.2. Noise must be measured in accordance with the provisions of NZS 6801:2008 – Measurement of Environmental Sound, and assessed on accordance with NZS 6802:2008 – Environmental Noise.
- 17.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

17.2.3. Outdoor lighting.

- 17.2.3.1. The maximum height of any poles, support structures or fixtures associated with artificial lighting must not exceed of 20m.

- 17.2.3.2. The lighting level at any point on the ground 2m inside the boundary of the Zone must not exceed 10 lux (lumens per square metre) measured horizontally and vertically.
- 17.2.3.3. There must be no greater than 2.5 lux spill (horizontal and vertical) of light onto any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, measured at any point more than 2m inside the boundary of the property.

17.2.4. Odour.

- 17.2.4.1. There must be no objectionable or offensive odour to the extent that it causes an adverse effect at or beyond the legal boundary of the site.

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

17.2.5. Smoke.

- 17.2.5.1. 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.

17.2.6. Dust.

- 17.2.6.1. There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

17.2.7. Particulate from any process vent or stack.

- 17.2.7.1. The particulate must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.
- 17.2.7.2. The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to "Standards for specific permitted activities.

~~17.2.7.3.~~ (Deleted)

17.3. Standards that apply to specific permitted activities

17.3.1. Planting of vegetation.

- 17.3.1.1. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

17.3.2. Indigenous vegetation clearance.

- 17.3.2.1. Indigenous vegetation clearance must comply with Standards 17.3.3.1 to 17.3.3.4 (inclusive).
- 17.3.2.2. The clearance of indigenous vegetation in the following circumstances is exempt from the Standards 17.3.2.3 and 17.3.2.4:
- (a) 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 10 years in age;
 - (b) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
 - (c) where the clearance is associated with the maintenance of existing roads, tracks, fence lines, cycling tracks or walking tracks;
 - (d) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity distribution activities;
 - (e) where the clearance is associated with the maintenance of existing fire breaks.
- 17.3.2.3. Clearance of indigenous vegetation must not occur on a Threatened Environments – Indigenous Vegetation Site.
- 17.3.2.4. Clearance must not exceed 2000m² per Record of Title in any 5 year period.
- 17.3.2.5. Clearance within the coastal environment must not exceed 1000m² per Record of Title in any 5 year period.

17.3.3. Non-indigenous vegetation clearance.

Note:

Standards 17.3.3.1, 17.3.3.2 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan.

- 17.3.3.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 17.3.3.2. Wheeled or tracked machinery must not be operated in, or within 8m of:
- (a) a river (except an ephemeral river or intermittently flowing river, when not flowing);
 - (b) a lake;
 - (c) a Significant Wetland except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which

case wheeled or tracked machinery may be operated up to the fenced boundary

(d) the coastal marine area.

17.3.3.3. Within, or within 8 metres of, a Significant Wetland, plants identified in Appendix 25 are the only vegetation that may be removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.

17.3.3.4. Woody material greater than 100mm in diameter and soil debris must:

(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;

(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;

(c) be stored on stable ground;

(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

17.3.4. Excavation.

17.3.4.1. Excavation must not be in, or within:

(a) 8m of a river (except an ephemeral river when not flowing);

(b) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance between the landward toe of the stopbank and the excavation;

(c) a Soil Sensitive Area identified as loess soils.

17.3.4.2. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.

17.3.4.3. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.

17.3.4.4. 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 any culvert used to drain excavation must not be less than 300mm.

17.3.4.5. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.

17.3.4.6. Excavation must not cause water to enter onto any adjacent land under different ownership.

17.3.5. Filling of land with clean fill.

~~17.3.5.1.~~ (Deleted)

17.3.5.21. Filling must not be in, or within:

(a) 8m of a river (except an ephemeral river when not flowing);

(b) 8m of the landward toe of a stopbank;

(c) a Soil Sensitive Area identified as loess soils.

- 17.3.5.32. A filled area must be designed, constructed and maintained so it is stable and remains effective after completion of filling.
- 17.3.5.43. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain a fill area must not be less than 300mm.
- 17.3.5.54. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.
- 17.3.5.5 Filling must not cause water to enter onto any adjacent land under different ownership.

17.3.6. Discharge of contaminants to air arising from burning in the open.

- 17.3.6.1. Only material generated on the same property or a property under the same ownership can be burned.
- 17.3.6.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 17.3.6.3. The material being burned must not exceed 2m³.
- 17.3.6.4 Standards 17.3.6.1 and 17.3.6.2 do not apply to campfires for camps or training of guides or scouts under the control of Girl Guiding New Zealand or Scouting New Zealand.

17.3.7. Application (involving a discharge) of an agrichemical into or onto land.

- ~~17.3.7.1.~~ (Deleted)
- 17.3.7.1. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 17.3.7.2. 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.
- 17.3.7.3. The application must be undertaken either:
 - (a) in accordance with the most recent product label; or
 - (b) if the agrichemical is approved for use under the Hazardous Substances and New Organisms Act 1996, the discharge shall be in accordance with all conditions of the approval.
- 17.3.7.4 All spills of agrichemicals above the application rate must be notified to Council immediately.
- 17.3.7.5. 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.

17.3.8. Storage and application (involving a discharge) of fertiliser or lime into or onto land.

- 17.3.8.1. Fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 17.3.8.2. Fertiliser must be stored on an impermeable surface, bunded and covered at all times, except when fertiliser is being applied.

- 17.3.8.3. 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.
- 17.3.8.4. The application must not occur when the soil moisture exceeds field capacity.
- 17.3.8.5. Total cumulative nitrogen (N) loading on the land used for the application must not exceed 200kg N/ha/year (excluding N from direct animal inputs).
- 17.3.8.6. The application of fertiliser must not result in fertiliser passing beyond the legal boundary of the area of land on which the fertiliser is being applied.
- 17.3.8.7. All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.

17.3.9. Discharge of human effluent into or onto land.

- 17.3.9.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the Zone boundary or 60m of the closest building.
- 17.3.9.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 17.3.9.3. There must be no increase in the rate of discharge due to an increased occupancy of any building(s).
- 17.3.9.4. No objectionable odours must be able to be detected.
- 17.3.9.5. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 17.3.9.6. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 17.3.9.7. Effluent must be able to:
 - (a) infiltrate through at least 600 mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300 mm of unsaturated soil following secondary treatment.
- 17.3.9.8. The discharge must not occur within a Groundwater Protection Area.
- 17.3.9.9. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 17.3.9.10. The discharge must not occur on a Soil Sensitive Area.

17.3.10. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

- 17.3.10.1. The bore must be drilled by a Recognised Professional.

17.3.10.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.

17.3.10.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

17.3.11. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

(a) creating special smoke and fire effects for the purposes of producing films;

(b) fireworks display or other temporary event involving the use of fireworks.

17.3.11.1. The Council must be notified at least 5 working days prior to the burning activity commencing.

17.3.11.2. If the property is located within the Blenheim Airshed, the discharge, except any discharge under (b), must not occur during the months of May, June, July or August.

17.3.11.3. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

17.3.12. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

17.3.12.1. There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

17.4. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

17.4.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[D]

17.4.2. Community facility.

[D]

17.4.3. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

17.4.4. Any discharge of contaminants into or onto land, or to air, not provided for as a Permitted Activity or limited as a Prohibited Activity.

17.5. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R]

17.5.1. Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance 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, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals);
- (d) pellets containing greater than 10mg/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 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 (excluding re-refined 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.

[R]

17.5.2. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent;

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;

- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;
- (l) sludge from industrial processes;
- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R]

17.5.2. Discharge of contaminants into air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes, or is a campfire used for scout or guide training under the control of Girl Guiding New Zealand or Scouting New Zealand.

[R]

17.5.3. 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).

[R]

17.5.4. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

18. Open Space 2 Zone

18.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 18.2 and 18.3:

[D]

18.1.1. Passive or active recreation.

[D]

18.1.2. Recreational event or special event.

[D]

18.1.3. Freedom camping except for in an area identified as a prohibited area for freedom camping in a bylaw made by the Council.

[R, D]

18.1.4. Planting of vegetation.

[R, D]

18.1.5. Indigenous vegetation clearance.

[R, D]

18.1.6. Non-indigenous vegetation clearance.

[D]

18.1.7. Use of a community facility.

[D]

18.1.8. Emergency service activities of the ~~New Zealand Fire Service~~ [Fire and Emergency New Zealand](#) on Lot 1 DP 11063 (Renwick Fire Station).

[R]

18.1.9. Excavation.

[R]

18.1.10. Filling of land with clean fill.

[R]

18.1.11. Discharge of contaminants to air arising from burning in the open.

[R]

18.1.12. Application ([involving a discharge](#)) of an agrichemical into or onto land.

[R]

18.1.13. [Storage and Application](#) ([involving a discharge](#)) of fertiliser or lime into or onto land.

Comment [1]: Topic 14

Comment [2]: Topic 14

Comment [3]: Topic 14

[R]

18.1.14. Discharge of human effluent into or onto land.

[R, D]

18.1.15. Geotechnical bore construction or alteration for the purposes of investigation of sub-surface conditions.

[R]

18.1.16. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

Comment [4]: Topic 13

[D]

18.1.17 Buildings, structures and activities in the National Grid Yard.

Comment [5]: Topic 20

[D]

18.1.18 Earthworks within the National Grid Yard.

Comment [6]: Topic 20

[R]

18.1.19 Discharge of dust.

Comment [7]: Topic 18

18.2. Standards that apply to all permitted activities**18.2.1. Construction and siting of a building or structure.**

- 18.2.1.1. The total gross floor area of a building must not exceed 100m².
- 18.2.1.2. Permanent buildings must not cover more than 5% of the net site area.
- 18.2.1.3. The maximum height of a building or structure (except a pole, support structure or fixture associated with artificial lighting) must not exceed 10m.
- 18.2.1.4. A building or structure must be set back a minimum of 4.5m from a road boundary.
- 18.2.1.5. A building must be set back at least 10m from land in any other zone.
- 18.2.1.6. A building sited on Lansdowne Park must be setback at least 50m from any adjoining land zoned Urban Residential 2.
- 18.2.1.7. The height of any fence, or any part of a fence, adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 1.2m.
- 18.2.1.8. A building or structure (except a goalpost, post or pole, or lighting tower) that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 18.2.1.9. A building or structure (except a goalpost, post or pole, or lighting tower) must not be within a Level 3 Flood Hazard Area.
- 18.2.1.10. Buildings must not be sited closer than 8m to a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, the landward toe of a stopbank or the sea.

18.2.2. Noise.

- 18.2.2.1. An activity must not cause noise that exceeds the following limits ~~at the zone boundary or within the zone~~ at any point within the boundary of any other property:

7.00 am to 10.00 pm	50-dBA L_{Aeq}
10.00 pm to 7.00 am	40-dBA L_{Aeq} 70dB L_{AFmax}

This standard does not apply to:

(a) sirens and call out sirens associated with the activities of [emergency services](#)~~the New Zealand Fire Service~~; or

(b) noise generated by temporary activities in the Open Space 2 Zone.

In the case of (b), temporary activities may exceed the standards in 18.22.1. between the hours of 7.00 am and 10.00 pm for 12 days every calendar year provided:

(i) the temporary event is not more than 3 consecutive days;

(ii) the noise does not exceed a level of 60dB L_{Aeq} at the boundary of any urban residential zone or the notional boundary of any dwelling in any other zone.

- 18.2.2.2. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 18.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

18.2.3. Outdoor lighting.

- 18.2.3.1. The maximum height of any poles, support structures or fixtures associated with artificial lighting must not exceed 20m.
- 18.2.3.2. The lighting level at any point on the ground 2m inside the boundary of the Zone must not exceed 10 lux (lumens per square metre) measured horizontally and vertically.
- 18.2.3.3. There must be no greater than 2.5 lux spill (horizontal and vertical) of light onto any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, measured at any point more than 2m inside the boundary of the property.

18.2.4. Odour.

- 18.2.4.1. ~~The odour must not be~~ There must be no objectionable or offensive odour to the extent that it causes an adverse effect~~as detected~~ at or beyond the legal boundary of the ~~site~~area of land on which the permitted activity is occurring.

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

18.2.5. Smoke.

- 18.2.5.1. 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.

Comment [8]: Topic 18

Comment [9]: Topic 18

18.2.6. Dust.

- 18.2.6.1. ~~The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring. There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.~~

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

Comment [10]: Topic 18

18.2.7. Particulate ~~Dust~~ from any process vent or stack.

- 18.2.7.1. The particulate dust must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.
- 18.2.7.2. The concentration of particulate discharged ~~rate~~ from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to "Standards for specific permitted activities.

- ~~18.2.7.3. Dust particles must not exceed 0.05mm size in any direction. Deleted.~~

Comment [11]: Topic 18

18.2.8 Water supply and access for firefighting

- 18.2.8.1 New buildings (excluding accessory buildings that are not habitable) shall have sufficient water supply for firefighting.
- 18.2.8.2 Where a building is located more than 75m from the nearest road that has reticulated water supply (including hydrants), access shall have a minimum formed width of 4m, a height clearance of 4m and a maximum gradient of 1 in 5.

Comment [12]: Topic 7

18.3. Standards that apply to specific permitted activities**18.3.1. Recreational event or special event.**

- 18.3.1.1. The event must not exceed seven consecutive days duration.
- 18.3.1.2. 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.
- 18.3.1.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.

18.3.1.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

18.3.2. Planting of vegetation.

18.3.2.1. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

18.3.3. Indigenous vegetation clearance.

18.3.3.1. Indigenous vegetation clearance must comply with Standards 18.3.4.1 to 18.3.4.4 (inclusive).

18.3.3.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 18.3.3.3 and 18.3.3.4:

- (a) 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~~10 years in age;
- (b) 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~~20 years in age;

(c) where the clearance is associated with the maintenance of ~~an~~ existing roads, ~~or~~ tracks fence lines, cycling tracks or walking tracks;

(f) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity distribution activities;

(g) where the clearance is associated with the maintenance of existing fire breaks.

18.3.3.3. Clearance of indigenous vegetation must not occur on land identified on a Threatened Environments – Indigenous Vegetation Site.

18.3.3.4. Clearance of indigenous vegetation must not exceed 2000m² per Record of Title ~~Computer Register~~ in any 5 year period.

18.3.3.5. Clearance within the coastal environment must not exceed 1000m² per Record of Title in any 5 year period.

Comment [13]: Topic 6

Comment [14]: Topic 6

18.3.4. Earthworks within the National Grid Yard.

18.3.4.1. Earthworks within the National Grid Yard in the following circumstances are exempt from the remaining standards under this rule:

(a) Earthworks undertaken as part of agricultural, horticultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;

(b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;

(c) Earthworks that are undertaken by a network utility operator.

Comment [15]: Topic 20

18.3.4.2. The earthworks must be no deeper than 300mm within 6m of the outer visible edge of a foundation of a National Grid transmission line support structure.

18.3.4.3. The earthworks must be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a National Grid transmission line support structure.

18.3.4.4. The earthworks must not compromise the stability of a National Grid transmission line support structure.

18.3.4.5. The earthworks must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001)

Comment [16]: Topic 20

18.3.45. Non-indigenous vegetation clearance.

Note:

Standards 18.3.4.1, 18.3.4.2 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan.

Comment [17]: Topic 19

18.3.45.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.

18.3.45.2. Wheeled or tracked machinery must not be operated in, or within 8m of:

(a) a river (except an ephemeral river or intermittently flowing river, when not flowing);

(b) a lake;

(c) a Significant Wetland ~~or the coastal marine area~~ except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case wheeled or tracked machinery may be operated up to the fenced boundary; or

(d) the coastal marine area.

Comment [18]: Topic 6

18.3.45.3. Within, or within 8 metres of, a Significant Wetland, ~~Pest p~~Plants identified in Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard~~ are the only vegetation that may be removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.

Comment [19]: Topic 6

18.3.45.4. Woody material greater than 100mm in diameter or soil debris must:

(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing) lake, Significant Wetland or the coastal marine area;

(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;

(c) be stored on stable ground;

(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

18.3.56. Excavation.

18.3.56.1. Excavation must not be in, or within:

- (a) 8m of a river (except an ephemeral river when not flowing) or the coastal marine area;
 - (b) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance between the landward toe of the stopbank and the excavation.
- 18.3.56.2. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 18.3.56.3. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 18.3.56.4. 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.
- 18.3.56.5. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.

18.3.6.6. Excavation must not cause water to enter onto any adjacent land under different ownership.

Comment [20]: Topic 19

18.3.67. Filling of land with clean fill.

~~18.3.6.1. The filling must not use commercial clean fill. (Deleted)~~

Comment [21]: Topic 19

- 18.3.67.21. Filling must not be in, or within:
- (a) 8m of a river (except an ephemeral river when not flowing);
 - (b) 8m of the landward toe of a stopbank;
- 18.3.67.32. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 18.3.67.43. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of a culvert used to drain any filled area must not be less than 300mm.
- 18.3.67.54. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.

18.3.7.5. Filling must not cause water to enter onto any adjacent land under different ownership.

Comment [22]: Topic 19

18.3.78. Discharge of contaminants to air arising from burning in the open.

- 18.3.78.1. Only material generated on the same property or a property under the same ownership can be burned.
- 18.3.78.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 18.3.78.3. The material being burned must not exceed 2m³.

18.3.8.4 Standards 18.3.8.1 and 18.3.8.2 do not apply to campfires for camps or training of guides or scouts under the control of Girl Guiding New Zealand or Scouting New Zealand.

Comment [23]: Topic 13

18.3.89. Application (involving a discharge) of an agrichemical into or onto land.

Comment [24]: Topic 14

~~18.3.8.1. (Deleted) The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.~~

18.3.89.21. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.

18.3.89.32. 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.

18.3.89.43. The application must be undertaken either:

(a) in accordance with the most recent product label; or

(b) if the agrichemical is approved for use under the Hazardous Substances and New Organisms Act 1996, the discharge shall be in accordance with all conditions of the approval. All spills of agrichemicals above the application rate must be notified to Council immediately.

Comment [25]: Topic 14

18.3.9.4. All spills of agrichemicals above the application rate must be notified to Council immediately.

Comment [26]: Topic 14

18.3.89.5. 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.

18.3.910. Storage and Application (involving a discharge) of fertiliser or lime into or onto land.

Comment [27]: Topic 14

18.3.910.1. Fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.

18.3.910.2. Fertiliser must be stored on an impermeable, banded ~~surface~~ and covered at all times, except when fertiliser is being applied.

Comment [28]: Topic 14

18.3.910.3. 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.

18.3.910.4. The application must not occur when the soil moisture exceeds field capacity.

18.3.910.5. 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).

18.3.910.6. ~~All reasonable care must be exercised with it~~ The application of fertiliser so as to ensure that the must not result in fertiliser or lime must not passing beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

Comment [29]: Topic 14

18.3.10.7 All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.

Comment [30]: Topic 14

18.3.4011. Discharge of human effluent into or onto land.

18.3.4011.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the Zone boundary or 60m of the closest building.

- 18.3.4011.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 18.3.4011.3. There must be no increase in the rate of discharge due to an increased occupancy of any building(s).
- 18.3.4011.4. No objectionable odours must be able to be detected.
- 18.3.4011.5. There must be:
- (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 18.3.4011.6. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 18.3.4011.7. Effluent must be able to:
- (a) infiltrate through at least 600 mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300 mm of unsaturated soil following secondary treatment.
- 18.3.4011.8. The discharge must not occur within a Groundwater Protection Area.
- 18.3.4011.9. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 18.3.4011.10. The discharge must not occur on a Soil Sensitive Area.

18.3.4412. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

- 18.3.4412.1. The bore must be drilled by a Recognised Professional.
- 18.3.4412.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 18.3.4412.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

18.3.13 The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

- 18.3.12.1.. There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

18.3.14. Buildings, structures and activities in the National Grid Yard

- 18.3.14.1. Sensitive activities and buildings for the handling or storage of hazardous substances with explosive or flammable intrinsic properties must not be located within the National Grid Yard.
- 18.3.14.2. Buildings and structures must not be located within the National Grid Yard unless they are:
- (a) a fence not exceeding 2.5m in height; or

Comment [31]: Topic 13

(b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).

(c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure;

18.3.14.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:

(a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or

(b) artificial crop protection structures or crop support structures not more than 2.5m in height and located at least 8m from a National Grid pi-pole structure (but not a tower) and are:

(i) removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and

(ii) all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or

(c) located within 12 metres of a National Grid transmission line support structure that meets the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice (NZECP34:2001).

18.3.14.4. All buildings and structures must have a minimum vertical clearance of 10m below the lowest point of a conductor under all transmission line and building operating conditions.

Comment [32]: Topic 20

18.4. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

18.4.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[D]

18.4.2. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

18.4.3. Any discharge of contaminants onto or into land, or into air, not provided for as a Permitted Activity or limited as a Prohibited Activity.

18.5. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R]

18.5.1. Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance 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)~~, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals
- (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 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 (excluding re-refined 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.

Comment [33]: Topic 13

Comment [34]: Clause 16 Minor Amendment

Comment [35]: Topic 13

[R]

18.5.2. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent:

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;

- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;
- (l) sludge from industrial processes;
- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Comment [36]: Topic 13

[R]

18.5.2. Discharge of contaminants to air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes, or is a campfire used for scout or guide training under the control of Girl Guiding New Zealand or Scouting New Zealand.

Comment [37]: Topic 13

[R]

18.5.3. 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).

[R]

18.5.4. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

19. Open Space 3 Zone

19.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 19.2 and 19.3:

[D]

19.1.1. Passive recreation.

[D]

19.1.2. Recreational event or special event.

[D]

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.

[R, D]

19.1.4. Conservation planting.

[R, D]

19.1.5. Indigenous vegetation clearance, ~~including where managed by the National Environmental Standards for Plantation Forestry 2017.~~

[R, D]

19.1.6. Non-indigenous vegetation clearance, ~~including~~ excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

[R, D]

19.1.7. Excavation, ~~including where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.~~

[R, D]

19.1.8. Filling of land with clean fill.

[R, D]

19.1.9. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

[D]

19.1.10. Farming.

[R]

19.1.11. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

Comment [1]: NES – Plantation Forestry 1/2/2019

Comment [2]: Topic 22

Comment [3]: Topic 19

Comment [4]: NES – Plantation Forestry 1/2/2019

Comment [5]: NES – Plantation Forestry 1/2/2019

Comment [6]: Topic 22

Comment [7]: Topic 22

[R]

19.1.12. Discharge of contaminants to air from burning for the purposes of vegetation clearance.

[R]

19.1.13. Discharge of contaminants to air arising from burning in the open.

[R]

19.1.14. Discharge of human effluent into land through a long drop toilet.

[R]

19.1.15. Discharge of human effluent into or onto land.

[R]

19.1.16. Application ([involving a discharge](#)) of a vertebrate toxic agent into or onto land.

[This rule does not apply to the application of sodium fluoroacetate or brodifacoum \(on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island\) where the application complies with the conditions for exemptions stated in the Resource Management \(Exemption\) Regulations 2017.](#)

[R]

19.1.17. Application ([involving a discharge](#)) of an agrichemical into or onto land.

[R]

19.1.18. Application ([involving a discharge](#)) or discharge of an aquatic herbicide or glyphosate into or onto land for the purposes of removing pest plants from Significant Wetlands.

[R]

19.1.19. [Storage and A](#)pplication ([involving a discharge](#)) of fertiliser or lime into or onto land.

[R]

19.1.20. Application ([involving a discharge](#)) of compost or solid agricultural waste into or onto land.

[R]

19.1.21. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

[R]

19.1.22. Disposal of farm rubbish into a pit.

[R]

19.1.23. Disposal of offal or a carcass into an offal pit.

[R]

19.1.24. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

[R]

19.1.25. Storage of compost not in a pit or stack.

Comment [8]: Topic 14

Comment [9]: Topic 14

Comment [10]: Topic 14

Comment [11]: Topic 14

Comment [12]: Topic 14

Comment [13]: Topic 14

Comment [14]: Topic 14

[R]

19.1.26. Livestock entering onto, or passing across, the bed of any river.

Comment [15]: Topic 7

[R]

19.1.27. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

(a) creating special smoke and fire effects for the purposes of producing films;

(b) fireworks display or other temporary event involving the use of fireworks.

Comment [16]: Topic 13

[R]

19.1.28 The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

Comment [17]: Topic 13

[D]

19.1.29 Buildings, structures and activities in the National Grid Yard.

Comment [18]: Topic 20

[R]

19.1.30 Discharge of dust.

Comment [19]: Topic 18

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, excluding stock fences.
- 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.
- 19.2.1.4. A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing commercial plantation forestry or carbon sequestration forestry on any adjacent land under different ownership.
- 19.2.1.5. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:
- (a) except for a building or structure with a total area not exceeding 10m², a building platform must be located at least 20m vertically below a Significant Ridgeline;
 - (b) the exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 19.2.1.6. On land within the Wairau Dry Hills High Amenity Landscape:
- (a) except for a building or structure with a total area not exceeding 10m², a building platform must be located at least 20m vertically below a Significant Ridgeline;
 - (b) the exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.

Comment [20]: Topic 5

Comment [21]: Topic 22

Comment [22]: Topic 5

Comment [23]: Topic 5

19.2.1.7. Except for the construction or siting of a fence or gate necessary for farming activity, or for conservation purposes, no building or structure must be constructed or sited within the White Bluffs Outstanding Natural Feature and Landscape.

19.2.1.8. A building or structure that has the potential to divert water must not be erected within a Level 2 Flood Hazard Area provided that the following buildings or structure are exempt:

(a) post and wire stock and boundary fences;

(b) structures which are both less than 6m² in area and less than 2m in height;

(b) masts, poles, radio and telephone aerials less than 6m above mean ground level;

(c) viticultural support structures.

19.2.1.9. A building or structure must not be erected within a Level 3 Flood Hazard Area provided that the following buildings or structure are exempt:

(a) post and wire stock and boundary fences;

(b) structures which are both less than 6m² in area and less than 2m in height;

(c) masts, poles, radio and telephone aerials less than 6m above mean ground level.

19.2.1.10 A building or structure must not be located within 1.5m of the legal boundary with the rail corridor of the Main North Line except for a fence up to 2m in height.

Comment [24]: Topic 9

Comment [25]: Topic 9

Comment [26]: Topic 12

19.2.2. Noise.

19.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property~~the Zone boundary or within the Zone:~~

7.00 am to 10.00 pm	50-dBA L _{Aeq}
10.00 pm to 7.00 am	40-dBA L _{Aeq} 70dB L _{AFmax}

Comment [27]: Topic 18

19.2.2.2. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

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.

19.2.2.4 The following activities are excluded from having to comply with the noise limits:

(a) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Open Space 3 Zone.

Comment [28]: Topic 18

19.2.3. Odour.

19.2.3.1. There must be no ~~The odour must not be~~ objectionable or offensive odour to the extent that it causes an adverse effect~~as detected~~ at or beyond the legal boundary of the site~~area of land on which the permitted activity is occurring.~~

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

Comment [29]: Topic 18

19.2.4. Smoke.

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.

19.2.5. Dust.

19.2.5.1. ~~The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring. There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.~~

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

Comment [30]: Topic 18

19.2.6. Particulate~~Dust~~ from any process vent or stack.

19.2.6.1. The particulate dust must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

19.2.6.2. The concentration of particulate discharged ~~rate~~ from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to "Standards for specific permitted activities.

~~19.2.6.3. Dust particles must not exceed 0.05mm size in any direction. (Deleted)~~

Comment [31]: Topic 18

19.2.7. Use of external lighting

19.2.7.1 All outdoor lighting and exterior lighting excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.

Comment [32]: Topic 18

19.3. Standards that apply to specific permitted activities**19.3.1. Recreational event or special event.**

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 be removed and the site returned to its original condition within 5 working days after the activity has ceased.
- 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.

19.3.2. Conservation planting.

- 19.3.2.1. The following species must not be planted:
- Douglas fir (*Pseudotsuga Menziesii*);
 - Lodgepole pine (*Pinus contorta*);
 - Muricata pine (*Pinus muricata*);
 - European larch (*Larix decidua*);
 - Scots pine (*Pinus sylvestris*);
 - Mountain or dwarf pine (*Pinus mugo*);
 - Corsican pine (*Pinus nigra*);
- 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~~ Only indigenous species may be planted within the Wairau Dry Hills High Amenity Landscape.
- 19.3.2.4. Only indigenous species ~~must~~ may be planted in, or within 8m of, a Significant Wetland except that pin oak and weeping willow may also be planted in W814.

Comment [33]: Topic 5

Comment [34]: Topic 7

19.3.3. Indigenous vegetation clearance.

Note:

Where indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 19.3.3.2, 19.3.3.3(a), 19.3.3.4 and 19.3.3.5 do not apply.

- 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 indigenous vegetation in the following circumstances is exempt from Standards 19.3.3.3 to 19.3.3.5 (inclusive):
- Indigenous vegetation under ~~or within 50m of commercial forest,~~ woodlot forest or shelter belt;
 - 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 ~~20-10~~ years in age;
 - Indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than ~~50-20~~ years in age;
 - Where the clearance is associated with the maintenance of ~~an~~ existing roads, forestry roads, harvesting tracks, or farm tracks, fence lines, cycling tracks or walking tracks;

Comment [35]: NES – Plantation Forestry 1/2/2019

Comment [36]: Topic 6

Comment [37]: NES – Plantation Forestry 1/2/2019

(f) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity distribution activities;

(g) where the clearance is associated with the maintenance of existing fire breaks.

19.3.3.3. Clearance of indigenous vegetation must not occur:

- (a) On land identified on the Threatened Environments – Indigenous Vegetation Sites;
- (b) On land above mean high water springs that is within 20m of an Ecologically Significant Marine Sites.

19.3.3.4. Clearance of indigenous forest must not exceed 1000m² per ~~Computer Register~~Record of Title in any 5 year period.

19.3.3.5. Clearance of indigenous vegetation, per Record of Title~~Computer Register~~, must not exceed:

- (a) 2000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (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:
- (c) 500m² of indigenous sub-alpine vegetation;
- (d) 100m² of tall tussock of the genus *Chinochloa*.

19.3.3.6. Clearance of indigenous forest within the coastal environment must not exceed 500m² per Record of Title in any 5 year period.

19.3.3.7. Clearance of indigenous vegetation within the coastal environment, per Record of Title, must not exceed:

- (a) 1,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 5,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 250m² of indigenous sub-alpine vegetation;
 - (ii) 50m² of tall tussock of the genus *Chinochloa*.

19.3.4. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

Note:

Standards 19.3.4.1, 19.3.4.2 and 19.3.4.4 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan.

~~Note:~~

~~Where non-indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 19.3.4.2, and 19.3.4.5(c) and (d) do not apply, and Standards 19.3.4.1, 19.3.4.5(a) and (b) and 19.3.4.6 only apply to the extent that they relate to Significant Wetlands and the coastal marine area.~~

19.3.4.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.

Comment [38]: Topic 6

Comment [39]: Topic 21

Comment [40]: Topic 6

Comment [41]: Topic 22

Comment [42]: Topic 19

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Comment [44]: Topic 19

- 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.
- 19.3.4.3. Within, or within 8m of, a Significant Wetland, ~~Pest p~~Plants identified in Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard must be the~~are the only vegetation ~~that may be~~ removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.
- 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.
- 19.3.4.5. Woody material greater than 100mm in diameter and soil debris must:
- not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;
 - 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;
 - be stored on stable ground;
 - be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 19.3.4.6. Vegetation clearance must not cause any conspicuous change in the colour or ~~visual~~natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area, ~~measured as follows:~~
- ~~hue must not be changed by more than 10 points on the Munsell scale;~~ Deleted
 - ~~the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;~~ Deleted
 - ~~the change in reflectance must be <50%.~~ Deleted

Comment [45]: Topic 6

19.3.5. Excavation.**Note:**

Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 19.3.5.1, 19.3.5.2, 19.3.5.3(a), 19.3.5.4, 19.3.5.11, 19.3.5.13, and 19.3.5.14 and 19.3.5.15 do not apply, and Standards 19.3.5.3(a) and (b), and 19.3.5.12, 19.3.5.15 only apply to the extent that they relate to Significant Wetlands smaller than 0.25 ha in area, and the coastal marine area.

- 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. This standard excludes:
- excavation undertaken for the maintenance of farm tracks; or
 - digging of postholes for the construction of fences.
- 19.3.5.2. Excavation must not occur on any land with a slope greater than 35°.
- 19.3.5.3. Excavation must not be in, or within:
- 8m of a river (except any ephemeral river when not flowing), lake or the coastal marine area;

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Comment [48]: Topic 19

- (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
 - (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 soils.
- 19.3.5.5. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 19.3.5.6. Excavation must not be within a Level 2 or 3 Flood Hazard Area, or within the Level 4-R Flood Hazard Area in the vicinity of Conders Overflow.
- 19.3.5.7. There must be no excavation in excess of 500m³ per ~~Computer Register~~Record of Title located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.
- 19.3.5.8. There must be no excavation in excess of 500m³ per ~~Computer Register~~Record of Title located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.
- 19.3.5.9. There must be no excavation in excess of 500m³ per ~~Computer Register~~Record of Title located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.
- 19.3.5.10. There must be no excavation in excess of 500m³ per ~~Computer Register~~Record of Title located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.
- 19.3.5.11. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 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.
- 19.3.5.13. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 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.

Comment [49]: Topic 9

Comment [50]: Topic 5

Comment [51]: Topic 5

Comment [52]: Topic 5

Comment [53]: Topic 5

19.3.5.15. Excavation must not cause any conspicuous change in the colour or ~~visual~~ natural clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area. ~~measured as follows:~~

- ~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~ Deleted
- ~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;~~ Deleted
- ~~(c) the change in reflectance must be <50%.~~ Deleted

19.3.8.16. Excavation must not cause water to enter onto any adjacent land under different ownership.

Comment [54]: Topic 13

Comment [55]: Topic 19

19.3.6. Filling of land with clean fill.

~~19.3.6.1. The filling must not use commercial clean fill.~~ Deleted

19.3.6.21. Filling in excess of 1000m³ must not occur within any 24 month period.

19.3.6.32. Fill must not be placed over woody vegetation on land with a slope greater than 10°.

19.3.6.43. Filling must not be in, or within:

- (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
- (b) 8m of, a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (c) 8m of the landward toe of a stopbank.

19.3.6.54. The filling must not occur on a slope greater than 7.5° if the filling is within a Soil Sensitive Area identified as loess soils.

Comment [57]: Topic 19

19.3.6.65. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

19.3.6.76. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.

19.3.6.87. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain any fill areas must be less than 300mm.

19.3.6.98. When the filling has been completed, the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.

19.3.6.409. Filling must not be within a Level 2 or 3 Flood Hazard Area.

19.3.6.4410. There must be no filling in excess of 500m³ per ~~Computer Register~~ Record of Title located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.

Comment [58]: Topic 5

19.3.6.4211. There must be no filling in excess of 500m³ per ~~Computer Register~~ Record of Title located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period.

This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.

Comment [59]: Topic 5

19.3.6.13.12. There must be no filling in excess of 500m³ per ~~Computer Register~~Record of Title located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.

Comment [60]: Topic 5

19.3.6.14.13. There must be no filling in excess of 500m³ per ~~Computer Register~~Record of Title located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.

Comment [61]: Topic 5

19.3.6.15.14. The filling must not cause any conspicuous change in the colour or ~~visual~~natural clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area. ~~measured as follows:~~

(a) ~~hue must not be changed by more than 10 points on the Munsell scale.~~Deleted

(b) ~~the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site.~~Deleted

(c) ~~the change in reflectance must be <50%.~~Deleted

Comment [62]: Topic 13

19.3.6.15 Filling must not cause water to enter onto any adjacent land under different ownership.

Comment [63]: Topic 19

19.3.7. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

19.3.7.1. The bore must be drilled by a Recognised Professional.

19.3.7.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.

19.3.7.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

19.3.8. Farming.

19.3.8.1. The farming must not include a dairy farm or pig farm established after 9 June 2016.

19.3.9. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

(a) training people to put out fires;

(b) creating special smoke and fire effects for the purposes of producing films;

(c) fireworks display or other temporary event involving the use of fireworks.

19.3.9.1. The Council must be notified at least 5 working days prior to the burning activity commencing.

19.3.9.2. If the property is located within the Blenheim Airshed, the discharge, except any discharge under (c), must not occur during the months of May, June, July or August.

Comment [64]: Topic 13

19.3.9.3. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New

~~Zealand Defence Force~~ ~~the NZ Fire Service~~ or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

Comment [65]: Topic 13

19.3.10. Discharge of contaminants to air from burning for the purposes of vegetation clearance.

19.3.10.1. Burning must not be carried out on Land Use Capability Class 7e or Class 8 land, as shown as the 'LUC' category on the New Zealand Land Resource Inventory database, when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Fire and Emergency New Zealand Act 2017 ~~Forest and Rural Fires Act 1977~~) for the burn are:

Comment [66]: Topic 13

- (a) Drought code - 200 or higher; or
- (b) Build up index - 40 or higher.

19.3.11. Discharge of contaminants to air arising from burning in the open.

- 19.3.11.1. Only material generated on the same property or a property under the same ownership can be burned.
- 19.3.11.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 19.3.11.3. The total volume of material being burned must not exceed 2m³ if the property is adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Coastal Living or Rural Living.

19.3.12. Discharge of human effluent into land through a long drop toilet.

- 19.3.12.1. There must not be a Council operated sewerage system designed for that purpose within 60m of the long drop toilet.
- 19.3.12.2. The bottom of the long drop is located at least 1m-metre above the natural highest groundwater level at all times.
- 19.3.12.3. The long drop toilet must not be located:
 - (a) within 50m of a river, lake, Significant Wetland or drainage channel;
 - (b) within 30m of a bore.
- 19.3.12.4. The long drop toilet must not be constructed on unconsolidated gravels, coarse or medium sands, fissured rocks or scree.
- 19.3.12.5. Once the human effluent reaches within 1m of the original ground level, or the long drop is no longer used, the content of the long drop must be covered with soil to a depth of at least 1m.
- 19.3.12.6. The long drop toilet must be constructed so that no surface run-off enters the toilet.

Comment [67]: Topic 14

19.3.13. Discharge of human effluent into or onto land.

- 19.3.13.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
- 19.3.13.2. There must not be a Council operated sewerage system designed for that purpose within 30m of the property boundary or 60m of the closest building.
- 19.3.13.3. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.

- 19.3.13.4. There must be no increase in the rate of discharge due to an increased occupancy of any building(s).
- 19.3.13.5. There must be:
- (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 19.3.13.6. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 19.3.13.7. Effluent must be able to:
- (a) infiltrate through at least 600 mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300 mm of unsaturated soil following secondary treatment.
- 19.3.13.8. The discharge must not occur within a Groundwater Protection Area.
- 19.3.13.9. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 19.3.13.10. The discharge must not be within a Level 2 or 3 Flood Hazard Area.
- 19.3.14. Application (involving a discharge) of a vertebrate toxic agent into or onto land.**
- This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.
- 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.
- 19.3.15. Application (involving a discharge) of an agrichemical into or onto land.**
- ~~19.3.15.1. (Deleted) The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.~~
- 19.3.15.~~2~~1. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 19.3.15.~~3~~2. 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.
- 19.3.15.~~4~~3. The application must be undertaken either:
- (a) in accordance with the most recent product label; or
 - (b) if the agrichemical is approved for use under the Hazardous Substances and New Organisms Act 1996, the discharge shall be in accordance with all conditions of the approval. All spills of agrichemicals above the application rate must be notified to Council immediately.

Comment [68]: Topic 14

Comment [69]: Topic 14

Comment [70]: Topic 14

Comment [71]: Topic 14

19.3.15.4 All spills of agrichemicals above the application rate must be notified to Council immediately.

Comment [72]: Topic 14

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.

19.3.16. Discharge of an aquatic herbicide or glyphosate into or onto land for the purposes of removing pest plants from Significant Wetlands.

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.

Comment [73]: Topic 6

19.3.16.2. The aquatic herbicide or glyphosate must be approved for aquatic use by the Environmental Protection Authority.

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.

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.

19.3.17. Storage and Application (involving a discharge) of fertiliser or lime into or onto land.

Comment [74]: Topic 14

19.3.17.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.

19.3.17.2. Fertiliser must be stored on an impermeable surface, ~~surface~~ and covered at all times, except when fertiliser is being applied.

Comment [75]: Topic 14

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.

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).

19.3.17.5. The application must not occur when the soil moisture exceeds field capacity.

19.3.17.6. ~~All reasonable care must be exercised with the application~~ application of fertiliser must not result in so as to ensure that the fertiliser ~~or lime does not passing~~ beyond the legal boundary of the area of land on which the fertiliser ~~or lime~~ is being applied.

Comment [76]: Topic 14

19.3.17.7 All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.

Comment [77]: Topic 14

19.3.18. Application (involving a discharge) of compost and solid agricultural waste into or onto land.

Comment [78]: Topic 14

19.3.18.1. The application must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
- (c) 10m of a dwelling on any adjacent land in different ownership.

Comment [79]: Topic 14

- 19.3.18.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

19.3.18.3. The application must not occur within a Groundwater Protection Area.

Comment [80]: Topic 14

19.3.19. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

- 19.3.19.1. The discharge must not occur into or onto a Soil Sensitive Area.
- 19.3.19.2. The discharge must not occur within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
 - (c) 10m of the boundary of any adjacent land in different ownership.
- 19.3.19.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 19.3.19.4. The discharge must not occur when the soil moisture exceeds field capacity.
- 19.3.19.5. Ponding must not be detectable beyond 24 hours after discharge.
- 19.3.19.6. The discharge must not result in anaerobic soil conditions.
- 19.3.19.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).
- 19.3.19.8. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.
- 19.3.19.9. Records of pH levels must be kept and available upon request by the Council.

Comment [81]: Topic 14

19.3.19.10. The discharge must not occur within a Groundwater Protection Area.

Comment [82]: Topic 14

19.3.20. Disposal of farm rubbish into a pit.

- 19.3.20.1. Only biodegradable material (~~except including~~ offal or a carcass not from intensive farming) ~~must~~ may be disposed of to a farm rubbish pit.
- 19.3.20.2. Only farm rubbish sourced from the same property, or a property held in the same ownership, may ~~must~~ be disposed of to a farm rubbish pit.
- 19.3.20.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.
- 19.3.20.4. The farm rubbish pit must not be located within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
 - (c) 50m of any boundary of the property or a dwelling.
- 19.3.20.5. Surface run-off must not enter the pit.

Comment [83]: Topic 14

Comment [84]: Topic 14

19.3.20.6. When any pit is filled to within 0.5m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

19.3.20.7 The farm rubbish pit must be located above the natural ground water level at all times.

Comment [85]: Topic 14

Comment [86]: Topic 14

19.3.21. Disposal of offal or a carcass into an offal pit.

19.3.21.1. ~~The Only offal, or carcasses must be from pastoral agriculture except intensive farming undertaken on~~(except those from intensive farming) sourced from the same property, or a property held in the same ownership may be disposed of to an offal pit.

Comment [87]: Topic 14

19.3.21.2. Only offal ~~and~~carcasses or biodegradable material may be disposed of to an offal pit.

~~19.3.21.3. (Deleted) The disposal must not occur into or onto a Soil Sensitive Area identified as loess soils.~~

Comment [88]: Topic 14

19.3.21.3.4. The offal pit must not be located within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
- (c) 50m of any boundary of the property or a dwelling.

Comment [89]: Topic 14

19.3.21.4.5. The offal pit must be located above the natural ground water level at all times.

19.3.21.5.6. When not in use, ~~the~~ offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface run-off ~~when not in use.~~

19.3.21.7 The offal pit must not occur within a Groundwater Protection Area.

Comment [90]: Topic 14

19.3.22. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

19.3.22.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils unless the stack or stockpile is located on an impermeable material or surface.

Comment [91]: Topic 14

19.3.22.2. The pit must not be located on a Soil Sensitive Area identified as free-draining soils or loess soils.

19.3.22.3. The pit, stack or stockpile must not be located within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
- (c) 10m of any boundary of any adjacent land in different ownership.

Comment [92]: Topic 14

19.3.22.4. The pit or stack must be completely covered by an impermeable material when the pit or stack is not being accessed to add or remove compost or silage~~not in use.~~

Comment [93]: Topic 14

19.3.22.5. There must be no run-off of leachate from the pit, stack or stockpile or infiltration of leachate into groundwater.

Comment [94]: Topic 14

19.3.22.6. Surface run-off must not enter the pit, stack or stockpile.

19.3.22.7. The pit, stack or stockpile must not occur within a Groundwater Protection Area.

19.3.22.8. The total area of any compost or silage in a stack(s), or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.

Comment [95]: Topic 14

19.3.23. Storage of compost not in a pit or stack.

19.3.23.1. The storage of compost must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel, ~~or~~ Drainage Channel Network or mean high water springs;
- (c) 10m of any dwelling on any adjacent land in different ownership.

Comment [96]: Topic 14

19.3.23.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.

19.3.23.3. If stored for longer than 3 months, the compost must not be located in a Soil Sensitive Area.

19.3.23.4. The storage of compost must not occur within a Groundwater Protection Area.

19.2.23.5. The total area of any compost or silage in a stack(s), or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.

Comment [97]: Topic 14

19.3.24 Livestock entering onto, or passing across, the bed of any river.

19.3.24.1. The entering onto or passing across the bed of a river of livestock must not involve intensively farmed livestock if there is water flowing in the river.

19.3.24.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or natural clarity of a flowing river, due to sediment or sediment laden discharge originating from the activity site;

Comment [98]: Consequential change Topic 13

19.3.24.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in the water quality of the river exceeding the following:

- (a) 2mg/l carbonaceous BOD₅;
- (b) 260 Escherichia coli (E. coli)/100ml.

Comment [99]: Topic 7

19.3.25. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

Comment [100]: Consequential change Topic 13

(a) creating special smoke and fire effects for the purposes of producing films;

(b) fireworks display or other temporary event involving the use of fireworks.

19.3.25.1. The Council must be notified at least 5 working days prior to the burning activity commencing.

19.3.25.2. If the property is located within the Blenheim Airshed, the discharge, except any discharge under (b), must not occur during the months of May, June, July or August.

19.3.25.3. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

Comment [101]: Topic 13

19.3.26. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

19.3.26.1. There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

Comment [102]: Topic 13

19.3.27. Buildings, structures and activities in the National Grid Yard.

19.3.27.1. Sensitive activities and buildings for the handling or storage of hazardous substances with explosive or flammable intrinsic properties must not be located within the National Grid Yard.

19.3.27.2. Buildings and structures must not be located within the National Grid Yard unless they are:

- (a) a fence not exceeding 2.5m in height; or
- (b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
- (c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure;

19.3.27.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:

- (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or
- (b) artificial crop protection structures or crop support structures not more than 2.5m in height and located at least 8m from a National Grid pi-pole structure (but not a tower) and are:
 - (i) removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and
 - (ii) all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or
- (c) located within 12 metres of a National Grid transmission line support structure that meets the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice (NZECP34:2001).

19.3.27.4. All buildings and structures must have a minimum vertical clearance of 10m below the lowest point of a conductor under all transmission line and building operating conditions.

Comment [103]: Topic 20

19.3.28. Earthworks within the National Grid Yard.

19.3.28.1. Earthworks within the National Grid Yard in the following circumstances are exempt from the remaining standards under this rule:

- (a) Earthworks undertaken as part of agricultural, horticultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
- (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;

(c) Earthworks that are undertaken by a network utility operator.

19.3.28.2. The earthworks must be no deeper than 300mm within 6m of the outer visible edge of a foundation of a National Grid transmission line support structure.

19.3.28.3. The earthworks must be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a National Grid transmission line support ~~structure~~-structure.

19.3.28.4. The earthworks must not compromise the stability of a National Grid transmission line support structure.

19.3.28.5. The earthworks must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001)

Comment [104]: Topic 20

Comment [105]: Topic 20

19.4. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

19.4.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

[R]

19.4.2 Livestock entering into or passing across a Significant Wetland.

Comment [106]: Topic 13

[R, D]

19.4.23. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

19.4.34. Any discharge of contaminants into or onto land, or to air, not provided for as a Permitted Activity or limited as a Prohibited Activity.

19.5. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R]

19.5.1. Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance 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~~), except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (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;

Comment [107]: Topic 13

Comment [108]: Clause 16 Minor Amendment

- (f) metals and materials containing metals, including but not limited 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 (excluding re-refined 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.

Comment [109]: Topic 13

[R]

19.5.2. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent;

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;
- (l) sludge from industrial processes;
- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Comment [110]: Topic 13

[R]

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).

[R]

19.5.3. Planting Lodgepole pine (*Pinus contorta*).

Note:

Where the planting of Lodgepole pine (*Pinus contorta*) is managed under the National Environmental Standards for Plantation Forestry 2017 Rule 19.5.3 does not apply.

[R]

19.5.4. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

Comment [111]: NES – Plantation Forestry 1/2/2019

20. Open Space 4 Zone

20.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without a resource consent where they comply with the applicable standards in 20.2 and 20.3:

[D]

- 20.1.1. Skifield activity, including the use of a building or structure, existing at 9 June 2016.

[R, D]

- 20.1.2. Avalanche control works.

[D]

- 20.1.3. Helicopter landing area.

[D]

- 20.1.4. Use of an existing building for staff accommodation.

[R, D]

- 20.1.5. Excavation or filling ~~including where managed by the National Environmental Standards for Plantation Forestry 2017 as earthworks.~~

[R, D]

- 20.1.6. Planting of vegetation but excluding planting managed under the National Environmental Standards for Plantation Forestry 2017 as afforestation or replanting.

[R, D]

- 20.1.7. ~~Removal of v~~Vegetation clearance including excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

[R]

- 20.1.8. Application (involving a discharge) of a vertebrate toxic agent into or onto land.

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

[R]

- 20.1.9. Discharge of contaminants to air arising from burning in the open.

[R]

- 20.1.10. Discharge of contaminants to air from the burning of solid fuel in a indoor open fire.

[R]

- 20.1.11. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.

[R]

Comment [1]: Topic 1

Comment [RW2]: NES – Plantation Forestry 1/2/2019

Comment [3]: Topic 22

Comment [RW4]: NES – Plantation Forestry 1/2/2019

Comment [5]: Topic 19

Comment [RW6]: NES – Plantation Forestry 1/2/2019

Comment [7]: Topic 14

Comment [8]: Topic 14

20.1.12. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

[R]

20.1.13 The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

[R]

20.1.14 Discharge of dust.

Comment [9]: Topic 13

Comment [10]: Topic 18

20.2. Standards that apply to all permitted activities

20.2.1. Noise.

20.2.1.1. An activity must not cause noise that exceeds the following limits measured at any point within the zone, or for effects beyond the zone, measured at the zone boundary, ~~or within the zone.~~

7.00 am to 10.00 pm	65-dBA L_{Aeq}
10.00 pm to 7.00 am	65-dBA L_{Aeq} 75dB L_{AFmax}

20.2.1.2. Noise must be measured in accordance with NZS 6801:2008 – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 – Environmental Noise.

20.2.1.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS6803:1999 Acoustics – Construction Noise.

20.2.2. Odour.

20.2.2.1. There must be no ~~The odour must not be~~ objectionable or offensive odour to the extent that it causes an adverse effect, ~~as detected~~ at or beyond the legal boundary of the ~~site area of land on which the permitted activity is occurring.~~

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

Comment [11]: Topic 18

20.2.3. Smoke.

20.2.3.1. 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.

20.2.4. Dust.

20.2.4.1. ~~The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring. There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.~~

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a

Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

Comment [12]: Topic 18

20.2.5. Particulate Dust from any process vent or stack.

20.2.5.1. The particulate dust must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

20.2.5.2. The concentration of particulate discharged rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to "Standards for specific permitted activities.

~~20.2.5.3. Dust particles must not exceed 0.05mm size in any direction. (Deleted)~~

Comment [13]: Topic 18

20.3. Standards that apply to specific permitted activities

20.3.1. Avalanche control works.

20.3.1.1. Control works must only be undertaken to the extent that is required to provide for a safe environment for skifield activity.

20.3.1.2. Any control works that have an adverse effect on a river, lake or Significant Wetland must be reported to the Council within 24 hours of the works being conducted.

20.3.2. Use of an existing building for staff accommodation.

20.3.2.1. The on-site accommodation must be for staff, members or contractors of the skifield and be necessary for the operation of the skifield.

Comment [14]: Topic 7

20.3.3. Excavation or filling.

Note:

Where excavation and filling are managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Standards 20.3.3.1, 20.3.3.2, 20.3.3.6, 20.3.3.7, 20.3.3.8, 20.3.3.9 and 20.3.3.10 do not apply, and Standards 20.3.3.3 and 20.3.3.5 and ~~20.3.3.8~~ only apply to the extent that they relate to Significant Wetlands smaller than 0.25ha.

Comment [RW15]: NES – Plantation Forestry 1/2/2019

20.3.3.1. No excavation in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.

20.3.3.2. No filling in excess of 1000m³ must occur within any 24 month period.

20.3.3.3. Excavation or fill must not be in, or within 8m of, a Significant Wetland.

20.3.3.4. Excavation must not be within 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance between the landward toe of the stopbank and the excavation.

- 20.3.3.5. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland.
- 20.3.3.6. Batters must be designed to be stable and remain effective after completion of excavation.
- 20.3.3.7. Water control measures and sediment control measures must be designed, constructed and maintained around all areas disturbed by excavation, such that the areas are stable and remain effective after completion of excavation or filling.
- 20.3.3.8. Excavation or filling must not cause any conspicuous change in the colour or ~~visual~~ natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, ~~as measured as follows:~~
- ~~(a) hue must not be changed by more than 10 points on the Munsell scale; Deleted~~
- ~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation or filling site; Deleted~~
- ~~(c) the change in reflectance must be <50%; Deleted~~
- 20.3.3.9. The diameter of any culvert used to drain any excavation or fill area must not be less than 300mm.
- 20.3.3.10. The fill must not contain any:
- (a) hazardous substances;
- (b) combustible or organic materials;
- (c) any other contaminant subject to chemical or biological breakdown;
- (d) liquids or sludge.

20.3.4. Planting of vegetation.

- 20.3.4.1. Only indigenous species must be planted in, or within, 8m of a Significant Wetland.

20.3.5. Vegetation Clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.

Note:

~~Where non-indigenous vegetation clearance is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 20.3.5.1, 20.3.5.2, 20.3.5.7, 20.3.5.8 and 20.3.5.11 do not apply and Standards 20.3.5.4, 20.3.5.5, 20.3.5.6, 20.3.5.9 and 20.3.5.10 only apply to the extent that they relate to Significant Wetlands.~~

- 20.3.5.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20^o. degrees.
- 20.3.5.2. Woody vegetation must not be removed by fire or mechanical means within 8m metres of a river (except an ephemeral river) or lake.
- 20.3.5.3. In, 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.
- 20.3.5.4. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or Significant Wetland.

Comment [16]: Topic 13

Comment [17]: Topic 19

Comment [18]: Topic 19

Comment [RW19]: NES – Plantation Forestry 1/2/2019

Comment [20]: Topic 6

~~20.3.5.5. Notwithstanding 20.3.5.4 where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.~~

Comment [21]: Topic 12

20.3.5.56. ~~Except for trees felled in accordance with 20.3.5.5~~ No tree or log must be dragged through the bed of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or Significant Wetland.

Comment [22]: Topic 12

20.3.5.67. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland.

20.3.5.78. Within 6 months of completion of vegetation clearance, a suitable vegetative cover that will mitigate soil loss must be restored over 80% of the clearance site.

20.3.5.89. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.

20.3.5.910. No woody material of greater than 100mm diameter must be left in a river, lake or Significant Wetland.

20.3.5.4011. Vegetation clearance must not cause any conspicuous change in the colour or visual-natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, ~~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 vegetation clearance site;~~

~~(c) the change in reflectance must be <50%. (Deleted)~~

20.3.5.4412. If the clearance is of indigenous vegetation, the following also applies:

(a) no more than 500m² of indigenous sub-alpine vegetation must be cleared in any 5 year period;

(b) no more than 100m² of tall tussock of the genus Chinochloa must be cleared in any 5 year period.

20.3.6. Application (involving a discharge) of a vertebrate toxic agent into or onto land.

Comment [23]: Topic 14

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

Comment [24]: Topic 14

20.3.6.1. 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.

20.3.6.2. The discharge must be by the administering agency, or by any person authorised by the administering agency to carry out the activity, or by any other agency carrying out statutory powers in relation to the activity.

20.3.6.3. All reasonable care must be exercised in the discharge 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 discharged.

20.3.6.4. The discharge must not result in the vertebrate toxic agent being deposited on any roof or structure used as a catchment for water supply.

20.3.7. Discharge of contaminants to air arising from burning in the open.

- 20.3.7.1. Only material generated on the same property must be burned.
- 20.3.7.2. The total volume of material being burned must not exceed 2m³.

20.3.8. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.

~~20.3.8.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 Schedule 1.~~

~~20.3.8.2. The appliance must comply with the stack requirements of Appendix 8 Schedule 2.~~

- 20.3.8.31. The appliance must only burn fuels approved for use in the appliance.
- 20.3.8.42. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

20.3.9. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

~~20.3.9.1. The burner must comply with the stack requirements of Appendix 8 Schedule 2. (Deleted)~~

- 20.3.9.21. The burner must only burn fuels approved for use in the burner.

20.3.10. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

20.3.10.1. There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

Comment [25]: Topic 13

Comment [26]: Topic 13

Comment [27]: Topic 13

20.4. Restricted Discretionary Activities

Application must be made for a Restricted Discretionary Activity for the following:

[R]

20.4.1. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period.

Note:

Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017 as earthworks, Rule 20.4.1 does not apply.

Matters over which the Council has restricted its discretion:

- 20.4.1.1. The effects on water quality and soil conservation from the excavation.

Comment [RW28]: NES – Plantation Forestry 1/2/2019

20.5. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[R, D]

20.5.1. Any activity provided for as a Permitted Activity or Restricted Discretionary Activity that does not meet the applicable standards.

[D]

20.5.2. Skifield facility, including a ski lift or a building.

[D]

20.5.3. Any use of land not provided for as a Permitted Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity.

[R]

20.5.4. Any discharge of contaminants into or onto land, or to air not provided for as a Permitted Activity or limited as a Prohibited Activity.

20.6. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R]

20.6.1. Discharge of contaminants to air arising from the burning [in any small scale solid fuel burning appliance](#) 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, [except that woodfuel burnt in a fuel burning device \(external combustion\) may contain incidental amounts of anti-sapstain chemicals](#);
- (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 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 any type of plastics;
- (k) waste oil [\(excluding re-refined oil\)](#);
- (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.

Comment [29]: Clause 16 Minor Amendment

[R]

20.6.2. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent;

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;
- (l) sludge from industrial processes;
- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R]

20.6.2. Disposal of any solid waste material to land.

[R, D]

20.6.3. 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).

[D]

20.6.4. Industrial activity.

Comment [30]: Topic 13